Brains, Blame, and Excuses
A Reply to J. Daryl Charles

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In his article, “Blame It on My Criminal Brain,” J. Daryl Charles explores issues concerning evolutionary biology as the explanation and origin of moral agency. In the first half of his paper he evaluates the skeptical metaphysical assumptions several contemporary science and pop-science writers make (including Dennett, Dawkins, Ruse, among others) and claims that individuals in the hard sciences shouldn’t be making moral-philosophical and metaethical claims. Charles thinks that metaphysical naturalists are philosophically vulnerable to an inability to offer plausible accounts of the human capacity we call moral agency and intentionality, “and correlative, the reason(s) why a culture can flourish and be just or become degenerate and unjust.” However, what exactly is Charles’s argument to defend this claim? He criticizes popular accounts of metaphysical naturalism. This is an easy target, but its implausibility does not necessarily rule out possible alternatives. Part of the dissatisfaction with Charles’s paper is that he paints very broad-brush strokes over complex and nuanced debates concerning neurobiology, moral agency, and human freedom. It seems to me that much of the first half of the paper is orthogonal to the interesting question about blame and neuroscience.

Charles is fairly accurate in his assessment of the limits of biology. He says, “At most, biological accounts of the human moral sense and moral activity can only propose to search for ‘ultimate instincts’. Can a biological account of morality distinguish between ‘virtue’ and ‘vice’? To what extent and by what standard can instincts or predispositions be regarded as ‘good’ or ‘evil’, ‘vicious’ or ‘virtuous’, ‘humane’ or ‘inhumane’?” However, for some readers the setup might seem disingenuous, since although biology is limited, the reader is left wondering when it is appropriately linked to morality. Can

Abstract:
2. Ibid., 69.
3. Ibid.
4. Ibid., 71.
one make progress in uncovering the nature and origin of morality without understanding how the brain works? If so, how exactly should one confront the evidence of how neurochemical changes influence our behavior? What exactly is the neurological and ecological foundation of moral judgment on Charles’s view? Does Charles think there is any neurological and ecological foundation to our moral judgment?5

Closer to the end of the second half of his paper Charles turns to the specific question of neurobiology and moral agency. Since I disagree with his claim, I propose to take it as the main focus of commentary. Charles’s view concerning neuroscience and moral responsibility is sketchily presented—overtly hand waving at times, but I try to articulate and raise questions about some of its principal contentions. I wish to specifically explore and critically evaluate his claims in the sections on neurobiology and his conclusions about moral responsibility. I turn now to an important case in neuroscience that Charles uses to explore the question of being morally responsible.

In 2000 an anonymous patient, call him “Smith,” developed an increased interest in pornography, particularly child pornography. Although he had an existing strong interest in pornography tracing back to adolescence, Smith denied any previous attraction. He had no deviant sexual behavior before 2000 and no known long-term neurological problems. Smith tried hard to conceal his sexual activities because he felt that they were not acceptable. However, he claimed that the pleasure overrode his ability to restrain the urges, he began making subtle sexual advances toward his prepubescent stepdaughter, which he was able to conceal from his wife for several weeks. Only after the stepdaughter informed the wife of Smith’s behavior did she discover with further investigation his emerging preoccupation with pornography, and child pornography in particular.6 Smith was taken away from the home, diagnosed with pedophilia and prescribed ten mg/d of medroxyprogesterone. He was found guilty and was ordered to either go to jail or undergo a twelve-step program. Upon entering the twelve-step in-patient program Smith had a very difficult time restraining himself from asking for sexual favors from staff and other clients. Indeed, it became unbearable for him to control himself. He was expelled from the program.

5. What is Charles’s view on the nature of the mind? How does he respond to the objection from psychological dependence: neuroscientific evidence reveals that the natures of different mental states depend very closely on neural processing? See William Hasker, The Emergent Self (Ithaca, NY: Cornell University Press, 1999), and Colin McGinn, The Mysterious Flame: Conscious Minds in a Material World (New York: Basic Books, 2000) for more on psychological dependence. The capacity to feel and respond in the relevant way is essential to being moral; however, we would not be able to have those feelings and respond appropriately without the proper neural equipment. Because brain structures are not to reveal how things ought to be morally, it does not follow that what neuroscience reveals is not significantly important to understanding the platform for moral behavior.

and was sent to prison. The evening before sentencing he complained of a headache and also expressed suicidal ideation and “fear that he would rape his landlady.” The day after his admission he complained of balance problems and a neurologic consultation was obtained. During a neurologic examination he solicited female team members for sexual favors.

An MRI revealed an egg-sized tumor that displaced the right orbitofrontal lobe. After resection of the tumor in December 2000 all of his symptoms were gone. After successfully completing a Sexaholics Anonymous program Smith was welcomed home seven months later and no longer posed a threat to his stepdaughter. Indeed, he no longer had any interest in child pornography. However, in “October 2001, he developed a persistent headache and began secretly collecting pornography again. Magnetic resonance imaging showed tumor regrowth, and re-resection was accomplished in February 2002.” His symptoms then ceased again. Is Smith responsible for his pedophilia? What does his responsibility hang on? Smith’s case vividly shows the essential role that the prefrontal cortex plays in regulation of different kinds of behavior.

