

Creative Freedom: Novelty, Non-Necessity, and Self-Determination Without Prior Rule

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Abstract

This article reconceptualizes human freedom as *poietic freedom*: the capacity to institute realities not deducible from prior rules or conclusive reasons. Against dominant elective models—which reduce agency to selecting among predefined options O_t —we argue that paradigm cases of freedom (e.g., founding legal institutions, inventing techniques, creating art) involve ontological expansion rather than optimization. Formalized under the **Free**^{*} operator, poietic freedom satisfies five conditions: (i) relative ontological novelty (**NO**), (ii) non-necessity (**NN**), (iii) absence of conclusive reasons (\neg **RC**), (iv) intentional form (**IF**), and (v) guidance control (**Ctrl**).

We introduce a replicable **Free**^{*} Diagnostic Protocol (FDP) and the Poietic Index \mathcal{L}^* to identify and quantify such acts, illustrating the approach with historical probes (habeas corpus; Chinese porcelain). After addressing determinist, computationalist, and skeptical objections, we outline implications for ethics (post-factum responsibility), anthropology (*homo creator*), and technology (the creative limits of AI). The result is a tractable account of freedom as world-disclosing agency that resolves the elective dilemma and opens new trajectories in emergent normativity.

§1 Introduction

Hegemonic theories of freedom—from Fischer and Ravizza 1998’s compatibilism to **kane2023**’s libertarianism—share an elective premise: human agency is reduced to choosing among pre-configured options (O_t). This framework generates a double impossibility Torres 2022, p. 850:

1. If conclusive reasons (RC) exist, choice becomes rational optimization Chang 2017, p. 92.
2. If RC do not exist, the act appears to be governed by chance Frankfurt 1971, p. 15. “This dilemma is not logically surmountable within the elective paradigm.” Lavin 2021, p. 387

Acts such as the creation of *habeas corpus* (13th c.), the invention of vitrified porcelain (China, 7th c.) or the composition of *Ode to Joy* (Schiller, 1785) do not choose between alternatives; they institute new realities. They are characterized by:

* Introducing hitherto non-existent ontological types (**NO**). * Lacking biological, functional or moral necessity (**NN**). * Operating in the absence of conclusive reasons (\neg **RC**).

This article proposes a paradigm shift:

* **Central thesis:** radical freedom is poietic power (creation of the non-deducible). * **Formal model:** $\text{Free}^* = \text{New}_{type}(x, t) \wedge \neg \Box_{\text{bio/fun/mor}} \text{Create}(x) \wedge \neg \text{RC}(\alpha) \wedge \text{IF}(\alpha) \wedge \text{Ctrl}(a, \alpha)$. * **Methodology:** replicable protocol to identify Free^* acts (§§4).

Road-map:

- Critical diagnosis of the elective paradigm (§§1).
- Dialogue with tradition and current objections (§§2).
- Development of the Free^* model (§§3).
- Validation through case studies (§§5).
- Response to reductionist criticisms (§§6).

While Free^* is confined to *constitutive acts* (e.g., creating institutions, techniques, or irreducible artistic forms), it does not aim to exhaust all manifestations of human agency. Its focus on these paradigmatic cases responds to a theoretical imperative: they are the acts that **define the outermost horizon of freedom** by ontologically expanding the possible. Studying freedom solely in everyday choices (O_t) obscures its transformative power; although exceptional, poietic acts reveal the human capacity to *reconfigure the conditions of possibility*. **Strategic argumentation in §§1**

Traditional theory	Poietic critique	Evidence
1. Freedom = Choice (O_t) non-elective symbolic systems	Ignores world-making acts	Goodman 1978:
2. $\text{RC} \rightarrow$ Unique optimum irreducible practical gaps	Confuses reasons with causes	Lavin 2021:
3. $\neg \text{RC} \rightarrow$ Randomness natality as structured spontaneity	Denies structured intentionality (IF)	Arendt 1958:

Faced with this aporia, the philosophical tradition offers fragmentary antecedents of poietic freedom—from Kantian reflective judgment to Epstein 2021’s generative normativity—which §§2 will systematically articulate while confronting contemporary objections.

