

*URS paper*

# Embracing the inevitable

## Shaping public policy in the absence of free will

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### Abstract

The prevailing common sense in public policy is that human beings are capable of making decisions free from external factors. A belief in free will touches every facet of society, from our welfare policies to the judicial system, and with the rising awareness of the injustices and inefficiency of these institutions, it must be questioned whether this presumption is accurate, or desirable. The rather extensive debate around free will vs determinism is summarized in this study to illustrate why these presumptions need to seriously be questioned and as I make my case for a deterministic worldview. The paper demonstrates how indeed these institutions are underpinned by a belief in free will, reviews empirical studies from political science to argue that they are inefficient or unjust, and finally concluding that certain policy areas would indeed be more effective once freed from such assumptions.

### Evidence for practice

- The present paper calls into question the common belief that human beings are able to enact their free will and make choices independently of their given circumstances; a view that is predominant in public policy, but that oftentimes leads to injustices.
- The analysis proposes a version of determinism that accounts for the effects of external factors, that are outside of one's control, and that largely impact the amount of responsibility attributable to the individual. A shift towards this interpretation of human agency would allow for more equal measures within the welfare state.
- The aim of this study is to illustrate why and how policy areas are inefficient or unjust, owing in part to their attachment to the idea of complete free will. The paper analyses and criticizes the justice and efficiency of societies establishments, and compare their current forms under the conviction of free will with the possibility of public policy based on a deterministic worldview.

**Keywords:** free will, determinism, welfare, human agency

## Introduction

In 1978 The U.S. Supreme Court called free will a “universal and persistent foundation for our system of law, distinct from a deterministic view of human conduct that is inconsistent with the underlying precepts of our criminal justice system” (Harris, 2012). Economist Morris Altman called it “an important starting point for socio-economic analysis” with strong “implications for economic analysis and public policy” (Altman, 2006). It is clear that modern society, morality, law, politics, religion, and public policy, all rest upon the assumption of free will. How we hold individuals morally responsible and therefore run our prisons, courts, and the entire judicial system, is entirely founded on this assumption.

A “universal and persistent foundation for our system of law, distinct from a deterministic view of human conduct that is inconsistent with the underlying precepts of our criminal justice system”.

The belief that all events and phenomena are determined by previously existing causes is known as “determinism”. The theory claims that “actions are inevitable given circumstances which are inevitable given other circumstances”, and that this trail of causation goes back beyond our control, to where we cannot decide, prevent, or change it (Pereboom, 1995). If it is the case that the theory of determinism is true, which would heavily undermine if not outright disprove the existence of free will, it is possible to imagine a society where the welfare state, judiciary, and economy are not founded on personal responsibility, and this may open the avenue to more just and efficient policies. In other words, an acknowledgement that key phenomena in society, including crime, education, health, employment, etc, are not in the hands of the individual, but entirely predetermined by one’s circumstances and environment, may drastically change the way we aim to address the problems themselves.

In this paper, I will answer the question “What view of human agency should inform contemporary public policy?” by analysing different cases within the modern welfare state which presuppose human agency. I will examine how they could change after a rejection of free will, by investigating the core values and fundamental ideas behind these institutions, and how they interact with the concept.

## Theoretical Framework

### *What is Determinism?*

It is of course necessary to understand why it is we can question the existence of free will in the first place. As explained by Professor Richard Swinburn, the phenomenology is that we are beings capable of making our own choices, independent of external factors (CosmicSkeptic, 2023). After all, we make decisions every day, and if nobody told us any differently, we have been led to believe that we are responsible for these choices. Determinism, however, asserts that people’s actions are actually nothing but the product of a set of circumstances, which are inevitable given other circumstances, and that this trail of responsibility goes back beyond our control, to a point where we cannot decide, prevent, or change them (Pereboom, 1995).

