

Jonathan Gingerich

FREEDOM BEYOND CHOICE

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§ 0. Abstract

I argue against the widely held liberal view that we have all of the freedom that we could want if we are able to effectively exercise our autonomous choice and act as we choose to act. I contend that spontaneous freedom—the freedom of unscripted activity that “free spirits” enjoy—is a further sort of politically worthwhile freedom that requires more than the freedom of choice and that we might lack even when we can effectively exercise our autonomous choice. Particularly, I argue that when the choices that we make are predictable to other agents who have the opportunity to influence them, our ability to experience spontaneous freedom is threatened. This conclusion suggests that “big data” that enables governments or corporations to accurately predict the behavior of consumers or citizens may threaten our freedom, even when it does not prevent us from making our own choices.

§ 1. Introduction

A widespread view of freedom among ethicists and political philosophers is that freedom is ultimately a matter of choice. According to the *freedom as choice* view, I have all of the freedom that I could reasonably want so long as I am able to choose autonomously and act in accordance with my choices, where choice is typically understood to involve the power to control our actions through reasoning or deliberation. One of prominent proponents of the freedom as choice view is Harry Frankfurt, according to whom we are free when we choose how to act and, moreover, our choices about how to act are motivated by desires that we actually want to have. More precisely, we are free when “we are doing what we want to do, ... our motivating first-order desire to perform the action is exactly the desire by which we want our action to be motivated, and ... there is no conflict in us between this motive and any desire at any higher order” (Frankfurt 2006, 15). When we wholeheartedly identify with the desires that motivate our action in this way, Frankfurt thinks, “we have on that occasion all the freedom for which finite creatures could reasonably hope,” indeed “as much freedom as it is possible for us even to conceive” (Frankfurt 2006, 15-16).

Beyond Frankfurt, the freedom of choice is widespread in modern political theory. Growing out of Hobbes's claim that a free man "is not hindered to do what he has a will to" (Hobbes 1991, 146), the standard liberal view of individual political freedom sees it as consisting in the absence of interference by other people. This "negative" concept of freedom, taken up by Bentham and more recently by Isaiah Berlin, has been challenged by proponents of a "positive" concept of freedom, who advance the Kantian argument that freedom must involve not just the absence of constraint but also the development of "authentic and effective self government" (Christman 2005, 87). Republican theorists, meanwhile, have argued for a "third" concept of freedom as requiring that individuals not be subjected, or potentially subjected, to the will of others (Skinner 2002, 262-63). All three of these concepts of individual freedom share an overriding concern about choice. For Berlin, negative freedom is the freedom of "not being prevented from choosing as I do by other men" (Berlin 2002, 178). For John Christman, the autonomy of positive freedom requires "critical self-reflection" about the plans of action that one chooses to adopt (Christman 2005, 87). For Quentin Skinner, one of the principal motivations for adopting a republican concept of freedom is that "living in dependence on the goodwill of an arbitrary rule" distorts our choices, "dispos[ing] us to make and avoid certain choices, and ... thus to place clear constraints on our freedom of action" (Skinner 2002, 257).

While negative, positive, and republican theorists of freedom disagree about what exactly is required for choice to be free, choice is where the action is for each of these theories of individual freedom. According to the standard "negative" theory, I do not need even this much to be free—I merely need others not to interfere with my capacity for choice—but I am not made any less free when I exercise that capacity autonomously. For positive freedom theorists like Christman, exercising choice autonomously requires the development and exercise of rational, deliberative capacities. For republicans like Skinner,

effectively exercising my autonomous choice requires that I not be subjected (or be at risk of being subjected) to the arbitrary will of others.

In this essay, I argue that, contrary to the freedom as choice view, that there is another politically desirable form of freedom that we can lack, even when our freedom of choice is secured. I will call this sort of freedom *spontaneous freedom*, which is the freedom that we have in mind when we talk about “free spirits” or about being “free as a bird,” and which can be threatened even while our freedom of choice is undiminished. I will begin by defining spontaneous freedom and presenting some stylized examples that demonstrate how spontaneous freedom can come apart from the freedom of choice. I will then present a more complex literary case to illustrate how our ability to experience spontaneous freedom can be threatened by the decisions of other agents, even when our freedom of choice is undiminished. After describing some major obstacles to spontaneous freedom, I will argue that spontaneous freedom is a worthwhile and important variety of freedom for both intrinsic and instrumental reasons and that its value can be compromised by modern techniques of governance and by the growth of what information theorists call “big data.” Finally, I will address several objections and consider some ways that modern governance and data collection techniques might be designed to better preserve spontaneous freedom.

§ 2. Spontaneous Freedom and Freedom of Choice

Spontaneous freedom is the freedom that we experience when we act in ways that are not settled in advance, either by our own conscious, reflectively endorsed plans or by the decisions of other agents. More precisely, spontaneous freedom is what we experience when we experience our activity as arising out of ourselves but not settled in advance, either by the decisions of other agents or by our own preexisting plans or commitments.¹

¹ All that is required for spontaneous activity to count as arising out of myself is for me not to be alienated from, such that the activity does not seem to be forced on me from the outside. Such non-alienation need not involve conscious identification, of the sort that Frankfurt is after, but might

This is the freedom that we have in mind when we think of Walt Whitman and his poetry, or of Thelma and Louise—the freedom of quitting your lousy job on a whim to embark on an adventure. As these examples suggest, spontaneous freedom is not a moralized concept of freedom, or at least it is not a concept so “thoroughly moralized that it is an analytic truth that anyone acting freely is acting morally” (Geuss 1995, 92). Nor is it what Raymond Geuss calls a “police concept” of freedom, explaining when the use of coercive force by the state is or is not legitimate (Geuss 1995, 91). Instead, it is what Raymond Geuss describes as a broadly ethical “ideal” of freedom that gives clarity and focus to individual and collective human aspirations (Geuss 1995, 99-100).

Like freedom of choice, spontaneous freedom is not a binary, on or off phenomenon, but something that we can have relatively more or less of. Many of us have had moments in our lives when anything seems possible, other moments when it feels like our only option is just to carry out some plan that was set in motion a long time ago, and many other moments that feel somewhere in between these extremes. Our experiences of spontaneous freedom are also domain specific. For example, I might experience my job as, say, a corporate lawyer as non-spontaneous, while still experiencing spontaneous freedom on the weekends when I paint landscapes. Likewise, I might experience spontaneous freedom by painting a giant mural but completing the mural might require me to forego the sort of spontaneous freedom that might fill up an unplanned afternoon. I might similarly experience spontaneous freedom in spontaneously *making* a plan, although whatever experience of spontaneous freedom I might have in following that plan would be derivative of the original plan’s spontaneity.

instead involve something like Rahel Jaeggi’s conception of appropriation, which involves “having access to or command over oneself in the world” where the form of command that one has over oneself is understood in the sense of having command of a language (Jaeggi 2014, 37). For a full defense of this definition of spontaneous freedom and a fuller explanation of what it means for spontaneous activity to arise out of ourselves, see Gingerich n.d.

