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To Be Free and Responsible – from Indeterminism to Determinism in the Development of Philosophical Thought

Być wolnym i odpowiedzialnym – od indeterminizmu do determinizmu w rozwoju myśli filozoficznej

ABSTRACT

The issue of human free will is relevant to many fields of science. Philosophers have been describing it for more than two and a half thousand years – some proclaim the belief that human free will exists (indeterminism), while others state that it is only an illusion (determinism). From antiquity onwards, there is also no shortage of philosophers admitting that human being has free will, even if he takes action under the influence of many stimuli, which are partially uncontrolled (soft determinism). The subject of the article is a synthetic analysis of selected philosophical concepts referring to human free will from ancient, medieval and modern times up to the beginning of the 20th century. The author intends to prove the thesis that the development of philosophical concepts has primarily moved over the centuries from indeterminism to determinism. Simultaneously, the author points out the influence of philosophical concepts on the justification of human legal responsibility and calls for further research in this area.

Keywords: philosophical thought; determinism; indeterminism; free will; human responsibility

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> A common opinion prevails that the juice has ages ago been pressed out of the free-will controversy, and that no new champion can do more than warm up stale arguments which everyone has heard. This is a radical mistake. I know of no subject less worn out, or in which inventive genius has a better chance of breaking open new ground – not, perhaps, of forcing a conclusion or of coercing assent, but of deepening our sense of what the issue between the two parties really is, of what the ideas of fate and of free will imply.
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> William James, *The Dilemma of Determinism* (1884)

> What are these laws that I am bound to respect, which make so great a difference between me and the rich man? He refuses me the farthing I ask of him, and excuses himself by bidding me have recourse to labour, with which he is unacquainted. Who made these laws? The rich and the great, who never deigned to visit the miserable hut of the poor; who have never seen him dividing a piece of mouldy bread, amidst the cries of his famished children, and the tears of his wife. Let us break those ties, fatal to the greatest part of mankind, and only useful to a few indolent tyrants. Let us attack injustice at its source. I will return to my natural state of independence.
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> Cesare Bonesana di Beccaria, *An Essay on Crimes and Punishments* (1764)

INTRODUCTION

One of the fundamental issues in philosophy is the question of human freedom of will. The dispute over this issue has been going on for nearly two and a half thousand years and continues to this day. Many contemporary philosophers believe that, despite many centuries of thorough analysis, it is impossible to settle the dispute over human freedom in the context of our conscious decision-making and action. Nevertheless, the very same philosophers are eagerly proposing more theories on this issue.

The main purpose of this paper is to make a synthetic presentation of how the philosophical views on the existence of human free will developed, to evaluate these views and to identify possible directions for further research. The author's intention is to assign individual views to the main philosophical schools of thought in the area under study, i.e. to theories of indeterminism or determinism. To this end, in the first part of the paper, the author provides an explanation of the two aforementioned opposing theories, as well as indirect and similar concepts. In the second part, the author presents a selection of detailed philosophical concepts relating to human free will, which have been created over more than two millennia. At the same time, she attempts to classify the presented philosophical systems as belonging to indeterminism or determinism. The author intends to prove the thesis that

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the development of philosophical concepts from antiquity to the early 20th century essentially moved from indeterminism in determinism towards its varieties.

The historical research undertaken as part of this paper are not particularly prominent in philosophical textbooks and monographs. If they do appear, they are usually presented selectively, mostly to the extent that is necessary for a given author to construct his/her own philosophical or ethical concepts. The Polish literature lacks a synthetic presentation of the issue of human freedom of will from the perspective of ancient philosophy. Meanwhile, it could be useful not only for historians of philosophy and philosophers or ethicists, but also for psychologists, sociologists, lawyers and representatives of other social sciences and humanities.

DEFINITIONS

1. Indeterminism

The term "indeterminism" was coined as a negation of "determinism" (Latin *in* means 'not', *determinare* means 'to limit, define, determine'). Representatives of indeterminism believe that human being has free will, which is the source of all his/her conscious actions. Will, on the other hand, is defined as an individual's power over his/her own acts, which in Latin was rendered centuries ago with the phrase: *dominium super actos suos*.[1]

Indeterminists assert that since people's moral choices are acts of their free will, everyone is responsible for their decisions and actions. In other words, free will is a necessary condition for human responsibility.[2]

Moderate indeterminists do not deny the concepts which assert that there exist certain regularities in the world of physical phenomena, but they deny their real existence in the area of social phenomena, especially acts of will.[3] As a rule, they deny the idea that human conduct should be determined by the good or evil of human nature, or some sort of destiny. In addition, they point out the different treatments of the concept of freedom of the will. On the one hand, there is the colloquial understanding of the phrase. In the popular view, free acts of humans are usually considered to be those that have no cause other than the person taking the action himself. In this sense, freedom of will is equated with randomness and spontaneity. On the other hand, however, there is a philosophical point of view. In

[1] J. Herbut (ed.), *Leksykon filozofii klasycznej*, Lublin 1997, p. 539.
[2] B. Andrzejewski (ed.), *Leksykon filozofii*, Poznań 2000, p. 519.
[3] *Ibidem*, p. 230.

