

# **Structural Libertarianism and the Veridicality of the “Up-to-Me” Experience: Psychophysical Openness, Authored Indeterminacy, and Residual Luck**

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## **Abstract**

This paper defends a libertarian account of free will grounded in the phenomenological structure of live decision episodes. Such episodes instantiate an i-structure, a center–periphery organization in which a focal node represents the decision situation as a whole and a periphery represents alternatives, reasons, and constraints. There is an “up-to-me” region in which the situation’s identity is fixed while what will be done remains open. I argue that the best interpretation of this up-to-me phenomenology, when taken as serious evidence about agency, is global metaphysical openness: even given the total state of the world and the total laws at a time, more than one future action is nomically possible. I make this explicit through a strengthened Psychophysical Openness Thesis (POT): psychophysical laws are probabilistic and sensitive to i-structures, constraining and biasing outcomes without deterministically fixing them. I then define authored indeterminacy as underdetermined settling whose explanatory stopping point is the agent’s reasons-integrating act rather than an independent chancemaker. Luck objections are addressed by conceding that global libertarianism entails irreducible bruteness and chance within the agent while arguing that responsibility does not require eliminating chance but locating irreducible settling within the agent’s evaluative act.

*Keywords:* libertarian free will; agent-causal libertarianism; incompatibilism; metaphysical openness; global indeterminism; principle of alternative possibilities; phenomenology of agency; up-to-me experience

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## 1. Introduction

Free will theories are commonly pulled by three pressures. There is determinism pressure: if the total past plus the laws fix a unique future, robust “could have done otherwise” appears false (van Inwagen, 1983). There is randomness pressure: if the future is not fixed, the actual outcome threatens to be mere luck, undermining control (Mele, 2006; Levy, 2011). There is phenomenological pressure: in live deliberation, the agent experiences himself as facing open alternatives and settling them, and this up-to-me character seems inseparable from what choosing is.

Compatibilists relieve determinism pressure by reconceiving freedom in terms of reasons-responsiveness or guidance control (Fischer & Ravizza, 1998) and typically interpret deliberative openness as epistemic or level-relative. Libertarians take deliberative openness more seriously but must explain how openness can be authored rather than random and must face metaphysical costs.

This paper develops *structural libertarianism*, a globally indeterministic view constrained by the internal structure of conscious decision episodes. It is agent-causal in explanatory profile but non-substantialist in formulation: the agent’s causal role is realized in a describable center–periphery structure and, in particular, in a region where the situation is owned yet the outcome remains open. The central aim is not to prove libertarianism from phenomenology alone. The aim is to articulate the strongest, clearest version of a package that takes up-to-me decision phenomenology as serious evidence about the modal structure relevant to agency and to show how, given global openness, authorship can be distinguished from alien chance.

I use “determinism” in the standard sense that a complete state description  $S(t)$  at a time, together with the laws  $L$ , entails a unique maximal continuation so that there is exactly one nomically possible world history compatible with  $S(t)$  under  $L$  (Lewis, 1981; Earman, 1986). Nothing in what follows purports to refute level-relative compatibilism. The claim is that, conditional on treating the up-to-me structure and its embedding in responsibility practices as genuine data about agency, there is a coherent rival package that preserves the literal modal posture of deliberation rather than reconstructing it as guidance control under determinism.

## 2. Decision i-structures and the up-to-me region

A live decision episode instantiates an i-structure<sup>2</sup>  $\langle C, P \rangle$  when the subject experiences a unified “this decision now” standpoint that is owned as the subject’s deliberation while also representing a field of differentiated alternatives, reasons, anticipated consequences, and constraints. Mutual dependence is essential. Without the periphery, the center would be an empty point (“I must decide” about nothing”). Without the center, the periphery would not present itself as *the subject’s* decision.

There is a further structural role that merits special attention. In a paradigmatically live case, at least two options remain action-guiding possibilities, and neither is eliminated by decisive reasons or compulsion. In such cases, the subject experiences the identity of the situation as fixed—this is the subject’s deciding between these options now—while also experiencing the outcome as not yet settled. I call the role within the episode where these features coincide the *up-to-me region*, R.

Not every choice instantiates a relevant R. Many choices are routine, overwhelmingly reason-guided, or constrained in ways that effectively collapse the space of live alternatives. The structure of interest appears when deliberation remains live in the distinctive sense captured by R, and it is in those episodes that a libertarian theory, if it is to be motivated by phenomenology, must do its distinctive work.

