

# The Act of Choice

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Nietzsche complained that the idea of the will pulls together too much; that ‘it is a unit only as a word’.<sup>1</sup> This is perhaps to go too far, but in spirit I am inclined to agree. The idea of free will embraces a number of disparate, though related, concerns, and hence poses a number of disparate, though related, problems. This is part of the reason that the topic has seemed so intractable; no one solution will answer everything, and each will involve the others. One central concern has to do with moral responsibility, upon which the majority of recent work has been done. Another has to do with agency. A third has to do with autonomy. A fourth, and the least discussed of all, has to do with choice. That is my topic here.

## THE EXPERIENCE OF FREE WILL

Doubtless the most quoted sentence in the English free will literature comes from Samuel Johnson: “Sir we *know* our will is free, and *there’s* an end on’t”.<sup>2</sup> Later in Boswell’s *Life* the point is developed in what we now think of as a distinctively Moorean way: “You are surer that you can lift up your finger or not as you please than you are of any conclusion from a deduction of reasoning”.<sup>3</sup> Our knowledge of our own free will is more certain than any thesis of philosophy; so if it comes to a clash between the two, it is philosophy that should give way.

Despite the frequency with which Johnson’s passage is quoted, I think that its true importance has been missed. For what is it of which we are so certain? I take it that the certainty of which Johnson speaks comes from an *experience* of free will. He says as much: “All theory is against the freedom of the will; all experience for it”.<sup>4</sup> So what is the nature of the experience?

Once we start to contemplate the experience of free will, much of the literature on it seems beside the point. Libertarians insist that a truly free will is one that is fundamentally uncaused; it is the true originator of action. But this is not to describe an experience; it is hard to think what an experience of that would feel like. The libertarian thesis is itself a bit

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<sup>1</sup> *Beyond Good and Evil* §19

<sup>2</sup> J Boswell, *The Life of Samuel Johnson*, AD 1769 Ætat. 60 (Everyman Edition p. 366). Compare Locke’s comment that “I cannot have a clearer perception of any thing than that I am free”, letter to Molyneux, 20 Jan. 1693 in *The Correspondence of John Locke* Vol. IV (Oxford: Clarendon Press, 1979) p. 625.

<sup>3</sup> AD 1778 Ætat. 69 (Everyman Edition p. 833).

<sup>4</sup> *Ibid.*

of speculative philosophy, rather than the fundamental knowledge to Johnson thinks speculative philosophy should defer.

The complaint here has been made before: Anthony Collins objects to those who appeal to vulgar experience to support libertarian views, ‘yet, inconsistently therewith, contradict the vulgar experience, by owning it to be an *intricate matter*, and treating it after an intricate matter’.<sup>5</sup> By ‘intricate’ I take it that Collins doesn’t mean simply complicated; there is nothing to stop us having complicated experiences. The real objection is to an account that invests vulgar experience with philosophical properties that are not the kind of thing that are, or perhaps even could be, experienced.

Johnson is right to insist that we have an experience of freedom; and surely right to insist that we would need very good grounds before rejecting it as illusory. I suspect though that here too the term covers more than one thing. There is an experience of agency; and there is an experience of choice. To see the difference, consider a case of anarchic hand syndrome. The unfortunate sufferer finds that one of their hands seems to take on a life of its own: unbuttoning shirts that they have just done up, taking food from others’ plates, and so on.<sup>6</sup> Clearly this is a case in which the sufferer loses the experience of agency over the hand.<sup>7</sup> But now consider their other, normally functioning, hand. Does the subject *choose* what to do with it? Sometimes they might: we could, for instance, ask them to choose whether to put their hand on their left knee or their right. But typically the functioning hand just does its job without any choice being made. Insofar as the subject makes choices these are at quite a different level: to go to the beach, to pick that rose, to join the Foreign Legion. In executing each choice the functioning hand does its part, but it would be unusual for the subject to choose what *it* does. Yet the subject retains agency over it.

The point is quite general. There will be periods for any agent when they make no choices at all. Walking home, enjoying the spring weather and watching the people it brings out, I might have no need to make a choice. Yet I have the experience of acting; I am not being borne along on anarchic legs. Even when I do make a choice—to cross the road now, whilst there is no traffic, or to stay on this side where the trees smell better—this does not increase my sense of agency.