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philosophical terms, freedom of the will consists in the ability to make an uncompelled choice between various possibilities.[4]

It is worth noting that modern proponents of indeterminism point out that there are certain events and actions for which there are no such preceding conditions that, if they were to occur, the event or action would also occur. Thus, these thinkers deny that there is an absolutely necessary interdependence of phenomena.[5]

Indeterminists are concerned with the study of the issue of superiority or inferiority of the human will with regard to other human mental powers. They are most concerned with the analysis of the relationship between the will and the intellect, or reason (sense) in other words. Many thinkers give priority to the will over the intellect – they argue that the will is the main factor in all human action. Advocates of this view are classified as representatives of the voluntarist school of thought. Others assert the opposite view, i.e. they point to the primacy of intellect over will, while emphasizing the fundamental importance of reason in the cognitive process. The proponents of such views can be said to be part of intellectualist school of thought. Disputes between representatives of both schools of thought began in the Middle Ages, and from there they spread into Christian doctrine and subsequent philosophical systems. Up to today, they have not been settled.[6]

2. Determinism

The word *determinism* is derived from the Latin verb *determinare*, which means 'to limit, determine, delimit in space or time'. In the simplest terms, it is a view which says that every event has a cause.[7] Advocates of this view emphasize that the occurrence of any event (or phenomenon) is uniquely determined by the event (phenomenon) that precedes it in time.

For centuries, there have been thinkers among the determinists who have asserted that people's free will is a pure illusion that results simply from ignorance of the causes that incite them to action. This is a very authoritative position, actually even radical. These so-called staunch determinists[8] stress that human being is part of nature and as such is subject to certain laws of development. They do not question the fact that people have a sense of being at liberty to act as they please, but argue that this is in fact not the case. They believe that everything that happens can be accounted for through causal analysis. As a consequence, some of them conclude that since man is not free in his decisions and actions, he cannot be held

[4] J. Herburt (ed.), *op. cit.*, pp. 540–541.
[5] K. Nielsen, *Wprowadzenie do filozofii*, Warszawa 1995, p. 44.
[6] J. Herburt (ed.), *op. cit.*, pp. 539–542.
[7] K. Nielsen, *op. cit.*, p. 58.
[8] *Ibidem*, p. 105.

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accountable for his actions. Such views are associated with calls to abandon the use of such categories as 'guilt' or 'accountability'.

3. Fatalism

Philosophers who assert that events and processes that take place in nature and society are dependent on a higher force – God, who manages them, have been known to us since the earliest times.[9] They have claimed that anything that happens is predetermined by fate. They have believed that human intentions and decisions are part of destiny and cannot be avoided. They have argued that whatever is about to happen will happen, no matter what people might do. This approach is called fatalism – a term derived from Latin, where *fatum* means 'fate in the sense of blind necessity'.

In some religious and philosophical systems, fatalism took the form of predestination theories. These included Lutheranism and Calvinism in the first place, and also certain rationalist ideas that referred to the *logos*, or the universal regularity of the world.[10]

Some philosophers emphasize that fatalism should not be equated with determinism. They point out that fatalists deny the basic tenet of determinists, according to which our decisions and actions are part of a cause and effect based sequence.[11]

4. Soft determinism (compatibilism)

For centuries, a number of philosophers have advocated the possibility of reconciling the idea of free will with determinism. They argue that while every event has a cause, not all premises force a person to act in a certain way or limit his choices. They emphasize that a free act is one that could have been different if the person who performed it had decided otherwise. At the same time, they attribute moral responsibility for the action taken to the person performing the act, even when that action had been conditioned by various factors.[12]

Advocates of such a view are representatives of soft determinism. The latter term comes from English, where the term "soft determinism" began to be used mainly under the influence of American philosophy.[13]

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[9] J. Bremer, *Czy wolna wola jest wolna? Kompatybilizm na tle badań interdyscyplinarnych*, Kraków 2013, p. 44. As the philosophy developed, it was the laws of nature or the cosmic order that came to be referred to as the higher power. Cf. *ibidem*.

[10] A. Podsiad, Z. Więckowski (eds.), *Mały słownik terminów i pojęć filozoficznych dla studiujących filozofię chrześcijańską*, Warszawa 1983, p. 66.

[11] K. Nielsen, *op. cit.*, pp. 67–68.

[12] J. Bremer, *op. cit.*, p. 56.

[13] Cf. K. Nielsen, *op. cit.*, pp. 71–93.

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Advocates of soft determinism argue that freedom of will occurs when a person acts on the basis of his own decisions and is free to do what he wants, so he does not act under duress. They explain that a subjugation of an individual occurs only if his actions were determined by another person or an irresistible force. They also argue that unless a person is forced to perform an action he does not want to perform, or is limited in his ability to choose, he is accountable for his actions.

It is worth mentioning that the term "soft determinism" was popularised by American philosopher and psychologist William James, from whose article the author of this paper took the opening motto for this text. It should be emphasized that James used the term "soft determinism" in a critical way, seeking to deprecate views that were aimed at reconciling indeterminism with determinism.[14] Another American philosopher, Kai Nielsen, chose the same term to designate all past and contemporary concepts based on the assumption that determinism and freedom of the will are not logically contradictory and are reconcilable.[15]

It is also worth noting that in the literature on philosophy, including the Polish literature, soft determinism is sometimes called compatibilism.[16] The term comes from the Latin word *compatibilis* and means 'reconcilable'. It should be added that philosophers also use the term "incompatibilism", which means the opposite of compatibilism (in Latin *in* means 'no'). They mean two opposing views by this term: firstly, a theory that the human will is not free (i.e. the theory of hard determinism); secondly, a theory that accepts free will and denies hard determinism (i.e. the theory of libertarianism).[17] Compatibilism is supposed to be their opposite, as a moderate position of compromise.[18]

INDETERMINISM

The author has already presented the main concepts that have emerged in connection with the dispute over human freedom of will. At this juncture, she finds it necessary to present the development of philosophical thought within the framework

[14] W. James, *Dylemat determinizmu*, [in:] *Pragmatyzm z dołączeniem wykładu. Dylemat determinizmu*, Warszawa 1911, passim.

