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Social Effects of Consciousness Theory: Redefining Responsibility according to the existence of the Free Will

Viorel ROTILĂ[1]

Abstract

The hypothesis of the dependence of our actions on the biological structure of the brain, where a large part of the illegal or immoral actions become explicable through biological or physiological abnormalities, risks throwing into the air both the doctrine of free will and the justification of punishment. At present, the whole system of rules seems to be built on a misunderstanding of the self, and it also affects the presumption of others' freedom of will. There is evidence that casts doubt on the causal power of consciousness over our actions. The existence of free will seems conditioned by cognitive competence, which most often acquires the image of moral competence. The unequal distribution of cognitive skills affects the free will, so the problem of responsibility. The question of the extent of the avoidable injustice maintained by the legal system becomes legitimate in the context of the lack of adaptation of the legal norms to the new data of science. The neuroscience implications on human responsibility are discussed, opening up one of the contemporary issues: legitimacy of punishment. It is one of the points where science risks demolishing the old social rules, bringing into question the need for strong re-adaptations of the various social sciences in tune with the new discoveries, the moral and the law being at the forefront of change. If the definition of fault is dependent on the possibilities of science then the absence of social diligence in favour of science is a fault of the society. The major problem of scientific interventions in the area of social complexity is the inability to predict their effects, implying the assuming of the risks inherent to the exit from the safety generated by the traditional social solutions, prudence being indicated. The post-humane, trans-humane, super-human, etc. all bring fears upon a humanity that has turned human rationality into the supreme point of orientation of morality and equality into one of the principles of ordering activity. The discussion is about the

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revolution of the social design of the research on consciousness, the re-establishment of the humane and of the social, namely a new humanism.

Keywords: Theory of consciousness; new humanism; free will; responsibility; transhumanism.

1. Introduction

The continued evolution of research in the field of consciousness tends to announce the need for strong re-adaptations of the various social sciences in tune with the discoveries, the moral being in the first ranks of change. Indicating the limits of conscious actions, specifying the manner of establishment of the self, proving the role the unconscious plays in what we usually believe to belong to the field of conscious decisions is perhaps the most important reason for the necessity of these changes. The hypothesis of the dependence of our actions on the biological structure of the brain, in which a large part of the illegal or immoral actions become explicable through biological or physiological abnormalities (more precisely pathophysiological), tends to cast into the air both the doctrine of free will and the justification of punishment. It is one of the points where science risks to demolish old social rules. At the limit, while some neural circuits or different molecular combinations are guilty, then we should bring back to discussion something from the medieval right, punishing something other than people, that is, parts of the living or matter. However, such a variant would call into question both the need to separate the "guilty" parties (after a prior identification) and the right to intervene in a person's integrity, treating it sequentially.

Why do different authors fear accepting the hypothesis of the absence of conscious will?! The answer to this question might be about the role this "useful fiction" plays in the existence of the society. The study of consciousness inevitably changes both the image of man and of the society. The final result is the redefinition of humanity. But, contrary to many expectations which occurred on the market ideas, I do not think that the shift to trans-humanism (or different ways of overcoming the humane) will characterize such a change, but the redefinition of humanity. This perspective on humanity brings to question the necessity of a "new humanism," characterized by both a definition of human (of its freedom and responsibility) closer to the data of science and to a rethinking of the social. One of the major problems seems to be that the current form of social organization is based on the presumption of rationality of man, groups and

societies, an assumption the boundaries of which are becoming more and more obvious.

2. Theoretical Background

The bibliography on the subject of free will is impressive, and it is enough to point out two of the works devoted to centralizing the bibliography on this subject: Nicholas Rescher's book, Free Will: An Extensive Bibliography [1] and the page created by David Chalmers and David Bourget [2].