## 3. Openness: epistemic, level-relative, and global metaphysical

When the subject experiences “I could still do A or B,” at least three readings are available. On an epistemic reading, the openness is merely that the subject does not yet know what he/she will do. On a level-relative reading, openness is real at an agential description level, while there is a unique future at the fundamental level. On a global metaphysical reading, even given the total state and the total laws, more than one future is possible.

To state the target precisely, a notion of nomic possibility is needed. A future is *nomic* relative to a law set L and a world-state S(t) just in case it is compatible with S(t) under L. The thesis defended here is therefore this: there exist decision episodes at time t such that,

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<sup>2</sup> In earlier work I used the term “infinitesimality structure” (or “i-structure”) for a more general structural apparatus (e.g., Janew, 2020). In this paper, I use “i-structure” in a narrower sense, roughly as “individual-structure”: a center–periphery configuration of a decision episode (Janew, 2026).

holding fixed the total state  $S(t)$  and the total laws  $L$ , more than one future action remains nomically possible. I call this the Metaphysical Openness Thesis (MET).

The epistemic reading is too weak for the phenomenology of  $R$ . In  $R$ -episodes, the subject does not merely await an inner revelation; he experiences himself as settling among live alternatives. Pure prediction-ignorance does not capture the practical role of  $R$ .

The level-relative reading is more sophisticated and is arguably coherent with much of ordinary talk. However, it functions, in this context, as a systematic reinterpretation of the up-to-me role. In  $R$ -episodes, the agent does not naturally experience herself as open only “at a level of description.” She experiences herself as settling a future that is, in the relevant sense, not yet settled. A level-relative reinterpretation may be acceptable, but it carries a substantive cost: the deliberative not-yet-settledness is not veridical with respect to world-level nomic alternatives.

The argument for MET is abductive and comparative. Consider two packages. One package pairs level-relative openness with closure or total determinism and then redescribes  $R$  in terms of conditional ability or guidance control. The other package treats  $R$  as broadly veridical about openness and therefore endorses MET, supplementing it with a psychophysical account of how such openness can be structured and authored. The first package has familiar virtues: it is ontologically parsimonious and fits smoothly with strong physicalist assumptions. The second package has different virtues: it preserves the deliberative function of  $R$  as genuine settling among live futures rather than treating that settling as merely a higher-level description of a fixed trajectory.

The payoff of treating  $R$  as veridical is not merely verbal.  $R$ -episodes sit at the normative core of deliberation, remorse, apology, and self-reproach. This point can be sharpened by considering two kinds of cases.

One kind is ordinary regret and apology. A man who apologizes for betraying a friend does not typically mean merely that, had his motivational structure been different, he would have acted differently. He presents himself as having faced a live alternative at the time and as having failed to realize it. The apology’s force is not exhausted by a counterfactual about altered inner states; it turns on a self-conception as a source who settled a live future badly. A package that treats  $R$  as merely level-relative can reconstruct much of the practice, but it tends to do so by replacing lived openness with counterfactual responsiveness under determinism. The libertarian package takes the practice’s modal posture at face value and claims that this posture is not merely expressive but broadly accurate about the kind of openness relevant to agency.

A second kind is a self-forming decision of the sort emphasized by libertarians such as Kane. Consider a woman torn between incompatible values, where either path will shape her character and future self-conception: for example, whether to make a costly sacrifice to honor a commitment or to secure an opportunity that promises a different kind of life. In such cases, her later self-interpretation is naturally framed as having been made at the time through the very act of settling the conflict; the decision is not merely the output of a fixed motivational system but a point at which the agent understands herself as creating a new trajectory of herself (Kane, 1996). A level-relative account can again reconstruct much, but it must locate all the ultimate settling in the prior deterministic unfolding of the base. The libertarian package preserves the self-forming self-understanding more directly by treating the decision as the settlement among genuinely live futures in the moment.

This abductive argument is conditional in a clear way. If one treats closure and determinism as non-negotiable axioms, the level-relative package will look preferable. If one assigns significant evidential and normative weights to the up-to-me structure, then treating R as broadly veridical about openness becomes a live theoretical priority, and MET becomes a plausible interpretive hypothesis about what best preserves that priority.

A nearby alternative is List's emergentist compatibilism, which defends genuine agency-level freedom while remaining compatible with microphysical determinism (List, 2019). Structural libertarianism deliberately rejects that move. Disagreement is not about whether higher-level agency descriptions are real; rather, it is about whether the openness implied by R is ultimately only level-relative. In List's view, macro-level freedom is compatible with there being a single nomically possible continuation given  $S(t)$  and  $L$ , whereas structural libertarianism holds that R-episodes require there to be more than one such continuation.