[15] K. Nielsen, *op. cit.*, pp. 72–73.

[16] J. Bremer, *op. cit.*, p. 56.

[17] The term "libertarianism" originally comes from Latin, where *libertas* means 'freedom', and actually from English, where "libertarian" means 'liberal leftist', and also a philosopher who 'advocates freedom of the human will (spirit)'. The origin of the term is attributed to one of the lesser-known English writers of the late 18th century. The author would like to emphasize that the term "libertarianism- in the philosophical sense is known only to a narrow circle of professionals; it is more often used to describe the political doctrine of extreme liberalism, or rather neoliberalism, which emerged in the 20th century.

[18] J. Bremer, *op. cit.*, pp. 53–54.

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of two main opposing schools of thought: indeterminism and determinism. This part of the presentation, combined with an evaluation of the studied ideas, is based on a chronological criterion. The author presents concepts of selected ancient philosophers, followed by medieval, modern and contemporary philosophy. The author admits that making a selection was not an easy task and her choice is very subjective. However, the selection of philosophical systems was necessary owing to the limited framework of this study, and, most importantly, on account of its synthetic nature.

1. The birth of indeterminism and its development from ancient times until the early 16th century

One of the first Greek philosophers to have reflected on the issue of freedom of will was Aristotle (384–322 BC), Plato's disciple and author of several ethical treatises. According to his teachings, within the soul there lies reason, and in it – two aptitudes: pure reason and practical reason. He explained that the former deals with matters beyond people's control; the latter, on the other hand, is focused on things and events that are within the reach of human's will and his decisions. At the same time, Aristotle explained that man is not only a rational, but also a corporeal being. He believed that because of this, people satisfy their needs in a way that is not entirely rational. In each person, he could see an inner conflict that occurred between his reason and his desires. Moreover, he classified human actions, distinguishing between free and unfree acts, intentional and accidental acts, and more.[19]

Although Aristotle did not fully explain the problem of human freedom, his concepts proved to be an inspiration for later philosophers. Immanuel Kant referred to Aristotle's distinction between human will and human desire.[20] Representatives of modern legal science drew on the Aristotelian classification of acts in order to be able to attribute the perpetration of an act to a particular person; this attribution was called *imputatio* in Latin.[21] In conclusion, it would be appropriate to point out that Aristotle's theory went down in history as indeterministic, because it was based on the general assumption that people have free will, which is the source of their conscious actions.[22]

The first philosopher to have fully demonstrated the role of free will in human life is considered to be Saint Augustine (354–430 AD), an ancient thinker and also

[19] H. Arendt, *Wola*, Warszawa 2002, pp. 92–93; W. Tatarkiewicz, *Historia filozofii*, vol. 1: *Filozofia starożytna i średniowieczna*, Warszawa 1990, pp. 117–119.

[20] H. Arendt, *op. cit.*, p. 91.

[21] D. Janicka, *Nauka o winie i karze w dziejach klasycznej szkoły prawa karnego w Niemczech w 1. połowie XIX wieku*, Toruń 1998, pp. 148–149.

[22] Cf. eadem, *Autonomia woli jednostki oraz sprawcy przestępstwa w myśli filozoficznej i prawnej*, [in:] *Podmiotowość, suwerenność i autonomia*, eds. D. Szpoper, P. Dąbrowski, Gdańsk 2023, p. 406. J. Bremer (*op. cit.*, p. 74) includes Aristotle's theory in the school of compatibilism.

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a theologian, one of the most eminent Church Fathers. He treated free will as a natural property of human that was given to him by God. He explained extensively that the source of sins and transgressions is the bad will of people who are influenced by passions. He defended the opinion that God allows this to happen only because He wants human freedom to be respected. The consequence of this view was the recognition that the individual is responsible for his own actions.[23]

The main theses of the doctrine of Saint Augustine had strong religious overtones. It should be added that this philosopher recognised both the freedom and predestination of human. According to his teachings, good people are destined for salvation and evil people are destined for damnation and punishment. This concept was referred to by later theologians of the Reformation period: Martin Luther and John Calvin, who developed the doctrine of human's destiny.[24] The author will refer to Luther's concept also later.

