

Prepunishment and Explanatory Dependence: A New Argument for Incompatibilism about Foreknowledge and Freedom

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1. Introduction

Arguments for the incompatibility of divine foreknowledge and human freedom to do otherwise have been around for millennia and come in various different forms. One familiar such argument, inspired by Nelson Pike,¹ could be put informally as follows:

Suppose that one thousand years ago God believed that you would sit a few minutes from now, at *t*. If God had that belief one thousand years ago,

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1. See Pike 1965.

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then there's nothing you can now do about God's having had it: you could have no choice about whether someone had or lacked a given belief in the past. At most, you could now have a choice about whether the given belief was *true* or *false*. But, since God is essentially omniscient, you have no choice about whether God's belief was true or false; in fact, God's having had this belief entails that you sit at *t*. So, if God had that belief one thousand years ago, you have no choice about sitting at *t*.

There are, of course, various ways of responding to this sort of argument. Perhaps the most popular way of responding to such arguments denies the premise that we could have no choice about God's past beliefs. And the traditional way to do so in one way or another invokes a claim about the order of explanation: God knows (or believes) that you will perform an action because you will, in fact, perform it; and it isn't the case that you perform the actions you perform because God knew (or believed) that you would perform them. Once we see this result, many suppose, we'll see that there is ultimately no compelling reason to suppose that the fact that God held the given beliefs must be held fixed when evaluating what we can do. And proponents of the argument have for various reasons not been convinced.

In this essay, I aim to shift the debate to new terrain. I believe that substantial progress can be made if we focus not merely on divine *foreknowledge*, but also on divine *prepunishment*. Of course, I know of no one that actually *endorses* divine *prepunishment*, and my point in this essay is not that anyone must endorse it, or even its (in principle) possibility. The core question here is instead merely conceptual: if you have already been (justly) punished by God for doing something, how then could you avoid doing it? As we'll see, there is a strong argument that seems to show that you couldn't. However, I argue that if divine *prepunishment* rules out human freedom, then so does divine *foreknowledge*. The arguments are exactly parallel in certain crucial respects. At any rate, I believe that investigating the issues surrounding *prepunishment* can help to throw into relief the various different strategies of response to the *foreknowledge* argument and can bring out what their costs and commitments really are. In particular, investigating *prepunishment* can help to bring out the inadequacy of the "Ockhamist" reply to the argument, as well as the sense in which God's past beliefs (arguably) need to *depend* on what we do, if we are plausibly to have a choice about those beliefs. The mere fact that God believes that you will perform an action "because you will perform it" is *not*, I hope to show, enough to undermine the force of the argument.

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The plan of the essay is as follows. First, I explain the contention concerning “the order of explanation” that (for most) lies behind the rejection of the foreknowledge argument. I’ll then argue that this contention would seem to suggest that divine prepunishment and human freedom are compatible. I’ll then give the argument that they aren’t. I conclude by constructing a parallel argument for the incompatibility of foreknowledge and freedom, and I draw out the relevant comparisons and lessons.

2. The Rejection of Logical Fatalism and the Threat of Causal Determinism

Suppose that yesterday Smith believed that you would sit a few minutes from now, at *t*. Intuitively, other things being equal, it would seem that you have a choice about whether Smith’s belief yesterday was correct or incorrect. After all, one might say, whether it was correct or incorrect depends on what you do at *t*. In particular, if it was correct, say, then it was correct in virtue of what you do at *t*. So suppose you do in fact sit at *t*. Then, at least given certain widely shared assumptions, it follows that Smith’s belief was correct (when he held it). But that it *was* correct, so the thought goes, is no threat to the claim that you could have refrained from sitting at *t*. Of course, the correctness of Smith’s belief was temporally prior to your sitting at *t*; Smith’s belief was correct before—we could even suppose *long* before—you ever sit at *t*. But we shouldn’t let this fact distract us from the real issue, which is whether the correctness of Smith’s belief was *explanatorily* or *logically* prior to your sitting. And from the mere fact that the correctness of Smith’s belief was *temporally* prior to your sitting, it doesn’t (so the thought goes) follow that it was *explanatorily* or *logically* prior to your sitting. And, in fact, it wasn’t; rather, on this account, it was because of your sitting that Smith’s belief was correct. Again, your action explained the correctness of Smith’s past belief, and not the other way around. This can seem paradoxical, perhaps, but only the logical fatalist would contend that the (temporally) prior correctness of Smith’s belief constrained what you could have done at *t*. In short, the idea is this: once we see that it was *because of* your sitting that Smith’s belief was correct, then we’ll see that its having been correct posed no threat to your freedom.

There is, I think, something deeply right about this line of reply to the logical fatalist. And this line of reply to the fatalist suggests a more general lesson about freedom, which, as a first approximation, we can put

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as follows: if, other things being equal, you had a choice about whether to do X, then, other things being equal, you had a choice about anything that was explanatorily dependent on your doing X. Or perhaps: no fact (or truth, or condition, or . . .) that was itself explanatorily dependent on your doing X could have eliminated your freedom to refrain from doing X.² To provide something that eliminates your freedom, we will at the very least have to provide something that was not itself explanatorily dependent on your doing X but that nevertheless necessitated that you do it. Here we have a nice explanation of why the truth of causal determinism has always been taken to be intuitively more of a threat to freedom than the mere prior truths specified by the fatalist. Under causal determinism, it seems that there *are* conditions explanatorily *independent* of (and prior to) what you do that entail what you do. And this seems to be more of a problem.