Spontaneous freedom is something that most all of us have experienced at one time or another, although to different degrees and in different contexts. Spontaneous freedom is also a sort of freedom that emerges from a particular historical context. To a significant extent, the valuation of spontaneous freedom emerges from eighteenth and nineteenth century romanticism, with its celebration of artistic genius and originality, together with the emergence of early capitalism in Europe, which spurred the development of new forms of life and new ethical ideals.² The historical specificity of the origins of spontaneous freedom do not suggest that it is today a merely “western,” culturally isolated phenomenon, for the forms and significance of spontaneous freedom have been metabolized through many different cultural settings and have evolved in response to interactions with other intellectual and social traditions.³ The sorts of spontaneous freedom that people tend to seek, and the settings in which people tend to experience spontaneous freedom differ a great deal from society to society, but across cultures, there are many people who yearn for the freedom that comes from not having our lives planned out in advance.

There are a number of factors that make it easier or more difficult for us to experience spontaneous freedom. Particularly, spontaneous freedom can be undermined or facilitated both *from the inside* or *from the outside*. I can undermine my own capacity for spontaneous freedom by, for example, rigidly insisting on planning out every moment of my day. My boss can also undermine my capacity for spontaneous freedom by insisting that rigidly follow my company’s plan for my day. Because my concerns in this essay are ultimately political, my focus here will be on ways in which our ability to experience

² For a partial historical account of the nineteenth century ideal of the “free spirit,” see Geuss 1995.

³ Elsewhere, I explore a range of cross-cultural literary cases of spontaneous freedom to further articulate how its manifestations vary in different cultural contexts. Gingerich n.d.

spontaneous freedom can be undermined from the outside, by the decisions of other people.⁴

To further clarify what spontaneous freedom is, how it relates to the freedom of choice, and how both can be threatened by the decisions of other agents, consider the following case where the decisions of another person take away *both* spontaneous freedom *and* freedom of choice.

Quit or Be Fired: I've been working for years in a job that I don't love but don't hate. One day, I'm daydreaming, as I often do, about what I could do with my life if I just up and quit. But today, for some reason, I have a burst of confidence and inspiration, and I decide to quit my job to go and explore the Andes. As I walk over to my boss's office to let him know that I'm out, my quitting feels deeply like *my* choice. Not only that, it feels like the most spontaneous thing I've done in years! But then, coincidentally, just as I'm walking over to tell my boss that I'm resigning, I look down at my phone. It turns out that my boss has accidentally copied me on an email to human resources, and they're planning on firing me next month.

Once I notice this email, it no longer feels like it's up to me whether to stay or leave. My future has already been settled by my boss's decision. We might suppose that, after seeing the email, I do go ahead and quit, rather than waiting to be fired. In some sense, I freely choose to quit, since I was about to quit anyway, even if I had never seen the email. Yet having seen that email affects my experience of my choice. Knowing that my boss was already planning on firing me, as I pack up my desk and say goodbye to my co-workers, I will not feel that my departure was free in the same way that I might have, had I never seen

⁴ For a fuller account of the phenomenology of spontaneous freedom and the ways in which it might be compromised (or facilitated) by our own, first-personal activities of planning, see Gingerich n.d.

that email. I will feel like it was not entirely my choice not to show up at work the next day, and I cannot feel like I am quitting on a whim.

In *Quit or Be Fired*, someone else has the power to decisively settle something about how my life will go: if my boss decides to fire me, and I am an at-will employee, I will be out, whatever I want to happen. *Quit or Be Fired* is also a case where I might be thought to lack freedom of choice, in the sense that, once I learn of my boss's plan, I know that *my* choice cannot determine what will happen with me, at least when it comes to quitting or staying in my job. I lack freedom of choice in this scenario insofar as my fate is not determined by my own choices. I also lack *spontaneous freedom* in this case because my quitting is settled in advance by my boss's decision. Even if, counterfactually, I would have quit anyway, my boss's decision settles what I will do.⁵

In other situations, other people's decisions influence the course of my life more subtly and indirectly, not apparently compromising my freedom of choice. To see how spontaneous freedom can come apart from freedom of choice, consider a science fictional case.

Designer Zygote: One day I spontaneously decide to quit my job. I feel great! I never get any disappointing emails from my boss or human resources. As I'm getting ready to head off to the Andes, I have lunch with one of my old friends from work. She tells me that one of parents' friends is a genius professor—a geneticist, sociologist, and philosopher rolled into one—who wanted to shape my life as a work of art. When I was a zygote, I was manipulated by the Professor, who was able to exercise “total global control” over my existence, controlling my “entire character, personality, belief

⁵ For republican theorists, the mere fact that I am an at-will employee may already suffice to deprive me of freedom, insofar as at-will employment makes me vulnerable to the arbitrary decisions of my boss. See Anderson 2017.

system, choices, thoughts, intentions, actions, [and] movements” (Barnes 2015, 561). The Professor set things up precisely so that I would take a mediocre job and then suddenly quit it ten years later, and so that I would do this in a way that felt spontaneous and personal, because she thought that this would make for a nice “narrative arc.”

In *Designer Zygote*, I can intelligently reflect on my values and desires and act in a way that is not settled in advance by my own prior plans (cf. Mele 2006, 185). Unlike the boss in *Quit or Be Fired*, the Professor does not have the power to directly control what I will do—the Professor cannot decide *for me* whether I will quit. The Professor’s control happens further back, in shaping how I *think* about how to decide. As in *Quit or be Fired*, I lack spontaneous freedom in *Designer Zygote* because what I do is settled in advance by the Professor’s conscious decisions, even though I have all of the freedom of choice that I could want. *Designer Zygote* thus demonstrates how spontaneous freedom might be compromised by a third party’s decisions, even when they do not interfere with my ability to choose or my ability to act in accordance with my choice.

§ 3. Obstacles to Spontaneous Freedom

Of course, *Designer Zygote* is far removed from our actual lives. Aside from science fictional thought experiments, are there circumstances in which we have freedom of choice but lack spontaneous freedom? In this section, I will present a literary example that illustrates some of the ways in which spontaneous freedom might be threatened in more real-world circumstances. Ulrich, the protagonist of Robert Musil’s novel, *The Man Without Qualities*, is a petit bourgeois 32-year-old Austrian mathematician, living in 1913 Vienna, who finds himself longing for spontaneous freedom but unable to experience it. In this section, I will focus on two aspects of Ulrich’s life that make it difficult for him to experience spontaneous freedom: the salience in his thinking of an external, social-

scientific perspective on his life, and his anxiety about being manipulated by what he calls a “ghostly” bureaucratic state.

