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Freedom and Practical Judgement

David Owens

Human beings can choose what to do. Human beings can also act freely. Many writers think the one fact helps to explain the other, that if spiders cannot act freely that is because they cannot choose what to do. True most human actions are performed without first becoming the topic of choice, as when you turn the pages of this chapter. Nevertheless, once you have started reading, you do so freely because you have the capacity to choose whether to carry on.

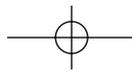
I agree that our capacity for free action depends upon our capacity for choice. In particular, it depends upon our ability to arrive at a practical judgement, a judgement about what to do and to implement that judgement in action. But to make a case for this, we must assure ourselves that practical judgement is under our control in just the sense that action and intention are under our control, for our ability to control our practical judgements can't be the source of our ability to act freely unless we control our practical judgements as we control our actions and intentions. That should make us suspicious of the idea that practical judgement is a kind of belief for, it is generally agreed, we don't control the formation of our beliefs as we control our actions and intentions.

In this chapter, I'll first ask what a practical judgement could be if not a belief. Then I'll argue that we have a capacity to make and enforce practical judgements, so understood, whenever we are acting freely. Finally, I'll seek to establish that the making of a practical judgement is free in the very sense in which actions and intention formation are free and so can indeed be the source of our practical freedom.

1. WHAT IS PRACTICAL JUDGEMENT?

Practical judgement is a judgement about what to do. Beginning here many authors move on to say that a practical judgement is a judgement about what I (or we) ought to (or should) do and they come to rest with the claim that practical judgement is a judgement about what we have most reason to do, or





what it would be best to do all things considered. Although these transitions are frequently made, and though I shall make them here, they shouldn't pass without comment. Some creatures might be capable of thinking about what to do without deploying normative concepts like 'should' and 'ought'. And we who can deploy such concepts might decide what we should or ought to do without thinking about reasons, values or what was best. Nevertheless, to facilitate discussion I shall here assume that when a rational human agent thinks about what to do, they are thinking about what action reason recommends.¹

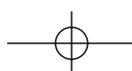
The idea that practical judgement is a form of belief has been disputed by some who worry that a mere belief would not have the required motivational impact (e.g. Nagel 1970: 65). But many others are happy with the idea that a belief can play the motivational role of practical judgement. Scanlon tells us that we can 'explain the intrapersonal rational significance of judgements about reasons for action . . . without supposing that those judgements are anything other than beliefs' (Scanlon 2003: 19). Broome also sees no difficulty here 'We often deliberate in order to arrive at a normative belief about what to do, and the point of our deliberation is ultimately to bring us to a decision—the forming of an intention' (Broome 2001: 180).

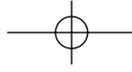
In this chapter, I shall assume that Scanlon and Broome have right on their side in maintaining that there are truths about reasons which we can know, the knowledge of which can move us to action. It might seem a short step from this to the view that practical judgement is 'just another belief' (Arpaly 2003: 61). For example, having told us that he is 'strongly drawn to a cognitivist understanding of . . . practical judgements' Scanlon adds 'They strike me as the kind of things that can be true and their acceptance seems to be a matter of belief' (Scanlon 2003: 7). But mightn't practical judgements be 'the kind of things that can be true' without also being the kind of things whose acceptance is a matter of *belief*? I want to argue that, on at least one familiar construal of the term 'belief', practical judgements are not beliefs.

What are the connotations of this familiar notion of belief? I shall distinguish three. First, belief is governed by a norm of truth. Second, a belief motivates action on that belief. Third, belief is governed by a norm of knowledge. It is this third connotation that distinguishes belief from what I call practical judgement. I shall review these features in order.

Belief is subject to a norm of truth in that it is correct to believe that p only if p is true. This distinguishes belief from states like desire and intention that can be neither true nor false. It also distinguishes belief from activities like imagining, supposing, and hypothesizing which can be more or less truthful (Shah and Velleman 2005: 499). For example, when I imagine that the figure is bisected, my imagining is false but not thereby incorrect. I am not wrong to

¹ For more on the presuppositions of deliberation both theoretical and practical, see Owens (forthcoming).





make that supposition; there is no standard normative for imaginings which it violates simply in virtue of being false. By contrast a false belief is *ipso facto* an incorrect belief. To believe something false is to believe wrongly; it is to make a mistake.

Perhaps some writers move from the premise that practical judgements are subject to a truth norm to the conclusion that they are beliefs because they assume that only belief is subject to a truth norm. Yet guessing that p and suspecting that p are both incorrect if false. If your guess or suspicion is false, you have guessed or suspected wrongly, you have made an error.² In this respect, both guessing and suspecting differ from imagining, supposing, and hypothesizing. A scientist employed to pursue a certain line of research might put forward an hypothesis or adopt a supposition for the sake of argument and he might be quite correct to do so even though his hypothesis or supposition is untrue.