To explain. Suppose determinism is true, and suppose (as before) that you sat at *t*. Then the (temporally intrinsic; more on this notion below) state of the world in the (distant) past, together with the laws of nature, entailed that you sit at *t*. However, it seems dubious to suppose that it is because of what you do at *t* that the distant past was the way it was, or that the laws were the way they were (at least given a certain conception of the laws). Rather, under determinism, it is because the past and the laws were the given way that you sat at *t*, and not the other way around. In particular, suppose you had refrained from sitting at *t*. Then either the past or the laws would have had to have been different. But the past (say) would not have been different *because of* your refraining; rather, you would have refrained because the past was (all along) different. Similarly, if some law of nature would have been different had you refrained, then it would not have been different *because of* your refraining. Rather, again, you would've refrained from sitting because the laws were (all along) different. Here we have, then, a principled difference between the prior truths of the fatalist and the past state of the world and the laws under determinism. In the case of the prior truths, it would have been *because of* your refraining from sitting that the prior truths were different, but the same (plausibly) cannot be said for the (temporally intrinsic) past and laws. And this difference can easily seem to ground a difference with respect to control: we plausibly have a choice about what the given prior

2. This formulation is close to (and partially inspired by) what Trenton Merricks calls his "Corollary about truth": "for all *S* and all *p*, if *S* has a choice about what *p*'s truth depends on, then *S* has a choice about *p*'s truth." Merricks 2009, 46.

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truths were, since if they were true, they were true because of what we do, but we plausibly (or at least *more* plausibly) *do not* have a choice about the distant past and the laws, since the past and the laws weren't what they were because of what we do.

And now we can come to the crucial case at issue in this essay: God's past beliefs. Our initial question is simple: are God's past beliefs more relevantly similar to the fatalist's prior truths, or rather to the past and the laws under determinism? And the proponent of the compatibility of foreknowledge and freedom has an answer: they are more relevantly similar to the given prior truths.³ In particular, the compatibilist (about foreknowledge and freedom) would (or certainly could) press the following two points. First, it certainly is not the case that we do what we do because God believed we would do these things. This makes God's past beliefs importantly different from the past and the laws under determinism, for, given determinism, it seems plausible to say that the past and the laws *do* explain our actions. Second, and perhaps more importantly, the compatibilist can claim that it is because of what we do that God had the relevant prior beliefs. That is, just as it is because of what we do that it was true (long ago) that we would do these things, so it is because of what we do that (long ago) God *believed* that we would do these things. And had you refrained from sitting at *t*, then not only would God's past beliefs have been different, but they would have been different *because of* what you do at *t*—unlike the past and the laws under determinism, and like the prior truths.

At this point, some may be thinking: case closed. Divine foreknowledge is no threat to freedom, at least not any more so than the fatalist's prior truths. I think this reaction is understandable, and I agree that there is something deeply compelling about this way of approaching the foreknowledge problem. However, as I'll now argue, this is certainly not the end of the story. I admit that, in some respects, the case of God's past beliefs is similar to the case of the fatalist's prior truths. But there is similarity, and there is *relevant* similarity, and ultimately I contend that the case of God's prior beliefs is *relevantly* similar (as concerns control) to

3. For recent statements of this (or a similar) view, see Merricks 2009, Westphal 2011, and McCall 2011 (though McCall seems to place God "outside of time," in which case God does not properly have *foreknowledge*). (For a different response to the arguments of these authors, see Fischer and Tognazzini 2013.) Further, as I explain below, this answer is implicitly presupposed by the much-discussed "Ockhamist" way of maintaining that God had the given beliefs "because of" what we do.

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the past and the laws under determinism. In short, we need to consider compelling intuitions concerning *the fixity of the past*. To such issues I now turn.

3. Divine Prepunishment

Suppose I am a proponent of *divine prepunishment*. Suppose I think, that is, that God sometimes punishes people *now* for what they will do in the future. And suppose I maintained the following. In general, God prepunishes someone for doing something because she will, in fact, do it, and not the other way around. That is, if God has (say) prepunished you for sitting at *t* (which, we can suppose, will for one reason or another be deeply wrong), then God prepunished you because you will sit, and you do not sit because you have been prepunished. Or we might say: it is because of your sitting that you were prepunished, and not because you were prepunished that you will sit. At least the proponent of divine prepunishment will contend that there is not the slightest reason for thinking that this would have to be so: the fact that you were prepunished for committing the given crime does not, even in part, explain why you commit it. But the fact that you commit it *does* explain why you were prepunished. Intuitively, all of this mirrors precisely what we have just been saying about God's past beliefs.

Some may be inclined to respond by saying: so divine prepunishment in itself is no threat to your freedom (even if it is objectionable for other reasons); we could use the exact same reasoning to reconcile divine prepunishment with human freedom as we can use to reconcile divine foreknowledge and human freedom. But I think this would be the wrong response. In particular, that we could use this same reasoning to reconcile divine prepunishment with freedom shows that something is wrong with this reasoning, *not* that such prepunishment is compatible with freedom. Suppose that ten days ago God prepunished Jones for sitting at *t*. And suppose Jones's punishment took the following form: spending ten hours in his local jail. So ten days ago Jones spent ten hours in his local jail. And he was punished by God in this way because he will sit at *t*. But Jones *can* avoid sitting at *t*. How would you explain this to Jones?⁴ There are three answers worth considering here, and none seems promising.

