

# BETWEEN INITIATIVE AND FREE WILL

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**by Ricardo Cortés-Monroy**



During this week I am completing a quite difficult essay for The Open University, Faculty of Humanities, regarding the extent to which Aeneas is the master of his own fate in the Aeneid. Far from only a literary analysis, the essay delves into a universally interesting topic: free will. Of course, there I must restrict the discussion to contemporaneous philosophy (Stoicism, Cicero and Seneca for the completists among you, dear readers) and to what Virgil actually writes in the Aeneid (quite eclectic and ambiguous, hence his timeless appeal). The

reason I am mentioning this here is connected with that always challenging period of the calendar year (december-january) when GCs and legal leaders must perform the so called “annual performance reviews”. Full disclosure: I detest them. Yet I understand they do play a role and that for many/most employees they are a must.

So, beyond the formalities inherent to the process, what are the qualities you will reward the most in the “how” part of the matrix? (as opposed to the relatively straight-forward “what” part with its prefixed objectives). There are many qualities that are important, and quite obviously so. Yet, I would argue, mastery of your own free will as a professional, your ability to detach a bit from given

expectations and social and corporate norms should be given a careful thought.

A "Senecan" and Stoic approach would argue that in conforming perfectly to the corporate expectations you become truly the master of your destiny. I hope I do not need to argue how absurd this is in real life. Differently, if we take a "Ciceronian" approach and distinguish the fine balance between "fate" (i.e. the given corporate destiny on which you have none or very little say) and "free will" (your own initiative; ability to improvise and create; take ownership of your own professional acts), I believe we are getting closer to the underpinnings of what actually "initiative" means in the rather bland corporate definitions one usually finds in lengthy HR guidelines.

Using chemistry terms, of course nobody wants an excessive 'free radical' in a team. But as a GC I always preferred people who would exercise their free will on a reasoned manner, who would speak their mind while being respectful to others. This is hard to measure of course, but generally the performance reviews tend to offer a bit more of leeway in the "how" section. One thing I can guarantee, based on my experience after performing hundreds of evaluations in 20+ years, is that having a discussion about free will in a professional environment will trigger a substantive discussion (and, sorry to say, will expose how often the limited knowledge about this matter is found to be). A proper discussion about free will should take it to the realms of mastery of emotions; or acceptance or not of fate; or ownership of consequences; or leadership of people; and generally, the ability of being a creative and independent mind. All of which are essential qualities of truly exceptional lawyers.

If you are interested in learning more, allow me to suggest two papers which you can very easily access through the internet (just type their name in your favourite search engine). Firstly, "Begemann, E. (2016) 'Ex Faucibus Fata – Fate and Destiny in the Ciceronian Oeuvre', in 'Mythos – Rivista di Storia delle Religioni', numero 10, Palermo, Salvatore Sciascia Editore, pp. 107-124". And secondly, "Schubert, C. (2016) 'Remarks on the Philosophical Reflection of Fate in the Writings of Seneca', in 'Mythos – Rivista di Storia delle Religioni', numero 10, Palermo, Salvatore Sciascia Editore, pp. 125-155." For the Aeneid (I urge you to read it in case you still have not), my favourite English translation is "Virgil, The Aeneid, translated and introduction by D. West (2003) London, Penguin Books." ***Arma virumque cano!***

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