Hard determinism, soft determinism, and moral responsibility

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1. The argument from moral responsibility

What many people believe is the strongest argument for libertarianism doesn't try to explain how free actions are possible but instead focuses on moral responsibility. For our purposes, *being morally responsible* will just mean that we can be praised or blamed for our actions. Libertarians maintain that we can only be praised or blamed when it is the case that we could have acted differently. For instance, let's say that I am standing by a pool, see a child who appears to be drowning, but do nothing. If nothing is preventing me from jumping into the water to save the child, then, it seems, I deserve to be blamed for not acting. On the other hand, if I am, for some reason, tied to a chair and cannot move, then I do not deserve blame. The difference between the two scenarios is not hard to grasp. In the second case, although I was present while the child was drowning, I simply couldn't save him, and so if he does drown, I shouldn't be blamed for the tragic outcome.

In the same way, if determinism is true, then, in every circumstance, we couldn't have acted differently, and so we, apparently, do not ever deserve praise or blame. The question, then, is do we, in fact, sometimes deserve praise or blame? According to libertarianism, yes. If this is correct, then we have a compelling argument that determinism is false:

P1. We can only be morally responsible in those situations when we could have acted differently.

P2. According to determinism, in every situation, we could *not* have acted differently.

P3. We are morally responsible for at least some of our actions.

C1. Therefore, determinism is false.

And, then, using this conclusion as a premise, we have an argument that libertarianism is true:

P4. Determinism is false.

P5. If determinism is false, then libertarianism is true.

C2. Therefore, libertarianism is true.

Both arguments are valid, and so if premises 1 - 3 are true, then the first conclusion, *determinism is false* has to be true, and if premise 5 is true, then the final conclusion, *libertarianism is true*, has to be true. The issue, however, is whether the premises are, in fact, true. Both determinists and libertarians accept the first two premises, and so the question is whether premise 3 is true. It certainly seems as though we are morally responsible for at least some of our actions, and it's probably best to live our lives as though we are. But there isn't any evidence that we are, and there's no apparent way of generating such evidence. After all, there is no investigation that we can undertake that will demonstrate that we are creatures with "moral responsibilities."

2. Punishment

It can be difficult to know what to make of the debate at this stage. The arguments that we examined in the previous chapter favor determinism. The argument for moral responsibility appears to support libertarianism, but it really only shifts the question to whether or not we have moral responsibilities. In the second half of this chapter, we will look at a new theory, one that rejects the first premise in the moral responsibility argument. First, however, let's think about an issue that's related to moral responsibilities, namely, the relationship between libertarianism, determinism, and punishment.

Consider the following crimes committed by two elderly women in the late 1990s and early 2000s. In 1997, Helen Golay, who was 67 at the time, and Olga Rutterschmidt, who was 64, began taking out life insurance policies on a homeless man, Paul Vados. Two years later, Vados was found dead in an alley, and Golay and Ruttershchmidt recieved the payouts from the life insurance policies. In 2002 and 2003, Golay and Ruttershchmidt took out life insurance policies on another homeless man, Kenneth McDavid. He was hit by a Mercury Sable station wagon in 2005, and again, Golay and Ruttershchmidt collected on the life insurance policies.

In 2008, Golay and Rutterschmidt's killing spree came to an end when they were convicted of murdering the two men. Both women were given life sentences without the possibility of parole.

This penalty is no surprise, and there are myriad other penalties for the various infractions that people commit every day. But what exactly justifies Golay's, Rutterschmidt's, and everyone else's punishments? The government has to be able to justify the punishments that it imposes, and so how might it do so? To answer this question, we will look briefly at the two main theories of punishment: retributivism and deterrence.

2.1 Theories of punishment

Retributivism is the idea that a punishment is justified because it gives the offender what he or she deserves; in other words, the punishment is retribution for the crime. *What someone deserves* might be a little vague, but the basic idea is that the offender has committed an offense, and this event justifies a proportional punishment. Golay and Rutterschmidt might have been given a different penalty—for instance, the death penalty or, in a different time, they might have been banished from society—but a lifetime imprisonment without the possibility of being released is a penalty that they deserve.