4. I adopt this device partially in response to Merricks (2009), who imagines "telling" Jones that he has no choice about sitting because of God's prior belief and imagines what Jones should say in reply. However, instead of imagining how one might explain to

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Here is the First Answer:

Whereas you were punished ten days ago for sitting at *t*—in particular, whereas you spent ten hours in jail ten days ago—and whereas you have no choice about *that*, you have a choice about whether that punishment was *just*. For whether it was *just* punishment depends on what you do at *t*. If you sit at *t*, then it will have been just *because* of your sitting at *t*. Indeed, if it was just, it will have *counted* as being just in virtue of your sitting; punishments count as just at least partially in virtue of the person's having committed the crime for which he is being punished. So don't sit at *t*, and then you will have been punished unjustly. In short, your power to refrain consists in this: to make it the case that, whereas you were punished for sitting at *t*, you were punished for a crime you never in fact commit.

This is a very good answer—when the punisher in question isn't *God*. Suppose I believe that you'll do something wrong tomorrow and prepunish you for doing it. Does this in any way call into question your ability to refrain from performing the action for which I've prepunished you? Not at all. For, other things being equal, it would seem plainly to be within your power to make it the case that I did something wrong yesterday, if for no other reason than that I punished you for a crime you never in fact commit. But this answer is obviously eliminated when the punisher in question is God. For God is—or so I shall suppose—essentially morally perfect, and so cannot punish anyone unjustly in this way. So this answer seems to be a dead end. In particular, the failure of this answer indicates the following. If Jones can avoid sitting at *t*, then it seems that he will have to be able to make it the case that he was never punished at all, and so never punished unjustly for a crime he didn't in fact commit. And this spells trouble. But there are, crucially, two ways this might go.

Here is the Second Answer:

Whereas you underwent certain activities ten days ago—in particular, whereas God had you spend ten hours in jail ten days ago—and whereas you have no choice about *that*, you have a choice about whether those activities were *punishments*. For whether those activities were *punishments* depends on what you do at *t*. If you sit at *t*, then those activities will have been punishments (for sitting) *because* of your sitting at *t*. Indeed, if they were punishments, then they will have *counted* as being punishments in

Jones himself how he can do otherwise than sit, we might imagine how one might explain this to a third party. For a development of how the issue of prepunishment bears on Merricks's view in particular, see Todd and Fischer, forthcoming.

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virtue of your sitting; activities undergone by one *count* as being punishments at least partially in virtue of one's committing the crime for which one undergoes them. So don't sit at *t*, and then you will have spent ten hours in jail, not as someone undergoing punishment, but as someone undergoing—well, something else. Whether you were being punished is strictly up to you, inasmuch as it is strictly up to you whether to sit at *t*.

Is this a plausible explanation of how Jones could avoid sitting at *t*, despite God's prepunishment? In a way, it is—and in a way, it isn't. First, the way it is. I think we have to admit that *if* the theory of punishment at issue in this answer is correct, then the problem dissolves. That is, if the relevant activities *count* as punishments partially in virtue of Jones's performing the given action, then *being prepunished at t* is, in effect, a (disguised) relation to the future relative to *t*. And then whether Jones was being prepunished is *relationally determined* by whether he in fact sits. And this is certainly a substantive and important way in which whether he was being punished depends on (or holds "because of") what he does—indeed, whether he was being punished is *determined by* what he does. In short, on the Second Answer, the fact that Jones has been prepunished is, we might say, not "fully in the past," any more than is the fact (say) that Kennedy was being shot (roughly) forty-nine years prior to my writing this essay.

It is here, then, that we come to "Ockhamism" and the much-maligned (though nevertheless crucial) distinction between so-called (by Pike) hard (temporally intrinsic) and soft (temporally extrinsic or relational) facts about the past. More about Ockhamism shortly. Consider first, however, the memorable slogan of Carl Ginet, namely, that our freedom is the freedom to *add to the given past*. If you *can* perform a certain action at *t*, then your performing it must be consistent with the *given past* relative to *t*. In other words, you *can* perform a particular action at *t* only if there is a possible world with the "same past" as the actual world (just prior to *t*) in which you perform it. This is the thesis of *the fixity of the past*. As Ginet recognized, however, the thesis involves an implicit restriction; when Ginet says that all we can do is add to the "given past" (or that what's needed is a world with the "same past" as the actual world) what is meant here is the past, *intrinsically considered*, or in which all the "hard" facts about the past remain the same.⁵ Recall, for instance, the correctness of

5. Ginet (1990, 102–3) says:

Given any truth entirely about the past, *b*, if I now have it open to me to make true a certain proposition about the future, *a*, then I now have it open to me to make true the conjunction of *b* and *a*. If I have it open to me now to make the world

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Smith's prior belief about your sitting at *t*. Intuitively, when Ginet imagines that all we can do is *add to the given past*, he is not imagining that the fact that Smith's prior belief was correct belongs in a statement of the "given past" relative to *t*. In that case, Ginet's requirement would, in effect, collapse into the logical fatalism we rejected above. And this is the wrong result.⁶

At this point, what is crucial to notice about the first two answers is this: both respect the fixity of the past, as imagined by Ginet (and others). In both cases, the contention is that there is a perfectly intelligible way for Jones to *extend the actual past, intrinsically considered* so as to include his not sitting at *t*. His not sitting at *t* can be an extension of the "hard" past relative to *t*. Other things being equal, then, it is within his power not to sit. On the First Answer, that the punishment was *just* is clearly no part of the past, *intrinsically considered*—rather, the punishment *counts* as being just partially in virtue of Jones's sitting at *t*, and whether Jones sits at *t* *determines* (or is partially *constitutive of*) whether the punishment was just. The Second Answer employs the same basic strategy, but in a more radical way. The relevant past activities *count* as having been punishments

contain a certain event after now, then I have it open to me now to make the world contain everything that has happened before now plus that event after now. We might call this the principle that *freedom is freedom to add to the given past* or the principle of *the fixity of the given past*.