Meanwhile, the greatest medieval philosopher who emphasized the momentous importance of free will in human life was Saint Thomas Aquinas (1224/1225–1274). In matters of ethics, this Italian philosopher and theologian, one of the most prominent representatives of Christian philosophy, referred to the concepts of Aristotle. Aquinas attributed to man the real possibility of acting freely, i.e. the ability to choose among many alternatives of conduct. He believed that man is the master of his actions because he possesses reason and freedom. According to his teachings, human acts can be good, bad or neutral, and when evaluating them, it is the intentions and circumstances that should be taken into account.[25] Saint Thomas Aquinas, by analogy with Saint Augustine before him, thought that evil people should be deterred from sins and transgressions by force and fear.[26] Both philosophers, who were also theologians, were therefore advocates of indeterminism, even though they acknowledged that human behaviour is influenced by various factors, including desires and passions. Both contributed to the regulations of canon law on the evaluation of human will; at the dawn of modern times, these regulations were transferred to Italian law, and from there to the legal systems of other European countries.[27]

During the Renaissance, one of the most famous maintainers and adherents of indeterminism was Erasmus of Rotterdam (1467–1536), a Dutch philosopher and

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[23] D. Janicka, *O wolnej woli i złych instynktach na przykładzie oryginalnych wypowiedzi filozofów czasów starożytnych i nowożytnych*, [in:] *Piękno kryminalistyki. Księga jubileuszowa Profesora Józefa Wójcikiewicza*, eds. V. Kwiatkowska-Wójcikiewicz, R. Krawczyk, D. Wilk, Kraków 2023, pp. 593–594; P. Kupiec, *Problem odpowiedzialności w kontekście współczesnego sporu wokół moralności autonomicznej*, Kraków 2005, pp. 64–65.

[24] W. Tatarkiewicz, *op. cit.*, vol. 1, pp. 200–201; A. Kasia, *Św. Augustyn*, Warszawa 1960, pp. 69–73.

[25] J. Herbut (ed.), *op. cit.*, p. 518; P. Kupiec, *op. cit.*, pp. 66–67.

[26] D. Janicka, *Autonomia…*, pp. 407–408. Cf. J. Kelly, *Historia zachodniej teorii prawa*, Kraków 2006, p. 133, 176.

[27] A. Bojarski, *Zasady nauki o poczytaniu*, Kraków 1872, p. 4.

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prominent humanist. He asserted that man is endowed with free will and can, or rather should, live according to Christian morality. In his teachings, he maintained that man makes decisions for himself in his life on earth and in the future eternal life, and he assures himself either ultimate salvation or damnation through his own actions. He also explained that the reason why people violate the precepts of religion is human weakness, succumbing to temptation and indulging in debauchery.[28] Erasmus engaged in a high-profile philosophical and theological discussion on human free will with German preacher and religious reformer Martin Luther (1483–1546), who firmly adhered to determinism. This exchange of ideas will be discussed later on in the paper.

2. Indeterminism in the modern era

Many of the modern philosophers upheld or even developed earlier indeterministic concepts. One of them was René Descartes (1596–1650), a distinguished French mathematician and philosopher, sometimes referred to as the father of modern philosophy. Descartes postulated a method of scientific thinking based on mathematical formulae, and based the model of understanding the processes that occur in real life on mechanical movements. In his writings, he proposed an image of man whose body is subject to the same laws as all of nature. However, in the spiritual realm, he treated man as a thinking (rational) and free individual. He believed that free will was given to humans by God. At the same time, he acknowledged that people are prone to mistakes, especially when they act under the influence of passion, such as hatred or lust. Ultimately, he concluded that human reason must constantly control the will and inhibit it. Many of Descartes' statements had distinct psychological overtones. These concepts were eagerly referred to in later times by other scholars, especially those who singled out and shaped psychology as an independent empirical science in the 19th century.[29]

The idea of human freedom of will was defended by English philosopher John Locke (1632–1704), who believed that it was God who equipped people with reason to ensure their freedom of action. According to Locke, freedom of will is manifested in freedom of action, i.e. the freedom to do whatever one wants to do. The philosopher also investigated the question of the so-called freedom of want – he sought an answer to the question of whether the human will is conditioned by anything. His answer to such a question was affirmative, and he pointed out that our decisions are influenced by various desires and drives. However, he believed that we are capable of reflection and of choosing rational behaviour. In this way,

[28] K. Górski, *Erazm z Rotterdamu*, Warszawa 1948, pp. 32–36.

[29] W. Tatarkiewicz, *Historia filozofii*, vol. 2: *Filozofia nowożytna do roku 1830*, Warszawa 1990, pp. 52–54; J. Bremer, *op. cit.*, pp. 93–95.

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he attempted to reconcile the thesis of freedom of action with the thesis that human actions are determined by internal factors.[30]

The German philosopher and mathematician Gottfried Wilhelm Leibniz (1646–1716) followed a similar path of combining indeterminism with elements of determinism. Leibniz based his system on the optimistic assumption that God created the most perfect possible world, ruled by order and harmony. He believed that human freedom prevailed in our world, although he admitted that evil was present there too. His opinion was that free will was given to humans by God. He explained that man has the opportunity to choose between different alternatives, and his decision is always the result of an interaction between different motives.[31]

The German philosopher Immanuel Kant (1724–1804) is considered by many researchers to be the greatest thinker of modern times. Many of his treatises were devoted to ethical issues and the evaluation of human nature. Kant wrote about man in a peculiar way: on the one hand as a being of nature – weak and mortal, and on the other hand as a being of reason, capable of rising above nature on account of the mind. It is reason that is supposed to set man's standards of conduct. He argued that in every human being there lies the will to fulfil duties. To him, the rule that every person should act as if he wanted the principle of his conduct to become a universally binding law was an unconditional moral imperative. Moreover, Kant believed that man as a rational being should control the impulses that act on him, especially biological drives or passions. He repeatedly said that when a person fails to resist these impulses and acts contrary to moral or legal principles, he absolutely must bear full responsibility for his deeds.[32]

The ethics of duty created by Kant and his rigorous conception of human's responsibility for his own actions influenced the science of law of the early 19th century. It turned out that it is useful for lawyers to have a vision of a free and rational man that makes conscious choices between good and evil, and who is capable of taking responsibility for his actions. At the time, legal scholars were eager to build their own systems of criminal law using Kant's philosophy, but they often did that selectively. One of the most prominent German lawyers of the first half of the 19th century, Paul Johann Anselm von Feuerbach (1775–1833), was a follower of Kant. However, his claim was that the issue of free will is an ethical category. Then, being an experienced

[30] J. Bremer, *op. cit.*, pp. 77–78. The author classifies Locke's theory under the tenets of compatibilism.