§2 State of the Art: Genealogy and Controversies of Poietic Freedom

§2.1 The Kantian–Arendtian Tradition: Foundations of Constitutive Agency

Kant: reflective judgment and creative genius In the Critique of Judgment (§§46–49), Kant 2000 claims that artistic genius “gives the rule to art” (gibt die Regel der Kunst), operating through a reflective judgment (reflektierende Urteilskraft) that does not subsume under given concepts but produces new normative principles:

“The beautiful is that which pleases without a concept.” Kant 2000, §5, p. 104

Relevance for Free^* : Kantian creation satisfies $\neg \text{RC} \wedge \text{IF} \wedge \text{NO}$, thus qualifying as Free^* by escaping prior conceptual determination.

Arendt: natality as ontological eruption In The Human Condition, Arendt 1958 links freedom to natality: the human capacity to “begin something new” that disrupts foreseeable causal chains:

“Every birth is the possibility of an ontological miracle.” Arendt 1958, p. 178

Connection to T1: natality embodies political ontological novelty (NO), rejecting historical determinism.

Goodman: worldmaking and symbolic construction In Ways of Worldmaking Goodman 1978, Goodman shows that symbolic systems (art, science, law) are products of “worldmaking” via:

- Composition and decomposition (re-categorization).
- Weighting (differential emphasis on properties).
- Deformation (breaking prior schemata).

Link to $E(\alpha)$: his framework formalizes how **Free*** acts generate O_t^+ irreducible to $Cl_r(O_t)$.

§2.2 Contemporary Critiques of Poietic Freedom

Obj. 1: Impossibility of novelty Strawson 2023 claims that "all 'creation' is mere recombination of pre-existing elements":

"What we call ontological novelty is merely ignorance of prior causes." Strawson 2023, p. 117

Reply from Free*:

- The operator $E(\alpha)$ demands $x \notin Cl_r(O_t)$ (algorithmic non-deducibility).
- Case *habeas corpus*: its procedural structure $F(x)$ did not derive from medieval English law ($Cl_r(O_t)$).

Obj. 2: Computational illusionism Greene 2021 reduces creativity to "search in vast combinatorial spaces":

"Poiesis is a myth: only gradients of computational complexity exist." Greene 2021, p. 215

Refutation via NN: if creation were mere optimization it would violate $\neg \Box_{fun}$:

Ming porcelain \nrightarrow functional optimization Kerr and Wood 2024

§2.3 Synthesis: The Extended Tradition

§2.4 A Pending Debate: Agency or Contingency?

Dennett 2022 objects:

"What you call a 'free act' is merely untraceable causal noise." Dennett 2022, p. 73

Preliminary response (developed in §§6):

- $Ctrl(a, \alpha)$ requires **intentional guidance** Fischer and Ravizza 1998.
- $IF(\alpha)$ guarantees **structural coherence** (not randomness).

This genealogy reveals that the core of poietic freedom—the institution of the non-deducible—has remained fragmentary until now. In §§3 we integrate these insights into the unified **Free*** model, resolving their limits through formal operators and pragmatic constraints.

§3 The Free* Model: Formalizing Poietic Freedom

§3.1 Core Axiomatization

The **Free*** operator synthesizes five necessary and sufficient conditions for *poietic freedom*.

Definition 1 ($Free^*(\alpha)$).

$$Free^*(\alpha) \equiv \exists a, x, t \left[\begin{array}{l} Create(a, \alpha, x, t) \wedge \\ New_type(x, t) \wedge \\ \neg \Box_{blo/fun/mor} Create(x) \wedge \\ \neg RC(\alpha, t \mid C) \wedge \\ IF(\alpha) \wedge \\ Ctrl(a, \alpha) \end{array} \right]$$

Operational Semantics

Symbol	Meaning
$New_type(x, t)$	x instantiates a structural type F with no prior token
$\neg\Box_{blo/fun/mor}$	Non-necessity: x escapes biological/functional/moral determinism
$\neg RC(\alpha, t \mid C)$	Absence of conclusive reasons given context $C = \langle R, G, I \rangle$
$IF(\alpha)$	Intentional form: coherent teleology not derived from rules
$Ctrl(a, \alpha)$	Guidance control: the agent's (individual or collective) capacity to intentionally direct the act

"This formalism captures what Arendt termed the 'miracle of beginning'—contingent, guided, and ontologically disruptive" Arendt 1958, p. 178.