3.1 Ulrich’s Problem

Walking through Vienna on a “deliciously late-spring kind of fall day,” a deep malaise settles over Ulrich:

Ulrich remembered how such a day had looked to him in these same streets ten or fifteen years ago. It had all been twice as glorious then, and yet there had quite definitely been in all that seething desire an aching sense of being taken captive; an uneasy feeling that “Everything I think I am attaining is attaining me”.... What sharpens our suspicions are all those prefabricated compartments and forms of life, the ready-made language not only of the tongue but also of sensations and feelings.... At this moment, [Ulrich] wished he were a man without qualities.... Few people in mid-life really know how they got to be what they are.... In their youth, life lay ahead of them like an inexhaustible morning, full of possibilities and emptiness on all sides, but already by noon ... nothing much can change.... Something has done to them what flypaper does to a fly, catching it now by a tiny hair, now hampering a movement, gradually enveloping it until it is covered by a thick coating that only remotely suggests its original shape... (Musil 1996, 134-37).

In this moment, it seems that there are two imputes that pull at Ulrich. The first is a desire for creativity, self-expression, and self-determination. Ulrich wants to be a force in his own life and in the world, and he wants to be able to start afresh and create anew. He wants to have the capacity to act in novel and unforeseen ways. He dreads the thought of having to express himself in “ready-made language”; he wants his own, personally authentic truth and beauty rather than just settling into “prefabricated compartments and forms of life.” Ulrich recoils from the sense that “nothing much can change” and yearns for the feeling that life lies ahead of him like an “inexhaustible morning.”

At the same time, Ulrich wants to understand, to make sense of the world, himself included. He thinks, in a sociological mindset, that few people really know how they got to be where they are. When Ulrich fears that explanations that do not involve *him* as a person will echo more strongly than personally authentic ones, he suspects that there is a sense in

which scientific descriptions of the world make better sense of his own life than do descriptions that involve him as an active force.

The malaise that Musil describes so vividly arises initially from the conflict between the two impulses that Ulrich feels. The impulse for the impulse for novelty and creation makes Ulrich want to see himself from the inside, as a source of possibility and as having the capacity to give rise to new, authentic forms of life and languages of feeling. But the drive to try to understand himself and the world prompts Ulrich to look at himself from the outside—to think of himself as just one person among many and to adopt the techniques and vocabulary of science and social science in understanding and describing who he is. When he adopts this external view, he cannot help but see everything that he does as merely another form of captivity: “everything I think I am attaining is attaining me.” The more Ulrich struggles to see his life as of his own doing, the more it seems “ready-made.”

Experiencing spontaneous freedom involves feeling that your actions and ideas are not settled in advance, whether by your own plans or someone else’s. In Ulrich’s terms, it corresponds to the feeling that “life lies ahead of you like an inexhaustible morning, full of possibilities.” When you give rise to something novel and enduring in yourself or in the world, you have a feeling of being among the creative forces of nature: out of you comes something new, something neither determined nor predicted by the circumstances that you inhabit. The ascendance of the external view prevents Ulrich from having this feeling, because, from the external point of view, he is just another fly, slowly subsumed under a sticky coating of bourgeois convention. From the internal point of view, it might seem like Ulrich could come up with a “splendid new gesture” or a new “technique of being” (Musil 1996, 137). But when he looks at his life coldly and analytically, it seems to Ulrich that any such splendid gesture would be completely predictable, brought about by social

determinants accreted over generations. Any “technique of being” that Ulrich could come up with looks stale and repetitive when seen in its full historical and social context.⁶

Ulrich could resolve his malaise if he were to abandon one of the two impulses. Ulrich could maintain the possibility of experiencing spontaneous freedom by holding on to romantic beliefs about his own singularity and creative power, while pushing his drive for understanding to the side. But Ulrich cannot stomach such self-deception: he refuses to delude himself by telling himself that he is the exception to the rule. Ulrich could also avoid the anxiety that arises from the apparent impossibility of spontaneous freedom by giving up his desire for creativity. But such a psychological reconfiguration would be tremendously costly for Ulrich, whose identity is tightly intertwined with his idea of “possible realities,” his desire to live in a world of pure possibility, and his craving for spontaneous freedom (cf. Musil 1996, 12). Ulrich’s malaise arises initially from the conflict between his disposition to seek spontaneous freedom and his disposition to understand the world scientifically, neither of which he is willing to sacrifice.⁷

3.2 The Ghostly State

⁶ The experience of spontaneous freedom is threatened indirectly for Ulrich, unlike in *Quit or Be Fired*. In *Quit or Be Fired*, the threat to spontaneous freedom comes from having my activity determined by the decision of a particular other agent. In Ulrich’s case, the threat to his spontaneous freedom is what I have called “social determinants,” which are the result of the conscious, deliberative plans and decisions of many different agents but may not themselves be planned or endorsed by any particular agent. This contract is further discussed *infra* in § 4.

⁷ My diagnosis of Ulrich’s malaise differs from that of Barbara Sattler, who argues that Ulrich’s problem is that he does not experience any of his actions as necessitated. On Sattler’s reading, “Ulrich’s awareness of the contingency of our existence and actions grants him, as a positive effect, freedom from conventional expectations of society” but he “also has to compensate for this otherwise paralyzing awareness in order to be able to go on living, to make decisions, and to act with reasons” (Sattler 2014, 96). Sattler’s interpretation makes good sense of Ulrich’s unsettling sensation of feeling that everything about his life “could just as well have turned out differently” (Musil 1996, 136-137), but it describes the problem incompletely. As Ulrich’s formulation of the “principle of insufficient cause” (according to which the only exception to the principle of sufficient reason—the principle that there is some explanatory reason for everything that happens in the universe—“is in our own individual cases”) shows, what is truly troubling for Ulrich (and what gets him stuck in the external perspective on his own life) is when it seems to him that there is a good reason for everything that happens *except* in our own “individual cases” (Musil 1996, 140). It is this *contrast* between what happens at the level of planning by the bureaucratic state and the level of social life and what happens at the level of his own individual life that gives rise to Ulrich’s anxiety.

At this point, it might seem that Ulrich's malaise is just neurotic or otherwise pathological, reflecting either an unjustified paranoia about being predictable or a hopelessly arrogant desire to transcend his own social world. However, stepping back and looking at the social circumstances in which Ulrich's malaise arises reveals that his anxiety is not altogether unjustified, which brings us to the second aspect of Ulrich's problem, which is the growth of the bureaucratic state, coupled with the accumulation of social scientific knowledge about individual and collective human behavior.