[31] *Ibidem*, p. 78. Cf. D. Janicka, *Nauka…*, p. 139.

[32] D. Janicka, *Nauka…*, pp. 52–56, 142. Cf. E. Nowak-Juchacz, *Autonomia jako zasada etyczności: Kant, Fichte, Hegel*, Wrocław 2002, pp. 16–20, 125–126; S. Dziamski, *Aksjologia. Wstęp do filozofii wartości*, Poznań 1997, pp. 96–97. J. Bremer (*op. cit.*, p. 99) expresses a critical opinion that the image created by Kant is flawed, and that his theory is rather "a formulation of the antinomy of determinism and indeterminism". It seems that Bremer's opinion is somewhat isolated in the literature on the subject.

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scholar and a judge, he analysed the nature of human actions, concluding that they are strongly influenced by violent feelings, lust and passions. The image of man created by Feuerbach was no longer as elevated and indeterministic as it was in Kant's vision.[33]

3. The outline of the development of indeterminism in the 19th and early 20th centuries

One of the most famous and influential philosophers of the first half of the 19th century, alongside Kant, was another German thinker – Georg Wilhelm Friedrich Hegel (1770–1831). He created a scientific system that included all branches of philosophy, including ethics. However, he treated freedom in a very original and also abstract way. Nevertheless, Hegel's system involved theses that man is capable of managing oneself through internal decisions and external actions. At the same time, he recognised people's natural tendency to indulge in unrestrained lust. He believed that it could be stopped, especially when one is forced to do so. He also believed that the human will was a decisive factor on the path to committing crimes. According to his teachings, crime involves a detachment of the will of the individual from the will of the general population, as expressed in laws. In this way, he came to believe that it was necessary to punish the perpetrator of a crime in order to prove to him that his individual will could not prevail over the will of the general population. The result of these considerations was the principle that man is responsible for an act which is the realisation of his will.[34]

Although Hegel made ambiguous statements about freedom of will, his concepts have been adapted and developed in the science of law. Many legal theorists, especially in criminal law, have used Hegel's methodology and nomenclature. Numerous lawyers, not only German, have developed the conviction that people's decisions and actions are a manifestation of their will, which can also determine the perpetration of a crime. Thus, they drew an image of a man who is free. At the same time, however, they explain that at the source of the criminal will lie the natural motives that people succumb to.[35]

Despite the popularity of Hegelianism, there were philosophers in the 19th century who fought against this doctrine. Among them was Søren Kierkegaard (1813–1855), who is considered the forerunner of existentialism. The Danish philosopher emphasized the uniqueness of human existence. He pointed out that man is accompanied in life by eternal fear and the need to make choices between good and evil. As a result of these choices, man is responsible to himself and to God.

[33] D. Janicka, *Nauka…*, pp. 52–56.

[34] M.J. Siemek, *Hegel i filozofia*, Warszawa 1998, pp. 68–78; P. Kupiec, *op. cit.*, pp. 89–90. Cf. D. Janicka, *Nauka…*, pp. 98–99; W. Wolter (ed.), *Wina w prawie karnym*, Kraków 1954, pp. 20–21.

[35] D. Janicka, *Nauka…*, pp. 147–148.

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Kierkegaard rejected Hegel's idea that man's task is to align his own will with the will of the general population. At the same time, he acknowledged that the drama of each of us consists in the conflict between the need to act according to our own will and the need to submit to authority imposed from above.[36]

Kierkegaard's ideas were on the borderline of philosophy and theology. His ideas on human existence, internal autonomy and responsibility were rather isolated in the 19th century. But they gained importance in the 20th century, as other thinkers began drawing on the Danish philosopher's legacy, most notably Martin Heidegger (1889–1976) and Jean-Paul Sartre (1905–1973). Both were leading representatives of existentialism – a philosophical and also literary trend. It was the existentialists who brought the analysis of human's individual existence to the fore, together with his place and role in the world. As a rule, they presented an image of a lonely individual who was filled with worldly anxieties.

Heidegger, a leading German existentialist, created a unique concept of human freedom, unrelated to previous notions of will, want or action. Being free, in his system, meant human autonomy combined with responsibility to oneself, or self-responsibility.[37] Sartre, a French philosopher and writer, presented himself as an advocate of absolute human freedom. He argued that man creates himself through successive choices. Making life choices is very difficult for everyone and leads to anxiety, especially fear of responsibility. What is more, the consequences of human decisions affect other people, as humans function in society. For these reasons, existence is a great burden for every person.[38]

Existential philosophy has influenced further trends in philosophy, most notably Christian philosophy and theology.[39] The answer to the question of whether it has had an impact on legal thought and, in particular, on questions of a person's legal responsibility for his actions, requires further scientific studies.