So the experience of agency is not the same as the experience of choice. What then is the experience of choice? Choice comes when *the question of what to do* arises. Often in our day-to-day activities that question never arises at all. ‘Operations of thought’, wrote Whitehead, ‘are like cavalry charges in a battle—they are strictly limited in number, they

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<sup>5</sup> *An Inquiry Concerning Human Liberty* (Second Edition 1717) p. 30.

<sup>6</sup> S. Della Sala *et al.*, ‘Right-sided anarchic (alien) hand: a longitudinal study’ *Neuropsychologia* 29 (1991) 1113–27.

<sup>7</sup> Though this might be coupled with the knowledge that in some sense the actions are their own: ‘Of course I know that I am doing it’ says a patient of Marcel’s; ‘It just doesn’t feel like me’. A Marcel, ‘The Sense of Agency’ in J Roessler and N. Eilan (eds.) *Agency and Self-Awareness* (Oxford: Oxford University Press, 2003) 48–93, at p. 79. Note too that anarchic hand syndrome does not undermine ownership; those who suffer from it still think of the hand as theirs, unlike those suffering from *alien* hand syndrome. *Ibid* pp. 76–77.

require fresh horses, and must only be made at decisive moments.<sup>8</sup> The point applies, a fortiori, to choice. Provided that we are experienced, the question of what to do need not arise even in difficult or challenging situations. Gary Klein, in his study of fire commanders writes:

We asked people to tell us about their hardest case, thinking that these would show the most decision making. But where were the decisions? The commander sees a vertical fire and knows just what to do ... He never seems to decide anything. He is not comparing a favorite option to another option, as the two-option hypothesis suggests. He is not comparing anything.<sup>9</sup>

Experienced actors can frequently just know what to do. They use a number of methods to arrive at this knowledge, but Klein suggests that the main one is via a form of stereotyping: new situations are recognized as similar to situations that have been encountered before, and so the likely outcome is known.

When the question of what to do does arise, this can be for various reasons. The situation may be in some way novel, or especially significant; or we may simply have been prompted to think about it. This distinction between the acts that we choose to perform, and those that we perform without choice, suggests some kind of two level system. One is the level of automatic heuristic-based responses. These are fast, cognitively economical, typically very limited in scope. We pick up on a certain cue and respond to it. The second level involves conscious consideration and choice: it is slow, demanding, but more flexible. Though the details are contentious, such an approach has become increasingly influential in psychology, and I do indeed presuppose it here.<sup>10</sup> But I shall not do anything to defend or elucidate it; things have reached the point where the main questions can only be answered by empirical psychology.

In contrast there is much philosophical work to be done in elucidating the notion of choice. I suggest three central features. First, choice is an act.<sup>11</sup> It requires time, concentration, a certain amount of effort—which explains how we can resent having to make a choice.<sup>12</sup> We can choose (a higher order choice) whether to choose, and when. We can put off a choice, perhaps to gain more information, or perhaps just because we are

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<sup>8</sup> Whitehead, *An Introduction to Mathematics*, (New York: Holt, 1911), quoted in J. Bargh and T. Chartrand, 'The Unbearable Automaticity of Being', *American Psychologist* 54 (1999) 462–79.

<sup>9</sup> G. Klein, *Sources of Power* (Cambridge: MIT Press, 1998), p. 16

<sup>10</sup> For a good overview see K. Stanovich, *The Robot's Rebellion* (Chicago: University of Chicago Press, 2004) Ch. 2.

<sup>11</sup> This feature of choice has been well emphasized by Thomas Pink in *The Psychology of Freedom* (Cambridge: Cambridge University Press, 1996). In subsequent work though he has taken this to militate in favour of libertarianism; not the conclusion I want to draw. See *Free Will* (Oxford: Oxford University Press, 2004) Ch. 7.

<sup>12</sup> For a nice discussion of the costs of excessive choice see B. Schwartz, *The Paradox of Choice* (New York: HarperCollins, 2004)

reluctant to make it. Or we can bring it forward, convinced that we already know enough, keen to make it, or keen to get it over with.<sup>13</sup>

Second, choice is not determined by our prior beliefs and desires. It is quite compatible with a given set of beliefs and desires we choose one way or we choose another. That, of course, is part of what makes choice an action: we are not pushed along by our beliefs and desires.

