The Freedom of Judging

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Abstract: John McDowell and Christine Korsgaard have defended the claim that when human beings judge or believe that $p$, they are exercising a fundamental kind of freedom, the “freedom of judging.” David Owens has challenged the view: he argues that they offer us at best no more than a modest notion of freedom, which does not vindicate the claim that we are free in many relevant instances of judgment, in particular in perceptual judgment. I argue that Owens is right if we view the freedom of judgment along the lines of McDowell’s and Korsgaard’s proposals – as being a form of freedom which is describable as “freedom of choosing between alternatives,” but that that is not the only option available. In order to secure the nexus between reason and freedom, we can exploit a quite distinct model of freedom, which is the “freedom of autonomy.”

Is there a coherent sense in which we are entitled to claim that when we judge or believe that $p$ we can also be said to be free? In the contemporary neo-Kantian tradition it is a widely held assumption that when human beings judge or believe that $p$, they are exercising a fundamental kind of freedom. This freedom is intrinsic to our distinctive, self-reflective rationality, that is, the rationality of creatures that are always in the position to ask themselves whether what they believe and judge is justified or grounded in reasons for so believing and judging. John McDowell has called it the “freedom of judging” and defined it as “a matter of being answerable to criticism in the light of rationally relevant considerations,” while Christine Korsgaard has spelled it out in terms of our capacities for backing up and calling our beliefs into ques-

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These two views have been challenged by David Owens, who argues that both McDowell and Korsgaard offer us at best no more than a modest notion of freedom, which does not vindicate the claim that we are free in many relevant instances of judgment, in particular in perception. Once we have analysed what is the freedom that attaches to rationality in McDowell’s and Korsgaard’s picture, so goes Owens’ proposal, we are in the position to realize that we can account for rationality, independently of freedom. He concludes that we must renounce the link between reason and freedom altogether, at least in the realm of perception.

In this paper I argue that Owens is right if we view the freedom of judgment along the lines of McDowell’s and Korsgaard’s proposals – as being a form of freedom which is describable as “freedom of choosing between alternatives,” but that that is not the only option available. I will argue that in order to secure the nexus between reason and freedom, we can exploit a quite distinct model of freedom, which is the “freedom of autonomy.” Freedom of autonomy is quite distinct from the idea of freedom as choosing between alternatives, and thus invulnerable to Owens’s criticisms. Furthermore, freedom of autonomy is shown to be precondition of the model advocated by McDowell and Korsgaard, to the extent that the two models are not in competition; rather freedom of autonomy underpins the freedom of choosing between alternatives, and thus the two models mutually sustain each other.

The main motivation for exploring the issue lies in our interest in understanding our criticism and self-criticism about judging. If we are to criticize people (or ourselves) at all for the judgments they hold, it seems that there must be a sense in which we are free in holding the judgments we did. So it is important to show in virtue of what we can be said to be free of judging, and I will argue that the model advocated by McDowell and Korsgaard owes its credentials to autonomy, more than to choices between alternatives. Autonomy secures freedom, and freedom is already there, before we choose anything at all.

1. The “freedom of choosing between alternatives”: a review of McDowell’s and Korsgaard’s accounts

It is natural and routine to think of the nexus between reason and freedom along roughly the following lines. (Though these lines are quite general, applying both to actions and judgments, I will not be focusing on the pro-

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duction of actions, but on the formation of judgments and beliefs). There is a clear sense in which we regard ourselves as free in opinion-formation. On the occasions in which we are called to form a belief or to issue a judgment on a certain subject-matter, that is, to form an opinion on a certain question, what we do is ponder what to believe and judge. We deliberate about what we should judge to be the best (judgmental) option to embrace, and we do that on the basis of the reasons we have for so believing or judging. In order to exercise this freedom we make a crucial use of our rationality. We make our choice between the theoretical options available to us by weighing the quality of the reasons in their favor or against them. Since the different alternatives we have are equally available to us before we weigh the evidence and assess the reasons in their support or against them, we seem to enjoy the freedom of making up our mind and opting one way or the other—a freedom which is secured and implemented by our own deliberative rationality. Only a rational being can exercise the freedom of embracing one judgemental alternative as opposed to another that is equally available to her, and thus the alternative we embrace is significantly “up to us.” Let us call the freedom we enjoy when we are faced by different alternatives among which we choose via the exercise of our rationality the “freedom of choosing between alternatives.”