Those who note that belief is subject to a truth norm often go on to say that beliefs must ‘aim at the truth’ and that this is why beliefs cannot be adopted at will regardless of evidence. Do guessing and suspecting aim at the truth in the same way? My own view is that this talk of ‘aiming’ adds little to our understanding of belief and so I don’t propose to investigate whether it can help us with guessing and suspicion.³ I observe only that, whilst we can suppose or hypothesize that Bill Clinton is a woman just because we have been offered a large financial incentive for so doing, we can neither believe nor suspect nor guess this of Clinton simply to get such a reward (though we can *say* ‘I guess’). On that point, believing, suspecting, and guessing are entirely at one. I leave it open how this similarity is to be explained and, in particular, whether it can be explained by reference to the truth norm.

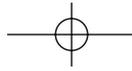
So how are we to distinguish belief from other states governed by a norm of truth? A second connotation of ‘belief’ is practical: someone who believes that p has a default rational entitlement and a *prima facie* rational obligation to act as if p is true (that is to do what would be reasonable on that supposition).⁴ Many will think this claim too weak but I shall postpone that particular discussion for a few pages. Even this weak claim is enough to differentiate belief from both guessing and suspecting. It can be reasonable to act as if your guesses or your suspicions

² In other respects, guesses and suspicions are quite different. Guessing is a mental action, an action sometimes but not always expressed in a speech act (Owens 2003: 289–96). Suspicion is more like belief—you come to suspect, you don’t decide to suspect—but suspicion does not require the same evidential warrant as belief (Greenspan 1988: 90–1). (Note there is a factive use of ‘guess’ on which you fail to guess someone’s age if you get it wrong but there is another usage, which I here adopt, on which you can guess incorrectly.)

³ I think it will help more with guessing than with suspicion. For more on the aim of a guess, see Owens (2003).

⁴ Broome (2001: 181–2) argues that one need not have any reason to act on one’s beliefs (e.g. if they are false). I shan’t discuss Broome’s view here. What I presuppose is something Broome will allow, namely that there is (in a way to be qualified) some irrationality in failing to act as if your beliefs are true.





are true but there is no default entitlement or prima facie obligation to do so. Whether this is reasonable will depend on further facts about the situation.

Have we said enough to differentiate belief from other mental phenomena? I doubt it. There is a further connotation of ‘belief’ which makes the cut between belief and practical judgement. Belief is not just subject to a norm of truth, it is also subject to a norm of knowledge: if what you believe is something you don’t know then your believing it is incorrect. To show someone that they don’t know that p (perhaps because they are not justified in believing it) is to show them that they are also mistaken in believing it. To think yourself right to believe that p , you can’t think you are ignorant of its truth, anymore than you can think p false (Owens 2000: 37). It might be an accident that you are right to guess that p but it won’t be an accident that you are right to believe that p .⁵

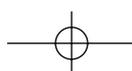
I don’t deny that there are uses of the term ‘belief’ which would not sustain this connection with knowledge; I assert only that there is a notion of belief which does, a notion familiar from both epistemology and ordinary life. It is not clear to me whether the writers I quoted at the outset are employing this epistemic notion of belief in formulating their claims about practical judgement. But, as we shall see, clarity on this point is crucial to our understanding of practical freedom.

Some maintain that this third feature of belief is not really independent of the other two. This is wrong. One’s guess or one’s suspicion can be perfectly correct because true even though one fails to know that it is true. Guessing and suspecting demonstrate that something can be subject to the truth norm without being subject to the knowledge norm. Furthermore, we can at least conceive of a mental phenomenon which is governed by the truth norm but is unlike guessing, etc., in that one *does* have a default entitlement (obligation) to behave as if it were true even when one is not in any position to claim knowledge of its truth. This possible phenomenon I shall call a practical judgement.⁶ In this chapter, ‘practical judgement’ refers to something which is like belief in that it should dispose us to behave as if it is true yet unlike belief in that it is subject to the truth but not to the knowledge norm.

It is one thing to point out that a phenomenon like practical judgement might exist, it is quite another to establish a real theoretical need for it. In the next section, we shall see that practical deliberation often terminates in something both subject to a truth norm and action motivating but which does not constitute a belief.

⁵ In Gettier cases you have committed an error even though your belief is both reasonable and true.

⁶ ‘Judgement’ is sometimes used to refer either to a kind of internal assertion which manifests belief or else to a cognitive action which is a precursor of belief. For example, both Shah and Velleman (2005: 503) and Peacocke (1998: 88) use the term ‘judgement’ to denote a mental act ‘aimed at the truth’ which concludes theoretical deliberation and so (in a rational person) is a precursor of a belief. I doubt the existence of such ‘theoretical’ judgements. It may be that practical judgement is a mental action but this point needs careful handling and I place no weight on it here.



2. JUDGEMENT AND IGNORANCE

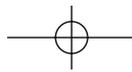
I am assuming that the practical deliberator is seeking to determine what to do by determining what he ought to do, by settling what action reason recommends. But we shouldn't assume that practical deliberation concludes only when the deliberator thinks they *know* the answer. A question like 'What ought I to do?' may be answered with a guess or by the formation of a suspicion, at least where knowledge of the answer is unavailable. And, I want to suggest, a deliberator can make a practical judgement, even where he knows he has yet to dispel his ignorance about what to do.