Many philosophers reflecting on free will have found it unsettling to contemplate the possibility that their behavior might be predicted in advance by an omniscient being. Likewise, from a more secular point of view, we might find it unsettling for our behavior to be predictable to a sociologist. But spontaneous freedom is compatible with determinism and sociological predictability. What spontaneous freedom is not compatible with is our lives being planned out in advance by other agents. What makes spontaneous freedom unattainable for Ulrich is not just that what he will do is, in principle, predictable. Rather, the problem is that what he will do is predictable *because* some other agent is influencing it behind the scenes.⁸

Shortly after the afternoon walk in which a malaise settles over him, Ulrich sees a police officer on the street in Vienna, and comments to himself,

There is always something ghostly about living constantly in a well-ordered state. You cannot step into the street or drink a glass of water or get on a streetcar without touching the balanced levers of a gigantic apparatus of laws and interrelations, setting them in motion or letting them maintain you in your peaceful existence; one knows hardly any of these levers, which reach deep into the inner workings and, coming out the other side, lose themselves in a network whose structure has never yet been unraveled by anyone (Musil 1996, 165-66).

⁸ Like Isaiah Berlin's negative liberty, spontaneous freedom is particularly sensitive to the opening and closing of possibilities by "deliberate human acts" (Berlin 2002, 177 n.1).

The presence of a “ghostly” bureaucratic state around Ulrich displaces Ulrich’s own creative powers from explanations of what he does, replacing them with explanations that instead concern other people and institutions. This ghostliness arises even though Ulrich’s decisions still play an important role in determining what he does. While Ulrich makes choices, the problem is that his choices do not appear to him to open up the future of his life. Instead, like the impotent thrashing of the fly, they only serve to embed him all the more deeply in somebody else’s plan.

Ulrich’s suspicions about the omnipresence of ghostly, behind-the-scenes planners are confirmed when he is recruited to help organize a campaign by the imperial government to “bring about a powerful demonstration [of patriotism] arising spontaneously out of the midst of the people themselves” (Musil 1996, 148). His behind-the-scenes view of this campaign makes it difficult for Ulrich to see any apparently spontaneous expressions of patriotic spirit as truly spontaneously, rather than the product of a bureaucratic plan. The behind-the-scenes, ghostly character of bureaucratic planning leads Ulrich to suspect that his own life is similarly being orchestrated by phantom forces beyond his control. He thinks that even when he engages in deliberation and choice, his life still might not lie open before him, unfixed by other agents’ decisions. Ulrich does not face any major impediments to *freedom of choice* in Frankfurt’s sense—he does exactly what he wants to do, and he does it *because* he wants to do it. There is no problem to see in Ulrich’s case, according to the freedom as choice view. Yet, in spite of this, he nonetheless finds himself unable to experience *spontaneous* freedom because of the plans that other agents have put in motion for his life.

3.3 The Political Context of Ulrich’s Problem

Ulrich’s inability to experience spontaneous freedom is a function of the political background of the society that he lives in. Even though the bureaucratic state curtails his spontaneous freedom, Ulrich still enjoys much more freedom—both freedom of choice *and*

spontaneous freedom—than, say, subsistence farmers living in the Hapsburg Empire in 1913. Their lives were made predictable not only by the bureaucratic state but also by needing to do what their landlords demanded in order to ensure their material sustenance. Ulrich’s comparative wealth and freedom provide him with the luxury to concentrate on the rather abstract threat to spontaneous freedom posed by bureaucracies and the social sciences.

The threat that the ghostly state poses to Ulrich’s spontaneous freedom also illustrates why preserving freedom of choice isn’t sufficient to protect spontaneous freedom. Even a state that, like the Hapsburg Empire, provided all of its citizens with equal maximum freedom of choice might still not enable them to experience much spontaneous freedom.⁹ If such a state relied on the bureaucratic techniques that Ulrich encounters in pursuit of its otherwise legitimate political objectives, then even if the state ensured that all of its citizens had as much freedom of choice as Ulrich does, it would still impinge on the possibility of experiencing spontaneous freedom.¹⁰

It should be noted here that some interpretations freedom of choice could rule out the bureaucratic techniques of governance that Ulrich finds ghostly, regarding them as a form of manipulation that is incompatible with autonomy. For instance, views of liberalism like John Stuart Mill’s that emphasize the importance of lives of “spontaneity and

⁹ Insofar as many of the impediments to experiencing spontaneous freedom are material and because many of the material preconditions of spontaneous freedom are the same as the material preconditions of autonomous choice, a state that provided for equal freedom of choice would likely remove an even larger impediment to spontaneous freedom than its bureaucratic management caused.

¹⁰ Perhaps the best interpretation of freedom of choice would rule out the bureaucratic techniques of governance that Ulrich finds ghostly, regarding them as a form of manipulation that is incompatible with autonomy. For instance, views of liberalism like John Stuart Mill’s that emphasize the importance of lives of “spontaneity and individuality” might regard the ghostliness that Ulrich encounters as an impingement on free choice (Mill 2003, 125). If this interpretation of the freedom of choice is right, then an environment of equal effective freedom of choice might indirectly ensure the possibility of spontaneous freedom. While this may be an attractive interpretation, it relies on a more robust notion of freedom than Frankfurt’s. I am grateful to Seana Shiffrin for raising this point.

individuality” might regard the ghostliness that Ulrich encounters as an impingement on free choice (Mill 2003, 125). On such an interpretation of freedom of choice, an environment of equal effective freedom of choice would indirectly ensure the possibility of spontaneous freedom. Such an interpretation of freedom of choice subsumes considerations of spontaneity into a theory of autonomy and articulates a more robust concept of freedom than Frankfurt’s.¹¹

While Ulrich’s main encounter with bureaucracy is with the state, the activities of non-state actors can give rise to similar experiences of ghostliness. For instance, Amazon might know that it is extremely likely that I will purchase a certain new book before I even know that it is for sale; Netflix might know the probability distribution of what shows I am likely to watch this evening; Citibank might know how likely it is that I will swing by a particular coffee shop in the morning. These businesses do not just know the probability that I will do these things; also make use of this knowledge to market to me. A sober, external observer seeking an explanation of why I bought a copy of a new translation of *The Odyssey* last year would not care at all about *me* in explaining the transaction. They would care instead about understanding granular demographic data and Amazon’s targeted marketing strategies that together make it objectively likely that I will end up buying the book, even before it is released.

Spontaneous freedom, then, can be threatened not just by the “ghostliness” of the well-ordered state that Ulrich experiences, but also the ghostliness of finding one’s behaviors shaped by private institutions and bureaucracies with access to what information theorists call “big data.” The more information public or private institutions accumulate about individuals’ preferences and likely behaviors, the more capable those institutions

¹¹ Thus, proponents of the freedom as choice view might take the argument that I advance in this essay not as a reason to reject freedom as choice, but rather to adopt a more capacious understanding of what autonomous choice consists in.

become of subtly influencing how people behave. This problem becomes more pressing the “bigger” data becomes. It is not the in principle predictability of our actions that threaten our ability to experience spontaneous freedom—their predictability *sub specie aeternitatis*—but our predictability to specific agents, like Amazon or Netflix or Citibank, who are in a position to use those predictions to shape our decision-making environments.