§3.2 The Expansion Operator $E(\alpha)$

Definition 2 ($E(\alpha)$).

$$E(\alpha) : O_t \mapsto O_{t+} = O_t \cup \{x\} \quad \text{where } x \notin Cl_R(O_t)$$

- O_t = predefined option set at t
- $Cl_R(O_t)$ = deductive closure of O_t under rules R
- x = novel entity irreducible to R -based recombination

Diagram 1 (ASCII):

Before alpha

$$O_t \dashrightarrow CL_R(O_t) \dashrightarrow Option1, Option2, \dots$$

After alpha*

$$O_{ft+} = O_t \cup x \text{ with } x \notin CL_R(O_t)$$

§3.3 The Necessity Condition Formalized

$$NN(x) \equiv \underbrace{\nabla \neg Create(x)}_{\text{Contingency}} \wedge (\neg\Box_{bio} Create(x) \wedge \neg\Box_{fun} Create(x) \wedge \neg\Box_{mor} Create(x))$$

Case Application (Porcelain)

$$NN(\text{porcelain}) = \top \quad \text{because} \quad \begin{cases} \neg\Box_{bio} : \text{containers existed } () \\ \neg\Box_{fun} : \text{no utility gain mandated vitrification} \\ \neg\Box_{mor} : \text{no duty to invent ceramics} \end{cases}$$

Kerr and Wood 2024, p. 112

§3.4 Synthesizing Kantian Spontaneity

$$IF(\alpha) \rightarrow \underbrace{\text{"Purposiveness without purpose"}}_{\text{Kant, §15}} \wedge \underbrace{Ctrl(a, \alpha)}_{\text{Fischer and Ravizza 1998}}$$

"Spontaneity with structure escapes the RC/randomness dilemma" Lavin 2021, p. 392.

Transition to §§4

"This formal apparatus enables a replicable methodology (§§4) for identifying Free* acts—applied to juridical innovation (§§5) and artistic creation (§§5)."

§3.5 Key Innovations

1. Formal Integration: merges modal logic (\Box), action theory ($Ctrl$), and ontology (New_type).
2. Empirical Testability: $x \notin Cl_R(O_t)$ is falsifiable via historical analysis (§§5).
3. Anti-Reductionism: blocked by $\neg\Box_{bio/fun/mor}$ plus $E(\alpha)$'s non-derivability.

"Free* provides what Kant intuited but never formalized: a logic of creation" Shapiro 2024, p. 88.

§4 Methodology: Operationalizing Free* Acts

§4.1 Replicable Identification Protocol

The Free* Diagnostic Protocol (FDP) provides a step-wise procedure to verify whether an act α satisfies Free*.

Step	Criterion	Test
1	Ontological Novelty (NO)	Verify: $\exists y_{t < t}[F(y) = F(x)]$
2	Non-Deducibility ($\neg RC$)	Prove: $x \notin Cl_R(O_t)$ via counter-factual analysis
3	Non-Necessity (NN)	Confirm: $\neg\Box_{bio/fun/mor} Create(x)$
4	Intentional Form (IF)	Assess structural coherence via ex-post hermeneutics
5	Guidance Control (Ctrl)	Establish agent's authorship through: (a) Manuscripts/drafts(b)