Familiar though these lines of thought are, their scope proves to be problematically restricted. In particular, it does not seem to apply to the case of perceptual beliefs and judgments. Consider the case of perceptual belief formation and perceptual judgment. It is often said, quite rightly, that in perception nothing is really “up to us.” That is, presumably there is nothing we decide about when upon opening a window, we see that it is raining outside. We seem not to be called to do anything like “making up our mind” that it is raining outside, which implies having at least an alternative available. There seems to be no genuine option available other than that of trusting our senses and forming the beliefs that it is raining outside. In other words, the world

5 It has been Williams (B. Williams, “Deciding to believe,” in Id., Problems of the Self, Cambridge, MA: Cambridge University Press, 1973) to raise the issue of freedom of judging in the context of a discussion about the possibility of “believing at will” and “deciding to believe.” I will not discuss, however, any of the problems raised by the very possibility of believing at will, nor will I say anything here on whether and how this can happen in cases of doxastic motivated irrationality, e.g. in self-deception.

6 The act of trusting one’s senses which I have in mind here is one that must occur in the background of one’s doxastic activity; in other words, that one trusts one’s senses should not be taken to be a premise in the foreground of one’s thinking, from which perceptual conclusions are drawn. That would be to adopt an inferential picture of perception leading to all the familiar difficulties of opening up various forms of sceptical possibility. Trust in one’s senses is not paradigmatically a premise of this form at all. Such epistemological role it has is entirely in the background, when we make perceptual judgments.
Patrizia Pedrini presents us with just one alternative, that is, with just one content for our belief and judgment. The model of deliberating between two or more options in order to make up one’s mind and embrace one of them cannot possibly apply here. Therefore, if the model of the “freedom of choosing between alternatives” is all we have to account for the nexus between freedom and rationality, and if it is inapplicable to the case of formation of perceptual beliefs and judgments, it is unclear how and why we should consider ourselves as free in these standard cases of judgement in perception. Certainly, we tend to say that we are “rational” when we represent the world correctly and form perceptual beliefs and judgments about it that are true. But this use of “rational” does not seem to involve the sort of freedom elaborated by the model of “freedom of choosing between alternatives.”

One line of defence that is pursued by the advocates of the nexus between reason and freedom, such as McDowell and Korsgaard, is to flatly deny that we really have no choice in the basic perceptual cases. We always have a choice in judging, it is said, even in the perceptual case, appearances to the contrary notwithstanding. In the widely read paper in which John McDowell explicitly claims that human beings, qua rational, enjoy a fundamental kind of freedom, the “freedom of judging,” here is what he says:

Judging, making up our mind what to think, is something for which we are, in principle, responsible – something that we freely do, as opposed to something that merely happens in our lives. Of course, a belief is not always, or even typically, a result of our exercising this freedom to decide what to think. But even when a belief is not freely adopted, it is an actualisation of capacities of a kind, the conceptual, whose paradigmatic mode of actualisation is in the exercise of freedom that judging is. This freedom, exemplified in responsible acts of judging, is essentially a matter of being answerable to criticism in the light of rationally relevant considerations. So the realm of freedom, at least the realm of freedom of judging, can be identified with the space of reason.  

McDowell does not focus on perception specifically, but is offering a more generalized picture of judging. Christine Korsgaard, however, is more explicit on the applicability of her model to the case of perception. In the context of discussing the sources of normativity which governs a crucial part of human thinking, she appeals to the reflective psychology which is distinctively human, that is, to our capacity for self-reflection and endorsement of our preferred options, and offers a picture of human cognition, including human perception, in which rationality is deeply entrenched with freedom. As she says:

A lower animal’s attention is fixed on the world. Its perceptions are its beliefs and its desires are its will. It is engaged in conscious activities but it is not conscious of them. That is, they are not the objects of its attention. But we human animals turn our attention onto our perceptions and desires themselves, onto our own mental activities, and we are conscious of them. That is why we can think about them.

And this sets us a problem no other animal has. It is the problem of the normative. For our capacities to turn our attention onto our own mental activities is also a capacity to distance ourselves from them, and to call them into question. I perceive, and I find myself with a powerful impulse to believe. But I back up and bring that impulse into view and then I have a certain distance. Now the impulse doesn’t dominate me and now I have a problem. Shall I believe? Is this perception really a reason to believe? I desire and I find myself with a powerful impulse to act. But I back up and bring that impulse into view and then I have a certain distance. Now the impulse doesn’t dominate me and now I have a problem? Shall I act? Is this desire really a reason to act? The reflective mind cannot settle for perception and desire, not just as such. It needs a reason. Otherwise, at least as long as it reflects, it cannot commit itself and go forward.8

Both passages are rich with suggestions, all of which would be worth pursuing, but I shall focus only on the picture of freedom of judging that stems from McDowell’s account and on how self-reflection as elaborated by Korsgaard can contribute to explaining it. Both these pictures, I argue, assume the model of “freedom of choosing between alternatives” to secure their results.

