

Libertarianism and Hard Determinism¹

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Can one identify as both a hard determinist and a political libertarian? Not on this one issue, we shall argue. Can the hard determinists logically reconcile their anthropology with a libertarian political ideology? That is in grave doubt. We intend to demonstrate that the two are not compatible.

In section I we define terms. Section II is given over to dealing with the absurdities of hard determinism. We examine the harm of hard determinism in section III. Section IV is given over to considering, and rejecting, a well-written criticism of our viewpoint. We conclude in section V.

I. Libertarianism and Hard Determinism Defined

In the debate over free will and determinism there are many camps. There are those who argue for libertarianism and free will, and reject determinism. There are the soft determinists and compatibilists, who believe the concepts of free will and determinism are compatible. Then there are the hard determinists.

Hard determinism posits that all human action is determined by the physical law of cause and effect. This viewpoint was first coined by William James, who put the matter in this way: “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 (James, 1884, p. 197).” In other words, all human action is determined to happen without any possibility of alternative events taking place.^{2, 3}

¹ We will not thank a very helpful referee for each of his many and important suggestions for the improvement of this paper. There are so many of them, that such a practice would heavily clutter up this paper. We will content ourselves with this mention of our appreciation. The usual considerations of course apply: we the authors, alone, are responsible for all remaining errors and infelicities.

² First, we defined determinism as the view that “all human action is determined by the physical law of cause and effect.” Now, we define it as the view that “all human action is determined to happen without any possibility of alternative events taking place.” In the view of our referee, “these two definitions are not equivalent. One can believe that all events are determined by causes without believing that all events are determined by material causes. (One

The libertarian political philosophy has room for people from all walks of life. Indeed, this philosophy has in it the elements for peace between disparate cultures. Its principle is simple. According to Rothbard, “[t]he libertarian creed rests upon one central axiom: that no man or group of men may aggress against the person or property of anyone else. This may be called the ‘nonaggression axiom’ (Rothbard, 2006, p. 27).” All topics, challenges and questions are settled using this moral absolute.

A cursory look at these definitions should give pause. We do not write today to argue the merits of either libertarianism (although we believe it to be the zenith of social organization) or hard determinism (although we believe it to be intellectual suicide). Instead, we simply ask, “Can these two concepts rest harmoniously in the same mind?” We respond, most certainly not.

II. The Absurdities of Hard Determinism⁴

When we speak of hard determinism in human action, we imagine a human body’s total molecular and physical structure (to include the chemical arrangement of thoughts and memories) and that body’s interaction with the molecular makeup of the environment. Chemistry and physics are entirely deterministic. If hard determinism is true, then our thoughts, experiences, memory, and action are absolutely determined by the laws of the sciences – not subject at all to our volition. We are moist robots. Volition itself is an illusion – the sensation of having a will is just molecules dancing to the tune of the laws of science. Also illusory are the human acts of reason, human demands, human objectives, the concept of the self, and morality. How is this not the case? How can one trust that the molecular reactions between body and environment yield truth and reason?

Illusory reason and choice

The argument for hard determinism takes for granted that a human being’s empirical observations and logic actually match reality. One is able to describe the process of reasoning and empirical observation from his

might believe, for example, that our actions are the result of our immaterial souls being manipulated by a controlling deity.)” We thus abstract from this God-like creature.

³ Might it be argued that the first definition (“all human action is determined by the physical law of cause and effect”) in the words of our referee: “says nothing directly implying incompatibility with free will. After all, a soft determinist could likewise believe (and many do) that all human action is determined by the physical law of cause and effect”? We maintain, to the contrary, that if it is really true “that all human action is determined by the physical law of cause and effect,” without exception, then there is indeed no room for free will. In our view, there is something called “free will” that does not fall under “the physical law of cause and effect.”