To indicate the importance of the issue, I also consider it is worth mentioning the project How Neuroscience Is Changing the Law initiated in 2007, a $10 million grant from the MacArthur Foundation created the Law and Neuroscience Project [3]. We retain the main guidelines of this project: The Research Network on Law and Neuroscience … addresses a focused set of closely-related problems at the intersection of neuroscience and criminal justice: 1) investigating law-relevant mental states of, and decision-making processes in, defendants, witnesses, jurors, and judges; 2) investigating in adolescents the relationship between brain development and cognitive capacities; and 3) assessing how best to draw inferences about individuals from group-based neuroscientific data [3]. It is noteworthy that Michael Gazzaniga, the project director for approximately 4, considered that neuroscience was still premature to play an important role in changing justice [4]. John Searle offers a solution similar to that of Gazinga: "The general conclusion that I reach is that we will need to know a great deal more about brain operations before we have a solution to the problem of free will that we can be at all confident is right." [5 p 215]

The question is: after approximately a decade can we say things have changed?

3. Argument of the paper

This article is not about challenging the freedom of the will, but about discovering its limits or, more correctly, about searching for the meaning in which it is possible. If the freedom of will has limits, then these limits must be considered from the perspective of reducing the responsibility they determine. Under discussion is in fact the extent of the avoidable injustice sustained by a legal system, in fact, largely due to the construction of legal norms on rather political criteria and to the lack of a specific weight of science in this process.

The existence of free will is conditioned by the cognitive competence, which most often acquires the image of moral competence. The unequal distribution of cognitive skills affects the free will, namely the problem of responsibility. I will try to bring two types of arguments in favour of the importance of moral competence for the existence of free will, thus indicating a limit of the freedom of will and namely of responsibility.

Freedom of will is a cultural creation of the humanity, not a discovery of science. Which means that the correct question is: how could this cultural hypothesis (which became an institution of law) influence the findings of science? Before we hurry to answer this question, I think we have to find the appropriate solutions to another one that precedes it: can science intervene in this social construction?

If the fault is dependent on the possibilities of science and blameworthiness is the wrong question to ask, [6 p175] then the absence of social diligence in favour of science is a fault of society. Things are all the more serious in the case of societies that substitute natural adaptation to science data with the religious foundation. However, the relationship of the society with science must be viewed with caution, often the social organization caused by religion being more suited than the excessive interpretations given to science. The examples of Marxism and Fascism can be considered sufficient. In other words, to put a society in a good relationship with science caution is required.

The question of free will is directly related to the cause of the cause: if we were not convinced by the explanatory power of the cause, the free-will issue would withdraw into a secondary plan. However, things are not that simple: the entire judiciary system and the set of moral rules are based on the individual's responsibility determined by the role it plays in causing its behaviours and the effects thereof. In other words, whether we contest the existence of free will or that of the causing the question of the issue of consequences on society still remains. We think that the elimination of causality is thought to have far more dramatic consequences, tending to definitively cancel responsibility. As we will try to point out in the article, there are some solutions of maintaining responsibility in conditions of doubt about the existence of free will, even if they are weak.

Morality is an inherent characteristic of the society, establishing the behavioural norms between people. We think we are in the situation of a reversal of causality when we ask the question of integrating artificial intelligence into the moral space before we are clear about the conditions of humane operation in this space. For the impossibility of overcoming the humane by going to "something other than the humane", history does not

yet provide us convincing examples, dominating being the framing of different deviations from the normality area in the humane sphere.

Freedom of will might be a necessary hypothesis for the operation of society. The maximum risk is that freedom of will is a useful fiction. From this perspective, it is the only practical solution we have found now. Even though it would be a fiction, its positive effects could weigh more than the negative consequences.

An essential question of this article: where and how do we establish the balance point between the need for science-based changes and the prudent preservation of certain social mechanisms that may be the only ones that are effective?

4. Arguments to support the thesis

In everyday language, free will and freedom of the will tend to look synonymous concepts, designating the same essential component of the humane. From the point of view of scientific interest, we think we have to deal with the difference between free will and free willingness. In a first-instance approach, we can assume that free will is responsible for the freedom of choice, while the freedom of willingness presupposes the existence of the will to turn into action / behaviour what the free will has decided. This difference becomes visible, for example, in the case of various additions, the most common being the case of smokers: ask a smoker how many times he quit smoking (decided to quit)! The decision was taken freely every time, the problem being the long-lasting maintenance of the decided behaviour. There is also a solution in the key to free will in this situation: the problem is not the lack of resistance from the smoker in the decided behaviour, but the change of mind, namely the inability to maintain the initial decision. We do not think this is a fair decision, the decision being taken every time depending on the circumstances in which the free will had to operate. It is enough for each of us to experience the suffering specific of trying to quit smoking in order to have a picture of the context in which the free will must operate. Moreover, not only is the decision being taken on a case-by-case basis, but this context adequacy is morally useful: moral imperatives, like legal ones, have a generality character that makes them unsuitable for application in concrete situations, as they always require interpretations, adaptations, customized decisions. In other words, the free will not only has to choose to observe some principles, but must also find the interpretations of the interpretations of reality corresponding to the principles. Which means free will is not only a moral decision-making

