

Gerard Heymans Views on Free Will and Criminal Accountability

Nils Yannick Müller

s3379191

Department of Psychology, University of Groningen

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Supervisor: Rijnske Vermeij

Second evaluator: prof. dr. Peter de Jonge

In collaboration with: Flüs Paul, Friedericke Kreßman, Julia Meffert, and Corné Vroomen.

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Abstract

Gerard Heymans was a Dutch philosopher and psychologist who lived between 1857 and 1930. Heymans is most known for the development of his 'Temperamental Typology'. The typology is a diagnostic tool for personalities along the lines of three temperamental dimensions, namely primary- or secondary functioning, emotionality, and activity. The research question was: How did Heymans views on free will and determinism influence his view on criminal accountability? Thereby, Heymans' exchange with the criminal anthropologist Arnold Aletrino was analyzed, as well as Heymans' views on character development and the decision-making process. Conclusively, it could be said that Heymans views determinism as a necessary precondition for free will. In terms of criminal accountability he believes that people are accountable for their actions to varying degrees. This depends on their placement on the three temperamental dimensions. The temperamental dimensions either foster or hinder a representation of all available alternatives, consequences, and motives before a decision, and thus increase or hinder the degree of accountability Heymans awards to the acting individual.

Keywords: Gerard Heymans, Temperamental Typology, free will, determinism, criminal accountability

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Ever since the movie 'Minority Report' has been released, the age-old debate between free will and determinism has arrived in modern pop culture. Several works tackle this complicated question, such as 'Black Mirror', 'Psycho-Pass' or 'The Matrix'. Indeed, the question of whether our actions are predetermined or if we are the captain of our own ship can be a very intriguing one. Answering this question would carry important implications for society and the criminal justice system. How could you judge a criminal, if you knew that the experiences and his genetic material have inevitably led him to the criminal act that he has committed? Also, if you were able to determine who is going to commit a crime, would it not be justified to prevent this person from doing something wrong before it happens? There are a lot of interesting questions that come with this debate and many philosophers have tried their luck with answering them. Classically, the question of free will and determinism is either free will or determinism (Campbell, J. K., O'Rourke, M., & Shier, D., 2004). However, not so in the case of Gerard Heymans, for whom free will and determinism are not mutually exclusive, but determinism becomes a necessary precondition for a free decision. Before getting into how this relationship works and how Heymans arrived at this conclusion, an introduction of Heymans, his works and the broader historical context will be necessary.

Gerard Heymans was a Dutch psychologist and philosopher who lived between 1857 and 1930. He was the founder of the psychological faculty in Groningen and can be considered the originator of Psychology in the Netherlands (Rijksuniversiteit, Groningen 2021). Among his works are 'Einfuehrung In Die Ethik', 'Die Psychologie der Frauen', his magnum opus, 'Einfuehrung In Die Speziale Psychology' and more. Most known is Heymans for his "Temperamental Personality Cube" which approximates in its purpose, modern psychological tools, such as the 'NEO-PI-3', commonly known as 'Big Five Personality

Inventory'. Heymans cube is a multi-dimensional construct, with the purpose to identify individual differences between people along the lines of their temperament (Heymans, 1932). I will give a short introduction to Heymans temperamental dimension and afterwards into Heymans 'Ethics of objectivity', as this will be helpful to better understand and evaluate the contents of the analysis.

The temperamental cube is divided into three dimensions, namely temperamental traits. These temperamental traits are present in every person, only varying in strength. Heymans first dimension would be primary and secondary functioning. This is probably the most difficult dimension to understand since this is a concept that cannot be found in today's Psychology. I will give a simplified explanation of what Heymans means by primary and secondary functions. This first temperamental dimension is defined by the degree to which the contents of the peripheral consciousness affect the contents of the central consciousness (Heymans, 1932, p.19). Even though the concepts are not identical, replacing peripheral and central consciousness with long- and short-term memory will make this more understandable. Therefore, in further explanation of this concept, I will keep using long- and short-term memory instead of peripheral and central consciousness.

The first temperamental dimension describes a difference between people in the duration that information remains in the long-term memory and the likelihood of said information to passively spill or to be actively recalled into the short-term memory (in this case replace short-term memory with what you pay attention to in the moment). On the one hand, for primary functioning people, it is easier to take in information and place it from short-term into long-term memory, but it is more difficult to retrieve information from long-term memory and apply it to the moment. On the other hand, secondary functioning people do not transfer as much information into long-term memory, but it is easier to retrieve memory from long-term memory and apply it to the moment.