⁴ For further readings in this vein, see Block, 2015; Van Schoelandt, Jankovic and Block 2016.

subjective viewpoint, but he cannot justify how the reasoning and observation of a purely determined being can be trusted to be what they are claiming to be. Under hard determinism, the sensation of logic, the sensation of observation matching reality, and the sensation of being correct are only that: sensations dictated by molecular mashing.

The brain is an unforeseen and unintended by-product of years and years of moving mindless matter; yet we trust this thing to yield us universal and absolute reason, and true inference into reality? The hard determinist is forced to say human reason and choice are illusory. Choice requires the ability and human capacity to actually direct decisions; however, for the hard determinist, the result was a *fait accompli*.⁵ Of course, if the hard determinist is correct, then the reasoning to deduce such a conclusion lacks trustworthiness itself. We call that intellectual suicide.

Non-existence of morality

Without choice, morality is an illusion. Any moral position, such as the non-aggression principle, requires moral agency. Any creature who acts without being able to choose lacks moral agency.

If an epileptic hits someone during a seizure, we do not hold him guilty of a crime; however, if a non-epileptic engages in precisely the same physical act, we consider him guilty of assault and battery. Why? The reason is that we do not think that the action of the epileptic is based on his moral volition. He was hitting someone due to an uncontrollable seizure. However, in sharp contrast, we hold the non-epileptic morally responsible, as he willed his assaultive behavior into action. This would be nonsense in the world of hard determinism, as, there, neither of these two people has the capacity to choose to do otherwise; neither should be held morally responsible.

This is a very powerful *reductio ad absurdum*. According to hard determinism, no one, no one at all, should be punished for a crime; indeed, none should be considered a criminal. The epileptic can say in his own defense, “I couldn’t help it; I was caused by the makeup of my brain, and by my past experiences, to hit that person.” But according to the hard determinist,⁶ that precise explanation is open to each and every one of us,

⁵ We are here, in the words of our referee, “assuming that if an action is ultimately determined by some factor prior to the agent’s choice, then it is determined by that factor *rather than* the agent’s choice. But most hard determinists respond that the action is determined via a causal chain that runs *through* the agent’s choice rather than bypassing it.” In our view, if a philosopher takes this position, he favors free will, not determinism, for this is precisely our thesis.

⁶ This is true at least for the one who supports a retributive theory of punishment as we do, not one based on deterrence. In the view of Rothbard (1998, p. 88, n. 6): “It should be evident that our theory of proportional punishment – that people may be punished by losing their rights to the extent that they have invaded the rights of others – is frankly a *retributive* theory of

without exception. We are *all* caused, compelled, determined, in *all* of our actions.⁷

The assumptions of causation and physicalism

A core precept of hard determinism is that all existence is subject to the law of causation. Every effect is subject to a cause, so says the law; but is everything an effect? There must be a first cause, uncaused itself. It can't be turtles all the way down; can it?

Modern science has yielded the discovery of the Big Bang, with evidence showing the likelihood of nothing physical occurring or existing prior to it. If there was such a thing as a first uncaused cause from which all other effects flow, there must have been a condition in which an uncaused cause was possible in the first place. Yet the hard determinist insists that all things are subject to cause and effect, despite clear evidence that an uncaused cause is possible. As Aristotle (trans. 1981) noted long before we knew anything close to modern astrophysics, there has to be an unmoved mover (or uncaused cause). The reason for the cause's existence lies within itself, being a necessary thing. The law of causation partnered with the irrationality of infinite regression points unmistakably towards it. Hard determinism cannot be true if there exists the possibility of uncaused causes.⁸ Why not, then, the uncaused cause of volition?⁹

Also consider the laws of logic, the laws of science, and the laws of mathematics. Is their existence contingent on humans knowing them? Are they material? No, of course not, on both counts! They existed and had an effect pre-mankind. For hard determinism to be absolutely true, all existence

punishment, a 'tooth (or two teeth) for a tooth' theory. Retribution is in bad repute among philosophers, who generally dismiss the concept quickly as 'primitive' or 'barbaric' and then race on to a discussion of the two other major theories of punishment: deterrence and rehabilitation. But simply to dismiss a concept as 'barbaric' can hardly suffice; after all, it is possible that in this case, the 'barbarians' hit on a concept that was superior to the more modern creeds." For more in this vein see Block, 2009A, 2009B.