And he adds: "I mean here that *b* reports what has been called a *hard fact* about the past before *t*."

6. How should we characterize (or more formally define) the notion of "the past, intrinsically considered," and the associated hard/soft fact distinction? This is a difficult question, which will substantially depend on one's preferred ontological framework concerning the status of propositions, facts, states of affairs, events, times, and the like. However, as will become clear as we go on, I think the central idea here concerns the notion of *determination*. That yesterday Smith's belief was correct does not go into a statement of the past, intrinsically considered, because whether it was correct is relationally determined by how the future was relative to yesterday. Roughly, if whether an entity has a given property at a time is *determined* by what happens in the future relative to that time, then the fact that this entity has this property is a soft fact at this time and does not belong in a statement of the past, intrinsically considered. Elsewhere (Todd 2013, 839), I have defended just this account of the notion of a "soft fact":

A fact *F* at a time *t* is soft if and only if *F* specifies an entity *E* as having a property *P* at *t*, and whether *E* counts as having *P* at *t* is at least in part determined by whether there exists an event or events in the future relative to *t*.

See further the discussion below, especially n. 11.

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in the first place in virtue of Jones's sitting; thus, that Jones was even being *punished* is no part of the past, intrinsically considered. Rather, that Jones was being punished at the relevant time is a soft fact about the past. In short, on the Second Answer, that Jones was being punished depends on what he does in the sense relevant to soft facthood, namely, in the sense that what he does *determines* whether the given activities were punishments. And if this is so, it would seem that Jones could very well have a choice about whether he was being punished, in precisely the same way in which he could have a choice about whether Smith's prior belief was correct.

And now we come to the way in which the Second Answer is *not* a plausible explanation of how Jones can avoid sitting at *t*, despite God's prepunishment. It relies on a deeply problematic and seemingly implausible theory of punishment. In particular, it seems doubtful that activities undergone *count* as being punishments even partially in virtue of one's doing the thing for which one undergoes them. If this were so, then it would seem plainly to follow that no one has ever been punished for a crime he or she did not commit. After all, on the suggested view, if one underwent certain activities that were perhaps *intended* as punishments, they were not *really* punishments if one didn't commit the given crime, since activities *count* as punishments (at least in part) in virtue of one's guilt. I don't know how to show that this is the wrong theory of punishment. But the more limited point here can be this: if the Second Answer works to reconcile divine prepunishment with human freedom, then it does so because facts about prepunishment turn out to be temporally relational (that is, soft) facts about the past.

But suppose one rejects this theory of punishment; suppose one rejects the thesis that the relevant activities *counted* as being punishments in virtue of Jones's sitting at *t*. Then things begin looking dire. For, as we saw, if Jones can avoid sitting at *t*, despite God's prepunishment, then he will have to be able to make it the case that he was never punished at all, and thus not punished unjustly. But we have just rejected one account of how this might go, the account on which Jones has the power to make it the case that his spending ten hours in jail wasn't a *punishment* at all. What we seem to be left with, then, is the Third Answer:

Whereas you underwent certain activities ten days ago—in particular, whereas you spent ten hours in jail ten days ago—well, you have a choice about that. You have a choice about whether you spent ten hours in jail ten days ago. For, if you underwent such activities, your having undergone

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them depends on what you do at *t*. In particular, if you underwent them, you did so because you will sit at *t*. So don't sit at *t*, and then you will have never spent those ten hours in jail. Whether you spent those ten hours in jail is strictly up to you, inasmuch as it is strictly up to you whether to sit at *t*.

But surely this is absurd. It is highly implausible that one could have a choice about whether one spent ten hours in the local jail ten days ago; whether you did so or not is now completely beyond your control.⁷ Reconsider this line from the Third Answer:

You have a choice about whether you spent ten hours in jail ten days ago. For, if you underwent such activities, your having undergone them depends on what you do at *t*.

I think something is clearly amiss here. The proponent of the Third Answer here contends that whether Jones spent ten hours in jail ten days ago depends on whether Jones sits at *t*. But my contention is this. In whatever sense it might be true that whether Jones spent ten hours in jail ten days ago “depends on” whether he sits at *t*, this sense is *obviously irrelevant* to the question of what is within Jones's control at *t*. Imagine that we have just witnessed Jones spending ten hours in jail. And imagine saying to someone, “Jones just spent ten hours in jail.” And imagine him replying, “Well, it depends. Whether he was in jail for those ten hours depends on whether he sits at *t*.” The proper reply to such a suggestion is this:

No, whether Jones was in jail just now obviously *doesn't* depend on whether he sits at *t*—it clearly doesn't depend on anything at all that happens in