Third, choice has effects. Once the question of what to do arises, choice is typically *necessary* for action. In order to move to action, we need to make a choice about what to do. The other psychological states that we might have, in particular, our beliefs and desires, are not, on their own, enough. Just as they do not determine our choices, they do not determine our actions either. In contrast, choice typically is enough. Once the question of what to do has arisen, choice is not just necessary but *sufficient* for action: it gives rise to an intention, and the intention leads to the action.

It is our ordinary experience that provides us with evidence of these effects. It is merely evidence, defeasible in many ways that we shall examine shortly. But in this it is parallel to so many other mundane cases. We have matches, kindling, plenty of oxygen. Is this enough to give us a fire? No. One of the matches needs to be struck. Our evidence for this is simple: typically we don't get a fire without striking a match, and we do get a fire if we do. Likewise for choice. Once the question of what to do has arisen, if we don't choose we don't move; once we do choose we do.

I say that these effects are typical, not that they always obtain. In some cases, even when the question of what to do has arisen, an act of choice will not be necessary. Habitual actions will take over. Equally an act of choice will sometimes not be sufficient. Habitual tendencies can override an intention arrived at by deliberate choice; or the intention might be forgotten; or one might change one's mind. Such considerations need not worry us any more than the observation that fires can be started by lighting a match that no one has struck, or that matches can be damp, or can blow out after they are struck.<sup>14</sup>

Can we say more about what choice *is*? I doubt that we can say much more at the level of conceptual analysis—or *conceptual elucidation*, as we might better put it. But we can say a great deal more about how choice fits in with our ideas of freedom. I do not want to say that choice is a necessary condition for free action. Most habitual actions, actions which are not chosen, are nonetheless free. Indeed, I think that, as with most philosophically interesting concepts, attempts to give necessary and sufficient conditions for free will are

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<sup>13</sup> Note that there is no regress here. I am not saying that choice is an act, and that every act requires a prior choice. I am only saying that (normally) a choice is required for every act for which the question of what to do arises. We do not normally choose whether to choose. We virtually never choose whether to choose whether to choose.

<sup>14</sup> Some sceptics go further, arguing that choice is never necessary or sufficient for action. Daniel Wegner, for instance, argues, in *The Illusion of Conscious Will* (Cambridge: Harvard University Press, 2002) that choice is epiphenomenal. It seems to me that the burden of proof is very much against such a position: one would need very good argument to deny the efficacy of choice. I sketch what I take to be wrong with Wegner's argument in a review of his book in *Mind*, 113 (2004) 218–21.

bound to be flawed. Compatibilists—those who argue that free will is compatible with determinism—made a grave error when they took on the task of giving an analysis, since the concept answers to too many different concerns.<sup>15</sup> Nonetheless there are characteristic features of free will, and an account that leaves any of them out will be inadequate. Choice is such a feature. Ask students to imagine a time when they have exercised their free will, and they will almost always imagine a case in which they made a choice. Yet, as I shall argue shortly, the standard compatibilist accounts of free will give no space for choice. To that extent then the standard accounts are inadequate. Moreover, their inadequacy in this dimension gives one explanation of why incompatibilism can look so attractive. If I am right that choice is not determined by one's prior beliefs and desires, then there is an important sense in which, phenomenologically, it is not determined. It is very easy to move from this to the idea that one's choices are not determined *at all*; and hence to the idea that, if one's phenomenology is accurate, determinism is wrong. But that move is mistaken. Even if one's choices are not determined by one's beliefs and desires, it does not follow that they are not determined at all. Which takes us back to our earlier point: our experiences might reveal something about our psychology, but they will not reveal the ultimate causal structure of the world.