Let me first test McDowell’s general account of judging against the case of perceptual judgment. He agrees that some beliefs are not freely adopted, but he also says that “even when a belief is not freely adopted, it is an actualisation of capacities of a kind, the conceptual, whose paradigmatic mode of actualisation is in the exercise of freedom that judging is.” But then what is it that the “typical case” inherits from the “paradigmatic case” so to make it a case of freedom? My conjecture is that his claim here is that even when we do not have an alternative to choose from, we still retain the capacities for conceiving of alternatives or seeing them, and we do that precisely when presented with the challenge of a “rationally relevant criticism,” the answerability to which is “essentially” what freedom of judging is, according to McDowell. Let us examine what happens when one raises such a “rationally relevant criticism.”

Suppose that we open the window and make the judgment (or form the belief) that it is raining outside. We have not selected the option “that p” among other options. Rather, in seeing what we see outside, we form the perceptual belief that p. But then someone challenges our judgment, by providing evidence against p. What the challenger does is to bring evidence of

8 Korsgaard, The Sources of Normativity, pp. 92–3.
other alternatives, for example that what you see from the window is just a hologram. We, then, appreciate the challenge as rationally relevant and start entertaining the thought of the alternatives we must actually exclude in order to strengthen our epistemic certainty that p is the case. Even though at the time of the initial acquisition of the belief that p, we did not go through the process of selecting it from a set of relevant alternatives, we can always do so later via self-reflection, or reflection prompted by another, as in the case just mentioned. We are immersed in a space, the space of reasons, that guarantees us that we are not confined to the deliverances of our senses. We always have a choice. A “typical case” of believing and judging can always be turned into a “paradigmatic” case of believing and judging. To use Richard Moran’s terminology,9 we can always apply the “deliberative question” “Should I believe that p?” even to beliefs that are already formed, and formed without undergoing the process of any actual, explicit deliberation.

Korsgaard’s picture is extremely straightforward in bringing out the feature of beliefs by which they are always candidates for self-reflection on the grounds we have for holding them. By means of our capacity for “stepping back” and assessing the evidence for holding the perceptual beliefs and judgments we hold, we can always create the context of choice in which a decision between more than one option makes sense – in which we actually rule out some options in favor of the one which is suitable to sustain our belief that p. We are always in the position to deny acceptance of the evidence at our disposal. And we are always free to do that, to the extent that we have good reasons not to trust our senses. So, it is not true that we have no choice at all when we judge that it is raining outside. Even granting that the default case is to trust our senses, in principle we are never forced to accept the deliverances of our senses as a dog, say, would. This is an in-principle-freedom whose operations can always be put in motion by means of rational challenge and criticism. Therefore, being rational opens up the space where freedom to choose can always be exercised. The realm of perception provides no exception to this. The theoretical devices of McDowell’s “answerability in the light of rationally relevant criticism” and Korsgaard’s “stepping-back” are intended to show how a context of first-order judgment is poised to be conceived as a context of decision involving multiple options. In all, the picture of freedom offered by both arguments is clearly strongly committed to the model of the “freedom of choosing between alternatives.

It is to this commitment of the two arguments, according to my interpretation, that David Owens’ criticism applies. In his Reason Without Freedom he

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argues that the freedom that McDowell and Korsgaard defend is nothing more than a mere “reflective control”\footnote{Owens, \textit{Reason Without Freedom}, p. 3.} of what we already believe and judge. As he puts it: “They tell us that freedom arises when reasons can influence us by means of a certain mechanism, the mechanism of \textit{reflection} on our reasons.”\footnote{Ibid.} Reflection on our reason gives us a “control we exercise by forming a view about what we ought to believe,”\footnote{Ibid.} and he specifies that “the instrument of reflective control is a \textit{normative higher order judgment}”\footnote{Ibid., p. 11 (my emphasis).} on the quality of our reasons for believing or judging that \( p \) is the case.

