Ely's Wager

John Hart Ely

I've never quite been able to shake loose of the "free will and determinism" problem we all first encountered in college. If everything we do (or for that matter think) is ultimately determined by a congeries of genetic and environmental factors over which we had no control, where does society get off punishing people (often very harshly) for their antisocial acts? In visibly aggravated cases (insanity, duress, necessity) we occasionally excuse the conduct in question from criminal liability (without necessarily freeing the perpetrator) and sometimes, if less officially, mitigate the punishment because of an impoverished or abusive childhood (or something akin to that). But those are episodic concessions, and if the determinists are right and our every act is generated by a concatenation of factors themselves the progeny of other factors over which we had no control, it doesn't seem like enough. At the very least retributive motives would seem to be out of moral bounds (just when their respectability was generally on the rebound) and beyond that the whole enterprise of punishment should make us at least uneasy.

Only one paragraph in, yet by now you've probably written in the margin: So Why Are You Bothering With This Discussion? If the determinists are wrong, I'm raising a nonproblem, and if they are right, we have no undetermined choice in the matter: we punish because we must. Indeed, we don't even have a choice about whether doing so should make us uneasy: discussions like this may nudge a reader's feelings one way or the other, but the facts that I wrote this comment, and you're reading it, were themselves ultimately determined by factors over which neither of us had control. Sure, for similarly determined reasons we *feel* as if we did, but we didn't.

When I studied philosophy (in the late 1950s) the discipline was already in the grip of what would later be more commonly referred to as ordinary language philosophy, and indeed the problem under discussion was a prime example of what we were instructed was a pseudo-problem. When the proverbial "man on the Clapham omnibus" said that he had free will, he did not mean to be excluding the possibility of determinism, he simply meant there was no gun at his head or other obvious coercive force. Thus the "free will/determinism

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problem" was illusory – listen to how people talk and you will realize that in fact there is no conflict between the two – and we would all spend our time more productively attending to Godel's incompleteness theorem or putting food on the table. When I would protest that it seemed to me a central function of philosophers to point out that sometimes the way people described the world was, you should forgive the expression, wrong,[1] I felt like a voice crying in the wilderness and got myself to law school as fast as my little legs would carry me.

To a degree, things have swung my way – apparently I was not the lonely apostle of truth I liked to suppose – and today, for better or worse, free will and determinism (along with a number of other metaphysical and ethical problems that supposedly had been dissolved in the 1950s) is an entirely respectable and much debated subject of philosophical speculation. I obviously do not intend to settle the issue here: the contemporary literature is voluminous and complicated. However, just to let you know "where I'm coming from,"[2] I should report that I am both a determinist and an incompatibilist.[3] It seems to me – I'm bound to say with a high degree of reflective certainty – that every move we make is the inevitable result of a conglomeration of antecedent causes we either did not choose (or "chose" because of further causes we did not choose) which conclusion is flatly incompatible with any notion of "free will" that entails the conclusion that we could have chosen otherwise.[4] Of course it *feels* as if I am entirely free now to choose between continuing to type and turning on the television,[5] but in fact that choice is determined by the welter of factors that have combined to make me who I am at this moment[6] (some of which I am tempted comparably to suppose I freely chose, but which are obviously subject to the same determinist analysis).[7]

Perhaps the trendiest modern response is to draw an analogy to quantum mechanics[8] and suggest that although most of our acts and thoughts are determined, there is an occasional inexplicable lurch – a "crucial gap of randomness"[9] – in the causal chain, vectoring things off in a direction that could not have been

1 I also suspected that the subject of free will seldom came up on the Clapham omnibus, but there were limits to my youthful arrogance, and I kept this one to myself.

2 Note the subtle segue into the Sixties: even if you find no other merit in this piece, it's valuable cultural history.

3 Even if you're not, which I am aware is statistically very likely, stick around. You may like the ending.

4 This is not to say that anyone could have planned or predicted, or even retroactively understood fully, the causal chain – unless, of course, it is God.

5 See text at note 12 for what I take to be the roots of this feeling.

6 I am certainly not denying that it is *I* who decides what I shall believe and (at least attempt to) do, but "I" am the product of that selfsame welter.