§ 4. Variations in Obstacles to Spontaneous Freedom

Ulrich's case suggests that one important source of the *problem* of spontaneous freedom—the apparent inaccessibility of experiences of spontaneous freedom when the external point of view becomes dominant—is the structuring of an agent's life or decisions by public and private institutions so that the agent predictably acts in particular ways. Ulrich's case also suggests that there are several dimensions along which obstacles to spontaneous freedom can undermine it to a greater or lesser degree. Addressing two of these dimensions of variation will help to more fully elucidate the ways in which spontaneous freedom can be experienced or prevented.

4.1 Agency and Interference with Spontaneous Freedom

The first axis along which obstacles to spontaneous freedom can vary in intensity is how closely they individual agents. The more agent-like the interference, the graver the threat that it poses to my spontaneous freedom. But spontaneous freedom can still be threatened even by fairly diffuse influences that do not resemble individual agents very much at all. Consider, for example, the following case:

Marriage Proposal: I've been together with my romantic partner for a few years. Things have been going great. We've recently moved in together, and we go on a fantastic trip to Mexico City. And then, one evening during dinner, proposing just feels like the right thing to do, and I propose, and my partner accepts. Now I am engaged! Back home, I go out for drinks to celebrate with one of my best friends, who happens to be a somewhat cynical

demographer. She congratulates me but also points out that she has “seen this coming for a long time.” When I ask her why, she points out that since I’m a college-educated American in my early thirties who is in a committed long-term relationship, it was overwhelmingly likely that I would end up married at some point in the next ten years. As she pulls up demographic statistics on her phone to prove her point, it becomes apparent that she is obviously right—other people who fall in the same demographic categories as me are extremely likely to get married when they are in circumstances like mine, and, in fact, it turns out that I’ll be getting married at precisely the median age for people at my income level, of my race and gender, in my city.

This conversation with my demographer-friend leads me to feel a sort of estrangement from my decision to propose. Unlike in *Quit or Be Fired*, it is not the case that I will end up getting married, whether I want to or not. But still! When I look at myself from the outside, from the perspective of the sociologist, my proposal suddenly starts looking a lot less like it reflects on me as an individual and more like it reflects the social world that surrounds me. This realization might bother me: I might start to have an uneasy feeling that my proposing was not really free because, in retrospect and from a sociological perspective, it seems so overwhelmingly likely.

This sense of unease will pass, eventually. When I get back from drinks with the demographer, I might try to reassure myself, “Well, of course it was my decision to propose; sure, what I did was predictable from a social scientific perspective, but I wasn’t manipulated like the guy in *Designer Zygote!* It’s not like there was some evil genius plotting my so-called ‘spontaneous’ proposal from infancy on.”

But the unease might creep in again. After I have convinced myself that it really was my spontaneous decision to propose, we might imagine that the next time I get a drink with the same friend, she puts on her social historian hat, and says, “Well, last time we

talked, I was just telling you about statistical regularities. But now let me tell you about some of the causes of those regularities.” And she starts to convince me that, actually, the reason that it was predictable that I would get married is because of the cumulative effect of individual and institutional decisions made over centuries that have accumulated into habits and social norms, combined with more intentionally designed incentives for marriage that have been written into U.S. tax law. The more I talk to the social historian, the more the regularities have a human face. The more it looks like there are human faces to the decisions that led me to get married this year, the more it looks like *I* am not a very big part of the explanation for why I’m getting married.

Even once I think about the specific legislative decisions that made my proposal so likely, I still have more spontaneous freedom I have in the *Designer Zygote* case, where a specific Professor has a plan for me. So spontaneous freedom is *most* constrained when what I’ll do is settled by the decision of a particular identifiable agent, but *Marriage Proposal* suggests that spontaneous freedom is indeed undermined when my action is constrained by “the way people do things” or by the Heideggerian *das Man*, by social norms that emerge from large groups of individuals that lack formal procedures for decision-making, or by the force of markets that aggregate the preferences of many different individuals in a more or less haphazard way. This further suggests that our spontaneous freedom is inevitably compromised, to some extent, insofar as we are social creatures. To achieve an ideal of pure, unfettered and uninfluenced spontaneity, Ulrich would need to transcend his social world. However, there is great variation in the extent to which different social worlds interfere with spontaneous freedom. In some times and places, the forms of life dictated by “the way things are done around here” feel inevitable, while in other settings, things seem more changeable.

4.2 Targeting and Interference with Spontaneous Freedom

The extent to which manipulations of background conditions of choice can undermine the possibility of experiencing spontaneous freedom also varies depending on how specifically those manipulations target me in particular. Consider a variation on the *Designer Zygote* case.

Ghostly Opera: The Professor from *Designer Zygote* has gotten a lot more ambitious. Now, she's not just trying to form my life into a work of art; she's trying to organize the life of our entire community into an elaborate opera. She exerts total artistic control over all the workings of the community. But, to save resources, she works probabilistically. To make her opera work out, she wants at least 2% and no more than 5% of community members to dramatically quit mediocre jobs at some point in mid-life.

In this case, it could be that for any given member of the community it was not fixed in advance by the Professor's plan whether she would quit her job. The wider the bounds of the Professor's desired outcome—perhaps, instead of 2-5%, she would be happy if anywhere between 2% and 80% of us quit our jobs—the less her control would undermine the capacity of community members to experience spontaneous freedom with respect to quitting or keeping their jobs. The community members that the Professor seeks to manipulate have a greater chance to experience spontaneous freedom than I do in the original *Designer Zygote* case, but less of an opportunity than they would be if the Professor were not around at all.

The degree with which manipulation interferes with our ability to experience spontaneous freedom can also vary depending on how specifically someone wants me to act, in addition to how specifically they target me in particular. For instance, we might imagine that the Professor has even more specific plans for how she wants me to quit my job—she might plan out the specific words she wants me to utter to my boss when I resign. A plan like this would interfere with my spontaneous freedom even more than in the initial *Designer Zygote* case. Contrastingly, the Professor might not care that I quit my job at all, so

long as I do something dramatic that feels spontaneous sometime in mid-life. This sort of interference would not compromise my spontaneous freedom to the extent that it was in the initial *Designer Zygote* case but would still do so to some extent. In this vein, the Professor's plans for me might interfere with my spontaneous freedom even if she slips up and I discover her plans. If I perversely decide to stay in my lousy job just to foil her control of me, what I do has still been settled by the Professor's plans in some way, even though I do not behave in the way that she hoped.

§ 5. Why Does the Experience of Spontaneous Freedom Matter?