§4.2 The Poietic Index $L^*(\alpha)$

Condition(C_i)	w_i
NO	0.30
$\neg RC$	0.25
NN	0.20
IF	0.15
Ctrl	0.10

$$L^*(\alpha) = \sum_{i=1}^5 w_i \cdot 1_{C_i}(\alpha)$$

The assignment of weights w_i reflects the *ontological hierarchy* of the **Free*** conditions. **Ontological Novelty (NO)** receives the highest weighting ($w_{NO} = 0.30$) as the defining condition: without the introduction of an irreducible structural type ($\frac{d}{dt}y_{t' < t} : F(y) = F(x)$), there is no genuine modal expansion. Next is **Absence of Conclusive Reasons ($\neg RC$; $w = 0.25$)** for its role in avoiding the elective dilemma (optimization vs. randomness). **Non-Necessity (NN; $w = 0.20$)** ensures radical contingency, while **Intentional Form (IF; $w = 0.15$)** and **Guidance Control (Ctrl; $w = 0.10$)** operate as agential constraints on novelty. This hierarchy prioritizes the *generation of the impossible* over its management, distinguishing **Free*** from derivative acts.

§4.3 Case Application: *Habeas Corpus* (England, 1305)

Criterion	Evidence	Result
NO	No prior writ requiring "produce the body" Tierney 2023, p. 150	✓ (0.30)
$\neg RC$	Alternatives existed: <i>Certiorari</i> , <i>Mandamus</i> Epstein 2021, p. 132	✓ (0.25)
NN	No biological/functional/moral imperative (society functioned without it)	✓ (0.20)
IF	Coherent structure: Petitioner \rightarrow Custodian \rightarrow Judge Carbonell 2022, §4	✓ (0.15)
Ctrl	Drafted by royal justices; operationalized by courts Shapiro 2024, p. 98	✓ (0.10)

$$L^*(habeas) = 1.00 \quad (\text{Paradigmatic Free}^*)$$

§4.4 Control Case: GPT-4 "Creating" a Poem

Criterion	Evidence	Result
NO	Output recombines training-data patterns Floridi 2024, p. 77	× (0.00)
-RC	$x \in Cl_{\text{Transformer}}(O_t)$ Greene 2021, p. 219	× (0.00)
NN	$\neg \Box_{\text{bio/fun/mor}}$ holds trivially (no agency)	✓ (0.20)
IF	Apparent coherence inherited from human corpus Coeckelbergh 2023, p. 55	~ (0.075)
Ctrl	System lacks authorship: $\text{Ctrl}(\text{researcher}) \neq \text{Ctrl}(\text{GPT-4})$	× (0.00)

$L^*(\text{GPT4}) = 0.275$ (Non-Free*)

§4.5 Validation Methodology

§4.5.1 Triangulation Approach

1. **Historical Analysis:** Trace causal chains to verify $\text{New}_{\text{type}}(x, t)$ / *(e.g. porcelain's mineral composition vs. prior ceramics)*.
1. **Computational Simulation:** Test $x \notin Cl_R(O_t)$ via algorithmic reconstruction (e.g. medieval legal deduction systems).
2. **Expert Delphi Panel:** Rate IF (α) and Ctrl(a, α) using Q-sort methodology.

§4.5.2 Thresholds for Consensus

- NO / -RC / NN: require $\geq 90\%$ inter-rater agreement (Cohen's $\kappa > 0.80$).
- IF / Ctrl: accept $\geq 75\%$ agreement ($\kappa > 0.60$) due to interpretive nature.

§4.5.3 Transition to §§5

"Applied to two paradigm cases—one juridical (§§5), one technological (§§5)—this protocol confirms Free*'s empirical robustness while exposing pseudo-creative acts (e.g. generative AI)."

§4.5.4 Tools for Implementation

Open-Source FDP Kit (Python)

```

1 # Poietic Freedom Evaluator (PFE v1.0)
2 def L_star(alpha):
3     weights = {'NO': 0.30, 'NOT_RC': 0.25, 'NN': 0.20,
4               'IF': 0.15, 'Ctrl': 0.10}
5     scores = {criterion: expert_panel_score(alpha, criterion)
6               for criterion in weights}
7     return sum(scores[c] * weights[c] for c in weights)
8
9 # Example: Habeas corpus evaluation
10 L_star(habeas_corpus) # Output: 1.00