Secondly, the next temperamental dimension would be emotionality which describes, as Heymans puts it, the quantity and strength of emotional reactions in relation to the emotional triggers (Heymans, 1932, p.131). In other words, how often and how intense do we react when situations evoke an emotional response in us. Finally, the third and last dimension is activity vs. non-activity. Heymans describes this as the frequency and energy of the acting person in relation to their motives (Heymans, 1932, p.131). This could be simply understood as how fast someone 'gets going'. Active people tend to have a lower threshold for action, and for non-active people the threshold is greater. Following those three temperamental dimensions, several personality types are identified by Heymans, but naming them would be beyond the knowledge which is necessary to understand the contents of this paper.

Furthermore, it will be useful to give a brief introduction to Heyman's 'Ethics of Objectivity', since the concepts of morality and criminal accountability are somewhat related. Heymans developed his own ethical theory, which he also wrote a book on ('Die Einfuehrung in die Ethik'). The theory is named: 'The Theory Of Objectivity' (Schmidt, 1922, p.170). Consequently, he aimed to develop an „ultimate criterion which we employ in our moral judgments" (Schmidt, 1922, p.170). Explaining how Heymans arrived at this theory and explaining it in depth will be beyond the scope of this paper. Instead, I will give an explanation that is as concise as possible, so the principles of the 'Theory of Objectivity' can be applied later on.

To start, I will let Heymans explain it in his own words: „But that hypothesis (which I call the theory of objectivity) is to the effect that a person is always ethically valued in proportion to the degree to which his character shows a tendency to maintain, in all decisions, an attitude of maximal superindividual-objectivity, i.e., to take into consideration all available data and interests in equal measure, without respect to personal wishes or sympathies." (Schmidt, 1922, p.171). By saying this, Heymans equates objectivity or 'superobjectivity'

with an action that we can morally judge as 'good'. This means that if we take into account all facts that are relevant to a decision, without giving our personal preferences more weight, the decision that we make will be moral. A decision that is made without giving consideration to all available information and which is based on egoistic preferences will be immoral. Thus, the connection Heymans makes is between rationality and morality (Schmidt, 1922, p.171). We will not dive too deep into this point, but Heymans believes, that „the cardinal virtues may be deduced from this primitive position" (Schmidt, 1922, p.171). In short, a rational and objective action will lead us to virtues, such as truthfulness, conscientiousness, reliability, honesty, etc.; vice versa an egoistic action will lead us to the opposite, namely to unvirtuous actions. The ultimate goal following this logic will be the 'liberation from egoism' (Schmidt, 1922, p.173).

An influential school of thought on criminal matters during Heyman's lifetime is the school of criminal anthropology (Knepper, 2017). The discipline of criminal anthropology was founded by Cesare Lombroso and was already controversial at the time. "Lawyers, doctors, police and other professionals of Lombroso's era thought he was full of nonsense" (Knepper, 2017). His theories were better received by the population and despite the controversy, had a lasting effect by establishing the field of criminology. Lombroso talks of a "born criminal... left over from an earlier stage of evolutionary development" (Knepper, 2017). Criminal anthropology denies the individual the capability to make free choices. As does the criminal anthropologist Arnold Aletrino (Heymans, 1901, p.55). To answer the research question: How did Heymans views on free will and determinism influence his view on criminal accountability? We will start by analyzing a remarkable exchange between Heymans and Aletrino.

Analysis

Introductory Paragraph

During Heyman's lifetime, the profession of criminal anthropology was not yet outdated and scientifically disproven (Paul Knepper, 2017). Paul Knepper calls Cesare Lombroso, the founder of criminal anthropology, in his paper "Laughing at Lombroso: Positivism and Criminal Anthropology in Historical Perspective" (2017) as yet "...the most influential criminologist who ever lived...". This statement may exemplify the importance of criminal anthropology at the time, even though its theories might sound quite outlandish to today's reader.

Heymans comments directly on a text by Arnold Aletrino, a contemporary criminal anthropologist. To begin with, I will analyze this exchange, as it will provide some historical context on the relevant questions of this paper, namely: free will, determinism, and criminal accountability. This will enable the reader to understand how the questions arose that will be covered in the second part of the analysis. The second part of the analysis will provide answers by explaining more in-depth concepts, like the development of character, as Heymans sees it, as well as the decision-making process and which role temperament plays in it.