[36] Cf. J. Iwaszkiewicz, *Od tłumacza*, [in:] S. Kierkegaard, *Bojaźń i drżenie. Choroba na śmierć*, Kraków 2008, pp. 24–29; P. Kupiec, *op. cit.*, pp. 29–31; D. Janicka, *O wolnej woli…*, pp. 601–602.

[37] P. Kupiec, *op. cit.*, p. 36. Cf. H. Arendt, *op. cit.*, pp. 241–268.

[38] D. Bajer, *Egzystencjalizm jako filozofia podmiotu*, "Idea. Studia nad strukturą i rozwojem pojęć filozoficznych" 2011, vol. 23, pp. 127–131.

[39] One of the most prominent Catholic representatives of existentialism was the French philosopher Gabriel Marcel (1889–1973). Cf. S. Kowalczyk, *Podstawy światopoglądu chrześcijańskiego*, Wrocław 1986, pp. 80–81.

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DETERMINISM

1. Ancient and early modern deterministic concepts

Determinism emerged in ancient Greece, and one of its best-known representatives was Democritus from Abdera (ca. 460–372 BC). According to the teachings of this prominent scientist and thinker, all reality is composed of tiny, indivisible, constantly moving particles called atoms. He pictured man, both his body and soul, in the same way. He believed that they were non-durable compositions made up of atoms. Moreover, he argued that human thinking and want also stem from the movement of these tiny particles. As a result, he believed that everything could be calculated and predicted. Thus, there was no room in Democritus' philosophical system for the recognition of human activity undertaken out of free will.[40]

In modern times, one of the first firm deterministsw as Martin Luther. As already mentioned, in the early 16th century, he got into a high-profile debate on free will with the Dutch philosopher Erasmus of Rotterdam.[41] Being a theologian, Luther asserted that only God has free will and can do anything He wants. It is God who predetermines each person's will, as either good or bad. Luther stressed that no decisions or efforts of man, even the most rational ones, can change his destiny as determined by God. In other words, he believed that it is faith that plays a decisive role for salvation, not human actions.[42] It was not only determinism, but even fatalism, that was evident in the German theologian's doctrine.

The following 17th century brought many new, deterministically tinged philosophical statements. A radical stance was taken by the Dutch philosopher of Jewish origin Baruch Spinoza (1632–1677). According to this philosopher, there is only one entity in a metaphysical sense: God or nature. He regarded nature as a large, constantly evolving mechanism, and man as one of its products. He denied that human actions are free. They were supposed to derive from the nature of the acting person, or from his environment. He also believed that the greatest danger to man is giving in to passion. Spinoza is rated as a representative of the school of hard determinism.[43]

[40] J. Bremer, *op. cit.*, pp. 103–104.

[41] In 1524, Erasmus published a treatise *Of Free Will: Discourses and Comparisons* (*De libero arbitrio diatribe sive collatio*), and Luther responded with his *On the Bondage of the Will* (*De servo arbitrio*) in 1525.

[42] W. Niemczyk, *Wstęp*, [in:] M. Luter, *O niewolnej woli*, Warszawa 1977, pp. 32–36.

[43] W. Tatarkiewicz, *op. cit.*, vol. 2, pp. 72–73. Cf. J. Bremer, *op. cit.*, pp. 111–112.

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2. The development of hard determinism in the 18th and 19th centuries

The last great deterministic system was created in the 18th century by French philosopher and encyclopaedist Paul Holbach (1723–1789). He propagated the view that freedom of will is merely an illusion, resulting from ignorance of the external causes that guide people's actions. Holbach acknowledged that an individual's actions are accompanied by a certain activity of the mind or will, but stressed that whatever a person does, he does according to the strongest motive, real or imaginary.[44] Holbach's position has gone down in history under the name of hard determinism.

The first half of the 19th century brought an important breakthrough in the field of philosophy. New postulates had appeared, which called for the abandonment of traditional metaphysics in favour of scientific, experience-based cognition. The new ideas were proposed by positivism and its founder, French philosopher Auguste Comte (1798–1857). Other thinkers developed Comte's ideas, partly modifying them, e.g. such eminent English scholars as Herbert Spencer (1820–1903) and John Stuart Mill (1806–1873). The former was the founder of evolutionism, while the latter was a representative of utilitarianism and liberalism. Philosophers who identified with positivism sought new scientific methods to learn about the world, while commonly using observation and experiment as their tools. They are credited as regards the development of sociology, which they distinguished as a science, and for which they proposed study methods used in natural science. The second half of the 19th century saw the emergence of yet another famous Englishman, biologist Charles Darwin (1809–1882). His theory of evolution played a ground-breaking role, also in social sciences.[45]

As a small digression, it is worth noting that amid the slogans of positivism and Darwinism came the controversial theory of Italian psychiatrist and anthropologist Cesare Lombroso (1835–1909). He put forward a thesis that there are innate biological and psychological predispositions, the mixture and concentration of which produce a particular type of born criminal. There can be no question of free decision and action in such a born criminal. His responsibility for the committed act should also be put to question. Lombroso's views are called biological determinism, but they could just as well be called fatalism. They were verified and refuted rather quickly. Yet they also played a positive role, as they provided the impetus for further research into the link between crime and genetic as well as environmental predispositions. Research of this kind was taken up by numerous anthropologists, psychiatrists, pathologists, sociologists, criminologists and other scholars.[46]

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[44] K. Nielsen, *op. cit.*, pp. 22–30. Cf. D. Janicka, *O wolnej woli…*, pp. 598–599.