If spontaneous freedom can be compromised or facilitated to a greater or lesser degree along several different dimensions, we might begin to wonder when it matters that spontaneous freedom is threatened to this extent or that extent. In general, the more we come to think that our own lives simply fill out plans that other people or institutions have laid down, the harder it is for us to regard ourselves as spontaneously free, but when is it *important* that my ability to experience spontaneous freedom is restricted? Skeptics of spontaneous freedom might wonder whether this problem is something that we should *ever* really worry about, or whether instead Frankfurt is right that the freedom of choice—the freedom of doing what we want because we want to do it—is the only sort of freedom that really matters.

In this section, I will argue that spontaneous freedom is valuable, both to individuals and to society as a whole. Then I will argue that the experience of spontaneous freedom is more valuable when it is veridical than when it is illusory.

5.1 The Value of Spontaneous Freedom

Spontaneous freedom is valuable, first, because it allows for the distinctive pleasure of feeling that one's life is unforecasted and that one is among the sources of novelty in the world. We have a deep, human disposition to create afresh. Experiences of spontaneous freedom are not just pleasurable, but also exercise the capacity that Hannah Arendt calls

“natality”: “the capacity of beginning something anew” (Arendt 1998, 9). Fully exercising this capacity, at least on occasion, is valuable because it provides us with a sense of our own psychological potential and reminds us of our capacity to break out of the ordinary, the habitual, and the everyday.

Realizing the power of originality in experiences of spontaneous freedom is also necessary for a certain sort of creativity to flourish. While artistic creativity can take many different forms and can have a wide array of motivations, one paradigmatic and important form of creativity is the creativity of “genius” that Kant regarded as necessary for the production of beautiful art (Kant 2000, 5:307). For Kant, artistic genius requires creating in a manner that is unprecedented in conceptual thought and that is “entirely opposed to the spirit of imitation” (Kant 2000, 5:307-08). Such creation involves an experience of spontaneous freedom, because in order to create unprecedented art, I must take myself not to be merely following a plan.¹²

Beyond the value of spontaneous freedom for the individual who experiences it, spontaneous freedom also serves social values. A world inhabited by many people who experience spontaneous freedom is more likely to be characterized by the “‘individual vigor and manifold diversity,’ which combine themselves in ‘originality’” (Mill 2003, 122-23 [quoting Wilhelm Von Humboldt]). This is because a world filled with individuals whose behavior enacts the preexisting plans of other agents is less likely to cultivate any interesting and substantial deviations from standard ways of doing things.

Experiences of spontaneous freedom also provide for the possibility of revolutionary spontaneity advocated by Rosa Luxemburg, who argued against Lenin’s understanding of the Russian revolution on the ground that, contra Lenin, the decisions of workers’ soviets

¹² I might spontaneously come up with a very precise plan for a big mural that I then execute—in that case, I can have spontaneous freedom when I make the plan, but only derivatively if at all when I am executing the plan.

should not be dictated by orthodox Marxist theory, but rather that the course politics ought to take is unknowable in advance. For Luxemburg, the revolution must “learn its law from the course itself” and must follow the spontaneous responses of the workers, allowing “a thousand new forms and improvisations” to emerge (Luxemburg 1940, ch. 6).

As the foregoing discussion shows, spontaneous freedom is not valuable merely because people desire it. But, as spontaneous freedom is an ethical ideal of freedom that gives clarity and focus to our aspirations about how to live, someone who has very little spontaneous freedom in their life but who does not *want* spontaneous freedom is not necessarily missing out. There are other ideals to which one more aspire in place of spontaneous freedom, and which might conflict with spontaneous freedom. For instance, someone who aspires to make themselves into a fully rational deliberative agent might not care much about experiences of spontaneous freedom and might even seek to avoid them insofar as they threaten their ability to control their behavior through conscious, rational deliberation. Such a character is not, in my view, doing anything “wrong” or “immoral,” although they are missing out on some values that they might achieve, were they to adopt a different sort of ideal. But even such a character might wish spontaneous freedom to be accessible to those who want them, and might celebrate the social values advanced by individual experiences of spontaneous freedom.

5.2 Veridicality and the Value of Spontaneous Freedom

I have argued it is valuable to experience spontaneous freedom, both because such experiences realize our capacity for creativity and because they contribute to a more lively and varied social world.¹³ At this point, we might yet wonder whether the experience of spontaneous freedom must be *veridical* in order to be valuable. Is it enough to just subjectively *experience* myself as spontaneously free — even if, unbeknownst to me, my

¹³ For a more extended defense of the value of spontaneous freedom, see Gingerich n.d.

activity is actually settled in advance by someone else's plans or decisions? I will argue that even non-veridical experiences of spontaneous freedom are valuable in their own right, just as experiences, but veridical experiences of spontaneous freedom are more valuable.

An example adapted from Harry Frankfurt can shed some light on the problem of spontaneous freedom and veridicality. Black wants Jones to take a certain action and will go to great lengths to get Jones to do it, including by giving Jones a potion that generates "an irresistible inner compulsion to perform the act Black wants performed" (Frankfurt 1988, 7). We might imagine that Black wants Jones to write a particular line of poetry—if Jones starts to write down words that differ from those intended by Black, Black will intervene. But, as it happens, Jones writes down precisely those words that Black is hoping for, and no intervention is needed. On Frankfurt's view, Jones is responsible for his action—and free in every sense that he could wish to be free—in spite of the lurking, ghostly presence in the background.

This is a case where Jones has an experience of spontaneous freedom, but it's not veridical, because what he'll do is actually settled in advance by Black's plan. Does Jones's experience of his action as unsettled in advance by the plans and decisions of other agents have value, even though his feeling was illusory? Much of the *individual* value of spontaneous freedom is still possible in this sort of non-veridical case, because at least Jones can have the subjective experience of *feeling* himself to be the source of his poem, so long as he never finds out about Black. This is sufficient to exercise the capacity for creating anew.

But non-veridical experiences of spontaneous freedom cannot achieve the *social* values of spontaneous freedom, like the greater variation in individual lives and the political spontaneity that Mill and Luxemburg celebrate. So there is additional value to acting in ways that *actually* are not settled in advance by other agents' plans, above and beyond the value of acting in ways that do not *feel* settled by the plans of others. If *no*

experiences of spontaneous freedom could be veridical, the world would seem duller, more cardboard, and it might feel that everything had already been set in motion by prior plans.

The interplay between veridical and illusory experiences of spontaneous freedom is sometimes more complicated than my discussion so far has suggested. Insofar as we have good reason to believe that we are objectively much less original than we often imagine ourselves to be, substantial veridical experiences of a high degree of spontaneous freedom might be quite rare. But some theories of creativity, like Harold Bloom's theory of "strong poets," suggest that imagining ourselves to be highly original might make us more likely to do things that are *actually* original. For Bloom, all of the Romantic poets of the early nineteenth century were deeply influenced by their predecessors, but the poets who best succeeded at articulating an original poetic vision were those who unwisely think themselves exempt from such influence (Bloom 1997). Similarly, by thinking ourselves to be acting in ways that are not planned out in advance by other agents, we may make ourselves to behave in ways that *actually* are not planned in advance.

