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## THREE PSYCHOLOGICAL CONSTANTS OF FREE WILL

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**Abstract.** The article examines the three psychological constants of free will: 1) the existence of a choice of actions, 2) independent decision-making, and 3) the variability of existing options. The author defines that the cancellation of one of the given constants will lead to the levelling of freedom of will. The article examines how limiting the options for choosing actions occurs by creating a dilemma, a false dilemma, or when we apply “Hobson's choice” or the catch-22 technique. The author emphasises that there are other ways of influencing free will, but they are united by a single goal – to create circumstances when the choice of actions will be limited. The academic proves that a person always has the freedom to choose actions. Exceptions are only cases of unconsciousness and not being aware of one's actions. The author substantiates the thesis that the basis of social relations is the concept of the existence of free will.

**Key words:** free will, decision-making, limiting of choosing actions, the autonomy of will, Hobson's choice, dilemma, catch-22.

**Introduction.** The issue of free will is the subject of scientific research in psychology, philosophy and jurisprudence. Different branches of science offer their understanding of free will, essential for solving fundamental questions.

Psychology tries to understand decision-making algorithms and the nature of motivation. Philosophy offers concepts of the existence and exclusion of human free will. Jurisprudence defines free will as the basis of branches and sub-branches of law and their institutions. However, despite the different meanings of free will for psychology, philosophy and jurisprudence, we believe that the fundamental idea of free will and its understanding coincide in these sciences. The psychological understanding of free will has its specificity and is based on three constants.

**State of scientific development.** The scientific doctrine has studied the concept of free will in psychology. Among the leading academics who studied these questions, we should be noted Alfred R. Mele (*Surrounding Free Will: Philosophy, Psychology, Neuroscience*), John Baer, James C. Kaufman and Roy F. Baumeister (*Are We Free? Psychology and Free Will*), Myers, David G (*Determined and Free*), Garner, Bryan (*Garner's Modern American Usage*), A.J. Giannini (*Use of fiction in therapy*), Barrett Grant (*Hobson's Choice*), Nichols Shaun (*How Can Psychology Contribute to the Free Will Debate?*), Vohs K. D. & Schooler J. (*The value of believing in free will: Encouraging a belief in determinism increases cheating*), Alquist J., & Baumeister R. F. (*Induced disbelief in free will leads to heightened conformity to others' judgments*).

At the same time, there is a lack of research on free will. The relationship between free will and psychology is not revealed by scientific doctrine.

**The aim of the study.** Determine the three psychological constants of free will.

**Research methods.** General scientific and unique scientific methods of cognition are applied: logical (deduction and induction, analysis and synthesis, abstraction and comparison); hermeneutic (regarding the understanding of scientific texts); formal-dogmatic.

**Results of the study.** *We defined* the three psychological constants of free will: 1) the existence of a choice of actions, 2) independent decision-making, and 3) the variability of existing options. From this, we can assume that the cancellation of one of the given constants will lead to the levelling of freedom of will.

The psychology of philosophy is a messy business. The diverse range of philosophical problems that emerge from commonsense probably has an almost equally diverse set of psychological causes. In the case of free will, S. Nichols suggested that the problem is driven by the explanatory compulsion on the one hand and the indeterminist intuition on the other (Nichols, 2015).

The psychological understanding of free will is based on the concept of a “free man” – a person who respects rational authority, acts responsibly, has self-respect, and is conscious of his or her part in decision-making (Myers, 2008). R.F. Baumeister proved that free will is the assumption that more than one course of action is possible for a given person in a given situation (Baumeister, 2010). Hence, the person really makes a choice, in the sense that some act is possible and then ceases to be possible. Free will is the capacity to choose between different possible acts (Baumeister, 2010). This thesis illustrates three psychological constants of free will: 1) the existence of a choice of actions, 2) independent decision-making, and 3) the variability of existing options. From this, we can assume that the cancellation of one of the given constants will lead to the levelling of freedom of will.

Let's consider several ways to influence free will by limiting choice options.

The situation with no choice can be a dilemma when all the proposed options do not suit us, but we must decide. The possibilities are termed the *horn* of the dilemma, a clichéd usage, but distinguishing the dilemma from other kinds of predicament as a matter of usage (Garner, 2009). For example, a soldier is ordered to kill civilians or is arrested for disobeying the order. A military serviceman believes he has no choice and is following the order. But he still makes the decision himself because he is the one who chooses whether to accept the order or violate it. That is, alternatives always exist, even when they are limited and not obvious.