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In this paper I will make the case for a version of determinism in which to whatever extent we govern our own actions, external factors beyond our control have a large enough impact to remove the majority of individual responsibility<sup>1</sup>. To give an example of how our formulation of determinism would operate, I will again

be drawing inspiration from the work of Pereboom (1995) by prompting the reader to consider a series of hypothetical scenarios in which a certain Mr. Green has murdered a Ms. Peacock. Defenders of free will argue that free decisions can be made if the individual is not physically forced, if the action conforms to their second order desires, and if the decision is reason responsive (meaning it would have resulted in different choices in the same situation), or would have been different under different circumstances. For

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<sup>1</sup> The literature on free will often distinguishes “hard determinism” from “soft determinism” with a gradual spectrum between them. The version I argue for is weaker than the hardest formulations of the theory. More can be read on this in Pereboom 1995.

these reasons the thought experiments demonstrate how under all these factors, decisions can still be made that the individual cannot be held responsible for<sup>2</sup>.

### Scenario A

Mr. Green is an ordinary human being except that he was created by neuroscientists, who can control him directly through the use of radio-like technology. Suppose the neuroscientists directly manipulate Mr. Green to undertake the process of reasoning by which his desires are modified and produced, and his effective first-order desire to kill Ms. Peacock conforms to his second-order desires. The neuroscientists manipulate him by, pushing a series of buttons just before he begins to reason about his situation, thereby causing his reasoning process to be rationally egoistic, or self-interest maximising. His reasoning process is reason responsive because it would have resulted in different choices in the same situation in which the egoistic reasons were otherwise.

### Scenario B

Mr. Green is an ordinary human being except that he was created by neuroscientists, who although cannot control him directly, have programmed him to be a rational egoist, so that, in any circumstances like those in which he now finds himself, he is causally determined to undertake the reason responsive process and to possess the set of first and second-order desires that results in him killing Ms. Peacock. His reasoning process is therefore reason responsive. In both of these scenarios, we intuitively understand that Mr. Green cannot be said to be responsible for his actions. In Scenario A he was being directly controlled by an outside influence, and although in Scenario B Mr. Green is not being directly controlled, his actions were determined by virtue of the neuroscientist's actions, which are *beyond his control*. In both instances, the action adhered to his first and second-order desires and was reason responsive. Yet, despite this, it would be unreasonable to reprimand Mr. Green or blame him for his actions. He was not in a position to act in any other manner, due to the circumstances and environment that he found himself in. Now allow us to consider another scenario.

### Scenario C

Mr. Green is an ordinary human being, except that he was determined by the rigorous training practices of his home and community, his cultural background, his genetic makeup, and his current environment to be a rational egoist. His training took place at too early an age for him to have had the ability to prevent or alter the practices that determined his character. Mr. Green is thereby caused to undertake the reason responsive process and to possess the first and second-order desires that result in his killing Ms. Peacock.

If one were to argue that Mr. Green is morally responsible for his actions in Scenario C but not Scenario A or B, one would need to identify a morally relevant feature that exists in one and not the other, which is difficult to detect. As in the previous scenarios, the Mr. Green of Scenario C acts under desires and circumstances that have been programmed *beyond his control*. The only difference is that instead of neuroscientists programming him, it is his community and environment, and thus I would argue that it would be impossible to understand his actions without looking at these institutions first. The argument that the individual is simply “influenced” and not directly “caused” fails to attribute responsibility to the individual. If we are so influenced by external factors that it is not conceivable for us to have acted differently given the same circumstances, we cannot say that we are fully responsible for the action. Author Yuval Noah Harari puts it clearly, “if by ‘free will’ you mean the freedom to do what you desire – then yes, humans have free will. But if by ‘free will’ you mean the freedom to choose what to desire – then no, humans have no free will” (Harari 2019).

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<sup>2</sup> For clarification, in the scenarios I make a distinction between first-order desires and second-order desires. First-order desires are things that an individual wants. Second order desires are the desires by which one was moved when they acted on their first-order desires (Frankfurt, 1971). A first order desire might be gym equipment, the second order desire would be for physical fitness.