I am trying to settle on a suitable restaurant for our anniversary dinner. We live in a large city and there are many to choose from. In the case of some, I take myself to know that there is nothing to choose between them. If those restaurants are also the best, I might simply pick one of them at random. I thereby decide *to* dine at a certain restaurant (i.e. form the intention to dine there) without deciding *that* we ought to dine there: if I went to the one I didn't choose by mistake, I wouldn't be doing anything I judged I ought not to do. On this point, my action is not guided by my judgement as to which option is best.

There are other cases in which my action *is* guided by my judgement, even though I am ignorant of which option is best. Suppose that I neither take myself to know which of the more attractive restaurants is best, nor that they are equally good. In fact, I'm pretty sure there are significant differences between them which further investigation would reveal and which might well affect my choice. But one can only spend so much time choosing a restaurant, even for an anniversary dinner, so I make reservations at the restaurant which seems the best on present showing. Here I judge that we ought to go to this restaurant and I do so on the basis of my beliefs about desirable features of the restaurant but I wouldn't claim to know that this restaurant was the best or the most desirable or the one reason favours. That I know I'm currently in no position to know.⁷

My way of proceeding is unobjectionable. What I am doing is registering in my practical deliberations limitations on the process of deliberation itself. These limitations are hardly shameful. On the contrary, they are constraints under which all finite creatures labour and it makes perfect sense to take them into account when determining when to make up your mind. Because of them rational practical deliberation often concludes with (and does not merely stop at) a proposition that the deliberator wouldn't claim to know.

⁷ Holton (2006: 7–9) observes that we often make choices even though (a) we believe the options to be both significantly different and commensurable and (b) we know that we are in no position to know which option is best. Holton describes these as cases of 'choice in the absence of conscious judgement' (p. 9). He says this is because he equates conscious judgement with conscious belief (p. 6).



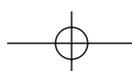
Can we accommodate this point by instead relaxing our assumption that practical deliberation aims to discover what we have most reason to do? Perhaps I need not take myself to know that this restaurant is the best one before concluding that I ought to dine there but don't I at least take myself to know that it is good enough for my purposes, that there is no decisive objection to it, that given the limited time and effort I can expend on the matter, this is the option I ought to go for? If so the judgement which concludes deliberation may be a normative belief after all.

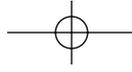
Sometimes we can indeed know that a restaurant is good enough in this sense, without being in any position to know that it is the best. But, on other occasions, the issue as to whether a restaurant is 'good enough' might be hardly less difficult to settle. For example, whether it is 'good enough' might depend on whether there is a nearby restaurant which is known to be better by my partner. Perhaps I have time to eliminate this possibility (by obliquely questioning my partner, etc.). In that case I may know that the restaurant is good enough without necessarily knowing that it is the best all round. But suppose I don't have the chance to rule this possibility out. I might still judge that we ought to go ahead and eat there.

Nor will it help to build the constraints on the deliberative process explicitly into the content of my practical judgement. I *might* be in a position to know that, given my limited deliberative resources, the thing I ought to do is to settle on the option which currently seems best (the one which I suspect to be best). On the other hand, I might not. I might only be in a position to make the educated guess that I ought to make a judgement at this stage rather than holding out for more information. When, on the basis of this guess, I judge that I ought to conclude deliberation now, this is no mere stab in the dark. But equally I wouldn't claim to know that I ought to do this, for I know it is a real possibility that a bit more deliberative effort would yield results and so forth. Nevertheless I judge that what I ought to do is to settle on this restaurant.

Someone may wonder whether these decisions about what one ought to do are genuine judgements. Are they not decisions *to* rather than decisions *that*? It is certainly true that the point of making such a judgement is not merely to evaluate the options but actually to get yourself to act. In that the judgement is like an intention. And at least where future action is in question, the skill of making practical judgements just is the skill of drafting sensible intentions. Still this should not blind us to some obvious differences between them.

First, intentions may be reasonable or unreasonable but it is doubtful whether they are correct or incorrect and they are certainly not assessed for truth. By contrast the judgement that I ought to φ is evaluated not just as reasonable or unreasonable but also as correct or incorrect and its correctness depends on its truth value. Second, even though a good practical judge will opt only for feasible intentions, the fact that he judges that he ought to φ no more guarantees that he will form the intention to φ than it guarantees that he will φ when the time comes. Both lapses are possible.





To sum up, in making a practical judgement I need not form a belief about which option is best or even good enough. I need not form a belief about what I ought to do. I can be living in ignorance on all these points.⁸ But I may still conclude my deliberation with a *judgement* about what I ought to do and sensibly implement that judgement in decision and action. This practical judgement shares two of the features I took to be characteristic of belief: it is correct only if true and it should move me to act as if it is true. But it is not a belief for though I think myself entitled to make it, I lay no claim to knowledge of its truth.

