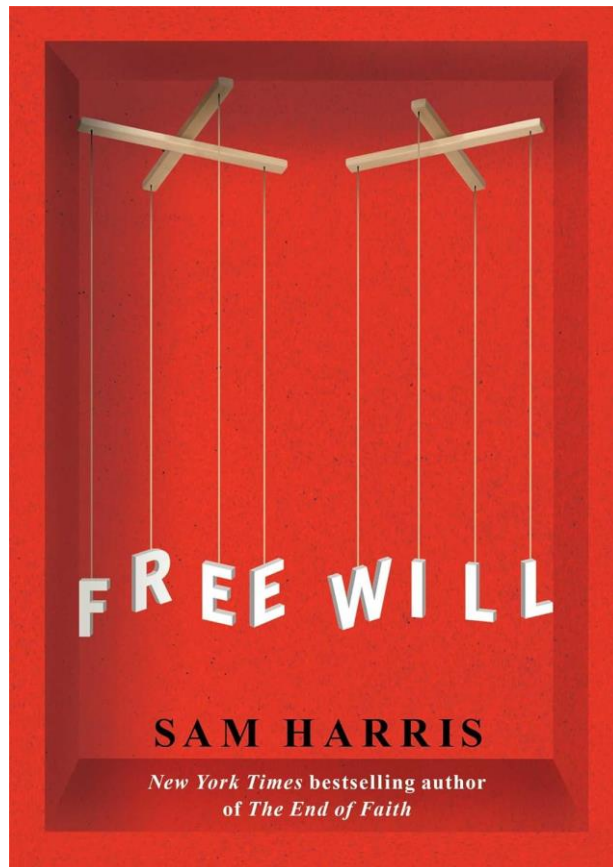


# Our Confused Conversations About Free Will: On Sam Harris<sup>1</sup>

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(Harris, 2012)

That, then, which every soul pursues and for its sake does all that it does, with an intuition of its reality, but yet baffled and unable to apprehend its nature adequately, or to attain to any stable belief about it as about other things, and for that reason failing. Plato (*The Republic*)

One thing never ceases to amaze me: the ability of philosophers to make arguments about free will that are not, and cannot ever *be*, either pragmatically important or metaphysically profound.

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<sup>1</sup> An earlier version of this essay appeared on my blog, *The Kugelmass Episodes* (Kugelmass, 2014).

The source of these arguments is entirely political, as is obvious when one considers that every single time they surface, they concern themselves with the criminal justice system.

The concepts of intentionality, choice, and moral responsibility, which surely ought to be matters of pressing concern for everyone, are entrusted immediately (and wholly) to murderous psychopaths, and to narratives about their pitiable, unrepresentative lives.

Take Sam Harris, for example. In his book *Free Will*—which is freely available, if you're curious about it—the murdering gets started right away, in his second paragraph:

In the early morning of July 23, 2007, Steven Hayes and Joshua Komisarjevsky, two career criminals, arrived at the home of Dr. William and Jennifer Petit in Cheshire, a quiet town in central Connecticut. They found Dr. Petit asleep on a sofa in the sunroom. According to his taped confession, Komisarjevsky stood over the sleeping man for some minutes, hesitating, before striking him in the head with a baseball bat. (Harris, 2012: p. 1)

Then, having begun in this fashion, we spend the rest of the book in a lo-fi version of *Minority Report*, trying to understand whether murderers can ever decide *not* to shoot people or strike them in the head with a baseball bat.

Over the course of *Free Will*, Harris makes the (rather predictable) argument for determinism, with the help of bargain-basement Freud, neuroscience, and molecular physics. There are many other murders along the way—on one especially grisly page, whenever Harris inserts a bullet point, somebody dies. You would think he was using actual bullets. His argument goes like this: we make choices based on our genes, our circumstances, and our molecules. We also make choices based on our own *prior* choices, but since those earlier choices were determined, we end up at the same place once again. Daniel Dennett, meanwhile, has written a refutation of Harris. (It's also free, and easy to find.) Dennett's refutation, like many such pieces of academic work, is basically correct, but suffers from a lot of preoccupations and minutiae. It is so dull that it manages to be viscerally unconvincing—what he's saying is mostly true, yet none of it is worth agreeing with.