⁷ If no one can properly be blamed for criminal behavior in this philosophy, then it is equally true that no one can be properly praised either. For in both cases, regarding each and every of our "good" actions and our "bad" ones too, no credit or blame can be assigned to us, since we could not have possibly done anything other than what we actually did.

⁸ We now shift our target from *hard* determinism to determinism as such

⁹ We may well be guilty at this point of maintaining that "X causes Y" is equivalent to "X causally *necessitates* Y." We acknowledge that there is a counterexample available. In the words of our referee, there is the "example of causing someone's death by planting an indeterministic bomb with a high (but less than 100%) probability of going off." We here abstract from that possibility.

must reside within the material.¹⁰ Yet here we have three examples of abstract, immaterial, powers; their existence is known by their effects.

III. The Harm of Hard Determinism

Praxeology and methodological naturalism

While not all libertarian economists endorse Austrian economic theory, it is safe to assert that virtually all Austrian economists do endorse this political philosophy.¹¹ In 1933, Ludwig von Mises proposed a more proper methodology for the study of human action: praxeology. Mises rejected the use of methodological naturalism (i.e. the scientific method of the physical sciences) prevalent in economics and the social sciences. Hard determinism makes this rejection a difficult, if not impossible, sell. If hard determinism were true, and humans were mere automata chained to material cause and effect, then a stronger case could be made that the best corresponding method would indeed be methodological naturalism.

The scientific community's ability to predict human conduct will naturally increase, possibly to a point comparable to the physical sciences. We would, with little reason for doubt, come to know the behavior congruent with happiness and flourishing. With such powerful knowledge, why would the authorities allow for any behavior other than those that accurately lead to human flourishing? Freedom of choice would no longer be a virtue, since living outside of those highly predictive modes of action would be seen as damaging to self and others. Can humanity be shaped like clay using the methods of the physical sciences? Perhaps it can, if the precepts of hard determinism are true. In history, we have seen the work of governments that have tried. What a frightening concept.¹²

Moreover, if determinism were true in economics, one would think the methodology of the physical sciences would be more fruitful and precise than

¹⁰ We agree with our referee that "Determinism (whether hard or soft) and materialism (whether eliminative, reductive, or nonreductive) are *two distinct theses*. Neither implies the other." However, hopefully we may be forgiven for thinking that these two are not totally unrelated, either. It is our contention that the determinist, of whatever variety or sub-category, relies on materialism, at least if we abstract from a deity pushing us around, as we do in this paper. See on this fn. 2.

¹¹ There are of course exceptions. Austrian economics started with Menger (1871). During the Nazi period, there were supporters of his in both Germany and Austria who also endorsed National Socialism.

¹² This is a problem only in principle at least at the present epoch. However, totalitarian governments (are there any other kind?) could one day in the far future engage in pre-emptive punishment for crimes not yet committed. Could they do so accurately. Maybe, but only in the far future. But, to the extent that the virus of determinism takes hold, they would be more likely to try even at present.

they've shown themselves to be.¹³ Central planning would also be preferable if humanity consisted of determined automata. Yet this hasn't been demonstrated; in fact, it's been quite the opposite. Social scientists need more leeway in p-values to support "significance" in their studies and central planners are always wrong.