7. There are further difficulties here, difficulties that arise from the nature of *practical reason*. Consider again this advice: don't sit at *t*, and then you will have never spent those ten hours in jail. This seems to give Jones something like an added *incentive* to avoid sitting at *t*, especially, say, if he doesn't want to have to tell his son tomorrow that he spent ten hours in jail. But surely Jones would be confused if he were to suppose that avoiding sitting at *t* would (or even might) be a good way to avoid having to explain to his son why he was in jail ten days ago. Given the Third Answer, however, it isn't clear why such reasoning would indeed be inappropriate. Following Fischer, I take it that it is plausible that what is relevant in practical reasoning is what *would* be the case were one to perform various actions that are open for one to perform. Given the Third Answer, it is open to Jones to avoid sitting at *t*, and if he does so, he never would have been in jail in the first place. Thus, I think, it would be unacceptably ad hoc to prohibit this fact from being used by Jones in his practical reasoning about what to do. Instead, I suggest that if it is genuinely true that his avoiding sitting at *t* would imply (that is, would require) that he was never in jail in the first place, then Jones *cannot* avoid sitting at *t*. In this I follow Fischer 1994, 87–110, and Fischer and Pendergraft, forthcoming.

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the future, since, as you can see, Jones already *has* spent ten hours in jail. What's still left to be decided about his having been in jail? There's nothing here that still "depends." Are you perhaps thinking that whether his having been in jail was *just* still depends? I happen to know that it *was* just, since I happen to know that God was the one punishing Jones (and thus that he will in fact sit at *t*), but I can see how whether Jones's being in jail was just nevertheless still depends. At any rate, whether Jones spent ten hours in jail just now cannot "depend on" what he does at *t* in any sense that might imply that whether he was in jail just now is within Jones's control. For whether he was is obviously now out of *anyone's* control.

We can sum up so far as follows. I have considered and rejected three different answers concerning how Jones can avoid sitting at *t*, despite God's prepunishment. And though I don't know how to prove this result, these answers seem to be the only ones possible. As I see it, if someone has already prepunished you for committing a given crime, then your only hope for innocence is that you can prove this person wrong for having prepunished you. But when God is the punisher, this possibility evaporates, and with it your freedom. For you can't prove God wrong for having punished you. Nor could you have a choice about whether the activities you underwent were punishments; punishment just isn't like this. And nor could you have a choice about whether you underwent such activities in the first place, for no one could have a choice about this sort of fact about the past. I conclude, then, that divine prepunishment is incompatible with freedom.

This would be a significant result in itself, if anyone were inclined to endorse divine prepunishment, for then we could use the above argument to show that such prepunishment would be inconsistent with the freedom of those punished.⁸ But the result is more significant for a different reason: as I'll now argue, we can construct an exactly parallel argument for the incompatibility of divine foreknowledge and human freedom. Once we see the analogy between divine prepunishment and divine foreknowledge, we can see that if divine prepunishment is incompatible with human freedom, then so is divine foreknowledge.

8. And given the principle of alternate possibilities, which says that one is morally responsible for performing an action only if one could have done otherwise, we could add: and so divine prepunishment is impossible for that very reason.

*Prepunishment and Explanatory Dependence***4. The Parallel Argument**

Above we asked: if you have already been punished by God for performing an action, how can you avoid performing it? Here we turn to the more traditional question: if God has already believed that you would perform an action, how can you avoid performing it? In what would such a power consist?⁹ Suppose, as before, that God believed (one hundred years ago, say) that Jones would sit at *t*. But Jones *can* avoid sitting at *t*. How would you explain this power to Jones? Here is the First Answer:

Whereas God has already believed that you will sit at *t*, and whereas you have no choice about *that*, you have a choice about whether that belief was *true*. For whether it was a *true* belief depends on what you do at *t*. If you sit at *t*, then it will have been true *because* of your sitting at *t*. Indeed, if it was true, it will have *counted* as being true in virtue of your sitting; beliefs about what you will do count as true at least partially in virtue of your doing those very things. So don't sit at *t*, and then God will have been mistaken. In short, your power to refrain consists in this: to make it the case that, whereas God believed you would sit at *t*, God was wrong for so believing.

This is a very good answer—again, however—when the believer in question isn't *God*. Just as you don't have the power to make it the case that God was *wrong* for having prepunished you for a crime you never commit, so you don't have the power to make it the case that God was *mistaken* for believing that you would perform an action you never in fact perform. God's essential moral perfection rules out the First Answer in the prepunishment case, and God's essential omniscience rules out the parallel First Answer in the forebelief case. Thus, if Jones is to have the power to refrain from sitting, then this power will have to consist in the power to make it the case that God never held the given belief in the first place, and so didn't hold the belief mistakenly. And there are, again, two ways this might go.

Here, then, is the Second Answer:

Whereas God has already been in a given mental state (*MS*) one hundred years ago, and whereas you have no choice about *that*, you have a choice about whether *MS* was a *belief*, or anyway *the belief that you would sit at t*. For whether that mental state was that belief depends on what you do at *t*. If you sit at *t*, then that mental state will have been the belief that you would

9. The argument of this section is structurally similar to the classic argument of Pike 1965. Pike also considers (and rules out) three different options; my options are similar to those Pike considers.

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sit at t *because of* your sitting at t . Indeed, if MS was the belief that you would sit, then it will have *counted* as that belief in virtue of your sitting; mental states *count* as beliefs that someone will do something at least partially in virtue of that person doing that very thing. So don't sit at t , and then God's relevant past mental state (MS) will not have counted as the belief that you would sit, but as—well, something else. So whether God had that belief or not is strictly up to you, inasmuch as it is strictly up to you whether to sit at t .

