**2. Hard Determinism**

**LO**

* Revision of key terms relating to determinism
* Look in focus at Clarence Darrow and John Hospers
* Practice writing a paragraph on hard determinism in response to a question on 'free will'
* Plan for next lesson.

**Revision**

What do we mean by?

* Free Will
* Hard Determinism
* Compatibilism
* Libertianism

**Glossary**

**Darrow Case**

Who is Clarence Darrow?

* Clarence Seward Darrow was born on April 18, 1857 in Farmdale, Ohio.
* As a child, his father told him the story of a hanging that he had witnessed. His father had gone to the front of the crowd to witness the execution but when he reached the front became ashamed. It profoundly shaped Darrow’s view of capital punishment as premeditated murder by the state. For Darrow, it was not just morally wrong, but also failed to deter crime nor did it address the underlying causes of crime.
* His father would also tell Darrow of the slavery abolitionists, black and white, who “arous[ed] the dulled conscience of the people to a sense of justice to the slave”. Darrow would champion the rights of black people throughout his life and legal career.
* In 1924 he served in a landmark case in the history of criminal law, the Leopold and Loeb case.
* Eighteen year old Nathan Leopold and seventeen year old Richard Loeb, were the sons of Chicago millionaires. Leopold was the youngest graduate in the history of the University of Chicago and Loeb was the youngest graduate in the history of the University of Michigan.
* They were accused of the kidnapping and vicious murder of fourteen year old Bobby Franks, a cousin of Loeb’s. Both confessed to the murder before the trial began. There was an outcry for their execution.
* Their defence lawyer was Clarence Darrow. Since both had confessed to the crime, Darrow’s only chance was to explain their actions in such a way that his clients could escape the death penalty. He argued they were not morally responsible for what they had done, that they were not to be blamed for their actions. That their actions were a direct result of the hereditary and environmental forces beyond their control.
* Leopold suffered from a glandular disease that left him depressed and moody. He was reportedly homosexual. He was sent to an all-girls school in an effort to cure his shyness with girls and had come out psychologically scarred. He became obsessed with Nietzsche’s concept of the ‘superman’, “Übermensch”, a man superior to the common people and above society’s laws (a worldly contrast to the otherwordly God).
* Loeb suffered from a nervous disorder that caused fainting spells. He had a very unhappy childhood and often thought of committing suicide. He was under the control of a domineering governess. His wealth led him to believe that he was superior to all those around him. He developed a fascination for crime and would shadow people.

In the trial, Darrow recounted these facts and others. The central theme was that they were in the grip of powers beyond their control

“I do not know what it was that made these boys do this mad act, but I do know there is a reason for it. I know they did not beget themselves. I know that any one of an infinite number of causes reaching back to the beginning might be working Out in these boys’ minds, whom you are asked to hang in malice and in hatred and in injustice, because someone in the past has sinned against them... What has this boy to do with it? He was not his own father; he was not his own mother; he was not his own grandparents. All of this was handed to him. He did not surround himself with governesses and wealth. He did not make himself. And yet he is to be compelled to pay.”

From Weinberg, A. Attorney for the Damned. (Simon and Schuster: New York). 1957. pp. 37, 65.

Darrow’s plea was successful, Leopold and Loeb escaped execution and were sentenced to life imprisonment. Although they had committed the crimes and were legally responsible for their actions, the judge believed that they were not morally responsible; they were not to be blamed because they had not acted out of their own free will.

**The Argument**

Darrow’s argument is very important, because if Leopold and Loeb were not to blame or their actions, then no man can be blamed for their actions. As Darrow said “We are all helpless”. An argument is sound if the conclusion necessarily follows from the premises. Cahn has formalised Darrow’s argument as follows:

Premise 1: No action is free if it must occur.

Premise 2: In the case of every event that occurs, there are antecedent conditions, known as unknowns, that ensure that the event will occur.

Conclusion: Therefore no action is free.

Cahn, S. A New Introduction to Philosophy. (Harper & Row: New York). 1971. p. 39

* Premise 1, means that a person’s action is free if it is up to him whether he performs it. If circumstances are such that a man either *must* perform a certain action or *must not* perform the action, then that action is not free.
* Premise 2 is the thesis of determinism. For every event that occurs, there is a cause that accounts for its occurrence. So theoretically, a being who knows at any time the position of every particle in the universe and all the forces acting upon it, could predict with absolute certainty every future event.
* His argument is valid. If premise 2 is true and every event that occurs must occur because it is ensured by its antecedent condition, and every action is an event, it follows that every action that occurs must occur and so no action is free.