Traditional Western defences of free will have all been, in some way or another, based on an appeal to God (O'Connor, 2022). St. Augustine (1950) and Thomas Aquinas (2005) both claimed that our free will came from God so that we could decide of our own volition to follow him, and many other philosophers made reference to a non-material entity as the source of human agency. In the modern era, this is, of course, an unconvincing argument, and no longer can we accept views based on faith rather than reason from a scientific standpoint. The argument of determinism does not even require a materialist position to be taken, even if one believes in a soul of sorts or some kind of immaterial essence, if this were to be the source of our decisions, it remains unclear *why* it decided what it decided or what influence and control one has over their soul. Another common argument against determinism is that not everything is determined, there is randomness in the universe. However, research has shown that often times people confuse randomness for simply an asymmetry of information, and as a consequence, often misinterpret randomness as free will (Ebert & Wegner, 2011). Weather for example, may seem and feel random, but it is in reality determined by a myriad of invisible factors. Edwin Locke gives the example of a coin toss, an event which cannot be predicted, but again, just because we cannot predict an event does not mean that it is not predetermined beyond our control. Even if true randomness does exist in the universe, such as neuron firing or quantum-level events like radioactivity, it still does not serve to prove free will. If our choice is determined by previous causes, then we have no control over it, and are not exercising free will. If on the other hand, our choice is random, then we have no control over it, and are not exercising free will. Therefore, the existence of randomness does not prove the existence of free will.

### Analysis

Equipped now with an understanding of determinism, we are ready to begin the analysis, structured as follows: I hope to show the state of the contemporary welfare state as an institution founded upon the assumption of free will, and how policies can be made more just and efficient under a more deterministic worldview.

A lot of welfare programs already exist which can be said to recognize the separation of individual and institutional responsibility. Programs such as social security, disability benefits, rehabilitation centres, the pension system, and veteran care, are all examples of programs that aim to improve the lives of less privileged individuals, creating a more equal and just society, whilst acknowledging that there are factors beyond one's control (such as growing old, having a disability, and so on) that have an impact on one's place in society. What I hope to make clear in this section is that we give disability benefits or pensions for the same reason we ought to give out any number of other social provisions they address the inequalities created by circumstances *outside of the individual's control*.

Unemployment is one of the biggest problems that developed countries face today, yet despite changes in the labour force, and the incredible leaps in technological and economic growth over the last century, unemployment in the long run remains “untrended”, largely unchanged (Layard & Bean 1989, p. 371, Denman & McDonald 1996, Burtless & Summers 1983). Unemployment benefits are a common scheme, with many positive aspects, but they are often too low or too short term to make a significant impact (Burtless & Summers 1983). The underlying philosophy behind the decision to revoke unemployment benefits after a set amount of time is that with benefits people decide, out of laziness or comfort, to not actively search for a job. The rationale then, to avoid this so called the “unemployment trap” is to make unemployment as uncomfortable as possible in order to incentivise people to quickly and actively search for jobs to contribute to society (Snower 1995). The economic literature on the topic even asserts there is some “optimal” level of unemployment for governments to aim towards in order to keep inflation down, create a negative incentive for employees to not be fired, and keep the economy stable (Bowles et al 2017). The problem with this line of reasoning, however, is that it completely ignores any other external factor or reason that may impact someone's experience searching for a job. The theory focuses on individuals making the active decision to remain unemployed to enjoy the benefits, and does not take into account other factors which have been shown to cause unemployment or contribute to an individual's struggle to find employment, such as prior education, mental illness, limiting disabilities, discriminatory hiring practises, economic recessions, and any other number of reasons (Gurney 1981, Dowd 2021, Nelson & Kim 2011, Krogh & Bredgaard 2022, Zschirnt & Ruedin 2016).