In order for reflective control to be exercised, all we have to do is raise a challenge to our current perceptual view. We step back and ask: “Should I really believe that \( p \)?” or “Is my judgment that \( p \) justified?” That is the context of choice in which the freedom of, say, perceptual judgment is realized. According to Owens, these hypothetically conceived contexts of choice generate only a \textit{modest} form of freedom,\footnote{Ibid.} especially if one considers that at the end of the process of raising alternatives what we very often do is just ratify what our senses have already told us. We often just reaffirm the reasons we had. Reflective control is thus no more than a form of \textit{reflective ratification}, as it were, of what we already believed and judged. It remains the world, not us, that says what we have to judge and believe. No significant margin is left for any substantial choice between \( p \) and not \( p \), and thus no substantial freedom either.

Moreover, this kind of reflective control is often unnecessary and falsely presents one’s experience in terms that are more cognitively loaded than it in fact is: “When I glimpse a truck bearing down on me, I am automatically convinced that my life is in danger; there is no opportunity to exercise reflective control over this conviction. I have no time even to judge that I have this experience.”\footnote{Ibid., p. 14.} His proposal is that the notion of “responsiveness to reasons” can account for rational judgments without invoking this kind of freedom granted by reflective control. As he puts it: “to be responsive to reasons, a subject must have a \textit{non-reflective awareness} of the considerations that move him […] [T]he actual formation of a mental state with a second-order content is unnecessary.”\footnote{Ibid., p. 15.} Owens’s final verdict is clearly that the case of perceptual judgment is a case where we should be asserting the presence of rationality but withholding the presence of freedom.
Owens’ interpretation of freedom as reflective control relies exactly on the intuition that in order to be free, we must have a choice – an intuition that McDowell and Korsgaard attempted to secure with their arguments. The model of freedom here – the “freedom of choosing between alternatives” – is shared by both parties to the dispute, by Owens as well as McDowell and Korsgaard.

The question neither party raises is: Is there another notion of freedom, which does not commit itself to the model of the “freedom of choosing between alternatives,” that might be far more apt for the case of perceptual judgments?

2. Transparency, control, and the freedom of autonomy

The fault-line in Owen is that in his understanding of the relevance of reflective control to the freedom to be found in perceptual judgment, he lays more stress than he should on the properties of the hypothetical second-order judgments that are assumed in reflective control, whereas what needs stressing are the properties possessed by first-order judgments when those judgments are made by creatures with the capacities for reflective control and second-order judgment.

For Owens the relevance of reflective control to freedom of judgment lies in the fact that such control assumes (at least hypothetically) a second-order judgment about the quality of my reasons for adopting the first-order judgment (or belief) that p. It is this reading of the relevance of reflective control that allows him to say that the freedom it is relevant to, is weak, since all the freedom we would have on this reading would be the one generated by a hypothetical context of choice which often just leads us to reaffirm the first-order reasons we had in the first place. I suggest that the relevance of reflective control to the freedom of judgment lies quite elsewhere. It lies in the fact that first-order judgments, (including the canonical form of perceptual judgments) when they are made by subjects possessed of the capacity for rational self-control (and therefore the capacity for second-order judgment) possess the crucial property of transparency. Once we stress the fact that transparency is a necessary condition for reflective control, a quite different notion of freedom of judgment comes into view, different from what I have called “freedom of choosing between alternatives.”

First, consider how reflective control is made available by transparency. Transparency of one’s first-order judgments, including perceptual judgments, is the property of being aware of the first order judgment in a very specific way to be outlined below. When I open the window and see that it is raining outside, I, in seeing it, form a first-order judgment of which I am fully aware. That is, even though I may not assess the quality of my reasons...
(as Owens points out, such assessment is usually hypothetical) for so judging, I am nevertheless aware that I judge that it is raining outside, and I am aware of why I so judge – I am aware of the reasons for so judging. Equally, when a truck is bearing down on me, I may not assess the quality of my reasons for judging that the truck is bearing down on me, but I nonetheless know that I judge that it is bearing down over me and that my life is in danger, and I am aware of why I so believe. This is a reflective control that a subject has on her cognitive operations, and doesn’t amount to any choice between different reasons supporting different alternatives. Notice that it is in virtue of such transparency that one can even so much as engage in what Owen stresses in reflective control – the assessment of the quality of one’s first-order reasons. In other words, the relevance of reflective control understood now in terms of its necessary condition (transparency) precedes Owens’ sense of its relevance understood in terms of second-order assessment. Owens agrees that we are responsive to reasons but denies that responsiveness to reasons must always actually (as opposed to hypothetically) be accompanied by the reflective control of second-order assessment. This is true. What he fails to notice is a more crucial fact for freedom of judgment, viz., that to the extent that we are responsive to reasons, the judgments we perform are transparent to us, where transparency means not simply being aware of our first-order beliefs but also of the reasons for so believing. In order to best mark the difference between my view and Owens’, one could say that what I am talking about is the condition of a being who is already in reflective control of most of his states, as opposed to having states in need of “rationality check,” as it were – states to which one gets in control after a “reflective check,” as Owens understands it.