But a valid argument can have a false conclusion if the premises are not true.

**Objections**

*Objection* 1: Some attack the determinist thesis. While it may be true there are causes for rocks falling or birds flying, humans are far more complex than birds and rocks. That the hard determinist may be correct with physical occurrences does not make him necessarily right with human action.

*Counter Argument*: a hard determinist may ask us to consider a human action, like attending this tutorial. You may think your decision was uncaused, but did you not wish to learn or revise the Darrow topic. Your desire to learn about Darrow and belief that I would provide information about Darrow caused you to attend this tutorial. Just as physical forces cause rocks and birds to do certain things, so your wishes, wants and desires. And as such, consider how accurately we can predict people’s actions. Of course, we cannot predict men’s behaviour with absolute certainty, but that i because each individual has a unique combination of hereditary and environmental factors.

*Objection* 2: Work in quantum physics has led some to claim that certain subatomic events are uncaused and inherently unpredictable, and that the principles of determinism has this been proven false on a subatomic level.

See Heisenberg’s uncertainty principle, which says that we cannot know both the location and the momentum of subatomic particles at the same time

*Counter Argument*: But even if that’s true, human actions don’t fall within the subatomic level.

We are therefore left with a plausible but perhaps unacceptable conclusion. For if determinism is true, even the most henious act would not be blameworthy. Soft determinists argue since the conclusion is false, either premise 1 or 2 must be false.

**Aftermath**

Remember, Darrow was not successful at freeing his clients nor would he have wanted them free. Although he did not blame them for their actions he did not want them to be repeated. For Darrow, Leopold and Loeb were sick men who needed care like any sick person with a disease. A world without freedom is still not a world in which everything is acceptable but everything is necessary.

Similar cases...

Koskovich Case, December 2002

* Koskovich and a friend lured two pizza delivery men to a rural house and shot them.
* They hd stolen the guns eleven days before, he had told his girldfried he was planning the murder to see “what it felt like”
* He had grown up neglected and unloved in a household plagued by violence, drugs, abuse, abandonment and suicide attempts.
* Jury gave him mitigated responsibility

**Hospers: “The Genetic Argument”**

Determinism has been encouraged by psychological theories, such as those of Sigmund Freud. Although Freud did not promote a determinist position, some of his followers used his theories to argue that the unconscious psychological desires are the real causes of actions that people think they have freely chosen.

One of the chief advocates for Freud’s determinism is John Hospers. For Hospers, psychoanalysis shows a person’s allegedly free choices and voluntary actions are in fact controlled by his personality (in Freudian terms, the id, ego, and superego), which in turn has been moulded by influences from early infancy and cannot be changed subsequently, even if the individual wants to change.

“A man is faced by a choice: shall he kill another person or not? Moralists would say, here is a “free” choice – the result of deliberation, an action consciously entered into. And yet, though the agent himself does not know it, and has no awareness of the forces that are at work within him, he choice is already determined for him: his conscious will is only instrumental, a slave, in the hands of a deep unconscious motivation which determines his action. If he has a great deal of what analysts calls “free-floating guilt”, he will not; but if the guilt is such as to demand immediate absorption in the form of self-damaging behaviour, this accumulated guilt will have to be discharged in some criminal action. The man himself does not know what the inner clockwork is; he is like the hands on the clock, thinking they move freely over the face of the clock.”

Hospers, J. “What Means This Freedom?” in *Determinism and Freedom in the Age of Modern Science*. Ed. Hook, S. (New York University Press: New York). 1958.

Ill. He takes as an example the person with an anal personality whose childhood means he has a hand-washing compulsion.

**Objections**

Hospers has misread Freud. Freud does explore the infantile origins of character traits, obsessions, compulsions, sexual proclivities and dysfunctions and hysterical symptoms. But he never says that the general configuration of an adult personality is *determined* by infantile causes in such a way that freedom and responsibility are precluded. Nor does he say that the unconscious or id determines all a mature adult’s decisions and actions. On the contrary, Freud believes the healthy ego is capable of rationally evaluating competing wants and deciding which is the one most desired.

**Outlook**

Determinism’s implications disturbing. If true, punishment in traditional sense would not make sense. It makes no sense to hold individuals responsible for their actions, whether good or evil, the saint should neither be praised nor the criminal blamed for neither are responsible for what they did. Regret also would not make sense, since one cannot regret doing what one could not help but do.

**Questions**

Describe character of Leopold and Loeb?

What influenced their behaviour?

Why did the court accept determinist position?