A false dilemma (false dichotomy, false binary) exists when all the proposed options are based on false arguments. R. Fairbairn described this theory as the concept of “splitting”. A false dilemma is based on contrasting two options as extremes. In this case, there is a contrasting opposition of the dichotomy of opposite results or properties. As a result, “black-and-white thinking” occurs. An example is people categorising others as “all good” or “all bad” (Giannini, 2001).

N. Disantis wrote the following example of a false dilemma: A common argument against noise pollution laws involves a false choice. It might be argued that in New York City noise should not be regulated, because if it were, a number of businesses would be required to close. This argument assumes that, for example, a bar must be shut down to prevent disturbing levels of noise emanating from it after midnight. This ignores the fact that law could require the bar to lower its noise levels, or install soundproofing structural elements to keep the noise from excessively transmitting onto others' properties (Desantis, 2012). With the help of a false dilemma, there is an influence on decision-making and, therefore, on free will.

In sales techniques, the “choice without choice” technique is used. The essence of this technique is that you offer options with a choice that suit you in advance and best suit the interlocutor's request (Musatov, 2022). Classic example: Would you like tea or coffee? In this way, we artificially limit the choices. However, this is not a compulsion because we can always refuse the proposed options. “Choice without a choice” should be distinguished from Hobson's choice, which consists of choosing from only one option.

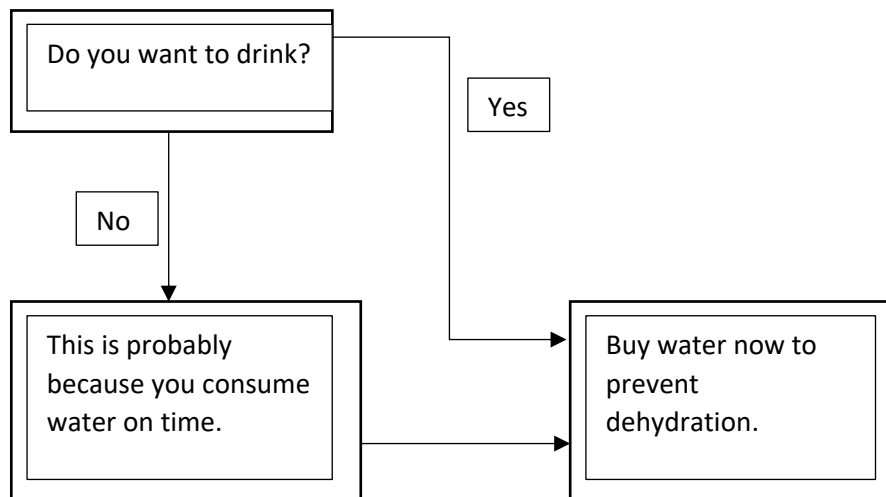
T. Hobson used this technique. He had an extensive stable of some 40 horses. This gave the appearance to his customers that, upon entry, they would have their choice of mounts, when in fact, there was only one: Hobson required his customers to take the horse in the stall closest to the door.

This was to prevent the best horses from always being chosen, which would have caused those horses to become overused (Grant, 2009).

Hobson's Choice should not be equated with a catch-22. A catch-22 is a paradoxical situation from which an individual cannot escape because of contradictory rules or limitations (Largest Idioms Dictionary, 2020). In this case, the decision-making conditions are constructed so that one's choice leads to pre-planned results. This is a type of manipulation.

G. Fitz gives an example: “Most refugees do not have a legal way of reaching safety in the rich democracies of the Global North. The only realistic way to reach the Global North is to reach its territory and ask for asylum. Rich democracies typically abide by the principle of non-refoulement but deliberately and systematically shut down most legal paths to safety. An architecture of repulsion based on cages, domes, buffers, moats, and barbicans keeps out asylum seekers and other migrants. Australia, Canada, the United States, and the European Union have converging policies of remote control to keep asylum seekers away from their territories. The catch-22 for refugees is that rich democracies are essentially telling them, “We will not kick you out if you come here. But we will not let you come here”. (FitzGerald, 2019).