We might wonder why we should be particularly worried about spontaneous freedom being compromised by some other agent, lurking in the background, rather than worrying about whether what we are doing has been settled by the laws of nature, or by God. But the original form of unfreedom in human history is slavery and serfdom—subjection to the will of another. And this is the sort of influence that we should worry about interfering with spontaneous freedom. Over time, concerns about freedom transitioned from thoughts about feudal lordship to thoughts about God and the laws of nature. We might legitimately worry abstractly that God has planned our lives out for us in advance, or even more abstractly that the laws of nature fix everything before it happens. But there is nothing we can change, or do, even, about God or the laws of nature. On the other hand, we can change the social arrangements that make it difficult for us to

experience spontaneous freedom in the world of postmodern capitalism, where we have become more and more fully subject to the authority and plans of others.

5.3 Applications of the Value of Spontaneous Freedom

Considering the values that are served by experiences of spontaneous freedom brings some clarity to thinking about what circumstances it is important to be able to experience spontaneous freedom and when we should worry about obstacles to it.

To begin, it is important to emphasize that the value of spontaneous freedom can be achieved by having *some* opportunities to experience spontaneous freedom without needing to experience it at every single moment of our lives. A life consisting *only* of experiences of spontaneous freedom would appear rather vacuous at best and deeply immoral, or incoherent, at worst. Achieving the value of spontaneous freedom requires experiencing it in at least some contexts, but not all the time.¹⁴ Many of us yearn for more spontaneous freedom than we currently have, but do not yearn for this experience in little decisions, like whether to buy a new copy of *The Odyssey*.

Ulrich feels anxious because he feels that there is almost *no* experience of spontaneous freedom left to him at all. *Everything* that he does is better explained by the decisions of other agents. In modern liberal democracies, this sort of totalizing control seems more likely to come from capitalist bosses than from government bureaucrats. Many people today worry about their boss controlling every moment of their time—from Walmart

¹⁴ Raymond Geuss is too hasty in his rejection of the ideal of the “free spirit” as an independent positive conception of freedom because he fails to consider the various ways in which experiences of spontaneous freedom might fit into a complete life. Geuss endorses Hegel’s argument against Schlegel that “the apparent rich multiplicity of possibilities open to the free spirit seems to be purchased at the price of an impoverishment of the self which is reduced to a single, empty infinitely repeated movement of rejecting identification” (Geuss 1995, 96). But, if we think about free spirits who we have actually met, we will think of people who often embrace spontaneous freedom, not people who have no firm commitments or beliefs at all. A life devoted *entirely* to spontaneous freedom would be unattractive, even if it were psychologically possible. But the fact that spontaneous freedom must accommodate other ideals, too, does not undermine its claim to constitute an ideal of freedom.

workers who worry about taking a bathroom break, to bankers making a million dollars a year who are slaves to their phones, to AirBnB hosts who have to wake up in the middle of the night to check their notifications so that their average “response time” does not rise. When people have to constantly attend to their boss’s or customers’ desires in these ways, it can be impossible to find enough space for spontaneity. Achieving the values of spontaneous freedom requires experiences of spontaneous freedom to be available in broad swaths of life, rather than confined to small, dusty corners.

There are also some domains of activity in which it seems especially important to experience spontaneous freedom, while in others it seems less important. A city might come up with a plan to incentivize more people to walk by widening the sidewalks and eliminating a lane of traffic. As I stroll down the broad, beautiful sidewalk, there is some sense in which my decision to walk rather than drive is not spontaneously free. But so long as it is not part of a comprehensive bureaucratic scheme to plan out my whole life for me, this does not seem troubling or “ghostly”; it just seems like good urban planning.

Giving up some spontaneous freedom in the context of deciding whether to walk or drive to the grocery store does not threaten the values associated with spontaneous freedom. But consider the domains of artistic creation, conversations with people who we want to understand because we love them, or activities that give us a chance to manifest our creativity or express individual style, like putting together an idiosyncratic playlist for a party, decorating an apartment, or carving a sculpture. In these contexts, thinking that my activity has been made predictable by the decisions of other people cuts me off from an experience of spontaneity that is essential to creativity. If I regard my creation as settled in advance by plans that others have already set in motion, I cannot regard my art as creative, as the birth of a new way of thinking or seeing the world. Because of the special connection between the values behind spontaneous freedom and these domains of activity, we might

justifiably worry when other agents, whether the state or private firms, are orchestrating our lives in these particular settings.

A third context in which we might worry about interference with spontaneous freedom relates particularly to the value of veridical experiences of it. One noteworthy feature of the growing accumulation of data about individual consumers and employees encompassing internet search histories, cellphone location data, medical information, and credit histories into proprietary databases is that such accumulations of data allow increasingly precise, algorithmically driven predictions about individual behavior (Pasquale 2015). Such fine-grained predications enable firms "not only [to] take advantage of a general understanding of cognitive limitations, but [to] uncover, and even trigger, consumer frailty at an individual level" (Calo 2014, 995). Such accumulation and deployment of vast quantities of data enables firms to engage in marketing practices that compromise spontaneous freedom to a greater extent than traditional advertising did by targeting specific individuals, rather than populations—one of the axes along which obstacles to spontaneous freedom can intensify.

Hal Varian, Google's Chief Economist, suggests that insurance companies could install "vehicular monitoring systems" in cars, so that they can constantly modify insurance rates, raising them whenever a driver behaves in ways that the insurers' algorithms regard as unsafe and cutting rates for the safest drivers (Varian 2014, 30). As information theorist Shoshanna Zuboff argues, as every bit of data a person generates starts getting sucked up into algorithms that determine the price and availability of products that many people need, like auto insurance, individuals may start self-monitoring their behavior more and more, foregoing spontaneity and the uncertainty that comes with it in order to better satisfy the demands of information capitalists (Zuboff 2015, 81).

Additionally, algorithmic marketing can often hide its own traces, preventing individuals from recognizing that their choice circumstances have been engineered to

encourage them to behave in predictable ways. For instance, it might never be clear to me whether or not a website I visit has been subtly modified in response to data gleaned from my social media profile in order to more effectively market to me (Calo 2014, 1029).

Capitalism offers us what appear to be opportunities for spontaneous self-realization but turn out to be more fly paper, trapping us again and again as we fall into scripts planned out for us by profit seeking firms. The more that markets provide us with fake opportunities for spontaneous freedom, the less we may be motivated to seek the real thing.

