

Dueling Dualisms

How the Left, the Right, and the Middle
Think about Responsibility and the Brain



Joshua Greene, Princeton University

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The Liberal Says...

“Don’t blame *him*. Blame his *brain!*”

“Most of the developmental research... measures behaviors, self-perceptions, or attitudes, but mounting evidence suggests that at least some of the differences between adults and adolescents have neuropsychological and neurobiological underpinnings.”

--Laurence Steinberg and Elizabeth Scott (2003)

“Less Guilty by Reason of Adolescence”

Assumption: If your *brain* is responsible for your behavior, then *you* are not.

The Conservative Says...

“Don’t blame his *brain*. Blame *him!*”

“By locating addiction in the brain, not the person, the [National Institute of Drug Abuse] has generated an unwarranted level of enthusiasm about pharmacology for drug addiction.”

--Sally Satel and Frederick Goodwin (1998)

“Is Addiction a Brain Disease?”

Assumption: If you’re still a *person*, then you can’t blame it all on *your brain*.

The Law Says...

If he's *rational*, blame *him*.

If he's *not rational*, blame *his brain*.

“Rationality is the touchstone of [legal] responsibility.”

--Stephen Morse (2004)

“New Neuroscience, Old Problems”

Assumption: Rationality is what really matters for responsibility.

The Neuroscientist Says...

“Blame *him*? Blame his *brain*?
It’s all *the same*!”

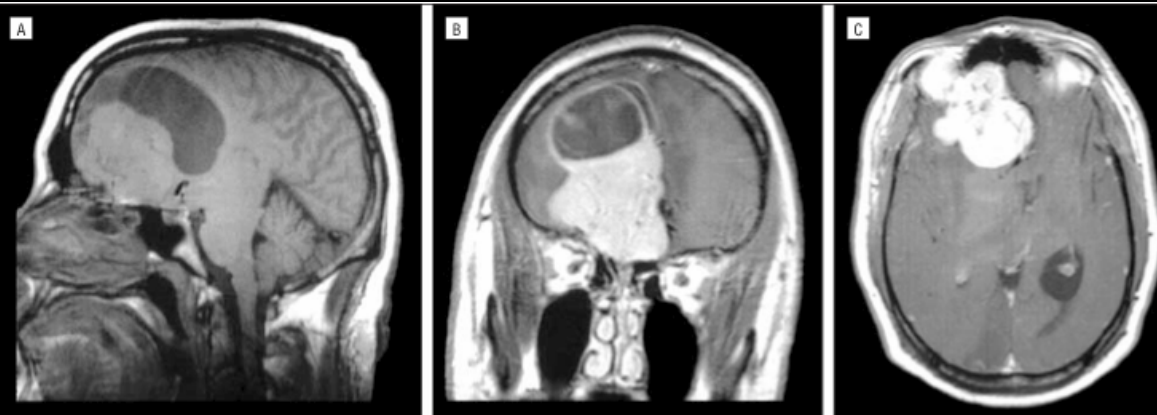
“I am my brain.”

--Thomas Nagel (1986)

The View from Nowhere

Assumption: Whatever responsibility is, it’s NOT a matter of blaming *you* instead of *your brain*.

A Case Study: The Child Molester



Burns and Swerdlow, 2003

Why does brain damage excuse?

Moral intuition (liberal and conservative):

“The cause is something external to him--his brain.”

The Law: “Damage compromised his rationality”

A Thought Experiment:

Two Villains



Science Project:

lousy genes

lousy experience

criminal mind

criminal behavior

A "Normal" Villain:

Same genes

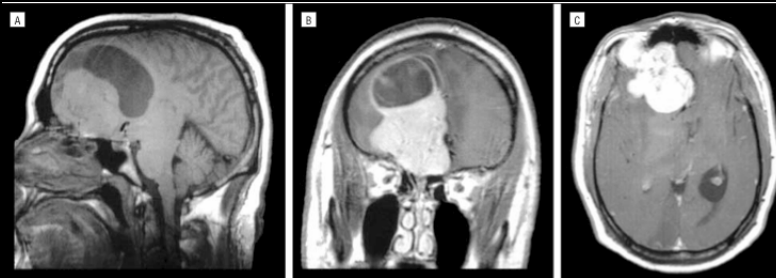
Same experience

Same brain/mind

Same behavior

What do we care about?

We want to know whether the bad behavior is caused by something external to the person, where the person is a mind or soul distinct from his brain.