A more straightforward example of such manipulation can be demonstrated schematically:



**Figure 1**

There are other ways of influencing free will, but a single goal unites them – to create circumstances for the choice of actions will be limited. The ability to oppose one's free will to external influence is associated with willpower and self-control. Willpower is an agent's capacity to sustain, stop, amplify, or otherwise modify an incipient or unwanted response or action. Self-control is often associated with conscious effort and often involves overriding a default course of action (Mele, 2014). However, the definition of these categories requires a separate study.

The above methods of psychological influence must not violate legal norms and are not grounds for recognising the acts as invalid due to will defects. This is based on the absence of coercion and deception, and the person makes the final decision independently, even in case of threats or blackmail. For example, if a person is threatened with death if he does not sign a document, he decides to comply with the requirements. Of course, from the standpoint of the law, such a deed will be considered null and void. But from the point of psychology, a person makes decisions of his own free will.

Thus, a person always has the freedom to choose actions. Exceptions are only cases of unconsciousness and not being aware of one's actions.

From this comes the second constant of freedom of will, the independence of decision-making. In this context, decision-making by the legal representative is essential. For example, when parents take their children to the hospital, they order medical services. We assume that legal representatives must act in the child's best interests. But, in reality, the parents, not the child, make decisions and exercise their free will. From the standpoint of the law, the child becomes the patient, and the contract for providing medical services is concluded as an exercise of his free will. However, from the point of view of psychology, free will was levelled due to violating its second constant.

The third constant of free will, which comes from the position of R.F. Baumeister, is the variability of existing options. This means that free will is always exercised considering the existing options when expressing the will. The specified characteristics limit the range of possibilities for realising freedom of will. For example, the volume of information during decision-making limits freedom of will to the limits of knowledge. When a person decides, he proceeds from the available data, views, experiences, etc. If a person buys a mobile phone at the specified price, he exercises his free will. The person needs to learn that this phone can be purchased on more favourable terms. In this case, free will can be manifested in two simple forms: to buy or not to buy a phone. If the buyer had more information, the exercise of free will could undergo other options.

B. Berofsky writes, “If we look more closely at the intuitive idea of free will or free agency, we find several independent strands. The openness to a deliberating agent of a variety of options is certainly one central idea. The past does not close off the option we fail to choose. It was there for the choosing until we actually terminate the deliberative process. This component of free agency is called *alternative possibilities*” (Berofsky, 2012).

At the same time, the third constant of free will comes down to the fact that the options for choice and exercise will constantly change due to the dynamics of external circumstances and personality development.

When one of the constants of free will is violated, the individual's autonomy is suppressed. At this moment, free will is not manifested or is manifested in a limited way. Today, there is no absolute scientific position regarding free will. This is due to the impossibility of empirically proving its existence. Such a process could be compared to studies of “how much the soul weighs”. However, existing concepts of free will can be schematically summarised.



Figure 2 (Nichols, 2008)

Some psychologists think that free will is an illusion. J. Bargh writes, “The phenomenological feeling of free will is very real ... but this strong feeling is an illusion, just as much as we experience the sun moving through the sky, when in fact it is we who are doing the moving.» (Bargh, 2008). D. Wegner concludes: “It seems we are agents. It seems we cause what we do .... It is sobering and ultimately accurate to call all this an illusion.” (Wegner, 2002). But free will acts as a measure of possible behaviour and decision-making. As the study of Vohs and Schooler showed, a person can be convinced of the presence or absence of a free will. People convinced of determinism and the absence of free will became inclined to violate the norms of law and morality (Vohs & Schooler, 2008). Such a result showed that the belief in the absence of free will made it possible to shift responsibility because “my actions are foreseen and do not depend on me”.

C. Taylor and D. Dennett write, “Incompatibilism, the view that free will and determinism are incompatible, subsists on two widely accepted, but deeply confused, theses concerning possibility and causation: (1) in a deterministic universe, one can never truthfully utter the sentence “I could have done otherwise,” and (2) in such universes, one can never really receive credit or blame for having caused an event, because in fact all events have been predetermined by conditions during the universe's birth” (Taylor & Dennett, 2011).

Over time, people who did not believe in free will underwent psychological deformation, became more dependent on other people's opinions and lost their individuality (Alquist & Baumeister, 2008). However, the basis of social relations is the concept of the existence of a free will. If we recognised the absence of a free will, some sciences would lose their meaning altogether. For example, psychology and law are based on the fact that a person makes his own decisions.