The difficulty, if one accepts that choice is not determined by belief and desire, is to say why it is not just arbitrary: why choosing does not amount to mere picking.<sup>16</sup> But that is to get ahead of ourselves. Let us start with seeing how the standard compatibilist accounts have no place for choice

## COMPATIBILISM AND CHOICE

It is sometimes said that compatibilism leaves the agent out of the picture; where the agent should be we get a passive vessel. This is what drives some to libertarianism. I will not be driven so far, but I think that there is something in the charge. The problem is clearest with desire-based accounts, those stemming from Hobbes, who, very roughly, took freedom to consist in the ability to get what one desires. His model of choice is that of the scales:

The objects, means, &c are the weights, the man is the scale, the understanding of a convenience or inconvenience is the pressure of those weights, which incline him now one way, now another; and that inclination is the will.<sup>17</sup>

Here we can see clearly the sense in which the decision making process is passive: there is nothing more to the process of decision than letting the weight of one's desires for the various options press upon one. Indeed it is tempting to think that the decision machinery

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<sup>15</sup> On this see W. Lycan, 'Free Will and the Burden of Proof', in Anthony O'Hear (ed.) *Minds and Persons* (Cambridge: Cambridge University Press, 2003) 107–22.

<sup>16</sup> For the contrast see E. Ullman-Margalit and S. Morgenbesser, 'Picking and Choosing' *Social Research* 44 (1977) 757–85.

<sup>17</sup> Hobbes, *Collected English Works* Vol. V p. 326.

has no role at all. But that would be a mistake. To press the analogy: scales need to be true if they are to weigh fairly. The point then is not that the scales have no role; it is rather that they fail to *do* anything, they make no *discretionary* contribution to the output. This is the sense in which the inputs *determine* the output: once we know that the scales are true we know how the scales will move simply by knowing the weight of the objects put upon them. Things are parallel on the simple Hobbesian model of action. Assuming that the agent is well-functioning, their actions will be determined by the force of the inputs, understood as their understanding of the utility of the various options. There is no place for an independent contribution from an act of choice. There is just the risk of malfunction.

The same is true when we turn to the other main class of compatibilist models and add in a more substantial role for deliberation and belief. Such accounts characterize freedom as consisting in one's ability to get one's actions into line with one's beliefs about what is best.<sup>18</sup> So we might invoke a four stage model that characterises a typical exercise of freedom of the will unfolding as follows:

- (i) deliberating:  
considering the options that are available, and their likely consequences; getting clear on one's own desires, and one's own prior plans and intentions; seeing how the options fit in with these desires and plans; establishing pros and cons.
- (ii) judging (deciding *that*):  
making a judgment that a certain action is best, given the considerations raised in the process of deliberation. The upshot of the judgment is a belief.
- (iii) choosing (deciding *to*):  
deciding to do the action that one judged was best. The upshot of this decision is an intention.
- (iv) acting:  
acting on the intention that has been made, which involves both doing that thing, and coordinating other actions and intentions around it.

This might look to give a certain place for choice, but it is an unhappy one. What is the relation between the second and third stages? On an internalist account the choice is constrained by the judgment: the decision *to* perform an action will amount to no more than an echo of the prior decision *that*.<sup>19</sup> So, if we want to give a more substantial role to choice we will be forced into an externalist account, which is just to say that we could fail to make the echo. But now it seems that choice has become a *liability*: to give a substantial role to choice is just to say that we retain the possibility of failing to do that which we judge best. Once again choice consists just in the possibility of malfunction. Wouldn't we

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<sup>18</sup> Frequently they also require that one's beliefs be true, or that one have the ability to get true beliefs—that one be, in John Martin Fischer's phrase, responsive to reasons. I don't think that this affects the substance of what I am arguing here.

<sup>19</sup> I take the terminology, as applied to this issue, from Gary Watson 'The Work of the Will' in S. Stroud and C. Tappolet (eds.) *Weakness of Will and Practical Irrationality* (Oxford: Oxford University Press, 2003) pp. 172–200, at pp. 177 ff.

be better off if we moved directly from judgements to intentions, cutting out choice altogether? Whilst the choice can be squeezed into the picture, it is hard to see how it can be given any rationale. Let us explore some possibilities.

### THREE UNSUCCESSFUL RATIONALES

(i) *Choice as a test*

There is a well-established Christian line of thought that sees choice as a test: God gives us choice so that in failing to err we can pass. Even in a Christian framework there are problems with the argument. In a secular context I can see no way of developing it.