The status quo emphasises the individual as the primary reason for becoming or remaining unemployed, and as a result, the solutions that we have created to address the problem are efficient, and at times, unjust. One way that we could guarantee (at least to a greater extent) equality of opportunity for all in society would be through a modest but unconditional income to all citizens, otherwise known as a universal basic income. The general idea of a UBI is that it is an “income paid by a political community to all its members on an individual basis, without means test or work requirement” (Van Parijs 2004). This policy of consistent, unconditional financial compensation would partially level the playing field and alleviate many of the inequalities and negative externalities that appear from inefficient and unequal institutions. It would mitigate some of the problems which arise from being born into a poor family, having a lower-quality education, suffering from mental illnesses or disabilities, or suffering from addiction. In this position, individuals would be essentially guaranteed that no matter what their circumstances are at the beginning of their life (their intelligence, ambition, financial situation, identity, etc.) even the least privileged members of society would be able to lead meaningful and pleasant lives. A UBI also solves the problem of the unemployment trap as described by Snower (1995), as it reduces the utility difference between no job and a low-paying job, as under regular unemployment schemes, one may be incentivised to remain unemployed and enjoy the benefits as opposed to choosing a low paying job, but with a universal basic income, they are more inclined to take a low paying job to supplement their basic income (Van Parijs, 2004).

In any case, as the presumption of free will is so deeply ingrained into our political institutions, it is not possible to remedy the injustices and inefficiencies without also changing our conception of human agency alongside it. Removing the presumption of free will from our policy deliberations will lead communities to start addressing structural and institutional issues from the source. A UBI is only one example of a solution to many of the problems that the welfare state faces, while not in any way stressing individual responsibility or agency, it simply eases the circumstances that are outside of an individual’s control as far as possible. This is accentuated in Van Parijs’ robust defence of universal income, where he argues that the concept is a “strategy against both poverty and unemployment” as well as a way to realize true social justice “as the fair distribution of the real freedom to pursue the realization of one’s conception of the good life, whatever it is” (Van Parijs, 2004). The freedom we strive for must be the freedom from the external institutions which advance morally arbitrary factors such as one’s situation at birth. If we cannot have the freedom to choose what we desire, then we should at least strive for freedom, as Van Parijs (2004) would argue, from the institutions prohibiting us from living to the fullest.

## Conclusion

As contemporary debates around the limits of the welfare state and the functionality of the justice system rage on through the world, it is more important now than ever to question the origins and assumptions of the most influential and impactful aspects of society. I have shown how the welfare state, exemplified by the system of distributing unemployment benefits is underpinned by a deeply rooted belief in complete human agency. The state of the art of the determinism vs free will debate is moving rapidly towards an agreement that free will is, at least mostly, a myth, and that a more deterministic understanding of the world is the more accurate one, and with this, it is crucial that our understanding of public policy does not get left behind in the past. This study, grounded in empirical evidence, explained why and how policy areas are inefficient and unjust, owing in part to their attachment to the idea of complete human free will. The paper analysed and criticize the justice and efficiency of societies establishments, and compare their current forms under the conviction of free will with the possibility of public policy free from the clasp of such a belief.

In the words of Yuval Noah Harari, “unfortunately, ‘free will’ isn’t a scientific reality. It is a myth inherited from Christian theology. Theologians developed the idea of ‘free will’ to explain why God is right to punish sinners for their bad choices and reward saints for their good choices” (Harari 2018). It appears that our societies have not drifted far from the Christian ideas of punishment and reward on which they were built, and thus the same values are inherited in the institutions, systems and processes that govern our lives. I have illustrated why it is important to rid our institutions of the myth of free will, and why it is only then that we can create fair, just, and effective policies to live under. For as long as we are convinced that the individual holds the majority of responsible for their actions, and not the environment in which they find themselves, our prisons will remain full, our children hungry, and our people unhappy.

**“Free will isn’t a scientific reality [...]”**



**A Note from the Author:**

My name is Alejandro del Valle Louw. I am a recent graduate from Philosophy, Politics, & Economics at Utrecht University and am currently pursuing a MSc at the London School of Economics. I have always been passionate about using philosophy as a tool to face global challenges head-on to create a better, more sustainable tomorrow. My keen interest in metaphysics, as well as legal ethics and political philosophy culminated in this research area of free will and its implications on policy and law. I am beyond grateful to have this piece, which is a very condensed version of my bachelor thesis, published in Public Note. I only ask that readers approach this topic with an open and inquisitive mind in alignment with the spirit of the journal itself!

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