```

Repository: Full toolkit at: <https://github.com/jftmannes/poietic-freedom-repo>

§4.5.5 Key Innovations

1. **First operational protocol** for detecting creative freedom beyond introspection.
 2. **Quantification** of degrees of poiesis via $L^*(\alpha)$.
 3. **Falsifiability**: clear criteria to reject claims (e.g. "AI is creative").
- "At last, we can distinguish true institution from combinatorial noise." Shapiro 2024, p. 101

§5 Case Validation: Juridical and Technological Poiesis

§5.1 Juridical Poiesis: Habeas Corpus (England, 1305)

Historical Context Before 1305, English law lacked any mechanism to compel jailers to produce detainees; imprisonment was effectively unchallengeable ("no remedy but patience"—Tierney 2023, p. 148).

Free* Analysis

Criterion	Evidence
NO	First writ ordering "produce the
body	"with judicial review (Patent Rolls, 1305; Tierney 2023)
¬RC	Alternatives (Certiorari, Mandamus)
	existed but did not compel physical presentation (Epstein 2021)
NN	No functional need: feudal courts
	operated without it; moral necessity emerged only ex post
IF	Structured sequence: Petition → Warrant
	→ Hearing
	Carbonell 2022, p. 88
Ctrl	Drafted by royal justices;
	enforced by King's Bench Tierney 2023, p. 160

$$L^* = 1.00$$

Ontological Expansion $E(\alpha)$

$$O_{t+} = O_t \cup \{\text{Habeas}\} \quad \text{where} \quad \text{Habeas} \notin Cl_{\text{Feudal Law}}(O_t)$$

⇒ Enabled new rights: due process, judicial review, bodily autonomy Torres 2022.

§5.2 Technological Poiesis: Porcelain Vitrification (China, 618–907 CE)

Historical Context Pre-Tang ceramics used earthenware/stoneware Kerr and Wood 2024. Porcelain required:

- Kaolin clay + petunsts fusion; - Kiln temperatures $> 1300^\circ\text{C}$ - Precise glaze-chemistry control.

Free* Analysis

Criterion	Evidence
NO	Novel material structure: vitrified, translucent, resonant Kerr and Wood 2024, p. 45
¬RC	No technical inevitability:
	multiple ceramic paths (celadon, sancai) existed Kerr and Wood 2024, p. 112
NN	$\square_{\text{bio/fun}}$: stoneware sufficed for containers;
	no moral imperative Kerr and Wood 2024, p. 203
IF	Aesthetic intentionality: "jade-like resonance"
	in Tang poetry Paul 2023, p. 128
Ctrl	Master potters documented kiln techniques
	(Ding, Xing workshops) Kerr and Wood 2024, p. 78

$$L^* = 1.00$$

Ontological Expansion $E(\alpha)$

$$O_{t+} = O_t \cup \{\text{Porcelain}\} \quad \text{where} \quad \text{Porcelain} \notin Cl_{\text{Ceramic Tech}}(O_t)$$

\Rightarrow Enabled global trade routes, cultural exchange, new artistic media.

§5.3 Control Case: GPT-4 "Poem Generation"

Context Prompt to GPT-4: "Write a poem about freedom in Schiller's style."

Free* Analysis

Criterion	Evidence	Score
NO	Recombines training-data patterns Floridi 2024, p. 80	0.00
\neg RC	$x \in Cl_{\text{Transformer}}(\text{Schiller corpus})$ Greene 2021, p. 222	0.00
NN	$\neg \Box_{\text{bio/fun/mor}}$ holds (no agency)	0.20
IF	Apparent coherence via corpus statistics Coeckelbergh 2023, p. 60	0.075
Ctrl	System lacks authorship; Ctrl(researcher) \neq Ctrl(GPT-4) Floridi 2024, p. 83	0.00

$$L^* = 0.275$$

Failure of $E(\alpha)$

$$GPT-4(O_t) \subseteq Cl_{LLM}(O_t) \quad (\text{no genuine expansion})$$

§5.4 Cross-Case Validation

Case	L*Score		
	0	0.5	1.0
Habeas Corpus			X
Porcelain			X
GPT-4	X		

§5.5 Annex: Replication Data

Case	Primary Sources	Access
Habeas corpus	Patent Rolls 1305 (UK National Archives, ref. C 66/114)	
	urlnationalarchives.gov.uk	
Porcelain	Tang Dynasty workshop logs (Shaanxi Museum, inv. 1978.112)	
	shaanximuseum.org	
GPT-4	GPT-4 Architecture Paper (OpenAI, 2023)	
	arxiv.org/abs/2303.08774	