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Let us put the question of free will to rest, shall we? Free will is, as I implied above, a political category, and *not* an ontological one. If we were—as most models of agency seem to suggest—completely alone in a world with no other people, “freedom” would

be an irrelevancy. We would be self-evidently able to do as we pleased, with only physiological constraints on our behavior. There would be no point of reference from which we might survey our freedom, or our lack of it, since constructing autobiographical narratives would be absurd.

Freedom, therefore, only arises in social contexts, and basically measures an individual's ability to make (what other people consider) bad choices. Freedom is not inherently valuable; human beings make motivated choices, and therefore freedom is *only* valuable relative to the problems that arise when society *forbids us to make the choices we want*.

In other words, the only interesting question concerning freedom is the Kantian question of moral imperatives. Say, for example, that I have ten dollars, and my neighbor has three dollars. Should I give my neighbor money? Furthermore, say that I've done extensive sociological and economic research, and concluded that I *myself* will have a better life if I *do* give my money away, because I will be less encumbered, and my neighbor will be more pleasant to live with. At that point, I could still (theoretically) refuse to be generous, but why would I? Why make an idiotic decision in order to uphold an abstract (and perfectly secure) notion of freedom? Therefore, as soon as I recognize a moral imperative, freedom becomes a merely practical concern: will I be allowed to make the logical choice or not?

This is all well and good, but unfortunately, there are virtually no major questions in human lives that resolve themselves so neatly. Over and over, we find ourselves with incomplete information, making choices that may not lead to their intended outcomes. It is a vast enterprise of trial-and-error, and since nobody has that much *more* information than anyone else, it is essential to let individuals try things out for themselves, including stupid things.

To their credit, both Dennett and Harris also portray choice as a motivated act (as opposed to an *acte gratuit*), and take these motivations into account. Dennett uses a game of bridge in place of my example about my neighbor: "Were you free to play your six instead? In some sense...[but] freedom involves the ability to have one's choices influenced by changes in the world that matter under the circumstances."

Harris describes the decision to eat, as opposed to a bridge player's deduction. It's more *obscurely* motivated, but the result is the same:

Am I free to resist this feeling? Well, yes, in the sense that no one is going to force me at gunpoint to eat—but I am hungry. Can I resist this feeling a moment longer? Yes, of

course—and for an indeterminate number of moments thereafter. But I don't know why I make the effort in this instance and not in others.

So much for ordinary decisions — a sandwich, a game of bridge. But what about those murderers? Harris, like others in his camp, seems to be wrestling with the legal questions surrounding exceptional defenses: insanity, intoxication, ignorance, etc. We know, however, that he does not really care about such things. Society must be defended:

Certain criminals must be incarcerated to prevent them from harming other people. The moral justification for this is entirely straightforward: Everyone else will be better off this way. Dispensing with the illusion of free will allows us to focus on the things that matter—assessing risk, protecting innocent people, deterring crime, etc.

This is, as Michel Foucault has shown, a fundamental misunderstanding of the criminal justice system. Prison terms are based on an old notion of rehabilitation—how long somebody must spend in jail, learning to make better choices. It is a doomed notion, since some criminals never change their minds, and others regret their actions immediately. We try to introduce flexibility into the system, via flexible sentencing and parole, and end up creating new opportunities for injustice. While deterrence is a real phenomenon, it is not a major factor in our penal code: the penalties for given crimes are simply not based on maximizing their value as deterrents. Some punishments, notably the death penalty, have almost zero value as deterrents, and persist regardless.

All told, the decision to incarcerate criminals is one that we make, as a society, almost *without reference* to the crime itself. We cite deterrence, public safety, and rehabilitation, as justifications for the penal system, but can't be bothered to peg any particular laws to any relevant data about deterrence, public safety, or rehabilitation.

Against this backdrop, determinists like Harris pretend to bring us face-to-face with the hard truths about free will. They agonize over the fate of murderers, only to end up declaring wistfully that the *status quo* is necessary: if you do the crime, you have to serve the time! This distracts everyone from the real message of modern science, which is that prisons do not prevent crimes. It is the hardest thing in the world to accept that acts of violence and cruelty are impossible to undo, prevent, or redress. With that in mind, the challenges of forgiveness and renouncing vengeance strike me as problems worth trying to solve.

I cannot say the same for Harris's proposed debate. It is, finally, not a debate at all, or even a serious claim; it is merely an alibi for his complacency, and ours.

## REFERENCES

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