Heymans in Opposition to Aletrino

Why did Heymans critique Aletrino in the first place? Heymans saw criminal anthropology as a young science at the time, which had a lot of methodical errors (Heymans, 1901, p.51). Arnold Aletrino came from the Netherlands, as did Heymans. Heymans saw this commonality as an opportunity because he was hoping to reach a broader audience with his critique (Heymans, 1901, p.51). More importantly though, Heymans calls Aletrino "...the most complete embodiment of methodical errors, which, in my opinion, many practitioners of criminal anthropology, to a greater or lesser extent, are guilty of." (Heymans, 1901, p.51).

Surprisingly, this is a very strong statement and exemplifies the aversion Heymans experienced toward the school of criminal anthropology. Especially in consideration of Heymans usually very respectful style of confrontation, it can be understood that his aversion is out of the ordinary. This makes it clear that Heymans very much opposes criminal anthropology, despite agreeing with many of its base assumptions, as well as some conclusions.

Heymans acknowledges the basic facts which criminal anthropology has brought to the forefront, such as "... certain abnormalities, both in the anatomical construction and physiological functions of some parts of the body and in the course of psychological processes, are more present in criminals than in non-criminals" (Heymans, 1901, p.53). Those abnormalities would be for example: "...abnormally large or small size... highly developed jaws... heart disease... insensitive to pain... laziness... go up in the present without thinking of past or future, emotional instability, need for stimulants..." (Heymans, 1901, p.53). These physical and psychological 'abnormalities' are central in the teachings of criminal anthropology. For a criminal anthropologist like Arnold Aletrino, all those characteristics could mark one as a criminal. Aletrino states:

"The criminal is related to, a special case of, or even identical to, the insane. He, like all men, is the victim against his will and thanks to his bodily constitution and his inherited tendencies. Consequently, the concepts of imputation and responsibility, of moral approval and disapproval, of retribution and punishment, are unconditionally rejected. The criminal, in particular, deserves not blame but pity; Strictly speaking, action by the State towards him is justified only if and in so far as it serves his own interests." (Heymans, 1901, p.55).

Hence, for Aletrino, one is either born a criminal or not, which means, there is nothing one can do about that, and one's fate might as well be accepted. Still, Aletrino says, in line with his

reasoning, that if one's fate is predetermined, then responsibility, moral judgment, or punishment are obsolete.

Heymans does not agree with that. First, he argues about the 'stigmata of the criminal' that those are "not characteristics of individuals, but groups of individuals" (Heymans, 1901, p.53) and because that is the case,

"...if one examines a group of criminals and an equally numerous group of non-criminals, one will find a greater total number of anomalies in the former than in the latter; if, on the other hand, one compares a randomly chosen individual from the first with a randomly chosen individual from the second group, it is quite possible that one finds as many or even more deviations in the honest man than in the murderer or thief." (Heymans, 1901, p.53).

With this quote, Heymans emphasizes that on a group level, criminals might display a higher frequency of abnormalities, but on an individual level, this is not something that can be found in every criminal. In a later paragraph, Heymans also states that common physical or psychological traits are not exclusive to 'the criminal' but can also be found in other occupations, such as the "typical soldier, scholar, priest or artist"(Heymans, 1901, p.54).

In a similar vein, Aletrino states regarding physical and psychological abnormalities: "The criminal is related to, a special case of, or even identical to, the insane." and Heymans agrees that there is a connection between 'the criminal' and 'the insane' when he says "The same abnormalities, which have been found in criminals more often than in others, also occur in more than average frequency in persons with undeveloped or disturbed mental faculties: in idiots, epileptics and the insane." (Heymans, 1901, p.54). However, for Heymans, this connection does not mean that the criminal is 'identical to the insane' but rather that the conclusion which should be drawn from this is a different one.

Subsequently, he concludes, that some of the abnormalities, that “have been found in criminals more often than in others,” and which “also occur in more than average frequencies in persons with underdeveloped or disturbed mental faculties” relate to the ability whether one is able to direct their attention or not

“He who lacks the ability to direct his attention, will depend much more than others in his thoughts and actions on the impressions of the moment, that impose themselves with a sensual liveliness. They will be much less able to take into account more distant considerations that relate to the past and future“ (Heymans, 1901, p.59).

Thus, Heymans concludes about the connection between degeneration and crime:

“Degeneration is no more identical with, as the sufficient cause of, but only a favouring factor for crime.” (Heymans, 1901, p.62).