(ii) *The rationale for choice derived from the rationale for intentions*

Many authors have pointed out that we do much better with intentions than with just beliefs and desires. Forming intentions enables us to curtail overlong deliberation, to coordinate, to resist temptation.<sup>20</sup> Then, since the upshot of a choice is the formation of an intention, we might try to argue backwards. There is a rationale for intention that is inherited by choice. The problem with the argument is that choice is not the only way of forming intentions. It is easy to imagine an agent whose intentions are determined directly by their judgements about what is best, cutting out any need for choice. We need to turn to another advantage which intentions have been claimed to bring.

(iii) *Choice as resolving indifference and incommensurability*

The further advantage is that of breaking deadlock in cases of indifference or indeterminacy. Midway between two equal piles of hay the ass has no belief that one is better: he judges both the same. If his actions followed only from his judgements, he would not move. His more conscientious sister meanwhile is torn between the need to care for her aged father, and the need to help her asinine tribe in its struggle with the elephants. Unlike her brother, she does not judge the two options equally good; she does not know how to rank them at all. But like her brother, if she were moved only by her judgments, she too would not move.

These two situations—indifference and incommensurability—show a real advantage that accrues to an agent who can choose without a prior judgment of what is best. So does this give us a rationale for choice? It points us in the right direction, but we are not quite there. We confront indifference daily: a trip to the supermarket with its stacks of identical tins provides many instances. Yet we hardly think of this as a paradigm of choice. It is more like random picking than like choosing. In contrast, incommensurability brings us situations where we certainly choose. It is a contentious phenomenon though on which to build a theory; many have doubted that it exists. We need a somewhat different approach.

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<sup>20</sup> On the first two see Bratman, *Intention, Plans and Practical Reasoning* (Cambridge: Harvard University Press, 1987); on the third, R. Holton 'Intention and Weakness of Will' *Journal of Philosophy*

## CHOICE AS ENABLING ACTION IN THE ABSENCE OF JUDGEMENT

Let us think more carefully about the supposed cases of incommensurability. How often have you really been sure that two options are incommensurable? I don't recall it ever happening. Rather, I have known cases where I have been unable to compare, whilst at the same time lacking conviction that there is no comparison to be made. That is a good part of what makes such situations so troubling: one is constantly looking for the argument that will give one a handle on how to compare. I do not deny that there may be some truly incommensurable options; it is just hard to think that one could ever be in a position to know that one had found one.<sup>21</sup>

This is to make incommensurability into a problem that is primarily epistemic: we do not know how to compare. Once we think that way we can see that a similar phenomenon is at the heart of choice. We choose, I have claimed, when the question of what to do has arisen. That question has in turn arisen because we don't yet know what to do.<sup>22</sup> When we think about what to do, we may come up with a judgement that one option is best. But we may well not. We may instead come up with a judgement that certain options are equally good. More likely we will see various reasons in favour of one option, and others in favour of another, without arriving at a judgment of which is best. This may be because we have no idea how, in principle, to go about ranking (incommensurability); or because we know how to do it in principle but can't in practice; or because whilst we know how to do, we don't think any benefits that might be gained are worth the effort. Maximizing, as choice theorists have been telling us for a long time, is a difficult, cognitively expensive business. Coming to a judgement about what is best is a form of maximizing.

I suggest then that in very many cases we choose what to do without ever having made a judgement about what would be best—we decide *to* without deciding *that*. Now though we are back to our second problem: for if there is no judgment that one option is better than another, how can choosing ever be any more than arbitrary picking?

The answer lies in the fact that we can be good at doing something without making any judgments. The psychology literature is full of examples; particularly striking is an experiment by Lewicki, Hill and Bizot.<sup>23</sup> Subjects were asked to play a rather basic computer game: the screen was divided into four, a cross would appear in one of the

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<sup>21</sup> Even where we think we have an argument for incommensurability we should be cautious. The notion dates to Pythagorean mathematics, and the supposed finding that the diagonal of a square was not commensurable with its side. The Pythagoreans were right that they cannot both be assigned rational numbers. But they can be compared as elements of the reals.

<sup>22</sup> Which is no to say that when it doesn't arise we do know what to do.