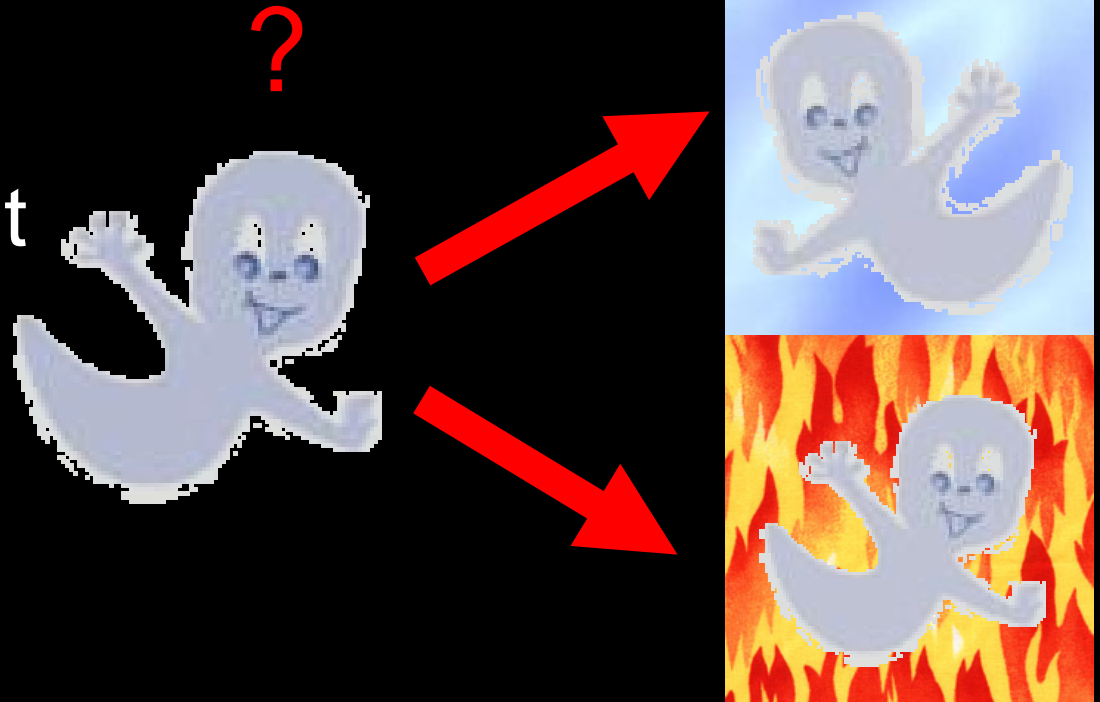
Problem: Is there an immaterial mind/soul?
How do we know what it does?

What Do Souls Do?

Does the soul have a “core competence?”

Yes:

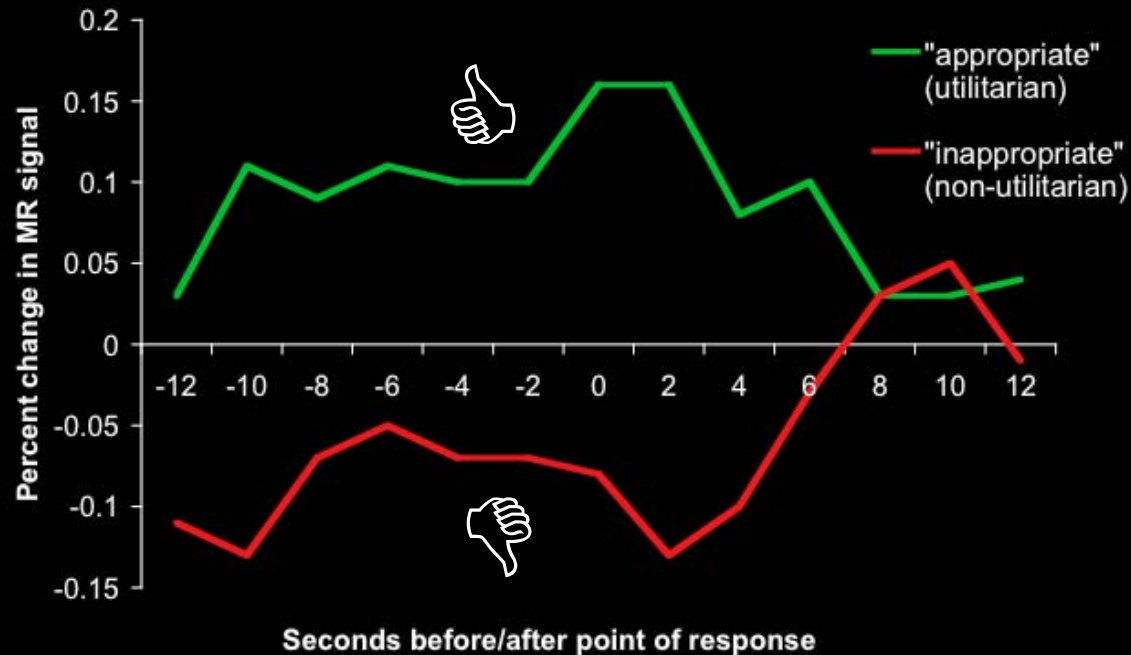
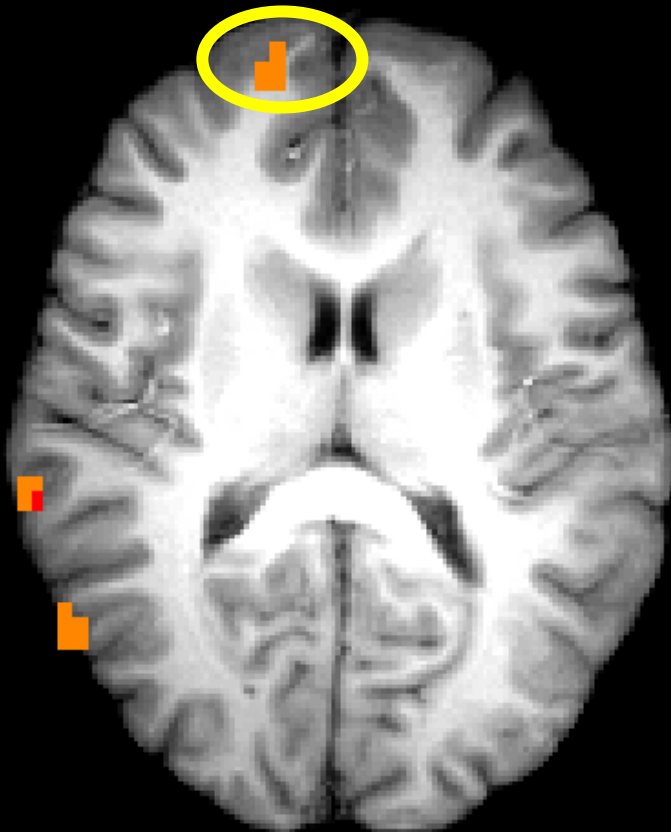
Moral Judgment