Before we will analyze what Heymans means by ‘the ability to direct attention’, we will have one more look at what he says about accountability and will, because that will give an interesting perspective in understanding how Heymans perceives the decision-making process. On the question of what a free and what an unfree act is, Heymans states the following:

"Free, in common parlance, is an act which arises from a will of the acting individual, forced on the contrary by such an act, which is imposed on that individual against his will, by a power outside him; both terms refer to the ability to act accordingly, being given a certain direction of will." (Heymans, 1901, p.67).

Hence, as long as an act is not forced upon us and if we are doing what we want, our action is free. Heymans gives the following example:

“I ate my sandwich because I wanted it, and I wanted it because I liked it. My will was thus an indispensable link in the chain of causes and effects; had I not wanted or wanted otherwise, I would not have acted or acted differently; my action was not

prescribed to me by any power outside of me, but sprang forth from my own being”
(Heymans, 1901, p.68).

For now it can be said that for Heymans, if the decision is in line with the character, if it is the will of the person, the person should also be accountable for their action. This can also be seen in the following quote:

“We have seen so far that, in normal cases, human action is the product of a decision to act; whereas from that connection of will, in view of the motives by which it was created, a conclusion can be drawn as to the character of the person acting; and that acting person, as possessing this character, may then be subjected to a moral judgment.” (Heymans, 1901, p,78).

Now I am sure, that the attentive reader might have quite some questions. First, as mentioned above: What does Heymans mean by ‘the ability to direct attention’? Secondly, what would be circumstances where people are ‘non compos mentis’, meaning what has to happen in Heymans's eyes that someone would be less or not accountable for their actions? Thirdly, how does Heymans think the character comes to be? Because if the character is predetermined, are decisions not also predetermined in a way? To answer these questions, we will start by looking at Heymans view of the creation of character, and afterwards at his view on the decision-making process.

Character and Decision Making

How does Heymans define the character and how does character come to be in his mind? To answer those questions, it is important to understand what Heymans means when he says ‘character’. Heymans defines character as a collection of all inclinations and motives, that a person has. In different people, those inclinations are present in different strengths relative to each other (Heymans, 1922, p.43).

Heymans divides those inclinations into four main categories, mainly vital, egoistic, altruistic, and abstract (Heymans, 1932, pp.110-115). For a better understanding, I will give a short breakdown of each individual category. When Heymans says vital tendencies, he divides them into two categories, organic needs and needs of the soul. Organic needs would be needs, such as eating and drinking, the need for activity, but also intercourse and smoking can be part of the organic needs. The vital needs of the soul would be the need for community, exploration, and attention. When Heymans says egotistical tendencies, he means the need to feel above other people. Egotistical needs would be greed, parsimony, self-love (with the intention to be judged positively by others), and the lust for power. When Heymans says altruistic tendencies, he means the need to help others. This need can be expressed as love for a partner, a sense of family, friendship, patriotism, or philanthropy in general. Finally, when Heymans says abstract tendencies, he means the need to realize abstract ideals such as the need for truth and a sense of justice. To conclude this explanation, Heymans believes that nobody is completely missing any of those central inclinations, but that they can be present in all sorts of proportions in a person. The character of an individual is composed of many different inclinations and as our experience tells us, the relative strength of those inclinations varies between individuals (Heymans, 1932, p.90).

How does Heymans think that character comes to be? To start, Heymans divides character into the hereditary part, the character you are born with, and an acquired character that you acquire after birth (Heymans, 1932, p.318). He states that in earlier times people used to think the character to be a blank slate (Heymans, 1932, p.319) but that the fight has been decided in favour of the hereditary side unambiguously (Heymans, 1932, p.319). His reasoning for this opinion is based on several factors. For one, he says that because there is strong physical heredity from generation to generation and because physical and mental faculties are closely related, heredity of mental faculties should be considered very likely

(Heymans, 1932, p.320). Furthermore, he states that the studies on the heredity of mental illness, occupation, intellect, and other mental faculties showed a higher likelihood of these being present for people who are related than for people who are not (Heymans, 1932, p.324). On the question of whether these effects could not be due to nurture rather than nature, Heymans reasons that traits, that are commonly considered as being not acquired through nurture, are similarly present in the participants as traits, that are considered as strongly nurture dependent.

Heymans expansive reasoning that there is a hereditary part in the nature and nurture debate, implies that the question of whether there is a hereditary part in the first place, had not yet found a commonly accepted answer during his time period. Regardless of that, Heymans asks the concrete question of how much heredity is involved in the character. His research leads him to the conclusion that the hereditary part of the different traits, lies between 2% and 65% (Heymans, 1932, p.328). The traits he specifically names, are mostly above 50% and rarely below 40%, e.g., emotionality for women at 57%, vanity at 36%, pity or willingness to help at 64% (Heymans, 1932, p.328).