<sup>23</sup> P. Lewicki, T. Hill, and E Bizot, 'Acquisition of Procedural Knowledge About a Pattern of Stimuli that Cannot Be Articulated', *Cognitive Psychology* 20 (1988) 24–37. I learned of this experiment, together with several other that I cite in this paper, from Timothy Wilson's excellent book *Strangers to Ourselves: Discovering the Adaptive Unconscious* (Cambridge: Harvard University Press, 2002).



quadrants, and their job was to press the button that corresponded to that quadrant. As time went on they got much quicker at responding. Why was this? We might speculate that they were getting more skilful, reacting more quickly. The real answer was far more interesting. The location of each of a sequence of crosses was determined by a fairly complicated algorithm. The subjects had, quite unconsciously, learned to use this algorithm to predict where the next cross would appear. Change the algorithm, as the experimenters did, and their newly acquired skills evaporated, much to the subjects' bemusement.

The players in the quadrant game don't make choices about which button to press; they are reacting faster than their conscious processes can track. In other cases though there is a choice, but still with no realization of why it is being made. Consider a case reported by Gary Klein:

It is a simple house fire in a one-storey house in a residential neighborhood. The fire is in the back, in the kitchen area. The lieutenant leads his hose crew into the building, to the back, to spray water on the fire, but the fire just roars back at them. "Odd," he thinks. The water should have more of an impact. They try dousing it again, and get the same results. They retreat a few steps to regroup. Then the lieutenant starts to feel as if something is not right. He doesn't have any clues; he just doesn't feel right about being in that house, so he orders his men out of the building—a perfectly standard building with nothing out of the ordinary. As soon as his men leave the building, the floor where they had been standing collapses. Had they still been inside, they would have been plunged into the fire below.<sup>24</sup>

It turned out that the source of the fire was in a basement. The lieutenant had picked up on various indicators of this: the great heat of the fire, the lack of noise relative to this heat. But he didn't realize that he had. He put his action down to ESP. It was only when Klein's team analyzed the factors many years later that he came to see why he had chosen to act as he had.

I suggest that cases like this are very common, whether we have to act quickly, as in this case, or we have plenty of time for reflection. Very often when we make a choice, and can see no compelling reason why we should act one way rather than another, our choice will turn out to be effectively random.<sup>25</sup> But very often it will respond to features that we have registered but of which we are unaware. It will not be random picking, though we shall be in no position to know that it is not.

It might be objected that these are cases in which we do make a judgment about what it best, but this is an unconscious judgment, influenced by unconscious beliefs. To this I have two replies. First, I doubt that the unconscious states that influence our choice should be classed as beliefs at all. They are too modular, too unavailable to our other thought

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<sup>24</sup> *Sources of Power*, p. 32.

<sup>25</sup> 'Effectively' in that it may be controlled by some non-random mechanism that should have no bearing on the choice, as in the case of right-bias discussed below.

processes to count as beliefs.<sup>26</sup> And I doubt even more that they give rise to unconscious judgments of what is best, since to judge something best is exactly to rank it as better than the other options: exactly what modularity prevents one from doing. The lieutenant would not have chosen differently if someone had told him he that his hearing had become impaired, because he didn't realize that the lack of noise from such a hot fire was determining his choice.

These claims about modularity are controversial. My second response does not trade on them. Even if it is true that there are unconscious judgments in place, that does not undermine my main point. I am arguing that choosing in the absence of judgement is not essentially random; but I am happy to qualify that to the claim that choosing in the absence of *conscious* judgment is not essentially random. We are looking at the experience of choice; and choice is a conscious process. So what is of interest is choice in the absence of conscious judgment; and that need not be random.

#### JUDGEMENT AS SUBSEQUENT (OR AT LEAST, NOT PRIOR) TO CHOICE

'Still', a critic might object, 'it would be foolish to deny that there are judgments around: the lieutenant surely judges that he should get his crew out'. It would indeed be foolish to deny it, so I shan't. What I say instead is that the judgment *follows* from the choice. Or at least, that is the strong version of my claim. I shall qualify it later.