Is this a good explanation of how Jones could avoid sitting at t , despite God's belief? As before, in a way it is—and in a way, it isn't. First, the way it is. I think we'd have to admit that *if* this theory of beliefs is correct, then the problem of foreknowledge and freedom evaporates. As we saw above, if the relevant past activities *counted* as punishments (or perhaps as punishments for sitting at t) in virtue of Jones's sitting at t , then it can very easily seem that Jones could have a choice about whether he was being punished. After all, on this account, whether he was being punished is in part *determined by* what he does, and that is certainly an important way in which the given prepunishment depends on (or obtains "because of") what he does. And here we should say the same: if whether God's mental state *counts* as the belief that Jones will sit is (in part) *determined by* whether Jones in fact sits, then it will be hard to see how God's prior belief could be a threat to Jones's freedom. What he does *determines* whether God had the given belief. What more could one ask for?

Recall that in the first two answers in the prepunishment case, these answers preserved a commitment to the *fixity of the past*, the thesis that one *can* perform a given action only if there is a possible world with the "same past" (intrinsically considered) as the actual world in which one performs it. There we saw the following: the fact that the punishment was *just* is no part of the past, intrinsically considered; rather, whether it was just is relationally determined by whether Jones in fact sits; further, on the Second Answer, whether the activities were *punishments* (or perhaps *punishments for sitting*) is also no part of the past, intrinsically considered, but similarly relationally determined by whether Jones sits. The parallels here are clear. In the First Answer in the belief case, that God's prior belief was *correct* does not belong in a statement of the "given past" relative to t , and on the Second Answer, neither does the fact that God had the given *belief* in the first place. The Second Answer in the belief case treats belief as the Second Answer in the prepunishment case treats punishment.

And now we can come to the "Ockhamist" response to the foreknowledge argument. Ockhamists *agree* with Ginet's thought that our

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freedom is the freedom to extend the given past. This forces them to say that the fact that God held the relevant beliefs should after all not be included in a statement of the “given past”—rather, God’s having had the relevant beliefs is a temporally extrinsic or “soft” fact about the past. Now, one can at least appreciate the Ockhamist *strategy*. If you want to say that all that we *can* do is extend the given past one way or another, and you want to say that God had the relevant beliefs, then you’ll have to deny that God’s beliefs are “in the past” in the relevant way. You’ll have to say that what happens at later times *determines* what beliefs God had at former times. In short, you’ll have to endorse the Second Answer.

Let me be clear. I am *not* saying that everyone who has gone by the “Ockhamist” title (or had that title ascribed to him or her by someone else) would recognize his or her own view in the Second Answer. Rather, what I am saying is that “Ockhamism” as presented by (I believe) its most reliable exponents and critics is committed to the Second Answer.¹⁰ More weakly still, what I am saying is that there is a position frequently characterized as “Ockhamism” in the literature on which God’s relevant past beliefs are not to be included in a statement of the temporally intrinsic, “hard” past, and that *this* position is committed to the Second Answer. That is, what I am claiming is that to say that God’s prior beliefs are “soft” is (inter alia) to claim that whether God *counts* as believing that Jones will sit at *t* is at least in part determined by whether Jones sits at *t*.¹¹ To treat

10. I am thinking primarily of John Martin Fischer (himself a critic of Ockhamism) here; Fischer’s 1989 collection, *God, Foreknowledge, and Freedom*, is the locus classicus of the debate about Ockhamism.

11. Here I have been inspired by the following passages from Fischer and William Hasker. Fischer (1983, 93–94) writes:

Consider the fact that Caesar died 2,009 years prior to Saunders’s writing his paper. What lies behind our view that this is not a hard fact about 44 B.C.? We might say that it is a soft fact about 44 B.C. because one and the same physical process would have counted as Caesar’s dying 2,009 years prior to Saunders’s writing his paper, if Saunders wrote his paper in 1965, and would *not* have counted as Caesar’s dying 2,009 years prior to Saunders’s writing his paper, if Saunders had not written his paper in 1965. This captures the “future dependence” of soft facts; a soft fact is a fact *in virtue* of events which occur in the future. . . .

Thus the incompatibilist [about divine foreknowledge and human freedom] might insist on the following sort of constraint on an account of the hard/soft distinction: the only way in which God’s belief at *t*₁ about Jones at *t*₂ could be a soft fact about the past relative to *t*₂ would be if one and the same state of mind of the person who was God at *t*₁ would count as one belief if Jones did X at *t*₂ but a different belief . . . if Jones did not do X at *t*₂. But it is implausible to suppose that

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God's *believing that Jones will sit at t* as *temporally extrinsic* or *relational* is to treat it as the temporal analogue of a "mere-Cambridge" relational property like *being five miles from a burning barn*, or an extrinsic property like *being an uncle*. But whether one *counts* as being five miles from a burning barn is (at least in part) *determined by* whether there exists a certain sort of barn, and whether one *counts* as an uncle is (at least in part) *determined by* whether one's sibling has a child. Ockhamism, I argue, is committed to the Second Answer. Or so it seems to me.¹²

As I said, however, there is a way in which the Second Answer (whatever we call it) is good one, and there is a way in which it isn't. And now we come to the way in which it isn't. Recall the main problem about the Second Answer in the prepunishment case: according to that answer, whether Jones was being *punished* is at least partially determined by whether he commits the given crime; on this theory of punishment, activities undergone by one count as punishments at least in part in virtue of one's committing the crime for which one undergoes them. And the problem is this: on this view of punishment, it seems to follow that no one has ever been punished for a crime she does not commit, since one counts as being *punished* partially in virtue of one's guilt. And an exactly parallel problem arises for the Second Answer in the belief case. Recall: on this answer, a mental state *counts* as a belief that someone will do something at least partially in virtue of her doing that very thing. But if this were so, it would seem plainly to follow that no one has ever held a false belief about what someone will do in the future, since one *counts* as believing that

one and the same state of mind of the person who is God at *t1* would count as different beliefs given different behavior of Jones at *t2*.