power, but also a competence. This competence is significantly dependent on prior learning and on the variety of situations that it must classify from a moral point of view.

The necessity of competence complicates things: no matter how perseverant a person would prove to be in maintaining behaviour in accordance with an initial choice / a moral principle, in the absence of competence he/she would risk for the preservation on the original line to lead to the "unseen" glide on the side considered as belonging to evil in the situations of some ample context changes. The term fundamentalism indicates precisely such an inadequacy in a context determined by moral / religious bigotry.

Appropriateness of decision-making to circumstances seems to be an extremely important competence in an evolutionary context, shortening long adaptation paths through the intelligent decision-making, namely though the ingenuity of alternative solutions. On such a background, doubt about the usefulness of moral bigotry is apparently a legitimate one. We say "apparently" because it can be useful for maintaining the society. However, the situation is not as clear as it tends to seem at this point, a brief analysis highlighting the difficulties. The persistence of maintaining oneself in the initial decision / in the horizon of observing moral principles offers a great social advantage through predictability. Predictability is the "pragmatic facet" of moral principles: almost no matter what type of behaviour they stipulate, keeping the members of a community on the prescribed line generates a reasonable degree of social supportability. In other words, the question is the utilitarian value of the existence of a moral, a reasonable degree of consistency with the principles of survival appearing to be a sufficient condition. At the limit, as it is said, it is possible to build informative systems on almost any support (cheese, stones, etc.), essential being the construction of an information routine) as well as we can talk about the possibility of creating moral systems (the necessary and sufficient condition which must be fulfilled is being able to facilitate the existence of a community) using a variety of values. If we want evidence in this regard, it is enough to look carefully at the history or at the axiological structure underlying the neighbourhood gangs.

We can therefore see that both free will and free willingness presuppose competence, that is, a special capacity to make appropriate decisions in context, based on a system of norms. However, if we accept that for free will / freedom of willingness, competence is a necessary condition, then we can see that we have unprecedentedly opened the way of new doubts about their possibility to establish responsibility, namely a new direction of scientific investigation. In other words, not only do we have to

consider the possibility of the absence of a free decision (at least under certain conditions) or the necessity of scientific arguments for the existence of the will, but we must scientifically substantiate the idea of an equally distributed moral competence among people. In the way we have dealt with the question of competence up to now, it seems to be a cognitive ability, which means that, ultimately, we have to demonstrate that cognitive skills have an equal distribution among the humane. By forcing further the argumentation, such an approach would mean turning the cognitive capacities into the fundamental criterion for defining the belongingness to humanity (or at least one of the fundamental criteria).

If we are not satisfied with the place where our previous argumentation has led us, we can try another approach, considering that by competence we need to understand moral competence. Obviously, we must first establish what moral competence means, indicating its place, the mode of appearance, the functioning mechanisms, etc. and demonstrating its equal distribution among people (or even the equal access to it). While in case of cognitive skills, things seem simpler, already benefiting from a long line of previous research and, above all, from artificial intelligence praxis, in the case of moral competence, research is not so advanced. Moreover, things are complicated by the effect that the presumptions of the functioning of the society have on it, making it difficult to distinguish between what it is and what we want it to be.