Irrationality

Where do the laws of logic and mathematics lie? Physically speaking, where are they? Where do they exist in a philosophy which sees only matter, not mind? For the non-hard determinist, the answer is clear. They are concepts which have no physical manifestation whatsoever. But this is a serious challenge for the hard determinist, since his viewpoint acknowledges only the physical, only the empirical, which can fall into the cause and effect nexus. One possibility is that these ineffable concepts do not exist at all, since they do not take place in the purely physical world. But this would open up supporters to irrationality, for it is hardly rational to deny the existence of logic and mathematics. Another option is to claim that they exist only in man's brain. There are difficulties here, too. For, even when science becomes far more developed than at present, it is extremely doubtful that anyone can delve into the brain and find $2+2=4$ or the Pythagorean Theorem just sitting there. Another problem with this response is that, contrary to fact conditional coming up, suppose all mankind were to perish at one fell swoop. Would this mean that $2+2=4$ and the Pythagorean Theorem would then become invalid? Hardly.

The hard determinist must dismiss the existence of abstract, immaterial laws. He must also reject other such abstract concepts at the core of libertarianism. Where does the concept of private property lie? Is there a physical characteristic of a thing that determines whether it was privately owned and not just a thing? No. What is the geographical location of the non-aggression principle? The only qualitative difference between something privately owned and an object not privately owned is the abstract, immaterial concept of ownership. How about the right not to be murdered? Again, hard determinism not only has no say but logically *cannot* weigh in on this issue. What is a right but yet another abstract object? Does it physically exist? Can it be touched? No. The hard determinist, bound to the material, must deny their existence. Of course, to disregard the existence of the right to self-defense and the concept of private ownership is to deny libertarianism itself. If those two things are not absolutely true, then these libertarian rights are

¹³ For an Austrian critique of applying the methods of the empirical sciences to economics, see Gordon, 1996, 2011; Hoppe, 1991, 1992, 1995; Long, Undated; Mises, 1978; Richards, 2009; Rothbard, 1992

simply a subjective preference. Preferences are hardly grounds on which a political philosophy is firmly founded.

Amorality

Earlier in this article, we defined libertarianism as the position that no one may initiate force on others' property or person. This is a statement of morality, with libertarianism hinging on its truth. Hard determinism leaves no room for morality, since, in its philosophy there is no such thing as genuine human volition. The sensations of choice, reason, and the will are determined by¹⁴ the chemical reactions between the corpus of molecules commonly referred to as "the self" and the environment where that corpus exists. There is no room for morality where, much like the assaultive epileptic, there is no room for choice. Without the possibility of moral principles, the non-aggression axiom has, as its basis, thin air.

IV. Two Objections

A. Sapolsky

It ill behooves us to write a polemic against hard determinism without considering an objection to its prime alternative: free will. Nor do we wish to attack a weak straw man argument. Therefore, we fasten onto Sapolsky (2017, pp. 587-589) who writes what we consider to be a substantive, spirited and important attack on our thesis:

Here's how I've always pictured mitigated¹⁵ free will:
There's the brain – neurons, synapses, neurotransmitters, receptors, brain-specific transcription factors, epigenetic effects, gene transpositions during neurogenesis. Aspects of brain function can be influenced by someone's prenatal environment, genes and hormones, whether their parents were authoritative or their culture egalitarian, whether they witness violence in childhood, when they had breakfast. It is the whole shebang
And then, separate from that, in a concrete bunker tucked away in the brain, sits a little man ... a homunculus at a

¹⁴ Not only "determined by." Also, consist of nothing but. That is, there is no such thing as the sensations of choice, reason, and the will. Strictly speaking, there are *only* "chemical reactions."

¹⁵ By this that author (p. 586) means "compatibilism ... that we have something resembling a spirit, a soul, an essence that embodies our free will, from which emanates behavioral intent; and that this spirit coexists with biology that can sometimes constrain it. ... It's encapsulated in the idea that a well-intentioned spirit, while willing, can be thwarted by flesh that is sufficiently weak."

control panel. The homunculus is made of a mixture of nanochips, old vacuum tubes, crinkly ancient parchment, stalactites of your mother's admonishing voice, streaks of brimstone, rivets made out of gumption. In other words, not squishy biological brain yuck.

And the homunculus sits there controlling behavior. There are some things outside its purview – seizures blow the homunculus's fuses, requiring it to reboot the system and check for damaged files. Same with alcohol, Alzheimer's disease, a severed spinal cord, hypoglycemic shock.