Here we have, according to Pike (1993, 135), "as clear a statement as one could have of the intuition underpinning the hard/soft distinction." Echoing Fischer, Hasker (1987, 338) writes:

We can all readily understand that the *very same event* of Luther's birth, *without any change in its intrinsic characteristics*, can count either as Luther's-being-born-502-years-before-Reichenbach-writes or as Luther's-being-born-502-years-before-Reichenbach-does-not-write, depending on what happens 502 years later. But can we at all understand that the *very same event of God's believing* can, without change in any of *its* intrinsic characteristics, count *either* as God's-believing-that-Clarence-will-eat-an-omelet *or* as God's-believing-that-Clarence-will-not-eat-an-omelet? If we cannot, then the project of classifying God's beliefs as soft facts is in deep trouble.

For a similar passage, see Hasker 1989, 80.

12. For more on this claim, and more about this picture of the hard/soft fact distinction, see Todd 2013.

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someone will perform an action at least partially in virtue of her performing that very action.¹³ And if the result that no one has ever been punished for a crime she does not commit isn't a patently unacceptable result, then this result certainly is.

It is time, then, to consider the Third Answer:

Whereas God was in a given mental state *MS* one hundred years ago—well, you have a choice about that. You have a choice about whether God was in that mental state, and not in the sense that you have a choice about whether that state counted as one belief or another (or a belief at all). For, if God was in that mental state, God's having been in it depends on what you do at *t*. In particular, if God was in *MS*, God was in it because you will sit at *t*. So don't sit at *t*, and then God will never have been in *MS*, and so never believed that you would sit at *t*. Whether God had that belief is strictly up to you, inasmuch as it is strictly up to you whether to sit at *t*.

But surely this is implausible. Just as it is highly implausible that one could have a choice about whether one was in the local jail ten days ago, so it is highly implausible that one could have a choice about whether someone's mind was in a certain (nonrelationally determined) mental state one hundred years ago. One could have no choice about whether a stone was in one's yard yesterday, though perhaps one could have a choice about whether a tomorrow-to-be-thrown stone was in one's yard yesterday. One could have no choice about whether Smith came to visit yesterday, though perhaps one could have a choice about whether one's future business partner came to visit yesterday. You have no choice about the past—the *real* past, the “hard” past, the “given past” in Ginet's sense, the past, intrinsically considered. The intuition here is deeply compelling, and the burden of the Third Answer is that it must explain why we should reject it.

13. Of course, someone might claim that *God's* beliefs are unique. My response is to say that not even *God* could count as believing that you will sit in virtue of your sitting; to claim that God's relevant mental state counts as the “belief” that you will sit in virtue of your sitting is, I believe, ipso facto to deny that the mental state is genuinely a belief. In short, to pursue this strategy is to provide what Pike (1993, 155) has called a *dissolution* of the problem of theological fatalism, and not a *solution* to the problem, for it does not reconcile divine *foreknowledge* (and therefore divine forebelief) with freedom but in effect simply denies that God had foreknowledge in the first place. Of course, as Pike thought, perhaps a dissolution of the problem is what we should be seeking. For more on similar issues, see Fischer's (1994, 120–25) reply to Zemach and Widerker 1988, and see Tooley's (2000, 215) discussion of Zagzebski 1991, chap. 3.

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The upshot, I believe, is this. There is simply no good sense in which a temporally intrinsic fact about the past could depend on what you do in a sense that could render it plausible that you now have a choice about it. Recall this line from the Third Answer:

You have a choice about whether God was in that mental state. . . . For, if God was in that mental state, God's having been in it depends on what you do at *t*.

I think the proper response to any such suggestion mirrors what we said in the case of Jones's being in the local jail ten days ago. Imagine that we have just "witnessed," so to speak, God's being in the mental state (*MS*) that constitutes God's belief that Jones will sit at *t*. And imagine saying to someone, "God was just in *MS*." And imagine him replying, "Well, that depends. Whether God was in *MS* just now depends on whether Jones sits at *t*." Again, the proper reply to any such suggestion is this:

No, whether God was in *MS* just now obviously *doesn't* depend on whether Jones sits at *t*—it clearly doesn't depend on anything at all that happens in the future, since, as you can see, God already *has been* in *MS*, and God's having been so is fully accomplished and over and done with. Are you perhaps thinking that whether *MS* constituted a *true* belief depends on what Jones does at *t*? I happen to know that it *was* true, since I happen to know that it was *God* who was in *MS*, but I can see how whether it constituted a *true* belief still depends. At any rate, whether God was in *MS* just now cannot "depend on" what Jones does at *t* in any sense that might imply that whether God was just in *MS* is within Jones's control. For whether God was is obviously now out of *anyone's* control.