Once it is sketched out, many people are sympathetic to retributivism, but if they are just asked what justifies punishment, more people will probably invoke something along the lines of the *deterrence theory of punishment*. According to this theory, punishments are justified because they deter or discourage future crime, either by the offender or by others who might commit similar crimes. We can also justify Golay and Rutterschmidt's punishment with this theory. Being in prison for the rest of their lives will prevent Golay and Rutterschmidt from committing any crimes in the future, and it will make other citizens who might be inclined to murder someone for insurance money think twice about it.

Those are the two most prominent theories of punishment, but there are others. One is *rehabilitation*, which is a justification for punishment that requires that the punishment be set up in such a way that the offender's behavior is reformed. (This, however, is not a justification that could be given for Golay and Rutterschmidt's punishment. They are not being locked up for the rest of their lives so that they can be rehabilitated.) Other, less central, although still important, justifications for punishment are satisfying the victims' desire for punishment, preventing vigilante action, and, in cases of imprisonment, keeping the rest of the community safe from the offender.

2.2 Determinism and punishment

A naïve view of determinism holds that, if this theory is true, it would make punishment impossible. This is clearly false. Determinism very well may be true, and punishment exists. Trying again, we might say that if determinism is true, then *justified* punishment is impossible. This is also false. If determinism is true, then we cannot use retributivism to justify punishments. If we could not have acted otherwise, then, as mentioned earlier, determinists and libertarians agree that we deserve neither praise nor blame for our actions. Taking this idea a step further, if determinism is

true, then, we not only don't deserve blame, we don't deserve punishment. But if determinism is true, we can justify punishment with the deterrence theory, as well as with the rehabilitation model, satisfying victims' desire for punishment, preventing vigilante action, or keeping society safe.

But let's focus on deterrence. Locking up Golay and Rutterschmidt will ***determine*** what their prospects for committing crimes will be in the future. Moreover, just the belief that committing this kind of crime will bring about a severe punishment—and then seeing the state follow through on that threat—will ***cause*** many other individuals to refrain from murdering anyone. (Which is not to say that other beliefs, such as *the belief that murder is wrong*, won't also cause people to refrain from committing such an offense. On the other hand, some beliefs—say, *the belief that I won't get caught*—will sometimes cause people to kill others for the insurance money despite the intended deterrence.)

The moral is that, if determinism is true, we have to give up one justification for punishment, retributivism. But determinism is perfectly consistent with deterrence, as well as with the other justifications for punishment. So, if we decide that determinism is true, we are just as justified as we ever were in locking up Golay and Rutterschmidt.

3. Determinism *and* moral responsibility?

So far, we have treated determinism as a single theory. There are, however, two different versions of it in the philosophical literature. The one that we have so far encountered is *hard determinism*. Let's now turn to *soft determinism* or what is often called *compatibilism* because it maintains that determinism and moral responsibility are compatible. Compatibilism doesn't give up the central commitment of determinism. Just as with hard determinism, according to compatibilism, every event has a cause, and so every event, including every human action, could not have been done

differently. But compatibilism attempts to make a distinction between these two categories of actions:

(*a*) Actions that, according to the theory, are free (or "free"), even though they are determined.

(*b*) Actions that, according to the theory, are determined and not free.

At the beginning of the previous chapter, I said that the issue before us was whether, when confronted with two options, we had the freedom to do either one—take the other road, visit the other sister, drop the stick and pick up a beer, or what have you. I also explained that a broader sense of *freedom*—the one that we use to describe, for example, not being imprisoned—is not the issue here. Now, however, we want to contrast not being free in the way that we have so far thought about it (i.e., we don't have free wills) with the other sense of not being free (i.e., being locked in a prison cell). The British philosopher A.J. Ayer who is credited with formulating the contemporary statement of compatibilism, asks us to consider cases where we are compelled to act a certain way.[1] There are several.