There are domains where the homunculus and that brain biology stuff have worked out a *détente* – for example, biology is usually automatically regulating your respiration, unless you must take a deep breath before singing an aria, in which case the homunculus briefly overrides the automatic pilot.

But other than that, the homunculus makes decisions. Sure, it takes careful note of all the inputs and information from the brain, checks your hormone levels, skims the neurobiology journals, takes it all under advisement, and then, after reflecting and deliberating, decides what you do. A homunculus in your brain, but not of it, operating independently of the material rules of the universe that constitute modern science.

That's what mitigated free will is about. I see incredibly smart people recoil from this and attempt to argue against the extremity of this picture rather than accept its basic validity: "You're setting up a straw homunculus, suggesting that I think that other than the likes of seizure or brain injuries, we are making all our decisions freely. No, no, my free will is much softer and lurks around the edges of biology, like when I freely decide which socks to wear." But the frequency or significance with which free will exerts itself doesn't matter. Even if 99.99 percent of your actions are biologically determined (in the broadest sense ...), and it is only once a decade that you claim to have chosen out of "free will" to floss your teeth from left to right instead of the reverse, you've tacitly invoked a homunculus operating outside the rules of science.

This is how most people accommodate the supposed coexistence of free will and biological influences on behavior. For them, nearly all discussions come down to

figuring what our putative homunculus should and shouldn't be expected to be capable of.

Sapolsky (2017) then goes on to consider a series of cases, concepts, including the M'Naghten rule, the *Roper v. Simmons* decision of 2005, *Graham v. Florida* of 2010, *Miller v. Alabama* of 2012, and several brain damage cases. The burden of all of this exegesis it along the following lines. Once upon a time, we persecuted, and, also, legally prosecuted, witches, the elderly, epileptics, youngsters, schizophrenics, the mentally handicapped, etc. But, as science advanced, we learned more and more that these people were really not responsible for their actions. In the future, we can rely on such continued progress, until we realize that *no one* is really fully responsible for *any* of his actions. All behavior fits into this cause and effect nexus. Therefore no one should be held guilty, or praiseworthy, for anything.

Before engaging more deeply in our refutation of this highly problematic screed, let us acknowledge the beauty of the writing of this man, his wonderful sense of humor, his erudition. None of this, however, will save him from our critique.

Yes, it sounds somewhat silly to say that the “homunculus makes decisions.” But this emanates, purely, from that awkward way of putting the manner. If we said that “we make decisions” or “I make decisions” or “you make decisions” or “he makes decisions” it sounds quite a bit more reasonable. But two can play this silly game. Let us try these on for size: “the brain makes decisions,” “neurons make decisions,” “synapses make decisions,” “neurotransmitters make decisions,” “receptors make decisions,” “brain-specific transcription factors make decisions,” “epigenetic effects make decisions,” “gene transpositions during neurogenesis make decisions.”¹⁶ These phrases roll off the tongue as inelegantly as this author's “the homunculus makes decisions.”

That crack about the straw homunculus is of course, precious. But how does Sapolsky explain the fact that we all think, even he, that we can “decide which socks to wear” and that we do this pretty much every day? Alright, most people floss automatically, without thinking about it, cutting out the middleman of the homunculus. But, once we focus on this, does anyone doubt that we can indeed determine its order, without any by-your-leave of our heredity and past environment? Does Sapolsky really think that one day “science” will override our decisions in these regards? Well, maybe he does. But, does he offer a scintilla of evidence for any such contention? He does not.

¹⁶ Whatever this last one means.

B. Frankfurt

According to Danaher (2011):

Black wants Jones to perform a certain action A. Suppose Black is an amazingly [*sic*] reader of body language cues such that he can tell, in advance, what Jones has decided to do. If Jones decides to perform A, then Black will do nothing; If Jones does not decide to perform A, then Black will intervene and force him to do A. Now imagine that, as it happens, Jones decides to perform A and Black never has to intervene.