And although people may acknowledge many external and internal factors that help shape their behaviour and that of others, people generally act as if they possess free will. They certainly act as though they believe in their own free will (Baer, Kaufman & Baumeister, 2008).

**Conclusions.** The research demonstrates three constants of free will: 1) the existence of a choice of actions, 2) independent decision-making, and 3) the variability of existing options. Violation of one of the given constants leads to restriction of free will. Limiting the options for choosing actions occurs by creating a dilemma, a false dilemma, or when we applying “Hobson's choice” or the catch-22 technique. The ability to oppose one's free will to external influence is associated with willpower and self-control. There are other ways of influencing free will, but they are united by a single goal – to create circumstances when the choice of actions will be limited. The above methods of psychological impact do not violate legal norms. They are not a basis for recognising transactions as invalid due to defects of will if there is no coercion and deception and the person makes the final decision independently.

A person always has the freedom to choose actions. Exceptions are only cases of unconsciousness and not being aware of one's actions. When legal representatives make decisions, they must act in the interests of the person they represent. But the representatives exercise freedom of will, not the person they represent.

Free will is always exercised considering the options that exist at the moment of expression of will. When a person decides, he proceeds from the available information, views, experiences, etc. The specified characteristics limit the range of possibilities for realising freedom of will. The third constant of free will comes down to the fact that the options for choice and exercise will constantly change due to the dynamics of external circumstances and personality development.

#### References:

1. Nichols, S. (2015). *The Folk Psychology of Agency*. In *Bound: Essays on free will and responsibility*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199291847.003.0002>

2. Myers, D. G. (2008). Determined and free. In *Are we free?* (p. 32–42). New York: Oxford University. <https://doi.org/10.1093/acprof:oso/9780195189636.003.0003>
3. Baumeister, R. F. (2010). Understanding free will and consciousness on the basis of current research findings in psychology. In *Free Will and Consciousness* (p. 24–42). New York: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195389760.003.0003>
4. Garner, B. (2009). *Garner's modern American usage*. OUP USA.
5. Giannini, A. (2001). Use of fiction in therapy. *Psychiatric Times*, 18(7), 56–57.
6. Desantis, N. (2015, 31 October). *Data shows bars with most noise complaints, but is it just sound and fury?* The New York Times. <http://eastvillage.thelocal.nytimes.com/2012/01/23/noise-complaints/>
7. *Sales methods in a restaurant*. (2022, 23 January). Oleksandr Musatov. <https://www.amusatov.com/uk/metody-prodazh-v-restorane>
8. *What's a "Hobson's choice"?* (2009, 15 April). A Way with Words. <https://www.waywordradio.org/whats-a-hobsons-choice/>
9. *Catch-22 meaning*. (2020, 12 травня). Largest Idioms Dictionary. <http://Theidioms.com>
10. FitzGerald, D. S. (2019). *Refuge beyond Reach*. Oxford University Press. <https://doi.org/10.1093/oso/9780190874155.001.0001>
11. Mele, A. R. (Ed.). (2014). *Surrounding free will: Philosophy, psychology, neuroscience*. OUP USA.
12. Berofsky, B. (2012). Concepts of Free Will. In *Nature's Challenge to Free Will*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199640010.003.0002>.
13. Nichols, S. (2008). How can psychology contribute to the free will debate? In *Are we free?* (c. 10–31). New York: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195189636.003.0002>
14. Bargh, J. (2008). Free will is un-natural. In *Are we free?* (pp. 128–154). New York: Oxford University Press.
15. Wegner, D. (2002). *The illusion of conscious will*. Cambridge, MA: MIT Press
16. Vohs, K. D., & Schooler, J. W. (2008). The value of believing in free will. *Psychological Science*, 19(1), 49–54. <https://doi.org/10.1111/j.1467-9280.2008.02045.x>
17. Taylor, C. and Dennett, D. (2011). Who's Still Afraid of Determinism? Rethinking Causes and Possibilities. In *The Oxford Handbook of Free Will*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780195399691.003.0011>
18. Alquist, J., & Baumeister, R. F. (2008). Induced disbelief in free will leads to heightened conformity to others' judgments. *Unpublished findings, Florida State University, Tallahassee, FL*.
19. Baer, J., Kaufman, J. C., & Baumeister, R. F. (2008). Introduction: Psychology and free will. *Y Are we free?* (c. 3–9). Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195189636.003.0001>