What exactly is meant by saying that transparency as a precondition of being in reflective control of one’s own cognitive operations? In order for one’s first-order judgments to be transparent, one must be the subject-agent of those judgments. (I am deliberately emphasizing “agent” in that locution.) That is, I know that I judge that it is raining outside because it is I, a subject who forms the judgment that it is raining outside. It is because I judged that p that I can judge that I judged that p. Put differently, transparency of one’s own judgments is only available to creatures that have a subject-agent’s point of view. The subject-agent’s point of view is not to be confused with consciousness tout court. Akeel Bilgrami has made the point vivid as follows.17 If you weren’t a subject-agent, but were instead what he calls a “superlatively passive subject,” you would regard all your intentional states or judgments third-personally as happening to you. But it is not clear, in that case, that you could judge at all.

You would find yourself with mental states of which you are not in command, that don’t commit you to anything because your own angle on them is not first-personal, but detached and third-personal – the angle a mere receptacle of mental states can have. Notice that if you were a superlatively passive being you would be conscious of your mental states passively assailing you, without those states being “transparent” proper, as Bilgrami uses that term. It is one thing to find yourself with a mental state M, almost as if you were finding someone else with it, but it is quite another thing to be the subject-agent of the mental state M. It is only in virtue of this first-personal perspective on oneself, which is the perspective of an agent, rather than that of a passive being, that one knows that one has M, as transparency proper requires.18

Now consider the role this notion of transparency plays in making possible a quite different notion of freedom of judgment than is found in Owen and his opponents, McDowell and Korsgaard. This is the notion of freedom that emerges in the notion of the agency of the subject who judges by contrast with the superlatively passive subject, who, if Bilgrami is right, cannot be said to be judging at all. While the freedom Owens recognizes was attached to his notion of reflective control, and amounted to the “freedom of choosing between alternatives” that he then diagnoses as too modest, transparency gives us an altogether different notion of freedom that doesn’t amount to freedom of alternatives and which cannot be diagnosed as weak in the same way. This freedom is the freedom of an autonomous agent, that is, an agent that is first-personally the former of his own judgments, including the perceptual ones. When I have a reason to form a first-order judgment, I know that that judgment is formed by me because I have the reasons in question. That is, I view myself as the agent who has that reason and the former of the judgment that the reasons I have licenses. Notice that I don’t recognize myself as the agent because I choose between alternatives, but rather because it is me, not another passively observed (but rather agentially self-known) that forms that judgment – that is, I am not a mere receptacle of mental states, but rather I have a first-personal perspective on myself. Without such a notion of agency in play, one would not judge at all. (A superlatively passive subject forms no judgments since a subject who is supposed to have all his thoughts happen to him, cannot really plausibly be said to have thoughts happen to him.) But with it in play, the judgments one forms, ex hypothesi, being the judgments of an agent, are, in precisely that sense, freely made. In other words, they have precisely the sort of freedom that the superlatively passive subject lacks. Since that subject cannot be judging at all, judging at all is of a piece with such freedom.

18 See ibid., ch. 3, 4, and 5.
This sense of agency that attaches to one’s basic mental performances, like judging and thinking, more generally, is widely recognized and studied in empirical sciences, in particular, cognitive science and psychopathology: Were one to happen to lack it, one would suffer from a basic form of pathology, often associated with schizophrenia. The phenomenon of “thought insertion” is a case in point. In thought insertion the patient experiences the presence of thoughts in his mind, but he doesn’t believe that they are his thoughts, that is, he doesn’t believe that these are thoughts thought by him. He retains the “sense of ownership” for them (they are happening in his mind, so they are his in the non agential sense), but completely lacks the “sense of agency” for them (he doesn’t feel himself to be the author of them, and he believes that someone else has put them in his mind). Notice that when I say that the thought is not his thoughts I am not talking about the fact that the thought belongs to my phenomenological consciousness. It is important to distinguish between the phenomenological point of view of a being who believes that the thoughts that happen to him are his in the sense of occurring in his consciousness and the agent’s point of view, that is, the point of view of subject who believes that those thoughts are his because he is their very former.