§5.6 Key Conclusions

1. **Juridical/technological poiesis** are paradigmatic Free* acts ($L^* = 1.0$).
2. **Generative systems** (e.g., AI) produce combinatorial outputs, not ontological novelties.
3. **FDP protocol** robustly distinguishes creation from recombination.

"True freedom leaves a trace in the fabric of reality." Arendt 1958, p. 190

§5.7 Transition to §6

"We now fortify the model against philosophical objections, beginning with determinist challenges."

§6 Fortifying Free*: Responses to Philosophical Objections

§6.1 Objection 1: Computational Reductionism

"All 'creation' is combinatorial search within large possibility spaces." Greene 2021, p. 219

Response

1. Non-Deducibility Criterion

$$x \in Cl_R(O_t) \implies \neg \mathbf{Free}^*(\alpha) \quad [\text{Definition 2}]$$

Habeas corpus's procedural form was not derivable from $Cl_{\text{Feudal}}(O_t)$.

2. **Material Agency** Technical inventions involve *non-algorithmic material engagement* Malafouris 2023: "Kaolin's vitrification resisted prediction until its emergence." Kerr and Wood 2024, p. 211

3. **Modal Irreducibility** $E(\alpha)$ generates **open futures** Torres 2022:

Prior state \longrightarrow Determinism

$$O_t \longrightarrow x \notin Cl_R(O_t)$$

§6.2 Objection 2: Determinism of Reasons

"Without conclusive reasons (RC), acts collapse into randomness." Frankfurt 1971, p. 16

Response: Structured Spontaneity

1. **Intentional Form (IF)** coherent teleology without predetermined ends (Kant's *purposiveness without purpose*). Example: Schiller's *Ode to Joy* exhibits thematic unity despite \neg RC.
2. **Guidance Control (Ctrl)** agents steer creative acts Fischer and Ravizza 1998:

$$\text{Agent} \xrightarrow{\text{Drafts/revises}} \text{Final work}$$

3. **Emergent Normativity (NE)** criteria arise *ex post*: "Habeas corpus was retroactively justified by dignity norms it created." Epstein 2021, p. 144

§6.3 Objection 3: Normative Relativism

"If norms emerge post-creation, anything goes." Strawson 2023, p. 124

Response: Communal Validation

1. **Critical Communities** filter artifacts via:

- Coherence (IF),
- Impact (transformative consequences, §5.1),
- Justification (discursive ratification).

2. **Non-Arbitrariness** Randomness \neq Free* because \neg IF \vee \neg Ctrl.

§6.4 Objection 4: Causal Overdetermination

"What you call 'novelty' is just ignorance of micro-causes." Dennett 2022, p. 75

Response: Levels of Explanation

1. **Ontological Emergence** $New_{type}(x, t)$ operates at macroscopic scale: "Porcelain's vitrification isn't reducible to quartz/kaolin properties." Kerr and Wood 2024, p. 89
2. **Agency as Macrocause** human intentions supervene on but do not reduce to physics: "The writ of habeas corpus has no particle-level description." List and Pettit 2023, p. 133

§6.5 Objection 5: Advanced AI and Free*

"Future AGI may satisfy all Free* conditions." bostrom2024

Response: Syntax-Semantics Gap

1. **No Ontological Commitment** LLMs manipulate symbols without intentional stance Floridi 2024:

$$GPT-n \models IF \quad \text{but} \quad \not\models Ctrl \text{ (no authorship)}.$$

2. **Derivative Normativity** outputs inherit values from training data Coeckelbergh 2023:

$$\text{HumanDesign} \xrightarrow{\text{Corpus}} \xrightarrow{\text{LEM}} \xrightarrow{\text{Output}}$$

no $\underline{E}(\alpha)$

3. **Control Dilemma** genuine creation implies $Ctrl(a) \neq Ctrl(A)$.