From what has been said so far, practical judgement looks rather like the better sort of guess but the comparison is misleading. A practical judgement is not, like an educated guess, just a way of dealing with ignorance. If it were, it could hardly be the source of our practical freedom for we don't think ourselves free only where we are ignorant of what to do. In the next section, I shall argue that practical judgement can actually countermand belief, both normative and non-normative, for it sometimes makes sense to judge that you ought to act as if what you *know* to be so isn't so. Such a practical judgement won't be based on a guess since you can't (reasonably) guess to be false what you know to be true.

3. JUDGEMENT AND KNOWLEDGE

How could it ever be sensible for us not to act on what we know? To answer this question, we must ask why knowledge matters to us. I have argued that belief is not the only action motivating state subject to a truth norm. If so, why do we value knowledge? Why does it matter to us whether we can *know* the answer rather than make an educated guess at it?⁹ We want to be right and someone who knows is more likely to be right than someone who doesn't but that fact alone won't explain the importance of the boundary between knowledge and ignorance. We are much more likely to be right about some of the things we take ourselves to know than about others; furthermore, we are almost as likely to be right about some of the things we don't take ourselves to know as about many of the things we do.

Since belief embodies a claim to knowledge, to ask about the value of knowledge is to ask why we want beliefs, why we want to satisfy our curiosity, to

⁸ In previous work, I left it open whether a rational person must know their reasons, whether they can be in ignorance of what rationality requires of them (Owens 2000: 15–16). I now think that whilst a rational person must act on their view of what reason recommends, one can take a view about what reason recommends without taking oneself to know what reason recommends (Williamson 2000: 180). In particular, ignorance about what one should do cannot always be dispelled by knowledge of some principle of decision-making under uncertainty.

⁹ Those interested in the value of knowledge often ask why knowledge is more valued than mere true belief. This is not the best way of putting the question if belief is subject to a norm of knowledge.



remove our doubts, to resolve our uncertainties. Guesses and suspicions, however well founded, will never suffice, though they may carry just the information we need. One popular answer presupposes that if someone is entitled to believe that p then it must be sensible for them to act as if p is true. Things we know are, it is said, things we can (and must) assume to be true for the purposes of action.¹⁰ On this view, 'the importance of the concept of knowledge' resides in the fact that 'it sets a meaningful lower bound on strength of epistemic position: your epistemic position regarding p must be strong enough to make it rational for you to act as if p is true' (Fantl and McGrath 2007: 581).

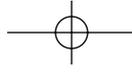
In discussing the motivational role of belief, I agreed that things we believe do play a special role in our practical deliberations. But I doubt this role is best captured by making unqualified claims like the following: 'S is justified in believing that p only if S is rational to act as if p ' (Fantl and McGrath 2002: 78). First, such claims postulate too tight a connection between belief and rational agency. It is not always rational to act as if p because you know that p . In particular, this is not rational in some cases where (a) the costs of acting as if p should p turn out to be false are substantial or (b) the benefits of acting as if not p should not p turn out to be true are substantial.

Second, such claims focus on the connection between belief and agency to the exclusion of other equally significant features of belief. Our convictions play a crucial role in our emotional psychology. Someone can be angry at the fact that p , or proud of it, or grateful for it, only if they know that p (Gordon 1987: 47–9). Often we want to know whether p in order to fix our emotional bearings, to avoid having our feelings baffled by ignorance; in eliminating uncertainty we learn how to feel as well as how to act. Sometimes we would prefer to stick with those emotions—hopes and fears—that presuppose uncertainty rather than learn the truth. Still the boundary between knowledge and ignorance retains its emotional significance.

In the light of these points, I propose the following as a partial account of knowledge—to know that p is at least to be justified in using p (i) as a default assumption in your practical reasoning and (ii) to inform whatever cognitive processes guide the higher reaches of our emotional lives.¹¹ A default assumption is one that you can rely on when you have no specific reason not to. Memory is full of beliefs we depend on in this way and cognition could not take its current form unless we were entitled to this reliance. Such default assumptions are indeed crucial to all practical reasoning. Even where we end up making an educated guess, we feel entitled to act on that guess (i.e. to judge that we ought to) only because of an assumed background knowledge of the situation. But it is

¹⁰ Something like this is presupposed by many of those who argue that whether we know that p depends, in part, upon our practical interests in the truth of p (e.g. Hawthorne 2004: 173–81).

¹¹ I say 'at least' because propositions we take ourselves to know may also play a distinctive role in our theoretical reasoning, e.g. they may serve as our evidence (Williamson 2000: 203–7).



not *always* advisable to act on these assumptions. Nor is the advisability of acting on these assumptions the only thing which makes them worth having. On my view, knowledge is valued more than an educated guess because a proposition known forms part of that framework of default assumptions which we need to conduct both our cognitive and our emotional lives.