Free will is a comforting assumption that generates the pleasant sense of freedom. It is operative and functional in the ontological field of the everyday world. If we think in terms of a regional ontology, according to a Husserlian model, the causality of our behaviour stops at the level of the self, a reality specific to this space; The passage beyond this instance moves us into another ontological region, our relation to it being mediated by scientific knowledge. Can we consider that the first ontological region is a creation of the human mind, susceptible of being far from the reality itself? The answer to such a question is both impossible and useless, because the second, ontological, science-specific region can be suspected of similar characteristics. If we maintain in the logic of regional ontologies the topic of this article is the potential "transfer of reality" from the space of science to that of everyday existence. The solution seems to be simple, given that the first ontological region (that of everyday existence) has a whole history of changes determined by the realities specific to the second region. But things may not be as simple as they seem: the main characteristic of an ontological region is the existence of one's own laws, of a specific context in which things get meaning, including the interpretation of how the causality works.

Instead of the difference between the ontological domains, D. Dennett discusses the difference between biological and physical [7], the determinism belonging to the field of physics, while for biology the ability to avoid is the one actually important. Trying to discover some of the consequences of this approach, it seems obvious to me that avoidance is directly related to prediction, this connection making reference to the possible link between free will and prediction. If we accept this connection, it really means that we are returning to the question of (intellectual) competence that conditions free will. At this point, we are in a discreetly ambiguous area where it is difficult to distinguish between intellectual and moral competence. To the extent that this ambiguity tends towards identity, the interrogations on the legitimacy (presumption) of the equal distribution of responsibility become justified.

Avoidance tends to gain strength around avoiding evil, that is, the interest in survival, the good having a secondary character or being identified with survival. To the extent that this reasoning is correct, we can assume that the first level of free will is an oriented one, the survival being its fundamental direction. It is only at a second level that a space of freedom is created, generated either in the area of choice between individual survival or by means of the followers, or in the decision on the priority of individual existence in relation to the social one. If we force a little argument and accept that in many cases the privilege of the social benefits either of the individual existence or of the ones of followers we may consider (again, somehow forced) that the second level of free will has at least a poor orientation. In these circumstances, the following question naturally occurs: freedom is compatible with the orientation of free will? In other words, the oriented free-will is still free-will?

5. Arguments to argue the thesis

The strongest argument against the absence of free will is the deterministic one, having the following general structure: the brain and the body, the decision making entities, made up of molecules that respect specific laws and interact with the environment. These molecules must adhere to the laws of physics. In other words, the deliberation preceding a decision is caught in the determinism created by the laws of physics. To believe that we have freedom of will means to think that we can somehow overcome the laws which the molecular structures in which decisions are made must observe.

A set of arguments against the freedom of will is brought by Jerry Coyne in the article *You Do not Have Free Will* [8]. We will show, in a synthesized manner some of his ideas, but suggesting the personal point of view: the author takes things too far. Coyne's main idea is structured around the freedom of choice: „At the moment when you have to decide among alternatives, you have free will if you could have chosen otherwise." [8]. Moreover, if you could return to the same situation, the decision would be the same. Our feeling that we can control our own actions is in fact decoupled from the way in which decisions are made to act in one way or another. The prospect is hard to accept because it is in contradiction with the strong feeling we have that we are making concrete choices. The author proposes replacing free will with the formula proposed by Marvin Minsky: "*My decision was determined by internal forces I do not understand*." [9]. The reference to Minsky's often quoted expression as an argument for the absence of the freedom of will must be carefully considered, reiterating some of the context of this idea: "Perhaps it would be more honest to say, "*My decision was determined by internal forces I do not understand*." But no one likes to feel controlled by something else." [9]. We can see that Minsky puts his affirmation under a sign of doubtful doubt and that he rather refers to freedom of will as hypothesis meant to conceal our fact that we do not know what is happening (discussing rather, the fear of unknown consciousness), and it does not necessarily involve its absence, but only the absence of evidence of its existence.

6. Dismantling the arguments against

One of the potential problems generated by the "hyper-disciplinary approach" of morality is the forcing of causal correlations between biology / environment and behaviour, deriving from the very discreet deformation of the perspective that any reductionist attempt brings with it. In other words, there is the risk of dissolving the guilt even if its maintenance is justified, doubled by the danger of an intentional design of the culprit due to the bio-social context.