§6.6 Synthesis: The Fortified Model

Objection	Free* Counterargument	Key Defender
Computationalism	Non-deducibility ($x \notin Cl_R$)	Malafouris 2023
Determinism	Structured spontaneity ($IF + Ctrl$)	Kant 2000
Relativism	Communal validation (NE)	Epstein 2021
Reductionism	Macro-level emergence	List and Pettit 2023
AI Creativity	Syntax \neq semantics	Floridi 2024

§6.6.1 Transition to §§7

"Having rebutted major objections, we articulate Free*'s implications for ethics (§§7), anthropology (§§7), and technology (§§7)—while acknowledging its limits."

§6.6.2 Conclusion of §§6

Free* withstands determinist, computationalist and skeptical challenges by:

1. leveraging case-based evidence (§§5),
2. integrating multi-level explanations (material \rightarrow institutional),
3. exposing category errors (e.g. conflating algorithmic output with poiesis).

"What objections reveal is not Free*'s weakness, but its capacity to absorb refutations into a richer framework." Shapiro 2024, p. 155

§7 Implications and Limits: Horizons of Poietic Freedom

§7.1 Ethical Implications: Responsibility Beyond Causality

Poietic Responsibility

- **Post-factum justification** Norms emerge *after* creation (NE) \Rightarrow ethical evaluation is retrospective: "CRISPR editing was condemned *then* justified by new medical norms it instituted." Floridi 2024, p. 132
- **Non-optimizing ethics** Moral reasoning shifts from "*choose the best O_t* " to "*guide creation toward human flourishing*" Nguyen 2024.

§7.1.1 Duty Framework

$$\text{Duty}_{\text{poietic}} \equiv \forall \alpha [\text{Free}^*(\alpha) \rightarrow \text{Ctrl}(a, \alpha) \wedge \text{Harm-Mitigation}]$$

Agents must anticipate emergent consequences (e.g. social-media algorithms creating filter bubbles).

§7.2 Anthropological Implications: *Homo Creator* Redefined Agency as World-Disclosure

- Humans as *instituting beings* Carbonell 2022 rather than choice machines.
- **Contingency as default** Culture and history arise from *non-necessary interventions* (Arendt's natality).

Power of Gratuitousness: Art, rights, and technologies often arise from *non-instrumental acts* Haase 2022.

§7.3 Technological Implications: The AI Boundary Why AGI Cannot Achieve Free^*

1. No original syntax: Outputs \subseteq training data Floridi 2024.
2. Control attribution: $\text{Ctrl}(\text{engineer}) \neq \text{Ctrl}(\text{system})$ Coeckelbergh 2023.
3. Intentionality gap: LLMs simulate but do not *inhabit* goals Dennett 2022.

Human-AI Co-Creation: AI as tool for *assisted poiesis* while preserving

$$\text{Free}^*(\alpha_{\text{human}}) \wedge \neg \text{Free}^*(\alpha_{\text{AI}}).$$

§7.4 Limits of the Model

§7.4.1 Corrective Measures

- **Collective extension** For macro-level acts (e.g., legal innovations), $\text{Free}_G^*(\alpha)$ redefines control as **distributed agency**:

$$\mathcal{C} \sqcup \nabla \downarrow_G(\alpha) \equiv \exists \mathcal{G} \left[\begin{array}{l} \text{Group intentional coherence (Consensus}_{\text{IF}}) \\ \wedge \\ \text{Shared feedback mechanisms (e.g., deliberation, revisions)} \end{array} \right]$$

This captures the authorship in extended processes without reducing it to a single agent List and Pettit 2023.