Let's test a purely agency-based view of the value of knowledge against my own proposal by considering some examples. I have parked my car on the street outside, taking the amount of care a reasonably conscientious citizen would to park legally. When I enter the house, my partner informs me that the police have been ticketing the street this week. Before being told of this, I took myself to know that my car was parked legally, that is, I took myself to have evidence sufficient to justify my believing this. Hearing my partner's words, I reluctantly go out and recheck the position of my car and the relevant parking notices. Is this an implicit admission that I no longer know that my car is legally parked, at least until I have completed the checks, because my belief is no longer justified?¹²

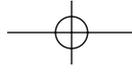
Our linguistic intuitions here seem inconclusive. Being reluctant to check, I might say to my partner 'I know I'm properly parked' and they might reply 'Yes I agree but it is still worth checking'. That sounds as if my partner is agreeing that I do know and thus agreeing that they can learn from me how the car is parked whilst also suggesting that here it might not be sensible to act on our knowledge since the costs of being wrong on this point are substantial and the check can easily be made. Is my partner merely being polite? Or are they observing quite sincerely that this is one of those cases where practical judgement should countermand the motivational effects of a default background assumption to which I am still perfectly entitled?

Suppose my partner instead says 'But do you *really* know the car is properly parked?' Now it sounds as if I *am* being invited to abandon my belief and to do so because it has become unjustified. But this isn't the only interpretation available. Perhaps my partner is highlighting the possibility that my belief is false, a possibility that would deprive me of knowledge even if my belief were still fully justified, a possibility on which I must now focus for practical rather than epistemic reasons. My partner might be seeking to influence my practical judgement without thereby changing my convictions.

Our car example is one in which I am sensible not to act on my (well-founded) assumption that *p* because the costs of being wrong are substantial. Similar issues are raised by cases in which I risk missing out on a considerable, though unlikely, benefit if I act on my default assumption. Suppose someone offers to pay me ten million pounds in return for a stake of ten pence if it turns out that I was not brought up a Catholic. I know that I was brought up a Catholic and much of the rest of what I know about myself would make little sense were I not. Nevertheless

¹² A similar example is used in support of this conclusion by Fantl and McGrath (2007: 560).





I might reasonably accept the bet (Hawthorne 2004: 176).¹³ Can the mere fact that I have been offered this bet render one of my most well-founded convictions unjustified? It would sound odd for me to confess ignorance of which religion I was raised in because it is silly to miss out on this bet. On the other hand, as I place the bet, I might say to myself ‘Well I guess I *might* be wrong about which religion I was born into’ and then it would be slightly strange to add ‘but I *do* still know’.

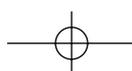
There is something awkward about describing yourself as acting on an assumption which you know to be false but the awkwardness is, I reckon, just the awkwardness of explicitly acknowledging the possibility of error in a context in which you also claim knowledge. ‘I know that p though I’m not absolutely sure that p’ jars, as does ‘I know that p though I might be wrong’ but we shouldn’t infer that one who takes themselves to know cannot sensibly acknowledge their own fallibility. On the contrary, rationality requires such an acknowledgement from us all and rationality permits us, on occasion, to act on it by not assuming in our practical deliberations things we take ourselves to know.

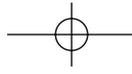
On my view belief and practical judgement are each, in their different ways, fundamental to our lives as agents. In one way belief is more fundamental. No agent could get by on judgement and conjecture alone. Without that background of default assumptions, one could make neither guesses nor practical judgements. On the other hand, it is true of (virtually?) any belief that a rational agent has the capacity to countermand its motivational effects by judging that it would be right not to act on it.

As already noted, belief and knowledge have a life outside our practical deliberations, underwriting a rich emotional psychology. For example, I can feel proud that I was raised a Catholic, or ashamed for that matter, only if I know that I was raised a Catholic. If I don’t think I know this, whilst I can think myself entitled to entertain hopes or fears on the matter, I can’t think pride or shame would be in place. Yet I won’t come to think pride or shame impossible just because I have been offered the bet. Pride and shame need not come and go in response to such offers, rather they are part of a more permanent background, dependent on relatively stable convictions which structure our emotional lives as well as supplying default assumptions for practical deliberation.

Now imagine that I am rather proud to own such a fine car, the very car I parked outside the house. On this occasion my partner informs me some time after I have arrived in the house that the police are confiscating illegally parked cars and were doing so in our street only last week. Must I cease to take pride in my car until I have checked that no such confiscation has taken place? Should I be gripped by fear for my social status? A sober person would rather judge that it is sensible to check how the car is parked and then calmly leave the house, convinced that their car is still there. Such conviction would be misplaced had

¹³ I might reasonably accept *any* such bet but not *all* such bets.





they parked the car less carefully but it isn't misplaced simply because they judge that they should check.