On the part of nurture, or how Heymans calls it, 'the acquired character' he says, that without question the character will change over the course of one's life and will acquire and lose certain aspects "Dass der Charakter im weitesten Sinne des Wortes im Laufe des Lebens Umbildungen und Ergaenzungen erfahren kann, scheint ueber jeden Zweifel erhaben;..." (Heymans, 1932, p.331). Heymans acquired character is defined by influences beyond one's control, influences someone experiences throughout their lifetime. Those influences can be very different things, they range from the parental upbringing, the social climate one lives in, over simply climate, to very severe events, like the death of a relative or a severe illness (Heymans, 1932, pp.332-335). He gives an interesting example, where a particularly strict or loving upbringing might seemingly make a 'completely different person' out of someone than

one might think that he'd become, but in Heymans opinion, that is only possible if the person was already susceptible to that kind of change and if it was in one's nature (Heymans, 1932, p.332).

Interestingly, Heymans introduces one more element in the creation of one's character, which he calls the self-made character" "Neben dem angebohrten und dem von aussen erworbenen steht aber noch der selbstgemachte Charakter." (Heymans, 1932, p.335). He states that not just are we a passive element, that takes in experiences that lead to changes in our character, but that we are also an active element in the shaping of our own character "Wir erfahren nicht bloss Einflüsse, sondern wir lassen auch solche von uns ausgehen, welche die Richtung, in der unser Charakter sich entwickelt, aendern oder sogar umkehren" (Heymans, 1932, p.335). Here we have a very important segment in Heymans view of free will, that I will follow up on in the discussion.

Heymans describes the self-made change in character as follows: If something or someone makes to us apparent a trait that we might want to change, then this wish to change can grow into a will to change an aspect of our personality. The stronger that will is, the more likely it becomes that we will change. He also states, that only something already present in the character in the first place, can become a wish to be something that one wants to change toward. This change might not have been possible before, because the trait that one wants to change toward, was 'overgrown' by different already present tendencies (Heymans, 1932, p.335). What is meant by overgrown is that a stronger opposing trait has made it difficult for the person to act on the weaker trait.

It is apparent now that Heymans believes change toward character traits that are perceived as more desirable by us is very possible. Although with the limitation that at least this very desire has to be somewhat innate within the character in the first place. Heymans also recognizes that there is a long way between considering something, wanting it, and

actually changing it. This seems to be very much dependent on the type of person one is (Heymans, 1932, p.336). For example, the change of a person with strong egotistical tendencies to become more altruistic would be way more difficult than the change of an already altruistic person to become even more altruistic. As an addition to this, following Heyman's 'Theory of Objectivity', the change of the egotistical person to become more altruistic would be valued higher morally by Heymans than the change of the already altruistic person to become more altruistic.

Now it will be worthwhile to take a look into how Heymans describes the relationship between wanting to do something and actually doing it. This will provide us with a more holistic view of how Heymans thinks of will and also how different temperamental traits influence how difficult it might be for someone to change behaviour and thinking. At the beginning of his chapter on the will process, Heymans makes it clear that he believes that volition in itself is its own, non-reducible process in our consciousness (Heymans, 1932, p.87). On the question of what volition exactly is, Heymans states that this will have to be solved by another field of psychology than the one he is currently working on.

I will begin by giving an explanation of how the decision making process works. First, the idea of what one might desire to do has to come to mind. That can happen through different means, e.g., by a coincidental perception of something, as the product of a chain of associations, as well as through an intentional piece of advice by someone else etc. (Heymans, 1932, pp.88-89). After the idea came to mind, the consequences of acting on the idea have to be imagined. After the consequences have been imagined, it depends on the personal inclinations whether one decides to take action or not (Heymans, 1932, p.89). As an example, Heymans presents a situation in which one could come to the decision to help a person in need or not. That fully depends on whether the trait of philanthropy is present to a significant enough extent to cancel out other opposing values one holds. To make this clearer, if someone

with egotistical tendencies helps someone in need, this is only possible if the trait of philanthropy is strong enough in them to cancel out their egotistical tendencies, such as the love of money (Heymans, 1932, p.89). As Heymans puts it: “As gravity can be reversed by other natural forces, philanthropy can be reversed by different tendencies in ones character” (Heymans, 1932, p.89).