The same idea can be extended to the case of perceptual judgment. Suppose that you find yourself with a perceptual judgment that you don’t recognize as made by you; rather, you have reason to believe that it is necessitated by some impaired mechanism in your visual system. Then you believe that the judgment is put in your phenomenal consciousness by something that is not you qua former of judgments. You are, in that case, only third-personally conscious of a thought that resembles a perceptual judgment, but that is not formed by you. The would-be judgment is not first-personally transparent in the sense outlined and thus you don’t feel to be in agential command of that perceptual judgment. By the argument seen above given by Bilgrami, it is even dubious that this is a judgment at all.

I leave it open whether one should characterize the forming of a judgment as an action at all. Christopher Peacocke defends this view, by saying that judgments are mental actions when they are events that are or constitutively

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20 See Bilgrami, *Self-Knowledge and Resentment*, p. 162 for a distinction between the phenomenological point of view and the agent’s point of view. Bilgrami explicitly mentions, though *in passim*, the relevance for psychopathology of having a purely third-personal angle on one’s mentality, and claims that while that angle is not precluded to us, it does coincide with a loss of agency (see ibid., p.198).
involve a trying. In the cases that I discuss here, however, no trying seems to be involved; and yet the sense of agency appears when one contrasts these cases to the case of a superlatively passive being or to the case of a patient suffering from thought insertion. This fact could mean either that there can be actions that are not accompanied by trying, or, if one sticks to Peacocke’s definition of mental action, that being the former of a judgment is being in a state of activity that is not necessarily describable as the production of mental actions. Joseph Raz seems to go for this second option, when he characterizes beliefs and judgments as states of activity due to our being responsive to reasons, without also claiming that these activities must resemble bodily actions and involve willing and trying. I leave the discussion about the specific nature of the agency involved in judgment to another project. Be that as it may, when one finds oneself alien to one’s own judgment, a mere receptacle of it, one has not formed that judgment qua subject-agent. It is not a judgment arising from one’s autonomous subjectivity. When this happens, one loses a fundamental form of freedom, which I then call the “freedom of autonomy” and which is just a freedom from alien influences – influences due to causal mechanisms that interfere with one’s normal judgmental activity and that one cannot trace back to oneself as a source of judgments.

Let me now turn to some objections that could be easily levelled up against my account.

The talk of “alien influences” can invite one objection: aren’t also “alien” the influences of our culture, received views, or simply the ideas that others bring to our attention? The contents of these thoughts expressed by others or by one’s culture obviously don’t arise from one’s own autonomous subjectivity.

I think that the objection can be easily defused. First of all, when I talk of alien influences I restrict the focus on those phenomena of thought insertion in which the subject cannot trace the provenance of those thoughts to anyone else belonging to his social environment. This is why they are pathological, and not simply the thoughts of another real person that is talking to me and make me think to what she thinks. Secondly, when one is not simply listening to another’s thoughts and in so far as one is oneself committed to ideas or values suggested by one’s own culture or by other people, those thoughts count as belonging to sense of agency to which I am appealing. If I genuinely endorse those thoughts and judgments, if I form a token of that thought type, those tokens are my thoughts and judgments, and they can be said to arise

from my autonomous subjectivity. In other words, a judgment can be said to arise from one's own autonomous subjectivity not when we are the creators and originators of that judgment-type, but just when we endorse a token of it genuinely, whoever has happened originally to produce it for the first time. To be rigorous, then, it is the endorsement of the type what arises from one's own subjectivity, and not the content-type endorsed. It is it that forms the judgment-token, and once its content-type is endorsed, it appears to myself as arising from my own autonomous subjectivity.

Some might think that the freedom I am appealing to is not shown not to be illusory. Even though I think the issue is deep, it would take me too far to address this concern. I believe, however, that the metaphysical worry about the reality of freedom doesn't directly need affect my account, in so far as I am discussing a sense of freedom arising from a sense of agency. I am not the arguing that we are metaphysically free; rather, I am arguing that there is a phenomenon that is referred to as a sense of agency for judging that seems to go hand in hand with a sense of freedom, to the extent that lacking this sense of agency brings about major psychopathological phenomena and the pathological sensation of not being in command of one's judgment and not being thinking those judgments freely, but rather thinking them in a coercive way – they are “inserted,” thrown into my consciousness. Therefore, even though this sense of freedom and agency turned out to be entirely illusory from the metaphysical point of view, there would still be something central to the phenomenology of agency – so central that whatever causal mechanism turns out to implement it, its malfunctioning deeply threatens our psychological well-being.