(1) Someone hypnotized me and is now directing my actions.

(2) Someone—for instance, a parent, spouse, or boss—has managed to psychologically manipulate me to such an extent that it is "physically impossible for me to go against his will."

(3) Someone is pointing a gun at me and telling me how to act. (In this case, it is conceivable that I won't follow the instructions, but, assuming that I do, we would say that I was compelled to act as I did.)

(4) I have a psychological disorder like kleptomania that causes my actions.

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[1] Ayer, A.J., (1954). "Freedom and necessity" in *Philosophical Essays*.

Now, remember, according to Ayer, *all* of our actions are determined, but he wants to distinguish between our "normal" determined actions and ones like (1) - (4) where we are compelled to act a certain way either by some other agent or by a psychological disorder.

4. *Voluntary* (or "*voluntary*") actions and moral responsibility

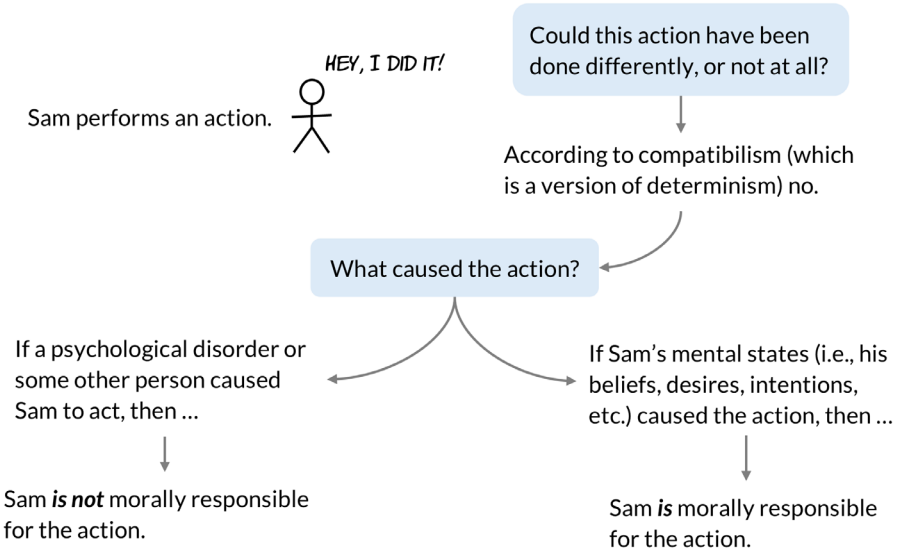
Again, when examining compatibilism, it is important to remind ourselves that this theory is a version of determinism. As such, just as with hard determinism, this theory maintains that every event, including every human action, is caused. That being said, using Ayer's term, we can call actions that are caused by our mental states *voluntary* (or "*voluntary*" if you like). Given that someone has the beliefs, desires, intentions, memories, and emotions that he has—and not different ones—his action could not have been done differently. But nonetheless, insofar as the person is not compelled to act by someone pointing a gun at him or because he has been hypnotized, the compatibilist maintains that we should call the action *voluntary*. For instance, if, as I said in the previous chapter, my beliefs and desires cause me to head to campus at 9:23 am, then, although my action is determined by my mental states, it is a voluntary action in this sense.

On the other hand, Ayer calls actions that are either caused by a person being compelled by someone else or caused by a psychological disorder *involuntary*. So, imagine that, instead of my mental states determining where I am headed when I leave home, a fugitive from justice is pointing a gun at me and directing me to drive him to the next state. In this case, my action is involuntary.