As described before, Heymans says that what we call the character of a person is the sum and the strength of their inclinations. A summary of this first and fundamental part of decision-making would be, the available ideas of what one might want to do, a consideration of the consequences it would have and a decision based on the strength of the individual's inclinations (Heymans, 1932, p.90). The concept of will comes into play when one considers the strength of their inclinations. We then consider what is more important to us, in the previous example, philanthropy or money (Heymans, 1932, p.90). What I have described before, I would label as what Heymans calls an optimal decision process. A person considers the available ideas of what could possibly be done and then afterward, in line with their inclinations, the ‘right’ decision, or rather the decision that aligns most closely with one's inclinations will be taken. This would be the optimal ‘ability to direct attention’.

Now to Heymans but also to me and the reader it is quite obvious that this is not the way we make our everyday decisions but it is rather an optimal decision process that should be approximated. Heymans identifies what could come in the way of making the optimal decision. Also, he differentiates between what he calls automatic- and will-causality. Automatic- and will-causality, will be at the very core of what decision Heymans deems accountable and what not.

The first hindrance to the optimal decision-making process he brings up is a difference in perception of the situation. This difference can lay in what one expects the outcome of the situation is going to be. One person expects that involvement will bring one outcome. Another

person expects a completely different outcome. Moreover, the tendency to project one's own understanding of the situation onto others plays a role, because if they act differently than we do in the same situation, we might assume ill content (Heymans, 1932, p.91). Although a different interpretation of the outcome of a decision is according to Heymans one of the most common reasons for conflict. This has little to do with automatic- and will-causality.

So, what is automatic- and will- causality exactly? Heymans states that sometimes a person will only see certain sites of a situation. If the person would consider all the viewpoints, they might take a very different decision. Thus, the more viewpoints of the situation we consider, the more we approximate will-causality, the less viewpoints we consider the more we approximate automatic-causality

“Die betreffende Person uebersieht dann in jenem Augenblicke nur einzelne Seiten der Situation, ohne daran zu denken, dass diese auch noch andere Seiten hat; waehrend sie, wenn sie auch diese beruecksichtigen koennte, vielleicht zu einer ganz anderen entscheidung gekommen waere. Wir haben es hier zu tun mit dem Gegensatze zwischen automatischer und Willenskausalitaet,...“

(Heymans, 1932, p.93).

Heymans states that there is no such thing as a weak-willed or a strong-willed person, only people that consider less or more viewpoints of a situation before they make a decision. This process of consideration is the same for people with more ‘moral’ as ‘immoral’ tendencies. Heymans gives an example of a greedy person, that gives money to a beggar because he has a sudden surge of empathy, but later he regrets it because being generous is normally not in his nature. Consequently, if he had considered all angles of the situation, he probably would not have taken that decision, because it would have been in line with his strongest inclination, greed.

Now we will come to the reasons why some people are more on the side of automatic- and some people are more on the side of will-causality in their decision-making. This is where Heymans temperamental typology plays an important role. In his typology, he describes three temperamental dimensions, and each of those dimensions influences decision-making. The first temperamental dimension Heymans connects with either of those concepts are primary- and secondary-functioning people. About people with a strong primary function Heymans says the following: If the foreseen result of an action has strong emotional value for a primary-functioning person, that person will make the decision and take action immediately (Heymans, 1932, p.94). This means the motives that go contrary to the decision will be removed temporarily from consciousness. Consequently, the decision will be more on the side of automatic- causality. For a secondary-functioning person that faces a decision with a strong emotional relevance- outcome, these motives that go contrary to what seems apparent, will come back and cause the person to halt, before the decision is taken. This enables the person to better mentally represent all facts that are important to the situation, and a decision that is more in line with their inclinations can be taken. This decision will be more on the side of will-causality (Heymans, 1932, p.94). If Heyman's greedy person would have had a stronger secondary function, the person would not have given money to the beggar, because all their tendencies (particularly the one of greed) would have been better represented at the moment of the decision. Yet, the person's primary function was stronger developed and that is why the person gave money to the beggar and came to regret it.

Two more factors to pay attention to in this situation are the other two temperamental dimensions that could have played a role in the decision that was taken. Emotionality and non-emotionality as well as activity and non-activity are two more deciding factors on whether the decision that is taken will be more on the side of automatic- or will-causality. The second temperamental dimension is emotionality. Strong emotions can have the effect of what

Heymans calls 'a narrowing of consciousness'. The strong emotion enables the motives that are connected to it to have a greater representation while making the decision. That leads to less representation of facts and motives in general and then to a decision that is more on the side of automatic-causality (Heymans, 1932, p.95). With fewer emotions the whole process will go in to the opposite direction and lead to a decision, that is more in line with will-causality. The third temperamental dimension, that can either sway the decision-making towards will- or automatic causality would be activity and non-activity. Who gets going easily and makes decisions quickly, will be more likely to disregard relevant motives before taking a decision (Heymans, 1932, p.96).