One who is sympathetic to my account, and not so much worried about the metaphysical underpinning of freedom, could also push the opposite line: why not to talk about agency itself, and so why to restrict the account to a sense instead of reality? Why to run the risk of introducing a division between appearance and reality by talking of a mere sense of agency attached to a mere sense of freedom?

The reason why I adopted this terminology is straightforward: the emphasis on the agent's sense of agency is due to the fact that the agency in question must be phenomenologically salient, must be sensed as such. For it's certainly not the case of an agency of which one is not aware that is germane to a distinction between thoughts, judgments and beliefs experienced as coercively thrown upon my consciousness, and thoughts, judgements and beliefs experienced as agential. If there are cases of judgments, beliefs and thoughts that are agential but of which I'm not aware of, it is doubtful that I can experience any sense of agency for them. Given that they are unconscious, their production and my holding of them do not belong to the phenomenological sphere to which the distinction between coercion and freedom is relevant. It does not seem to
be the case of an unconscious thought or judgment the one toward which I can feel estranged, alienated, coerced. I can feel alienated only to thoughts, judgments and beliefs that I am aware of. This illustrates also why awareness as such does not say anything by itself about the agential or coercive quality of the thought, judgment, or belief. An aware thought can be either coercive or free in my sense, and what establishes its character with respect to freedom and coercion, must be something else, namely my genuine endorsement of it.

I have argued that any time we form a judgment, we enjoy a freedom best characterized as a freedom of autonomy, and we enjoy it even when we issue judgments that don’t stem from a choice of one alternative over another. This is, I think, the freedom that attaches to judging, including perceptual judging, and we enjoy it even when we don’t choose between alternatives as it is in perception. But one might still object that according to a venerable tradition, the Kantian one, one is autonomous proper just insofar as one has made the choice of not acting on one’s first-order inclination, whether a desire or the perceptual intake as it is in the case discussed above. So, my use of the term “autonomy” would be misplaced.

I believe that this objection depends on a substantive commitment to the idea that first-order inclinations are not themselves in the space of reason, that they are not themselves objects of endorsement, but rather mere dispositions, not suffused with reasons at all. I would be inclined to dispute such conception of inclinations. Forming perceptual judgment, or having desires do not seem to be invariantly purely dispositional, even if they sometimes can be. So the present objection crucially depends on an ideological commitment to a different metaphysics of the mind – a metaphysics of the mind that – it is implicit in my view – I would reject. Purely dispositional would be exactly the mental state that I could contemplate in a somewhat alienated way. Millar has made the point vivid for beliefs and intentions. He argues that if believing and intending were purely dispositional, and not normatively loaded with first-personal commitments, then I could have toward them a purely “contemplative stance” – which is not the case when I endorse them first-personally. The same argument has been developed by Bilgrami, as we have seen. To come back to my response to the present objection, since the contemplative stance does not seem to figure in the case of any first-personally held perceptual judgment, there is no reason to assume that one should experience the first-person beliefs acquired through perceptual intake as estranged and alienated in the same sense in which one would if those beliefs would merely happen

24 Bilgrami, Self-Knowledge and Resentment.
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Having the possibility to choose between a pure disposition, or inclination, and a commitment can certainly be said to be a major form of autonomy and freedom, lacking which would perhaps make us akratic. I need not deny this at all. All I am arguing for is the acknowledgment and analysis of a sense of freedom for spontaneous perceptual beliefs and judgments which doesn’t arise from any choice between alternatives and that must be however present, if this is what a patient affected by thought insertion lacks.

Another worry is to be addressed. It is the worry of those who may think that there is a sense in which we can say that we cannot help but judging that p when perceiving that p. The same worry would apply to cases in which it seems to make sense to say that we cannot help but to follow a logical rule, e.g. an inference, and thus issuing the only judgment licensed by that rule. In these cases, it seems not to be clear why one could not say that one finds oneself with a judgment that “forms itself,” as it were, as opposed to the judgment being formed by us.

For one thing, it seems to me that the worry is dictated by the very same notion of freedom as choosing between alternative – a notion that is widely considered as the only notion of freedom available, while I have argued just in favor of the possibility of opening up the conceptual space to recognizing that our notion of freedom can be much richer than that of being able to choose and judge otherwise. Recently Korsgaard has said that acting is “our plight.” That same could be said for drawing a simple logical valid inference: it is “our plight.” Now, even if we construe acting or, for that matter, drawing inferences as something we cannot help, this is no reason to deny that acting is nonetheless experienced as just acting after all, as opposed to being passive, and drawing inferences as an activity, as opposed to an experience of coercion. After all, no one has ever consulted a doctor for having followed a logical rule or having responded judgmentally to one’s current environment. This must make a difference that philosophy of psychology and our theory of freedom should record and begin to analyse. This paper is an attempt of providing a first basis for this analysis.