Taking this a step further, according to compatibilism, we are morally responsible for our voluntary actions. And then, naturally, we are not morally responsible for the involuntary ones. Although they could not have been done differently, since voluntary actions are caused by our mental states, we take ownership of them in ways that we don't for

involuntary actions. When I tell a lie with the desire to deceive someone, the lie is caused by that desire plus *the belief that I won't be caught* and *the belief that the lie will benefit me*. In other words, the lie is caused by my own mental states. Given that I have those mental states (and perhaps other relevant ones as well), I couldn't have not told the lie. But, at the same time, no one was holding a gun to my head or compelling me in some other way. Hence, according to the compatibilist, I am morally responsible for the lie.

In contrast, as you might anticipate, if the fugitive from justice who is pointing a gun at me tells me to lie and I do so, then I am not morally responsible for the lie.



5. The debate over compatibilism

The debate between hard determinism and libertarianism was a debate about the very nature of the universe. Namely, whether there are, or can be, events that come into existence without a cause. As far as compatibilism is concerned, that debate is settled, and determinism is correct. The compatibilist's task is to think about how we should understand ourselves

and the world once we have accepted determinism. About this, there can be much to say.

The central issue is whether we can really be justified calling some actions *voluntary* (and *free*) if determinism is correct. William James, for one, makes his distaste for compatibilism clear:

> Old-fashioned determinism was what we may call *hard* determinism. It did not shrink from such words as fatality, bondage of the will, necessitation, and the like. Nowadays, we have a *soft* determinism which abhors harsh words, and, repudiating fatality, necessity, and even predetermination, says that its real name is freedom; for freedom is only necessity understood, and bondage to the highest is identical with true freedom. Even a writer as little used to making capital out of soft words as Mr. Hodgson hesitates not to call himself a "free-will determinist." Now, all this is a quagmire of evasion under which the real issue of fact has been entirely smothered.[2]

James's lack of patience with compatibilism is understandable. If any theory requires biting the bullet and accepting where the evidence leads, it seems to be determinism. Arguing that we act freely, even though we could not have acted differently, can seem like a poor attempt to paper over the reality in which we find ourselves.

This criticism is fair, but we should also keep in mind what motivated the development of compatibilism. As we saw in the previous chapter, although libertarianism is intuitively very compelling, determinism is the much stronger position. At the same time, although there are justifications for punishment that are consistent with determinism, most people don't want to give up the basic idea of moral responsibility.

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[2] James, W. "The dilemma of determinism."

We can reject compatibilism on the grounds that it is simply based on redefining the terms *free* and *voluntary*. But for all of that uncompromising integrity, we are left with libertarianism, which—besides having the weaknesses discussed in the previous chapter—may be just as incompatible with moral responsibility as hard determinism. Imagine that I tell a lie, but my action was not caused by *the desire to deceive someone*, *the belief that I won't be caught*, and *the belief that the lie will benefit me*. Instead, telling the lie just somehow happened spontaneously. In this case, it's far from clear how I am morally responsible for it. As Ayer explains,

> If it is a matter of pure chance that a man should act in one way rather than another, he may be free but can hardly be responsible. And indeed when a man's actions seem to us quite unpredictable, when, as we say, there is no knowing what he will do, we do not look upon him as a moral agent. We look upon him as a lunatic. (1954)

In the face of this problem, holding me morally responsible because the action was caused by my mental states, doesn't look so unappealing.

This brings us to a second problem with which the compatibilist must reckon. It is possible to make a distinction between kleptomaniacs and the typical bank robber. The former will steal objects that they don't need or value. The bank robber, meanwhile, steals something that almost every values, namely, money. But for all of our mental states (and the actions that are caused by them), we need a clear line demarcating the so-called normal and healthy ones from the ones that are not. Unfortunately, there is no such line. Hence, whereas, it is always obvious when my action is involuntary because someone is pointing a gun at me or has hypnotized me, it is not always obvious if my action is caused by my "normal" mental states or a psychological disorder. This, however, may be a problem that we are

used to encountering. It's not uncommon to find ourselves wondering if someone's action was caused by a trauma or an abusive environment. If we decide that it was, then we often don't hold the person morally responsible in the way that we otherwise might.