[45] Cf. K. Darwin, *O powstawaniu gatunków drogą naturalnego doboru, czyli o utrzymywaniu się doskonalszych ras istot organicznych w walce o byt*, Warszawa 1873.

[46] J. Kelly, *op. cit.*, p. 372. On the impact of Lombroso's theses on the development of criminology, see L. Tyszkiewicz, *Od naturalizmu do humanizmu w kryminologii*, Katowice 1991, pp. 35–38.

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The 19th century went down in history as the era of new revolutionary socio-political doctrines, with Marxism leading the way. Karl Marx (1818–1883) and Friedrich Engels (1820–1895) argued that man as he is depicted by biology is pure fiction. They attributed primary importance to social and especially economic factors. They were to determine people's lifestyles and morals, their thinking, ideas, actions and even crime.[47] Both philosophers were determinists, with Engels representing hard determinism. He believed that freedom should be reduced to human consciousness, which is aware that reality develops according to the laws of nature and the laws of social life.[48]

The image of man determined by the influence of his environment was also presented in the late 19th and early 20th centuries by French philosopher and sociologist Émile Durkheim (1858–1917). He asserted that it is the environment that imposes views, customs and precepts on the individual. Durkheim explained that people accept them because of habits and social sanctions, even though they may think they are acting of their own free will.[49]

At around the same time, Sigmund Freud (1856–1939), an Austrian neurologist and psychiatrist, announced the results of his research. According to this Viennese professor, at the root of all human behaviour are the physiological or biological drives and experiences that date back to early childhood. These instincts push humans into all kinds of actions, and although people are not always aware of them, they are present at every stage of human life. Freud explained that if such impulses are not satisfied, a frustration may appear which can lead to aggression. On the other hand, he believed that cultural norms are another driving force for people. In this way, he described human nature as complex and conditioned by biology and culture.[50] The determinism of the Austrian scientist had a clear psychological tinge, and the significance of his research was immense. This is because Freud revealed the importance of a person's unconscious internal conflict, which can cause damage to his mental construct and lead to anti-social behaviour. Freud's and Lombroso's findings led to the strengthening of a trend in the penal sciences, especially criminology, to identify crimes with various types of disorders.[51] Changes in this regard only came in the second half of the 20th century, when scholars turned to new sociological research.[52]

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[47] W. Tatarkiewicz, *Historia filozofii*, vol. 3: *Filozofia XIX wieku i współczesna*, Warszawa 1990, pp. 48–50. Cf. B. Łuksza, *Uwagi o interpretacjach Marksowskiej koncepcji istoty człowieka*, "Folia Philosophica" 1985, no. 2, p. 71, 77.

[48] Cf. S. Kowalczyk, *op. cit.*, pp. 34–36.

[49] J. Herbut (ed.), *op. cit.*, p. 110. Cf. W. Majkowski, U. Bejma (eds.), *Emil Durkheim – badacz i inspirator*, Warszawa 2012, passim.

[50] Z. Rosińska, C. Matusewicz, *Kierunki współczesnej psychologii, ich geneza i rozwój*, Warszawa 1987, pp. 161–181.

[51] J. Kelly, *op. cit.*, pp. 417–418.

[52] K. Krajewski, *Pozytywizm kryminologiczny i jego krytyka*, "Archiwum Kryminologii" 1992, vol. 18, pp. 24–28; idem, *Teorie kryminologiczne a prawo karne*, Warszawa 1994, pp. 11–13.

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3. The origins of soft determinism and its development until the end of the 19th century

Some scholars of philosophical ideas believe that representatives of soft determinism can be found as early as in the antiquity. They point to those philosophers who admitted that human has free will, even if his actions are causally triggered by factors that the person is not in control of. These researchers argue that even Aristotle represented that line of thinking.[53] However, the author of the present study concurs with the opinions of most scholars who categorize the philosophy of this great Greek philosopher within indeterminism. For this reason, she has characterized Aristotle's views earlier.

Many opinions in the modern philosophy asserted that, although man has reason and internal autonomy, he takes actions under the influence of impulses, such as e.g. sex drive, anger, greed or lust for fame. Giving in to these impulses was supposed to lead people to commit sins and transgressions. Such concepts were propounded by Hugo de Groot (1583–1645), a well-known Dutch philosopher and a lawyer.[54]

At the same time, the concepts of the English philosopher, political thinker and legal theorist Thomas Hobbes (1588–1679) became known. Hobbes proposed that the use of the concept of rational will should be discontinued. He emphasized that human will is changeable, and is driven by the movement that governs the whole of nature, including man. In his treatises, he devoted much attention to the causes that lead to crime. He pointed out such feelings as hatred, greed, lust, vanity, ambition. According to his teachings, an individual's freedom is limited to believing or not believing what seems right to him.[55] Hobbes' views are referred to as soft determinism.