What is true of pride (or shame if I feel bad about driving a status symbol) applies equally to anger, embarrassment, sorrow, joy, gratitude, disappointment, disgust, and much of the rest of our emotional lives. Behind these attitudes and reactions lie certain default assumptions about how the world is, assumptions which shape what we do, think, and feel in a wide range of contexts. If this cognitive background is to be so widely available, it can't be tied too closely to any one context. Even as I walk out the door to check my car, I may be using the default assumption that I have a car in various inferences (e.g. in thought about the best way to avoid tomorrow's traffic jams) as well as to take my emotional bearings. Why deny that I can be entitled to believe it, just because I am also confirming its truth?¹⁴

Several authors, myself included, have argued that the level of evidence required to justify a given belief depends, in part, on the needs and interests of the believer (Owens 2000: 24–7). And this raises the prospect that different subjects confronted by the same evidence for p may find themselves in a rather different epistemic situation with regard to p . Where this happens, I would maintain, it happens because of relatively permanent and pervasive differences between people, e.g. differences in social role, intellectual interests, or long-term personal relationships.¹⁵ Our convictions are multi-purpose and changes or variations in what would justify them make sense only where a range of these purposes are affected by the relevant factors. Such variations are not brought about by transient changes in the stakes riding on particular issues.

For example, if someone is a close relative of mine, the amount of evidence I require before I begin to doubt their honesty is rather different from that required by a stranger. And if bird spotting is my main passion in life, I may not feel able to believe that a willow warbler has appeared for the first time in California even on the basis of several reported sightings, whilst it would be neurotic for the average newspaper reader to demand as much. In both cases, because it matters so much more and in so many ways for me to be right about this sort of thing, I should hold myself to higher standards in forming beliefs about it.¹⁶

¹⁴ Similarly for testimony. I shouldn't be prevented from dipping into the fund of common knowledge by some ephemeral circumstance. I would be so prevented if I couldn't now learn that p from you just because it would not be sensible for me to act on this knowledge at this very moment.

¹⁵ I am less confident of the existence of relevant variations between believers than I am of the proposition that the required level of evidence is fixed, in part, by the needs and interests of believers as such. That conclusion can be established simply by asking what else could fix this level: evidence certainly can't. Fantl and McGrath (2002: 71 and 87–8) complain that this simple argument against evidentialism tells us little about how the relevant level of evidence is fixed. I agree but this throws no doubt on its soundness as an argument against evidentialism.

¹⁶ My account of the role of belief in practical deliberation is, in some respects, similar to that offered in Bratman (1999: 15–34). Bratman regards belief as providing a 'default cognitive background' for practical deliberation whilst maintaining that we may 'posit' things we don't believe





The points made in this section apply as much to beliefs about what I should do as to the non-normative beliefs on which they are based (*pace* Fantl and McGrath 2007: 571–4). Since I know my car is correctly parked, I know I would be wasting my time going to check it and so I know that I ought not to check it.¹⁷ Yet I judge that I ought to check it. Of course, I make this judgement in the light of what I know about the (remote) chance of it being parked illegally and the trouble involved in checking. But I screen off the knowledge that it is in fact correctly parked in judging that I ought to check. Once I have checked and found the car to be legally parked, I will admit that my belief was right and my judgement was wrong: it wasn't true that I ought to have checked. Nevertheless both belief and judgement were perfectly reasonable.¹⁸

I conclude that though people have a rational entitlement and obligation to act as if their beliefs are true, this requirement is defeasible. Does the same apply to practical judgement itself? Is the rational requirement to act as if one's practical judgement is true also defeasible? I think so. Suppose I judge that I ought not to back this inventor and finance the production of his self-cleaning shirt. Then you offer me a bet asking for a small stake for a large reward should my practical judgement turn out to be false. Even if I am very confident of my practical judgement, the reasonable thing might well be to accept the bet. Here I don't abandon my practical judgement, indeed I act on it in that I allow it to govern my investment behaviour but I don't act as if it is true when accepting the bet. There is no failure of rational self-control here because I am behaving in accordance with my higher-order judgement that I ought not to act as if my first-order judgement is true. In a rational agent, practical judgement can countermand the motivational force of both belief and practical judgement.

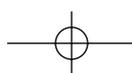
4. PRACTICAL FREEDOM

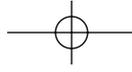
Let's return to the question with which I began: how does our capacity for choice underwrite our practical freedom? The initial worry that action could not be free were our actions determined by our beliefs was met with the claim

or 'bracket' things we do when deliberating about particular issues (p. 29). For Bratman these positings and bracketings, unlike beliefs, are mental acts. Bratman's account differs from mine in that (a) he confines himself to belief's role in practical deliberation, (b) he asserts that reasons for belief are purely evidential and (c) he does not discuss knowledge (or freedom).

¹⁷ Where change is likely the maintenance of knowledge requires periodic checking. This is not such a case: neither the position of your car nor the parking regulations are likely to change.