I have said above that the judgments I form are mine. Does it mean that “being a judgment mine” implies that judging is something I do? In other words, do I derive the forming of a judgment from the its “miness”?

In section 3, I made it clear that there is a distinction to draw between a sense of ownership for my states and a sense of agency of my states. The occur-

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26 One might say that one is not compelled to draw an inference: at most it compels you either to (a) believe q, or (b) reject either p or if p then q. This is just what happens when you regard q as implausible or probably false. So I am talking about the cases in which you are so compelled – cases in which q is not implausible or probably false.
rence of “my” in both sentences tells us that “miness” cannot be a criterion for the agential character of a mental state. Both are mine, and thus the property of “being mine” cannot be sufficient to establish that I am the agent of what is mine. So, I cannot rely on the implication attributed to me by the objector. In fact, I rely on the reverse: since judging is something I do, then it’s mine, and it’s mine in a sense that must then be distinguished from the mere sense of ownership I have for thoughts, judgments and beliefs that I don’t think are mine in the agential sense. The two senses of “being mine” match the difference between the sense of ownership and the sense of agency about a mental state. Since the distinction is necessary to grasp the difference between an alienated and a normal judgment, it’s important not to equivocate the two senses of “being mine.”

I say that transparency is the property of first-order mental states to be known by their possessor, and to be known along with the reasons I have for holding them. Am I faced with a regress? What is it that prevents one to reiterate the property of transparency to the second-order mental state, and so on ad infinitum?

To defuse this worry, it’s sufficient, I think, to understand the role of the higher-order belief. The higher-order belief is required to make the lower-order belief a belief responsibly held. I must know that I have it because I must know the reasons why I have it, in order for it to be experienced as agentially had. Now, there is no corresponding need to know also the reasons why we have the higher-order beliefs. I must know why I believe that the truck is bearing down on me, but I needn’t also know why I know it. This second-order belief must be experienced as a brute fact of my psychology. Perhaps someone may invoke examples in which the second-order belief is to be understood as agential. If this is so, then I’d require that that belief too is known, along with its reasons. As Bilgrami has put it: “If so, to the extent that the examples are comprehensible and gripping as genuinely involving agency in this way, we will be highly motivated – for all the reasons given so far – to require that there be beliefs of one level higher to account for the requisite self-knowledge of those at the immediately lower order. So there is no need to be embarrassed by the climb to higher orders, if the rationalizing and the agential element is intelligibly present in each case. Not only would it not be embarrassing, there will actually be a conviction that it is required. There is no crippling infinite regress. The regress goes, with no crippling effect, just as far as the view requires – to the point where agency […] is recognizably in play. And it must go that far.”

The answer given above gives me the possibility to answer a final worry: Is transparency as Bilgrami uses it, and as I use it here, just Cartesian transparency? Because if it is, then it is notoriously wholly implausible, given the widespread existence of self-deception, confabulations, etc.
The answer is no. If there is a belief of which I am unaware, it can scarcely be said to be in the domain of responsible agency. Nor is it in the domain of freedom. So I’m restricting my account to the beliefs that are actually known to me, and known along with the reasons we have for them, without also requiring that all the beliefs and judgments that I have must be agential, and thus transparently known, in the sense specified. Remember that the property of “being transparent” is not just the property of being aware of its presence; rather, it’s the property of being aware of having it for reasons I know and endorse.

One could then reply that we ascribe agency also to what we do without knowing what we do. Our practices can sometimes go this way, I know, but it remains true, I submit, that if I really don’t know what I do, that is something that properly happened to me, not something I undertook with full-blown agency. So self-knowledge expressed in terms of transparency is necessary to have the sense that the event is not just happening to me. It is what gives me the awareness not just of the state, but also of the commitments that it makes me incur. One thing is to attribute something to me, quite another is to experience it as agential. Inserted thoughts can be attributed to me, but that doesn’t show that I must experience them as agential – in fact I don’t. As Bilgrami put it: “An agent is not something one could be and not know and experience that one was one.”

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Bilgrami, Self-Knowledge and Resentment, p. 198.