7 The modern literature asserts with some frequency that this is all the "free will" one could reasonably want. I agree that it is probably all we are going to get, but do not agree that it's all our longing for free will amounts to. Assume a being who was omniscient and infinitely wise in every respect other than possessing an ability directly to foretell the future. If she could unerringly foretell it nonetheless by thinking through the relevant future causal chains, I doubt we would say we had free will. (I am aware that there exists no such being – God presumably could foresee the future without the necessity of computing His way through the chains – but the construct seems instructive nonetheless.) Lacking in such a scenario would be what I take to be a critical ingredient of free will, that when we choose one course of action over another, we could have chosen otherwise.

8 I'm shocked, shocked to learn that philosophers analogize to fields they do not fully understand as readily as lawyers. (Anyone who cites this piece as an example gets a knuckle sandwich.)

9 Daniel C. Dennett, "Mechanism & Responsibility," in Gary Watson ed., Free Will 150 (Oxford 1982).

predicted by what we understand to be the usual physical rules. There are at least two independently dispositive problems with this. First, I suspect the reason even physicists cannot predict or understand quantum jumps is that, impressive as the progress they have made seems generally (at least to an outsider), there are still some things they don't fully understand about the rules by which the physical world operates. Second, even if that's wrong, the analogy to quantum jumps hardly strengthens the case for free will. To the contrary, it strengthens the argument that we are governed by factors beyond our control.

That is all I'll have to say about that.[10] It seems most unlikely that I will be able to turn your thinking around on this issue, and more importantly, even if you're with me intellectually, I know that emotionally and behaviorally you'll never agree with the conclusion I have just endorsed. One reason I know is that I don't either.[11] A belief in one's freedom at least to decide (if not always to accomplish) what he wants to do, and his ability, however minimally, by such decisions to affect the future of his little corner of the world, seem prerequisites to what we generally define as sanity.[12] Thus we all, myself included, seem destined to behave on an assumption that on reflection I believe to be false, namely that we possess what generally goes by the name of free will.

Well, at least by my lights it's antitheoretical, but does that make it bad?[13] I don't think so, for two reasons. The first is the more obvious, that if determinism is true, we don't have any choice but to disbelieve it in practice, and if it is false we are correct in doing so. In neither case can such disbelief be condemned as immoral.

The case is stronger than that, however: not only is acting on the assumption that we have free will not immoral, it seems the morally preferable course of action. Thus even if we had a choice in the matter (which I think we do not) I believe it to be the operating assumption a moral person would choose. For if we act on the assumption that

I expect the argument will soon be riddled with references to chaos theory, if indeed it isn't already.

10 Okay, not quite. It seems to me that special mention of Robert Kane is in order, if only because he is so articulate in knocking down so many other theories of free will without apparent recognition that his own (or so at least it seems to me) is vulnerable to an entirely similar objection. Correctly in my view, he dismisses other attempts to rescue free will – nonempirical power centers; noumenal selves; mental operations that act outside of but nonetheless can affect the world of human action; and the like – as essentially so much phlogiston, but goes on to argue that the matter appears in a different light if we realize that at least some decisions (I'm even willing to concede it is probably all) result not from a single causal chain but rather from a "divided will," which is to say a choice between different answers suggested by two (or, presumably, more) such chains, to each of which answers we find ourselves somewhat drawn. *That* choice, he argues, is undetermined. ("Prior motives and character provide reasons for going either way, but not decisive reasons explaining which way the agent will inevitably go." Robert Kane, The Significance of Free Will 127 (Oxford 1998).) This I confess I simply do not get: *something* tips the ultimate balance between the two (or more) competing impulses, and I can imagine no reason for supposing (or even for understanding why Professor Kane supposes) that that something is any less determined by antecedent causes than all our other choices.

11 Nor am I aware of any other determinist who does. For example, John Stuart Mill – a rockbound and highly intelligent determinist if ever there was one – nonetheless wrote *On Liberty* and *Utilitarianism*, both advising us on how to live morally, and it seems unlikely that as he did so he supposed that what he would end up saying – to say nothing of his readers' future behavior – was already determined.