Question: Is Jones responsible for A?

In our view, it all depends if Jones is responsible. If he does it on his own, he is clearly responsible. If Jones will not do the act, and Black intervenes and compels Jones to engage in it, it is equally clear that Black, not Jones, is responsible.

Pruss (2008) puts the matter in slightly different terms:

Frankfurt counterexamples to the Principle of Alternate Possibilities (PAP) have worried libertarians. However, they should have also worried compatibilists. Traditionally, compatibilists have accepted PAP, but given it a counterfactual spin Suppose Jones freely chooses to push button *A*. On the standard Humean analysis, this implies that were Jones to have chosen not to push *A*, he would not have pushed *A*. But a fairly crude Frankfurt case will provide a counterexample to this. Imagine Black stands by with his neuroscope and has a firm plan that if he sees Jones choosing not to push *A*, he will make Jones push *A*. Then it is true that were Jones to have chosen not to push *A*, he would still have pushed *A*.

But we the present authors reject this analysis for similar reasons: It is simply not the case that if "... it is true that were Jones to have chosen not to push *A*, he would still have pushed *A*." Au contraire, if Jones chose not to push the button, the super duper Black would have done so, utilizing the body of Jones. Black, say could have pushed the button with his nose, with his chin, with his hands or feet. Instead, he used a different "appendage" of his: Jones!¹⁷

¹⁷ There is a gigantic philosophical literature on this issue, stemming from the work of Frankfurt. For a small part of it, see the following: Alvarez, 2009; Bennett, 1984; Blumenfeld,

V. Conclusion

If you are determined to promote libertarianism despite endorsing a hard determinist's philosophy, we will not stop you. However, we will point out that your adherence to libertarianism is on the precipice; you are in danger of becoming quite the totalitarian. How so? When one agrees that a human being is nothing more than a moist robot, subject completely to nature's laws, one loses the logical footing for freedom. Morality, genuine choice, and the value of freedom are illusory to hard determinists. Choose (if you can) a worldview that allows for human volition; your politics and philosophy can only be reconciled in this way.

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1971; Clarke, 1994; Copp, 1997; Danaher, 2011; Davidson, 1973; della Rocca, 1998; Dennett, 1978, 1984; Di Nucci, 2011; Downing, 1958-1959; Ekstrom, 2003; Elzein, 2013; Eshleman, 1997; Fischer, 1994, 1995, 1999, 2003, 2006, 2007, 2010, 2013; Fischer and Hoffman, 1994; Fischer and Ravizza, 1998; Frankfurt, 1969, 1971; Franklin, 2011; Ginet, 1996; Glannon, 1995; Goetz, 2005, 2008; Haji and McKenna, 2004, 2006; Harrison, 2005; Hasker, 1989; Heinaman, 1986; Hunt, 2000, 2005; Ishtiyaque, 1992, 1998; Kane, 1985, 1998, 2000, 2002, 2004, 2007A, 2007B; Keim, 1997; Lamb, 1993; Larvor, 2010; Leon and Tognazzini, 2010; Lewis, 1973, 1997; Martin, 1994; McDermott, 1995, 1996; McIntyre, 1994; McKenna, 2003; Mele and Robb, 1998, 2003; Mele, 1996; Moya, 2006, 2007, 2011; Naylor, 1984; O'Connor, 1993, 2000; Otsuka, 1998; Pereboom, 2000, 2001, 2003, 2007A, 2007B, 2009; Ramachandran, 1996; Robb and Mele, 1998; Shabo, 2010; Speaks, 2009; Stalnaker, 1984; Steward, 2009; Stump, 1990, 1996, 1999A, 1999B, 2003; Timpe, 2007, 2008, 2013; van Inwagen, 1978, 1983, 1999; Widerker, 1995A, 1995B, 2006, 2009; Zagzebski, 2000, 2010; Zimmerman, 1994.

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