Consider the discussion of right-bias in Nisbett and Wilson's seminal article on self-knowledge. Their exact wording is revealing. Under the heading 'Erroneous Reports about Position Effects on Appraisal and Choice' they write:

[P]assersby were invited to evaluate articles of clothing—four different nightgowns in one study (378 subjects) and four identical pairs of nylon stockings in the other (52 subjects). Subjects were asked to say which article of clothing was the best quality and, when they announced a choice, were asked why they had chosen the article they had. There was a pronounced left-to-right position effect, such that the right-most object in the array was heavily over-chosen. For the stockings, the effect was quite large, with the right-most stockings being preferred over the left-most by a factor almost four to one. When asked about the reasons for their choices, no subject ever mentioned spontaneously the position of the article in the array.<sup>27</sup>

Are we talking here about judgments ('appraisals', 'evaluations'), or about choices—the choice of a particular pair of stockings? Nisbett and Wilson's prose moves, quite naturally, between the two. Did the subjects have a brute tendency to judge the right-most best? Or did they rather have a brute tendency to choose the right-most, and they then inferred that

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<sup>26</sup> More precisely they are, in Fodor's terminology, informationally encapsulated (knowledge from outside can't get in) and cognitively impenetrable (not under the control of central processes). J. Fodor, *Modularity of Mind* (Cambridge: MIT Press, 1983)

<sup>27</sup> R. Nisbett and T. Wilson, 'Telling More than We Can Know: Verbal Reports on Mental Processes', *Psychological Review* 84 (1977) 231–259, at pp. 243–4.

it must be best on the basis of their choice? The latter explanation is surely more plausible. The subjects behaved like shoppers faced with a choice of what to buy. As Nisbett and Wilson conclude ‘It is possible that subjects carried into the judgement task the consumer’s habit of “shopping around,” holding off on choice of early-seen garments on the left in favor of later-seen garments on the right’. Then, having made that choice, they inferred that it must have been for a reason, and so judged what they had chosen to be the best.

It is easy to think that such judgements are just rationalizations; that is clearly the so in this case, and it is the approach that has dominated cognitive dissonance theory. Alternatively it might be held that they provide a path to knowledge. Certainly it has long been recognized that they may provide a path to self-knowledge: agents can come to discover something about their attitudes and emotions as a result of looking at their own choices.<sup>28</sup> But I am arguing for something stronger: if the competences described above are characteristic, agents can also come to know something about the world from looking at their choices, and so form, rather than just discover, their judgments on that basis.<sup>29</sup>

I said that I would sketch the position starkly and then retreat a little. So now the retreat.<sup>30</sup> I have spoken as if we make a sudden transition from having no intention to having the intention fully formed. Often, perhaps normally, things are not like that. We contemplate an intention, try it on, see what it feels like. At the beginning of the week it is a fanciful idea, by the end a firm resolve; but we can see no point at which a decisive shift was made. In tandem, we see a change in our judgment of what is best: intention and judgment interact, each reinforcing the other. At other times it is exactly the impossibility of making the corresponding judgement that kills the nascent intention.

The formation of an intention involves a host of complex interactions. Not just between intention and judgment, but also between conscious states and the unconscious reactions and abilities that I spoke of before. A growing intention provokes an emotional response, which modifies the intention, which triggers a unconscious pattern recognition, and so on.<sup>31</sup> Forming an intention can sometimes seem more like a rolling ball finding its

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<sup>28</sup> See Daryl Bem, ‘Self-Perception Theory’ *Advances in Experimental Social Psychology* 6 (1972) 1–62. Note that this isn’t a modern day behaviorism: although the stress is on publicly observable behaviour, there is no hostility to mental states and acts. On Bem’s view one can gain self-knowledge by looking at one’s choices even if one hasn’t yet done anything.

<sup>29</sup> There are empirical reasons for taking this kind of approach for desires too. As Shafir and Tversky put it, ‘the experimental evidence suggests that preferences are actually constructed, not merely revealed, in the elicitation [i.e. decision] process, and that these constructions depend on the framing of the problem, the method of elicitation, and the available set of options’: see ‘Decision Making’ in D. Osherson and E. Smith (eds.) *Thinking: An Introduction to Cognitive Science* (Cambridge MA: MIT Press, 1990) pp. 77–99, at p. 97. Frankfurt also advocates the idea that desires frequently follow from reasons; see his ‘Reply to Scanlon’, *Contours of Agency* p. 185.

<sup>30</sup> Thanks to Ken Winkler for pointing out the need to make it.