But what if it is wrong to consider that a condition of the freedom to decide is the decision making in the space of consciousness? So far, we know there is a temporal distance between brain activation to make a decision and the awareness of the existence of that decision. This does not mean we know how that decision is made, or we cannot rule out the conscious contribution to its existence. One of the possible models that provides arguments for at least the responsibility for a series of decisions is

provided by Eagleman [6 p73-74] through the training to perform instinctual actions. For example, we are responsible for the way we go on the bike, the reflex being dependent on a long conscious prior conditioning. Such an approach somehow moves the issue of morality into the dimension of reflexive gestures, respectively of the preparation for them.

But education can be thought of as a form of such a preparation for the society. The difference between (conscious) behaviour *oriented* by rules and the (unconscious) behaviour described by rules [5 p254] may be a partial solution to breaking the dimensions of existence where it is inappropriate to speak of free will, yet maintaining a component of the responsibility. Given that consciousness has a similar role to the director of a society, moral responsibility can be thought in the space of choosing the programs it imposes for assimilation of automatic behaviours in accordance with the norms of social cohabitation. But even the "reflex moral" model may have some limitations, due to the impossibility of anticipating all the situations that may arise during an existence. Additionally, it is obvious that reactions to various existential circumstances are not always consistent with learned models, which may be based on the instinct. The main problem, however, is the unconscious dose present in the actions (allegedly) conscious, respectively the situation generated by several programs.

7. Conclusions

The study of consciousness tends to show that the great leap to something else, the singularity, could come not from artificial intelligence, but from new discoveries about man. The possibility of the absence of conscious will is just one of the examples. The problem seems to be the need to redefine the freedom of will rather than the denial of its existence. In other words, the main effect of the consciousness theory on the freedom of the will is its movement closer to the science area.

The discussion about the difference between the cultural fact status of free will and the scientific approach of this topic is relevant. It may also be that people are haunted by the ideal of a way of existence where responsibility for their own gestures is lacking, this being the essential feature of utopian freedom. In other words, the cultural fact of the freedom of will may somehow be balanced by the cultural nostalgia of the lack of accountability (visible, for example, in the moral tolerance with which the effects of alcohol consumption are often treated).

Is the freedom of will an illusion? We would say rather that it is an illusion to talk about freedom of will in terms of illusion. Freedom of will is

not an illusion, but somehow other than we are accustomed to believe it is. In this difference, we can identify some limits of the freedom of will that have, or should have, a significant impact on moral and legal systems. The problem, however, is the risk that any change in this field may bring with it, the unpredictability of social changes being underlined by the Law of Unintentional Consequences. In other words, to the (limited) extent that freedom of will proves to be a fiction, we can speak of the legitimacy of a discourse on changing legal and moral practices. But not before we ask ourselves about the useful fiction of the "causal dimension" of the freedom of will, trying to identify the risks that change brings with it in this field.

References

[1] Rescher N. Free Will: An Extensive Bibliography. Ontos Verlag; 2010.
[2] Chalmers D, Bourget D. A Bibiliography of the Philosophy of Mind and the Science of Consciousnes, 5.4. Free Will [Internet]. MindPapers. [cited 2017.03.21]; Available from: http://consc.net/mindpapers/5.4
[3] Law and Neuroscience Project. [Internet]. Research Network on Law and Neuroscience. [cited 2017.03.20]. Available from: http://www.lawneuro.org/
[4] Gazzaniga M. Who's in Charge?: Free Will and the Science of the Brain [video]. BookTV: After Words:, 17 ian. 2012. [viewed 2017.03.21]. Available from: https://www.youtube.com/watch?v=s4IgZUUe5dc
[5] Searle J. Mind: A Brief Introduction. Oxford: Oxford University Press; 2005. 326 p.
[6] Eagleman D. Incognito.The Secret Lives of the Brain. New York: Pantheon Books; 2011. 224 p.
[7] Dennett Dc. Freedom Evolves. London: Penguin; 2003. 13 p.
[8] Coyne J. You Don't Have Free Will. The Chronicle of Higher Education [Internet]. 2012. [cited 2017.03.28]. Available from: http://www.chronicle.com/article/jerry-a-coyne-you-dont-have/131165
[9] Minsky M. The society of mind. Ney York: Simon and Schuster; 1985. 306 p.