¹⁸ Given that I have argued that belief and practical judgement are subject to a norm of truth, can one reasonably believe that *p* and judge that not-*p*? Can a rational person (knowingly) tolerate a situation in which they can't possibly be obeying both of the relevant norms? I think so. Several authors have noted that where one discovers an inconsistency amongst one's beliefs but can't tell which of the relevant beliefs is false, it may be reasonable to settle for inconsistent beliefs. This shows that the relationship between norms of correctness and norms of rationality is rather complex.





that we have an independent capacity to control our actions by means of our practical judgement. But this is no advance unless we are freer in making practical judgements than in forming beliefs. Is practical judgement any better suited to be the source of our freedom? First, I'll say what a mental phenomenon must be like in order to be the source of our freedom and then I'll argue that practical judgement alone satisfies that requirement.¹⁹

I'm exploring theories of free action according to which our freedom consists in our ability to use a certain psychological instrument to control our agency. Call this instrument *choice*. I am assuming that our freedom of action depends on a prior freedom of choice. But what is choice? Which bit of our psychology constitutes our choice? Is it a *belief* about our reasons, or else a *judgement* about our reasons, or else an act of *will* based on this belief or this judgement?

At the outset, I suggested that the psychological instrument of our practical freedom must satisfy a certain condition, namely that we be able to control that instrument as we control our actions by way of it—the source of our freedom of action must be free in just the way that action itself is free. In my view, practical judgement is the source of our freedom of action because practical judgement is under the control of practical judgement in just the way that action (and intention) are under the control of practical judgement. Where an action is free, this is so because (i) one can control the action (or intention) by making a practical judgement and (ii) one can control whether one makes the practical judgement by making a practical judgement.

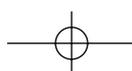
Some maintain that action is not truly free unless every determinant of this action is itself freely chosen. It is an open question whether this demand can ever be satisfied or even coherently stated. But there is another thought which might be what lies behind at least some people's attraction to the impossible demand:

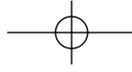
Constraint: If one has freedom of action because one has freedom of choice, choice must control choice in the way that choice controls action.

What *Constraint* requires is that the regress of control terminate in a type of mental phenomenon which controls itself in just the way that it controls action. Note that a form of choice might satisfy *Constraint* even if such choices were entirely determined by factors (our upbringing, social environment, etc.) which we did not choose.

Among the candidates for the psychological instrument of our self-control, only practical judgement satisfies *Constraint*, or so at least I shall urge. I reject

¹⁹ This chapter is about the psychology rather than the metaphysics of freedom. It asks what psychological states are distinctive of free agents. Other psychologies of freedom award the palm to higher-order desires or normative beliefs or yet other mental phenomena. I shall not commit myself on what sort of capacity a free agent must have to do, decide, or judge otherwise than he did. This question would be the focus of any inquiry into the metaphysics of freedom. In particular I take no stand on whether freedom as I understand it is consistent with determinism.





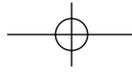
the idea that (normative) beliefs are the source of our practical freedom because one can't control those beliefs by forming beliefs about what one should believe. I also maintain that, though intention controls action, intention does not (in the same sense) control itself: the will is not subject to the will. So, I shall conclude, free choice consists in the making of a practical judgement.

Let's begin with the will. Voluntarists hold that what makes us free is our possession of a will, of a capacity to control our actions by forming intentions. For voluntarists, what makes our actions free is the fact that they are subject to our will (i.e. to our intentions). What does it mean to say that an action is subject to our will, that we can perform it 'at will'? Elsewhere, I have argued that something is subject to our will when we have the capacity to bring it about simply because its occurrence seems desirable to us. Many actions are subject to our will because we can bring them about for this reason. But, in that sense at least, the will is not itself subject to the will, for we can't form an intention to φ simply because it seems desirable to form that intention and regardless of whether φ -ing would itself be desirable (Owens 2000: 78–82). In fact our will is no more subject to our will than our beliefs are subject our will. We can no more form intentions 'at will' (i.e. form whatever intention would be most desirable regardless of the apparent value of what is intended) than we can believe 'at will' (i.e. form whatever belief would be most desirable regardless of the apparent truth of what is believed).

So the will fails to satisfy *Constraint* since the will does not control itself in the way that the will controls action. Nevertheless, the voluntarist is right to observe (a) that when we form intentions we are free as we are not when we form beliefs and (b) that nothing can be the source of our practical freedom unless it is itself free in the way in which the will is free. Even if our practical freedom does not have its source in the freedom of our will, it certainly encompasses freedom of will as well as freedom of action. Let me briefly explain why we don't control our beliefs and then contrast belief with both judgement and intention.

The intellectualist maintains that we exercise control over ourselves by making normative assessments of our states and activities, both actual and potential. This is, I think, the right conception of control but it does not apply to belief itself (whether normative or non-normative). Why not? Given some initially plausible assumptions about the psychological capacities of a rational person, it seems that we must be able to control our beliefs by forming higher-order beliefs about whether we are entitled to them. If one first assumes that rational belief is based on reasons for belief and then assumes that in so far as belief is sensitive to the reasons for it, it must also be sensitive to our beliefs about those reasons, it seems to follow immediately that, in so far as we are rational, we must be able to control our beliefs by forming beliefs about the reasons for them. Were this so, normative belief would satisfy *Constraint* since normative belief would control itself in just the way that, the intellectualist supposes, it controls action. I agree that rational belief is sensitive to reasons for belief but I deny that that we are





able to control our beliefs by forming beliefs about the reasons for them. Thus normative belief violates *Constraint*.