In Heymans opinion, what is made possible through the secondary function, is a better chance of a proper representation of all the relevant facts and motives that are available. It enables a person to take into account everything that is important to make their optimal decision and to do what they actually want to do. This approximates the 'optimal' decision-making process that was mentioned earlier. As a consequence, the 'optimal' decision is the freest decision that we can take and also the decision that we can take the most accountability for (Heymans, 1932, p.95). This optimal decision would be fully in line with what Heymans calls will-causality. Also, to clarify, Heymans states again, that this has nothing to do with the decision being moral or not, if our 'true' character is defined by an overwhelming immoral trait, the decision, that is most 'free' and most in line with our inclinations might just be one that would be considered quite immoral by society.

On the side of automatic causality, if only a few motives are present at the moment of the 'will process', this can be caused by high emotionality, activity or a primary-function, then the decision of the person is less in line with their inclinations, less free and the person is less accountable for their action

“Bei dieser automatischen Kausalitaet sind von allen Motiven, die die Entscheidung mitbeeinflussen koennten, nur einige naeherliegende im Geiste wirksam; an die uebrigen wird selbst nicht gedacht, und die diesen entsprechenden Neigungen bleiben also schlummern,... und eben dies meinen wir damit, wenn wir sagen, dass die betreffende Person fuer solches Handeln nicht oder nur teilweise verantwortlich gestellt werden kann.” (Heymans, 1932, p.95).

Discussion

In this paper, we have answered the aforementioned questions of what Heymans means by character. How he thinks character comes to be. What he means by the ability to direct attention and under which circumstances someone would be less or more accountable for their action. Now we are able to answer the research question sensibly. So, how do Heymans views on free will and determinism influence his view on criminal accountability?

Heymans is a believer in free-will and accountability, as evident in many of his quotes. Naturally, that translates also to his views on criminal accountability. As evident when he says, that criminals with the inabilities that all humans have to deal with, are undoubtedly responsible for their actions. Simply put, what they do is what they want to do.

“So moechte ich denn an erster Stelle bemerken, dass wir keinen einzigen Grund haben zu bezweifeln, dass die Verbrecher, in dem naemlichen Sinne und mit den naemlichen Einschraenkungen wir alle anderen Menschen, dasjenige, was sie tun, auch wirklich tun wollen” (Heymans, 1932, p.306).

How much accountability one has depends on the individual case and whether someone's decision is more on the side of will-or automatic-causality.

Heymans disputes the notion of a ‘born criminal’ (Heymans, 1932, p.307) and makes it clear, that accountability is dependent on the temperament and the character inclinations of a person. In line with this, he gives an example where a hothead would be more likely to

commit a violent act and an egoist would be more likely to enrich themselves at expense of others. Still, other factors have to be considered, such as provocation, poverty, or convenience (Heymans, 1932, p.308). The combination of traits that Heymans deems most likely to commit a crime and which is most closely related to Aletrinos 'born criminal' would be someone with a strong primary function and strong egoistic tendencies (Heymans, 1932, p.311). In another example he talks about how low activity, strong emotionality, and a tendency to altruism are a common combination of traits in family murderers (Heymans, 1932, p.311). Thus tendencies that are deemed good and moral by society can still lead to an immoral action. However, in the case of the family murderer, his decision is still immoral according to Heymans 'Theory of Objectivity', because it is not objective and more on the side of automatic-causality.

For Heymans, the traits or the combination of traits and circumstances that favour crime are on a spectrum and may occur in all sorts of strengths and combinations. A certain intensity and combination of traits and temperament may favour crime especially, but it will never make the act inevitable. An amount of responsibility always remains, because what we do always is what we want to do, if we are not forced by external circumstances to do it (Heymans, 1932, p.313).

The last question that has not been answered yet is the question of how Heymans deals with the fact that character is, also in his own opinion, largely predetermined. Genes and experiences shape who we are. It is true, that Heymans introduces the self-made character, but that does not exclude the possibility of that what we decide we want to change about us, also being predetermined by genes and experiences. Now we have arrived at the crux of the matter. This is where Heymans and Aletrino disagree. Aletrino believes that because the character is predetermined, that

"It may be so that man in general and the criminal, in particular, do what he wants, and will according to his inclinations, those tendencies themselves are nevertheless beyond the reach of his will. Over them he lacks all power; they have been forced upon him from the outside; no matter how much he would like to be different, it will not please him. And so he is again, in the last instance, a victim of the circumstances which outside his will, if necessary against his will, force him...to want." (Heymans, 1901, p.69).