#### **4. POT: Global indeterminism with psychophysical probabilistic laws**

If MET is accepted, a corresponding metaphysical thesis is needed. I advance a strengthened Psychophysical Openness Thesis (POT), which states, in substance, that the total physical state together with strictly physical laws leaves more than one future action physically admissible, that adding psychophysical facts and psychophysical laws<sup>3</sup> still leaves more than one future

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<sup>3</sup> By "psychophysical laws" I mean additional nomic principles that connect conscious or evaluative structure to physical states and to action outcomes. These are not mere shorthand for supervenience claims or reducible bridge laws; they are fundamental components of the total law set. Together with the physical laws, they (i) help determine which i-structures occur, and (ii) in up-to-me episodes, allow i-structures to shape which of the physically admissible continuations is realized, probabilistically.

action nomically possible and that the agent's i-structure constrains and biases admissible futures without deterministically fixing a unique outcome.

POT implies that the relevant psychophysical laws are probabilistic. Given an i-structure  $iS$  at  $t$ , the laws yield a probability distribution over outcomes. The distribution can be effectively degenerate in many ordinary cases, in the sense that one option has a probability extremely close to one because reasons decisively settle it; those cases may be free in a compatibilist sense and will often look unproblematic on any view. R-episodes to be considered are cases in which the distribution remains non-trivial in an action-relevant way.

POT empirically hostages to the falsity or incompleteness of strict microphysical determinism. If future physics converge decisively on deterministic microdynamics that uniquely fix the future from the microstate, POT would face substantial pressure and would likely have to be abandoned or reinterpreted. At the same time, the current status of global physical determinism is widely considered to be unsettled, not least because leading interpretations of quantum mechanics disagree about determinism and about what counts as a complete state description, for example, in the familiar contrast between Bohmian, GRW, and Everettian proposals. Structural libertarianism therefore takes advantage of underdetermination in fundamental theory rather than disregarding a settled consensus.

Any psychophysical influence must respect the stability of observed physical regularities, including quantum statistics, and therefore must either remain below detection thresholds, be subsumed by a revised account of measurement outcomes or be integrated into a deeper physical theory in which psychophysical parameters are among the nomic constraints. The most conservative route is the first, and it has a natural implication: the view is likely to be difficult to test in the near term. The ambition here is metaphysical and interpretive and not predictive.

The probabilistic element in POT can be understood under different metaphysics of chance. It is compatible with a propensity reading on which probabilities are irreducible features of the world; it is also compatible with deeper accounts of probability, provided that whatever "deeper story" is given does not collapse the nomic openness required by MET. Nothing in the argument requires commitment to one orthodox theory of objective chance over another.

Closure objections are best understood as exclusion worries rather than conservation worries. If the physical is causally complete, then mental causes are either redundant or epiphenomenal (Papineau, 2001). POT blocks the exclusion argument by rejecting physical completeness in the domain of action outcomes. Psychophysical laws are not additional causes piled onto a complete physical cause; they are part of the total nomic story. This is a substantive metaphysical cost, but it is the cost of treating R-openness as globally real.

## 5. Authored indeterminacy and contrast with event-causal models

Structural libertarianism distinguishes openness from random intrusion by defining a special mode of underdetermined settling. A decision outcome is an *authored indeterminacy* when more than one outcome is nomically possible given total state and total laws and when there is no explanatory event independent of the agent's reasons-integrating structure that finally settles things. In such a case, the "why A rather than B?" question has no deeper answer than that this is how the agent's reasons-integration in R went. The outcome is further required to express evaluative identity in the familiar sense relevant to responsibility, with the understanding that historical conditions may be needed for full moral responsibility.

A simple event-causal libertarian model locates the final settling in an indeterministic micro-event, such as a neural noise event N, with consciousness downstream. Even if N occurs within a reasons-responsive mechanism, the explanatory stopping point remains a subpersonal event in the causal chain. Structural libertarianism denies that, at the relevant R-episodes, there is any further explanans of this kind that is independent of the evaluative act. The psychophysical laws assign probabilities conditional on the i-structure, and the realized outcome is the agent's act of reasons-integration in R rather than the output of an explanatory-independent chancemaker event. This is the point of departure from prominent event-causal libertarian strategies, including those associated with Kane and with other event-causal accounts in the literature (Kane, 1996; Clarke, 2003).<sup>4</sup>

The view is therefore agent-causal in explanatory profile but non-substantialist in formulation. Canonical agent-causal theories speak of an agent substance with irreducible causal powers (Chisholm, 1964; O'Connor, 2002). Structural libertarianism retains the irreducible power claim, but it locates the exercise of that power in a structured, reasons-integrating act rather than in bare "causation by substance." The i-structure apparatus specifies what the agent is doing at t and what the psychophysical laws must be sensitive to, thereby constraining agent causation rather than merely labeling it.