A similar position was held by some representatives of the philosophy of the Enlightenment. An English philosopher and lawyer, Jeremy Bentham (1748–1832), founder of utilitarian ethics, explained that human beings spend their entire lives making choices in such a way as to obtain the greatest satisfaction (happiness) while avoiding unpleasant situations. On the other hand, he extensively presented how numerous factors influence human decisions and behaviour. He called them drives, and included sex drive, greed, lust for power, religious fanaticism, vindictiveness, cruelty and others among them.[56] Similar views were held by an Italian legal philosopher and lawyer, Cesare Bonesana di Beccaria (1738–1794). According to his teachings, people are free by nature, but they are driven by lust, passions and innate ruthlessness to commit transgressions.[57]

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[53] J. Bremer, *op. cit.*, p. 113. See also footnote 22.
[54] W. Tatarkiewicz, *op. cit.*, vol. 2, pp. 28–30.
[55] *Ibidem*, pp. 67–69.
[56] D. Janicka, *Autonomia…*, pp. 412–413.
[57] *Ibidem*, p. 411.

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In the 19th century, the concepts of soft determinism were developed by the aforementioned John Stuart Mill, the great English philosopher, logician and economist. He acted on the assumption that man is a determined element of the world of cause and effect. What is more, he argued that one could unerringly infer how an individual would act if his character and all the motives inherent in his consciousness were known. Mill argued that being free does not mean being independent of causal laws. He explained that a person can feel morally free when he acts according to his own desires, and especially when he is in control of his habits or the temptations that act upon him. According to Mill, people can shape their own characters, as long as they want to.[58] It was clear from Mill's concept that freedom and responsibility can be reconciled. This was a very rational approach to the issue of human freedom of will.

Many philosophers of the 20th century followed a path similar to Mill's. They defended the view that human freedom and responsibility are possible in a world governed by a principle of cause. The advocates of this thesis include: the German philosopher Hannah Arendt (1906–1975), who survived the Holocaust and was active in the United States, the British philosopher and intellectual Alfred Jules Ayer (1910–1989), and the American philosopher Kai Nielsen (1926–2021).[59] Soft determinism also became a paradigm for many American and then European criminologists of the 20th century.[60] However, these issues belong to modern criminology and as such are not part of the chronological framework of the present study.

CONCLUSIONS

The issue of human freedom of will and the related question of human responsibility presented in this paper have been analysed by philosophers since ancient times. The first philosophers to make serious contributions to the development of the concepts that relate to the natural freedom of man who made decisions and took actions were Aristotle and Saint Augustine. Representatives of the philosophy from the Renaissance and the Enlightenment also advocated free will in their writings. In the age of Enlightenment, indeterminism became consolidated by Kant.

In around the same era, i.e. in the 17th century, the first deterministic systems were developed. In antiquity, freedom of human action was negated by Democritus, and in modern times – by Luther and Spinoza. In the 18th century, Holbach came up with a radical view that freedom of will is only an illusion. These philosophers have been hailed as advocates of hard determinism.

[58] K. Nielsen, *op. cit.*, p. 75, 83. Cf. D. Janicka, *O wolnej woli…*, pp. 599–601.

[59] For further examples, see K. Nielsen, *op. cit*., pp. 71–93.

[60] K. Krajewski, *Pozytywizm…*, p. 42. Cf. references to the American literature on the subject: L. Tyszkiewicz, *op. cit*., p. 48.

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Nineteenth-century scholars leaned toward views with a deterministic tinge. They were not only philosophers, but also representatives of the emerging sciences of sociology and medicine. The latter, most notably Lombroso and Freud, came forward with controversial new evidence that pointed to the determination of human behaviour. Their theories were an expression of extreme determinism. However, many philosophers attempted to combine the principle of human's free will with the thesis that although human's actions are driven by many causes, he is not deprived of the ability to choose his behaviour and bear responsibility for his deeds. One of the leading proponents of this view was Mill. This attitude of soft determinism gained prominence in the 20th century, both in philosophy and in other sciences, including penal science.

The analysis shows that thousands of pages of philosophical, theological, psychological, sociological, legal and other analyses have been devoted to the issue of human free will. Indeed, this issue is relevant to many fields of science. In penal sciences, the recognition of the existence of human freedom in terms of decision-making and choice of behaviour allows the adoption of the classical rule of human responsibility, based on the principle of guilt. On the other hand, the denial of freedom of human will calls into question guilt as a premise and a basis for criminal responsibility for a given act. The extent of the influence that 20th-century philosophical concepts had on the justification of legal responsibility undoubtedly requires further research. Its results can be useful not only for science, but also for practice, including state policy and criminal policy.

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ABSTRAKT

Zagadnienie wolnej woli człowieka jest istotne dla wielu dziedzin nauki. Filozofowie opisują je od ponad dwóch i pół tysiąca lat – jedni głoszą przekonanie o istnieniu wolnej woli człowieka (indeterminizm), inni zaś twierdzą, że jest ona tylko złudzeniem (determinizm). Począwszy od starożytności, nie brakuje też filozofów przyznających, że człowiek ma wolną wolę, nawet jeżeli podejmuje działania pod wpływem wielu bodźców, częściowo niekontrolowanych (łagodny determinizm). Przedmiotem artykułu jest syntetyczna analiza wybranych koncepcji filozoficznych odnoszących się do wolnej woli człowieka, pochodzących z czasów starożytnych, średniowiecznych i nowożytnych aż do początku XX w. Autorka dowodzi tezy, że rozwój koncepcji filozoficznych szedł na przestrzeni wieków zasadniczo od indeterminizmu do determinizmu. Jednocześnie wskazuje na wpływ koncepcji filozoficznych na uzasadnienie odpowiedzialności prawnej człowieka oraz postuluje dalsze badania w tym zakresie.

Słowa kluczowe: myśl filozoficzna; determinizm; indeterminizm; wolna wola; odpowiedzialność człowieka