“Is there a soul?” translates to...

“Is moral judgment a purely physical process?”

How Does Moral Judgment Work?

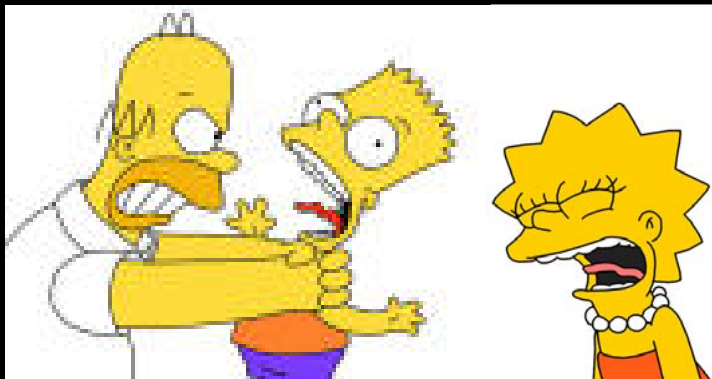


Where will this lead?

If we *do* find the soul...



If we *don't* find the soul...



or



Punishment Without Soul?

Two rationales for punishment:

retribution



deterrence



Pure Deterrence Thinking



Instead of asking...

“Was it *really him*, or was it just his *brain*?”

“Was he *really* unable to control himself?”

“Did he *really* understand what he was doing?”

We ask...

“What are the costs/benefits of punishing people like him?”

e.g. “Will other mentally disabled people be deterred?”

Pure Deterrence Thinking

Cold and
inhuman?



Or super
humane?



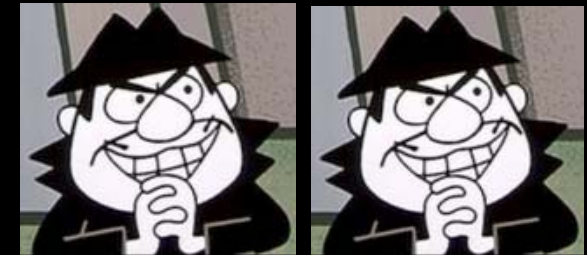
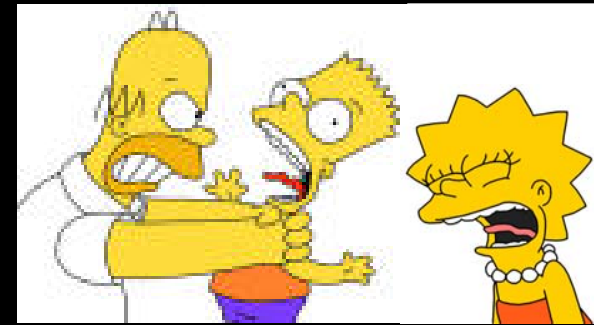
To summarize...

We're going to be arguing about this stuff for a long time.

Because the real issue is metaphysical: dualism.



The law avoids this issue by focusing on reason, which is not what people really care about.



If dualism is correct, then we have to find the magic line between brain and soul.



If dualism is incorrect, then almost everyone's thinking has to change.