It is also important that i-structures are not intended as mere introspective posits floating free of implementable organization. If i-structures occur, they must be realized in any physical or functional organization constituting the agent's cognitive and deliberative activity. Structural libertarianism denies that strictly physical laws exhaust their nomic role at R, but it does not

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<sup>4</sup> Clarke's "unadorned" event-causal libertarianism is best understood as resisting the chancemaker construal. The present account offers structural constraints on how a reasons-responsive event-causal story must be configured to secure authorship.

deny systematic realization and lawful correlation, and it leaves room for partial empirical tractability of the relevant functional patterns even if a full reduction is denied.

## 6. Luck, residual chance, and irreducible bruteness

If MET is true, then for some state  $S(t)$  and law set  $L$ , there are at least two distinct maximal continuations compatible with  $S(t)$  under  $L$  that agree up to  $t$  and diverge thereafter. This divergence cannot be further grounded in antecedent state and laws without collapsing MET. Therefore, any global libertarianism entails irreducible bruteness of the relevant kind. A demand that there be a further, non-brute explanation of why  $A$  occurred rather than  $B$ , while holding fixed total state and total laws, is in effect a demand for necessitation. At that point, libertarianism is off the table. Anyone who finds such irreducible bruteness intolerable therefore has a standing reason to reject libertarianism as such, rather than this version in particular.

POT also implies that, conditional on the  $i$ -structure, the laws yield a non-trivial probability distribution over outcomes in  $R$ -episodes. Hence, there is “chance within the agent.” This is still chance. Structural libertarianism does not deny that an ultimate “why this rather than that?” question remains unanswered at the deepest level; it accepts that this is the price of MET. What it aims to secure is a principled answer to a different question, namely, to whom the divergence is attributable. The answer is that the divergence is attributable to the agent’s evaluative act rather than to an alien chancemaker.

It is worth emphasizing that the view retains familiar compatibilist virtues inside the probabilistic framework. The probabilities delivered by the psychophysical laws are treated as functions of the agent’s reasons, values, and saliences, as represented in  $P$  and integrated at  $C$ : changes in evidence, attention, or understanding can change what is salient and can reshape the distribution over actions. Chance operates only within a space that is structured by reasons-integration and evaluative identity; it does not float free as an arbitrary coin flip divorced from rational constraint.

Manipulation and deviant history cases are natural pressure points for any source-based view (Pereboom, 2001). The present account concerns basic-source freedom at the moment of choice. Full moral responsibility plausibly also requires historical ownership conditions, and without such conditions, an engineered  $i$ -structure might yield authored indeterminacy without full responsibility. Structural libertarianism is compatible with supplementing it with such conditions, but I do not attempt to develop them here. I also set aside Frankfurt-style cases and semi-compatibilist strategies in this paper (Frankfurt, 1969); structural libertarianism is



intended as a leeway-involving, source-based view, and its interaction with Frankfurt-style counterfactual interventions is a further question.

## 7. Conclusion

Structural libertarianism begins from a phenomenological datum: decision episodes include an up-to-me region in which the agent experiences himself as settling among live alternatives. This view interprets this structure as broadly veridical about openness and therefore endorses global metaphysical openness, understood as the nomic plurality of futures even given total state and total laws. To render that openness metaphysically explicit, it advances POT, on which psychophysical laws are probabilistic and sensitive to the agent's i-structure, constraining and biasing outcomes without deterministically fixing them.

The view is explicit about its costs. It rejects strong physical causal completeness in the relevant domain and accepts that global indeterminism entails irreducible bruteness and residual chance, including chance within the agent. It does not promise a deeper explanation of "why this rather than that?" while holding fixed total state and total laws; demanding such an explanation is, in effect, demanding determinism. What it does offer is a principled placement of irreducible settling: authorship is located at the agent's structured act of reasons-integration rather than in an explanatory-independent chancemaker.

The abductive move from R-phenomenology to MET is not intended to refute level-relative compatibilism. It is intended to articulate what follows if deliberative phenomenology and its embedding in responsibility practices are treated as genuine data about agency rather than as dispensable surface gloss. For readers who grant that weight, structural libertarianism provides a coherent way to preserve the veridicality of the up-to-me structure and to vindicate a robust notion of agency without resorting to unanalyzed substance-mysticism.

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## **Declaration**

This paper was drafted and iteratively revised with the help of large-language-model tools. The overall conception and final endorsement of the arguments are mine, and I take full responsibility for the content.

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