<sup>31</sup> On the importance of emotional responses in choice see A. Damasio *Descartes’ Error* (New York: Putnam, 1994). Damasio discusses a patient, Elliot, who, as a result of damage to his ventromedial region, is unable to make choices. After laying out a set of options, Elliot remarks ‘And after all this, I still wouldn’t know what to do’ (p. 49). What is unclear from Damasio’s discussion is

equilibrium settling point, than like the tripping of a switch. None of this undermines my main contention. The point is not to establish that judgment is subsequent to choice. It is rather to establish that, in many cases, it is not prior to it.

## CONSEQUENCES FOR AN ACCOUNT OF FREE WILL

Return to the four stage model that I introduced earlier: the model that involves deliberation, judgment, choice and action. My argument has been that we are frequently in no position to take the second of those steps: we are typically unable to form a judgment about what is best, not because we come to a judgment that no one thing is best, but because we come to no judgement. If that is right, then we must be able to move directly from deliberation to choice. So the model is flawed as a general account.

Do we have the capacity to choose without judgment only in those cases in which we cannot make a judgment? No. We could imagine that beings like that: being who, once they formed a judgment that a certain option was best were compelled to act on that judgment, even though they could make choices in the absence of such a judgement. But we are not like that. The faculty of choice that I have argued is essential in the absence of judgment is also available to us in the presence of judgment. That is why *akrasia* is possible; though, given our tendency to form our judgments in the light of our choices, I suspect it is rarer than philosophers tend to think.<sup>32</sup> To this extend then, we might think of our *unrestricted* choice as a liability. However, even here though things are far from clear. Sometimes our choice to act akratically might be governed by the same unconscious registration of reasons that can occur when we act without judgment. So sometimes we may do better<sup>33</sup> It is a difficult empirical question whether, overall, our capacity for akratic action is a liability or not.

Further, we can exercise choice in circumstances in which we would normally act without choice. Once we focus on habitual or unthinking actions we can raise the question of whether to do them; a question that we do not normally ask. And once we have asked that question, choice is available. In sum then, the model I am proposing is a messy one. Sometimes we form a judgment first and then choose. Sometimes we choose and then form a judgment. Sometimes we do both together. And sometimes we act without choice at all. And we should not prejudge, of any action, into which class it is going to fall.

I claimed at the outset that our experience of choice imbued it with three characteristics: it is an act, one that is undetermined by our beliefs and desires, and one that has effect on our actions. The account I have outlined indicates that our experience is

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whether Elliot is unable to make judgments ranking options, or unable to choose one on the basis of a ranking. On the account I am suggesting the unclarity is unsurprising, since the two come together.

<sup>32</sup> For discussion see R. Holton, 'Rational Resolve', *Philosophical Review*, forthcoming.

<sup>33</sup> A point that Nomy Arpaly has made well; see 'On Acting Rationally Against One's Best Judgment', *Ethics* 110 (2000) 488-513.

right on all three. Choice is a real process. It is necessitated by our ignorance: our inability to form judgments about what is best. But it is not an illusion that is engendered by our ignorance.<sup>34</sup>

I suggest that choice is an important factor in our experience of free will. When we focus on an action, we inevitably raise the question of what to do: of whether to perform it, or some other action. That is what happens when we focus on our experience of free will with respect to some action. So whilst it is surely wrong to think that only chosen actions are free, it is understandable that choice will loom large in any discussion of free will.<sup>35</sup> Equally understandable is how the knowledge that our experience gives us could be mistaken for knowledge of a grander metaphysical claim. Our experience tells us that our choice is not determined by our beliefs and desires, or by any other psychological states—intentions, emotions etc.—to which we have access. Those could be the same, and yet we could choose differently. From there it is easy to move to the thought that we could be just the same in our entirety, and yet we could choose differently: that the world is indeterministic. That I think is one of the pressures towards libertarianism. It is not the only one: others, needing different responses, come from considerations of moral responsibility. But it is, I think, the most immediate. I hope I have gone a fair way to blocking it.

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<sup>34</sup> It is perhaps also true that if we knew what we were going to do—if we had the *Book of Life*—we would not experience choice as we experience it now; in that sense too it requires our ignorance. But if we knew what we were going to do our phenomenology would be very different altogether.

<sup>35</sup> Aristotle held that there was something specially revelatory about the choices we make: ‘decision seems to be something highly germane to excellence, and to indicate the differences between people’s characters more than actions do.’ *NE* 1111b5. As far as I can see he says nothing in defence of this view though; I am not sure what to think about it.