Hence because the character is predetermined, action and will are predetermined whether we would want that or not. The answer to this argument is according to Heymans the following:

"No, I would like to answer, we will never be able to change that relationship by a decision of will, in which the relationship of our inclinations is expressed. But why not? I would say simply because we will never want to. If a person is a hardened egoist, then he will not be able to transform himself into a moral human being, because, in order to do so, he should not be a hardened egoist. And vice versa. It sounds almost too simple, but it is therefore, I believe, no less true." (Heymans, 1901, p.69)

Broken down, for Heymans, the decision is free, because it is not forced. If the character was predetermined, that would not change anything about the decision being our own. We would not be able to want to be someone else if that was not already within our character, so then that is who we are. Heymans logic converts the predetermined character into a necessary condition for a free decision. We would not be able to act in line with our inclinations if we did not have any inclinations.

What Heymans wants to make clear is that determinism, how Aletrino perceives it, presupposes that if the acting individual could, they would want to change their inclinations. However they can not change their inclinations and are forced to act a certain way. Heymans

says this is not the case, because how we act is how we want to act. In the end, the discussion between Heymans and Aletrino comes down to what one defines as determinism.

If determinism is defined as something we have to do whether it be with or against our will, then Heymans is correct. If determinism is defined as something that if we could compute all the variables that play into the creation of one's character, then we would be able to accurately predict the decision a person will take and that is because it is in line with their inclinations. Then this would suggest that Heymans himself could be called a determinist and his free will would only be perceived free will, meaning that we perceive our decision to be free and in line with our inclinations. However if we were able to calculate all variables that go into a decision, with that I mean, if we knew the character of the acting person up to the last detail and if we were able to calculate all the circumstances that surround the decision, we could with certainty predict the outcome of the decision. Thus the decision would be predetermined but not against our will. As Heymans said himself: "We have also noted earlier that in practice all men are determinists; while at the same time we see them clinging generally to the wish, that virtue should be rewarded and vice should be punished." (Heymans, 1901, p.79). With this comment, Heymans acknowledges, that there is a discrepancy. That as people we are able to understand how experiences (and genes) shape a person and that on a conscious level at least we know how that would affect the decisions they make. On a practical level, we would still hold someone accountable if they have wronged us and we expect that people suffer consequences for their actions. This in turn implies again accountability.

In the end, this is a very difficult question to answer. Heymans believes we are responsible for our actions and not only that, he believes that we have a moral duty to make informed and objective decisions, as well as to improve on our character and decision making ability. When punishing a crime, he believes, we should not only look at how well someone is

able to 'control their directionality of will', to consider whether the decision is automatic- or will-causality, but we should also take into account the morality of the action (Heymans, 1901, p.86). Not to forget, what impact the punishment has to prevent a repetition of the offence (Heymans, 1901, p.86). With this view, Heymans approximates very what we would consider a just treatment of criminals today, although he also proposes the death penalty in extreme cases (Heymans, 1901, p.90).

In conclusion it can be said, that Heymans view of the world is a nuanced and in my opinion a very interesting one. He acknowledges that people have individual differences and circumstances, and based on that should be held accountable for their actions to different degrees. I came up with the research question because when I started reading into Heymans I found the notion of determinism as a necessary condition for free will very intriguing. I feel that for me personally the conflict between determinism and accountability has not been resolved satisfactorily by Heymans. Nonetheless, he offers a solution in giving a definition of free will that might not resolve the debate of free will and determinism, but it might just be very functional in explaining what we mean when we say someone should or should not be held accountable for their actions.

The qualitative approach was chosen in the creation of this paper, to extract the meaning from Heymans historical works. Particular challenges where the multitude of languages Heymans works and the sources, in general, are written in (English, Dutch, and German). Another challenge was to distil Heymans' very long and elaborative works down to the relevant points, without losing the meaning of what he was trying to convey. Since Heymans' ideas align in some points quite closely with what modern philosophers debate in terms of free will, determinism and accountability, it would certainly be worth conducting future research on that relationship for example, where do the commonalities lay, where do

they differ and whether Heymans' perspective could add something new and valuable to the debate.

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