These features of “big data” suggest that as it becomes increasingly widespread and powerful, our ability to have veridical experiences of spontaneous freedom may decline. We might think that we are acting spontaneously but might actually just be enacting Amazon’s plans. Such obstacles to the veridical experience of spontaneous freedom are particularly likely to interfere with the social aspects of its value. The more what I do is settled in advance by some other agent's algorithmically enacted plans, the less likely I am to be a source of the individual variability that Mill admires or to generate the sort of unmediated political response to my social environment on which Luxemburg thinks political progress depends.

At this point, we are in a position to identify the sorts of circumstance in which we should be most worried about interference with spontaneous freedom. Obstacles to spontaneous freedom are most ominous when they preclude spontaneous freedom in wide swaths of our lives; when they interfere with domains in which creativity and immediacy of reaction are particularly important, and when they conceal themselves, making it likely that we will have non-veridical subjective experiences of spontaneous freedom that crowd out more valuable veridical experiences of it.

§ 6. Spontaneous Freedom in the Social World

Having made some rather pessimistic suggestions about ways in which the modern world interferes with spontaneous freedom, we might start to wonder whether living in a

social world can be reconciled with spontaneous freedom at all. Is it even possible to have modern, sophisticated governments and businesses without driving out the possibility of spontaneous freedom? I will conclude by suggesting several ways in which social life might better accommodate spontaneous freedom and allow for more of its distinctive value to be realized, and by considering an objection to state involvement with spontaneous freedom.

First, experiences of spontaneous freedom can be protected and promoted by providing the appropriate material conditions for individuals to experience it. The experience of spontaneous freedom requires the satisfaction of one's basic material and social needs so that attending to those needs does not drown out all opportunity for improvisation. It also requires free time, in the sense of time when one's activity is not subject to the directive demands or requests of other people.¹⁵ A state might nurture experiences of spontaneous freedom by providing its citizens with a universal basic income at a level sufficient to satisfy basic material needs and provide some minimum amount of leisure. Providing a universal basic income would make it easier for people to undertake financially risky occupations, like being a surfer or a songwriter, and would also enhance employees' bargaining power relative to employers, enabling more people to behave in ways that are not made highly predictable by employment markets. One way to provide access to more widespread experiences of spontaneous freedom is to make people less dependent on the decisions of other people or institutions to satisfy their basic needs.¹⁶

Second, valuable experiences of spontaneous freedom can be promoted by protecting certain domains in which its realization is especially important from manipulation and interference. For instance, we might aim to protect experiences of

¹⁵ For a full argument for this claim, see Gingerich n.d.

¹⁶ If politics itself proves to be one of those domains in which the possibility of spontaneous freedom is particularly important, enabling spontaneous freedom might require the development of a state where laws cannot be unalterably fixed even by prior democratic decisions (cf. Rousseau 2002, 170).

spontaneous freedom in aesthetic domains by providing for robust legal protections for artistic as well as political speech, and extensive public funding for the arts and humanities to ensure that aesthetic projects are insulated to some extent from market considerations.¹⁷ Provided that public funding mechanisms do not simply push their own narrow ideological agendas, doing so can make artists less likely to feel that their art plays out plans put into motion by shadowy and impersonal market forces.¹⁸

Third, to provide spaces in which individuals can veridically experience spontaneous freedom, the state might help to provide more refuge from algorithmic prediction and influence. Doing so would require greater regulatory control of the accumulation of digital dossiers by government agencies and businesses (Pasquale 2015). Doing so might involve something like the “right to erasure” to have old and irrelevant information about oneself removed from databases maintained by commercial search firms, which was recognized by the European Court of Justice in *Google Spain* (Case C-131/12) and written into the EU’s General Data Protection Regulations.

The implications of the GDPR for the growth of big data remain highly contested, with some commentators suggesting that the GDPR flatly prohibit most uses of big data to target individual consumers (Zaresky 2017, 1008; Mayer-Schönberger & Padova 2016, 323) and others suggesting that the regulations permit relatively continuous development of algorithmic prediction (Centre for Information Policy Leadership 2017). Recognizing the value of spontaneous freedom lends support to efforts by social movements, national legislatures, and courts to broadly construe the GDPR’s restrictions on algorithmic profiling (Zuboff 2019). Even if the development of such algorithms turns out not to restrict freedom

¹⁷ For a full elaboration of this argument, see Gingerich forthcoming.

¹⁸ If the state aims to promote any particular aesthetic or political goals through its funding programs, such programs might themselves undermine spontaneous freedom. An abstract expressionist who found that their work was indirectly incentivized through CIA support for the modern art market might feel that their creativity and spontaneity was compromised (see Stonor Saunders 1995).

of choice at all, we would still have legitimate grounds for restricting and regulating such developments insofar as they undermine access to spontaneous freedom. Regulatory protections that restrict the use of predictive algorithms can help to ensure that veridical experiences of spontaneous freedom do not become vanishingly rare.

Finally, if, as I think, spontaneous freedom can be undermined even by the impersonal force of social norms, experiencing spontaneous freedom requires us to be able to see a wide range of experiences, decisions, and forms of life as real possibilities. For if we cannot, the social forms of life that we inherit will prevent us from articulating personally authentic “techniques of being.” To have the sense that what we are doing is novel, in the fullest sense, we actually need to expose ourselves to a wide range of possible ways of life, since practice and cultivation are what make the formulation of new techniques of being possible.

It might be objected that enabling spontaneous freedom is not for the state to do, because spontaneous freedom is a luxury good, something enjoyed by the wealthy and privileged few. Indeed, as many of the examples of spontaneous freedom that I have offered suggest, material and social resources are required to experience and enjoy spontaneous freedom. But this does not undercut the value of spontaneous freedom. Rather, access to spontaneous freedom is a matter of social justice. True prosperity includes access to spontaneous freedom, and insofar as it is proper for the state to promote prosperity among its citizens, it should also seek to provide for spontaneous freedom.¹⁹

§ 7. Conclusion

I have argued that spontaneous freedom is a politically important sort of freedom that can be threatened by public and private actors, even when they protect individuals’ freedom of choice. It is not possible—or worthwhile—to eschew the human sciences, “big

¹⁹ I thus reject any principle of neutrality that prohibits liberal states from promoting prosperity, broadly understood.

data,” or modern techniques of social control altogether. But public institutions can nurture valuable experiences of spontaneous freedom in three ways. First, by ensuring that there are not large swaths of people’s lives in which they are completely cut off from experiencing spontaneous freedom. Second, by avoiding trying to control or manage how people behave in those domains, like artistic creativity, where the value of experiencing spontaneous freedom is at its peak. Third, by ensuring that experiences of spontaneous freedom do not become illusory because of the ghostly operation of firms and governments working to make it more likely that we behave in predictable (and profitable) ways. Until we take action to preserve and foster our capacity for spontaneity, we will not have done full justice to the human aspiration for freedom.²⁰

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