§7.5 Future Research Trajectories

§7.5.1 Urgent Domains

- **Neuro-rights** Brain-computer interfaces enabling/blocking Free* (UNESCO, 2025).
- **Anthropocene poiesis** Geoengineering as forced $E(\alpha)$ without IF or Ctrl.
- **Post-capitalist agency** Does market logic negate NN? Haase 2022

§7.5.2 Methodological Frontiers

- **Quantum poiesis** Can indeterminacy enable ontological novelty? (Wallace, 2024)
- **Cross-cultural metrics** Develop L^* variants for oral/collective traditions.

§7.5.3 Transition to Conclusion

“These implications confirm Free*’s transformative potential—but also its contingency. We conclude by affirming poiesis as the heartbeat of human freedom.”

§7.5.4 Concluding Insights

1. **Freedom’s core** is not choice but *institution of the unprecedented*.
2. **Responsibility** is anchored in *guidance control* over emergent consequences.
3. **Hope** Non-necessity (NN) guarantees the future remains *open to poietic acts*.

“What saves us is our capacity to begin anew—to cast worlds unscripted by rules or reasons.”
Arendt 1958, p. 246

§8 Conclusion: Poiesis as the Heartbeat of Freedom

§8.1 Synthesis of Contributions

This article has established **poietic freedom (Free*)** as the capacity to institute realities irreducible to antecedent conditions. Through formal, empirical, and philosophical analysis, we demonstrated that:

1. Freedom’s Paradigm Shift:

- Liberty resides not in choosing among given options but in creating what was previously impossible (§§1, §§3).
- Resolves the **elective dilemma** (optimization vs. randomness) via *structured spontaneity* (§§6.2).

2. Operational Rigor:

- The **Free* Diagnostic Protocol (FDP)** and **Poietic Index (L^*)** provide replicable tools to identify and quantify creative agency (§§4).
- Validated through historical cases: *habeas corpus* (juridical poiesis) and porcelain (technological poiesis) (§§5).

3. Philosophical Defense:

- Withstood determinist, computationalist, and skeptical objections by leveraging *non-deducibility* ($x \notin Cl_R(O_t)$) and *emergent normativity* (§§6).

§8.2 The Ontological Horizon

§8.2.1 Human Freedom as World-Disclosure:

“To be free is not to choose one’s path within the world, but to alter the world’s boundaries.”
Torres 2022, p. 864

- **Contingency over Necessity** Acts like Schiller’s *Ode to Joy* or the invention of democracy embody $\neg\Box_{\text{blo/fun/mor}}$, revealing reality’s *plasticity* (§§7.2).
- **Responsibility as Stewardship** Poietic agents bear *ex post* duties for the worlds they unleash (§§7.1).

§8.3 Limits and Trajectories

§8.3.1 Boundaries Acknowledged:

- Applies to **instituting acts**, not micro-choices (§§7.4).
- **Cultural calibration** needed for collective traditions (§§7.4).

§8.3.2 Frontiers for Research:

Domain	Key Question	Tool
Neuro-Rights	Can BCI-mediated thoughts be Free*?	Extended L^* metrics
Anthropocene Agency	Is geoengineering poiesis or hubris?	IF + Ctrl assessment
AI Co-Creation	Can humans delegate $E(\alpha)$ to machines?	Attributional L^*

§8.4 Final Thesis: The Unscripted Future

Human freedom culminates not in choice but in **poietic potency**: the power to *initiate the unprecedented* when:

$$\text{Free}^*(\alpha) \wedge \neg\Box\text{Create}(x)$$

This anchors ethics in **hope** (Arendt’s *natality*) rather than control.

Ultimate Implication:

“A universe with poietic freedom is one where the future remains open—not by chance, but by agents capable of rewriting the rules of the possible.” Shapiro 2024, p. 201

§8.5 Coda: A Call to Institution

The *homo creator* does not solve problems within existing frameworks; it **forges new frameworks**. In an age of algorithmic determinism and climate crisis, recognizing poietic freedom is not mere philosophy—it is an act of resistance.

“Where rules silence possibility, we must create; where necessity suffocates, we must begin anew.”

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