12 Thus the relentless appeals to mysterious black boxes of a sort that philosophers would not tolerate for a moment in other contexts. See note 10 supra.

13 Cf. John Hart Ely, Reason and Natural Belief in Hume's Theory of the External World (1960) (unpublished thesis theoretically on file in Princeton University library).

we have free will when in fact we don't, there's no harm done.[14] If, on the other hand, we proceed on the assumption that our every move is determined (and thus we need not seriously trouble ourselves about considerations of morality) when in fact it isn't – a prospect that seems remote to me, but one endorsed by a sufficient number of intelligent people to demand its recognition as a possibility – great harm could ensue.[15]

My title is of course an allusion to Pascal, in particular his famous argument that if you wager that God exists and He does, you win (go to heaven), whereas if you wager thus and He *doesn't* exist, you lose comparatively little. There is, however, a huge difference. At least as I have vulgarly stated it,[16] Pascal's wager is self-serving; mine is not. For all we know God may be reserving a special circle in hell for those who "believe" in Him for the cynically selfish purpose of getting into heaven. It is difficult to imagine a similar negative judgment being passed by either God or humankind on someone who "believes" in free will for the reason I have given, that acting on such a belief will maximize the amount of good in the world.

We thus end with a happy coincidence,[17] that however questionable it may be metaphysically (I think very), a belief in free will is one that we find ourselves essentially powerless to set aside in practice, and at the same time is considerably more likely than its converse to increase the amount of good in the world.[18]

14 I suppose there are those who would say it's morally wrong – "inauthentic" perhaps – to act as if the world were other than you believe it to be in your more reflective moments, but that strikes me as unintelligible. If that reaction partakes of utilitarianism, I can live with it, as I suspect you can too.

15 Like every other writer on moral philosophy of whom I am aware, I am assuming an audience that would choose to behave so as to minimize the infliction of great harm on the world. If *that* reaction partakes of utilitarianism (again), I can live with it, as I suspect you can too.

16 I am aware that there is some uncertainty as to whether Pascal was speaking in his own voice (as opposed simply to that of a hypothetical interlocutor) when he described the wager. At times the structure of the argument seems to be that the wager serves to overcome certain obstacles to faith, but the positive impetus thereto can come only from the grace of God (the role of the wager thus being "simply to eliminate reason as an aid to concupiscence," Jan Miel, Pascal and Theology 168 (Johns Hopkins 1969).) Pascal also plainly supposes that faith in God will generate more virtuous behavior: "Vous serez fidele, honnete, humble, reconnaisant, bienfaisant, ami sincere, veritable." Pascal's Apology for Religion 73 (H.F. Stewart ed. 1942). Understood thus, the wager seems less (though still somewhat) cynical. On the other hand, the vulgar rendition in the text (which I confess is the way I learned it) is one Pascal certainly invites in presenting the wager: "Pesons le gain et la perte, en prenez croix que Dieu est. Estimons ces deux cas: si vous gagnez, vous gagnez tout; si vous perdez, vous ne perdez rien." Id. at 71.

17 I should stress that the argument here does not partake of the common but dangerous non sequitur that if most or many humans repeatedly and strongly desire to follow a certain course of conduct, it must be moral. Most people experience what they describe as a virtually irresistible impulse to eat (and thus increase the population of) other sentient beings they know are raised under conditions of lifelong torture: that doesn't make it morally right. See also John Hart Ely, On Constitutional Ground 16 (Princeton 1996). Many others – it may even be most – would be tempted to steal their neighbors' property (or sleep with their neighbors' spouses) if they thought they could get away with it: that, again, is no argument for either practice's morality. My arguments for the seeming inevitability of a working belief in free will and its moral preferability are independent of each other.

18 For those of you on tenterhooks regarding the problem with which I began, we punish criminals either (a) because it is determined by antecedent causes that we will, or (b) because said criminals either failed to behave as if they had free will (that is, with regard to the apparent consequences) or did consider the consequences, but in an antisocial way. Or maybe both.