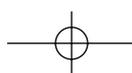
As already noted, evidence alone does not settle whether someone is justified in believing what they do, and thus whether they know it.²⁰ One must also consider how much this sort of issue matters to the believer, how confident they need to be on the point. All forms of deliberation, whether doxastic or practical, are subject to constraints of time, energy, and cognitive resource (e.g. memory) and an assessment of the outcome of doxastic deliberation cannot fail to take these limitations into account. Furthermore, the rational believer must himself be sensitive to these limitations. Yet it is a fact that doxastic deliberators lack the capacity to get themselves to form a belief by explicitly considering such factors, by reflecting on whether they should now form a view about whether *p* given these limitations, the importance of the issue, and so forth. At least the deliberator does not have this capacity simply in virtue of being a rational deliberator.²¹ So we can't exercise rational control over our beliefs by forming normative beliefs about them (nor indeed by making judgements to the same effect). That is what underlies the widespread idea that belief is not free.

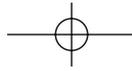
In this respect practical judgment differs from belief, as we can see by returning to our earlier example. There are two kinds of case to consider: those in which we don't take ourselves to know what we ought to do and those in which we do. In both, practical deliberation concludes with a practical judgement, a judgement that can supplement or countermand the operations of belief and one that is itself under the control of practical judgement. This independent capacity for practical judgement is the source of our practical freedom.

First recall my choice of restaurant. Here I don't take myself to know which restaurant is best because I suspect that it could easily turn out that some other restaurant was much better than the one I am presently inclined to choose. I don't even take myself to know whether I ought to make the choice now (though I feel inclined so to do) because if I waited a little longer I just might learn a lot more. Here the rational agent retains the capacity to make a judgement on the basis of what he does know about whether he ought to plump for this restaurant, a judgement which will take account of all the relevant information available to him, including the constraints on the deliberative process itself. He also has the capacity to make a higher order judgement about whether he should make that very judgement, or hold off until he is a bit less distracted for instance. And so on up the potential hierarchy. And, in so far as he is rational, he will act on the judgement with which he terminates the regress even though at no point does he claim to *know* either what he ought to do or what judgment he ought to make.

²⁰ This paragraph summarizes the argument of Owens 2000: ch. 2.

²¹ I am assuming that theoretical deliberation (i.e. the assessment of facts which provide reasons for belief) need not involve beliefs about reasons. See Owens forthcoming.



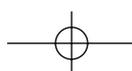


So, unlike belief (and intention) practical judgement controls itself in just the way it controls action (and intention).

Suppose instead that I have become convinced that a certain course of action is for the best, or at least that it is the one I ought to pursue given the various constraints I labour under. This *becoming convinced* of what I ought to do is quite unlike the making of a practical judgement about what I ought to do. I don't decide to become convinced of this in the way I decide to make a judgement about what I ought to do. Conviction is appropriate where the suspicion that I might easily learn otherwise is inappropriate and what settles this is not just the evidence but also those pragmatic considerations that determine what level of evidence would justify conviction. Yet one can't convince oneself simply by judging, however correctly, that the time has come to make up one's mind, given the constraints one labours under. Rationality doesn't guarantee that you can get yourself into a state where you think you know the answer by means of such reflections. (By contrast, rationality does guarantee that you can get yourself to make a practical judgement on the matter by noting the constraints on your deliberations.)

Suppose I am convinced that such and such is the right course of action. Do I still control my practical judgement on this point or is it now in thrall to this unfree belief? The argument of the previous section preserves my judgemental control over it. It is true of (virtually?) any belief that we have the capacity to judge that we ought not, in this instance, to act as if that belief is true. And we have this capacity simply in virtue of being rational agents. Of course, our judgements are based on an assumed background of default assumptions, that is, on a set of beliefs on which we are relying for present purposes. Nor is this cause for regret: practical freedom would have little value if its exercise were not informed by what we know. But, of each of those beliefs, it is again true that we have the capacity to judge that we ought not to act as if it is true.

I began by saying that, for practical judgement to be the source of our practical freedom, we must have the same sort of control over it that we have over our actions and intentions. I finish by noting that this condition is satisfied. Practical judgement is no more subject to the will than intention. A practical judge can't get himself to judge that p solely on the grounds that making that judgement would itself be desirable. But, as we have seen, a rational agent *can* control his practical judgements by reflecting on the constraints on the process of deliberation as well as on the merits of the options. Exactly the same is true of intention. When debating which restaurant to book I won't just be thinking about the relative merits of the restaurants but also about the need to make up my mind sooner rather than later, so that I can lay other plans for the evening on the basis of my choice and so that I can turn my attention to unrelated matters. A rational agent can get himself both to make a judgement about where he ought to eat and also to form an intention to eat there by telling himself that he has thought about the matter for long enough and must now decide



(Owens 2000: 33). He can control both judgement and intention by reflecting on the constraints on the process of practical deliberation. So practical judgement satisfies our requirement: it controls intention (and thus action) in just the sense that it controls itself.²²

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