So I think we ought to reject the Third Answer, and with it the compatibility of divine foreknowledge and human freedom. We can sum up as follows. I have considered and rejected three different answers concerning how Jones can avoid sitting at *t*, despite God's belief. And, once more, these answers seem to be the only ones possible. As I see it, if someone has already believed that you will (say) commit a given crime, then your only hope for innocence is that you can prove this person wrong for having so believed. But when God is the believer, this possibility evaporates, and with it your freedom. For you can't prove God wrong for having believed that you would perform an action. And nor could you have a choice about whether the given mental state that constituted God's belief was the belief that you would perform the relevant action; belief just isn't like this. And nor could you have a choice about whether God was in this mental state in the first place, for no one could have a choice about this sort of fact about

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the past. I conclude, then, that divine foreknowledge is incompatible with human freedom.

5. Conclusion

Let's return to the issues with which we began this essay. There we told a certain story about logical fatalism and causal determinism: the fatalist's prior truths are no threat to your freedom, for if the given truths were true, they were true *because of* what you do. But the past and the laws *are* a threat to your freedom—or at least *more* of a threat. For, on determinism, the past and the laws entail what you do, but weren't the way they were *because of* what you do. And then we asked the following crucial question: are God's past beliefs relevantly similar to the fatalist's prior truths, or relevantly similar to the past and the laws under determinism? And the compatibilist says: they are relevantly similar to the fatalist's prior truths; God had the given beliefs *because of* what we do. And so God's beliefs are no threat to your freedom.

As is clear from where we've been so far, I think this isn't the whole story. As the above discussion has brought out, there's dependence, and then there's dependence—and not all ways in which one thing depends on (or holds “because of”) another are created equal, and not all may be equally relevant as concerns what is in our control. And here I'd like to tell a rival story to the one just told. Consider the prior truths. On my view, if the prior truths (in themselves) are no threat to your freedom, it is not because they were true *generically* “because of” what you do, though perhaps they were. Rather, it is because they were true “because of” what you do in a more particular sense, namely, that what you do *determines that* they were true. The given propositions count as being true in virtue of our performing the relevant actions. It is *this*, I contend, that undergirds the intuitive thought that (other things being equal) they are within our control. And it is *this* that undergirds the similar thought that (other things being equal) we could have a choice about whether a nondivine prior belief was *correct* or whether (nondivine) prepunishment was *just*. It is that such things *count* as being what they are because of what we do that makes them “up to us.” Further, whereas it is true that (under determinism) the past and the laws weren't what they were “because of” what we do, and whereas this alone is perhaps enough to conclude that we could have no choice about them, the more fundamental story here, I contend, is that our actions do not *determine* the past or *determine* the laws in the relevant way. They are thus plausibly beyond our control.

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There is, then, a significant difference between God's prior beliefs and the prior truths of the fatalist, and a significant commonality between God's prior beliefs and the past and the laws under determinism. Our actions do not *determine* that God had the relevant beliefs; God's given past mental state does not (and could not) *count as* the belief that you would sit in virtue of your sitting. In this respect, then, God's prior beliefs are unlike the prior truths and like the past and the laws.¹⁴ And I contend that this is the *relevant* respect vis-à-vis control. After all, that God pre-punished you for sitting at *t* because you would, in fact, sit at *t* does not, I have argued, by itself help us to see how you could have a choice about whether you've been pre-punished by God for sitting at *t*. Something more is needed. And that something more is this: that whether you sit *determines* whether you were pre-punished. This is what you need—but this is also plausibly what you can't have.

I believe a certain picture of freedom emerges from this discussion, though I don't claim to have fully developed or defended it. That picture is this: you have a choice about whether something *is* a certain way only if you could make it *count as* being that way. But we could have no power to make anything in the past count as the belief that we would perform an action. Ultimately, then, I contend that freedom comes at the

14. It is true—or I am willing to grant—that we do not do what we do because God knew (or believed) that we would do these things, whereas the past and the laws do explain our actions under determinism. However, as Pike emphasized concerning his own argument in Pike 1965, the argument I have presented nowhere relies on the premise that God's past beliefs cause or explain our actions. Rather, it relies on the premise that our actions do not (in the needed ways) cause or explain God's past beliefs. Though a full discussion of this issue must lie outside the scope of this essay, ultimately, I think the incompatibilist should side with Jonathan Edwards: divine foreknowledge (via the argument given here) *shows* or *proves* or *implies* the necessity (or the determination) of what is foreknown, though it does not itself do the necessitating (or the determining), but rather supervenes on what does, namely, deterministic causal factors sufficient to bring the relevant event about. In other words, if God knows something will come about, God knows this because God *now* sees (or perhaps has put in place) causes sufficient to bring it about. On this picture, divine foreknowledge would *show* that we are not free, but it would not be what *makes* us unfree—what would *make* us unfree are the relevant causal factors. Again, however, my argument for incompatibilism about foreknowledge and freedom is *not* that since divine foreknowledge implies the causal determination of what is foreknown, and since causal determination rules out freedom, foreknowledge rules out freedom. My argument is the one given above. Nevertheless, I believe that the incompatibilist should *go on* to adopt the picture I have gestured at here. For more on this issue, see Todd, n.d.

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expense of divine foreknowledge. If God exists, and if God has given us freedom, then I expect God might say to us: make it count.

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