While repugnancy is a justifiable first reaction to Smith’s behavior, upon reflection of Smith’s tumor it seems inappropriate to blame him for his behavior: if indeed the tumor was outside of his control and temporarily eliminated his capacity to do otherwise, which seems clearly to be the case. There are three responses that one could take in their reaction to Smith: (i) this is about personal responsibility: Smith should be held fully morally blameworthy for his crime because he violated certain principles of morality; therefore he is disposed to certain negative affective dispositions (that is, he is deserving of resentment, condemnation, and legal punishment). Smith cared more about satisfying his sexual desires than he did about violating what morality demands in a moral community. (ii) Smith is fully excused for his wrongdoing because it was the result of neurological damage; he should not be held blameworthy nor punished because Smith’s tumor essentially disabled him to do other than what morality and the law requires. (iii) Smith is partially responsible for his wrongdoing. Although the tumor was disabling it was disabling to some degree. Therefore, Smith’s blameworthiness and punishment should be mitigated.

Regarding moral responsibility, Charles writes: “And while it is true that behavioral genetics may enhance our understanding of human behavior, at the same time it may have little relevance in assigning moral responsibility and determining human moral obligation.” In context with the case of Smith,

7. Ibid., 438.
8. Ibid.
9. Charles, “Blame It on My Criminal Brain,” 77. Perhaps what is motivating Charles’s view here is that he wants to safeguard the moral community from the sort of extreme views of moral agency that some think the evidence from neuroscience entails. If so, his defense is misguided, since it is possible that neuroscientific results do, in some cases, show that an agent’s moral responsibility for wrongful behavior is fully excused or at least mitigated.
this seems clearly to suggest that Charles would side with (i), choosing to hold Smith morally blameworthy for his acts and therefore deserving of punishment. However, as far as I can see, Smith [Charles?] has not offered any argument for this conclusion, other than what is implicitly suggested in his worry about the skeptical view of biology and moral agency that some popular scientists hold. And while he says that behavioral genetics may play an important role in our understanding of human behavior, again, he offers no examples of when genetics is relevant. Why not think that the case of Smith is precisely a case that does show the relevance of neurobiology to how we should appropriately assess Smith’s responsibility? In what follows I will argue in defense of the plausibility of either (ii) or (iii) against (i). Moreover, I aim to show that although there is reason to deny the extreme view of neuroscience and moral agency that Charles isolates from alternatives, Smith’s case illustrates reason to deny the sort of all-or-nothing view that Charles seems to hold. That is, could blameworthiness survive the scientific discovery that a tumor made it very difficult (if not impossible) for Smith to exercise restraint? I argue, no.

More Evidence

The case of Smith is only one among many that reveals pertinent evidence that brain damage encroaches on the properties of personhood that one might have thought were strictly manifestations of immaterial “souls.” Another relevant example is the case of a fifty-five-year-old immigrant from Eastern Europe who experienced a one-week history of headaches, aphasia, and right hemiparesis. In a fit of rage, the man beat his wife to near-death with a hammer in 2008. An MRI and subsequent biopsy of the tumor confirmed a large glioblastoma (GB) in the left hemisphere, involving the frontal, temporal, and occipital lobes. What is striking about this case is the sudden shift in character to severe aggression. Neuroimaging studies on hostile offenders have demonstrated a correlation between cognitive impairments that are consistent with lesions in the left frontal, parietal and temporal lobes and aggression and violent behavior.

More specifically, there are examples from cognitive neuropsychology. First, individuals who suffer from damage to particular parts of the frontal

10. Although I lean much closer to (ii), in this paper I am neutral between (ii) and (iii).
lobes of the brain typically have difficulty regulating their behavior. Frequently this results in an inability to abide by socially acceptable norms for moral behavior. Such individuals tend to violate accepted norms of civility, ethical standards, courtesy, and consideration for the benefit of others. Second, there is evidence for the correlation between temporal lobe seizures and spiritual experiences. The overwhelming feeling of spiritual excitement seems to be an outcome of their seizures.

Third, there are fascinating cases of Capgras syndrome. This is a disorder of the experience of “familiarity, love, and regard for close friends and family.” Essentially, the brain damage results in an individual’s forgetfulness of a close friend or family member. What is most disturbing is that a friend or family member can be visually recognized but only as a kind of imposter of their friend or loved one. That is, a family member may be visually recognized in such a way as to say, “he looks just like my husband.” The person with Capgras syndrome does not experience the normatively present feelings of familiarity and intimate personal consideration that is based on the history they have with that person. In other words, the visual recognition is disconnected from these feelings by a dysfunction of the brain. This appears to crucially illustrate how our emotions and moral agency and ability to love can be disturbed by neurological damage.

Additionally, Molly Crockett has evaluated the neurochemistry of people making moral judgments about the famous trolley problem. As it turns out, manipulating people’s neural transmitters changed the way the people responded to the trolley dilemma. Recall that in the trolley dilemma there is a trolley headed out of control towards five workers on the tracks that will die if you do nothing. However, there is a very fat man next to you, and you can prevent the death of the five if you push the man onto the bridge, killing him but saving the five. The dilemma raises the question whether it is morally justified to harm the fat man in order to save the five. In the study, Crockett and her colleagues wanted to know whether tinkering with a specific brain chemical called serotonin would change people’s judgment of right or wrong. In order to do this the participants were put under the influence of the drug called a selective serotonin reuptake inhibitor (SSRI) (similar to the antidepressant Prozac), which basically works to enhance the action of


15. Warren Brown, “Nonreductive Physicalism and Soul: Finding Resonance between Theology and Neuroscience,” *American Behavioral Scientist* 45 (2002): 1812–21. Interestingly, Charles quotes Brown but doesn’t engage with his view, which one might have thought would be appropriate given that he defends a view of the soul that cannot be considered separate from the physical (nonreductive physicalism).

16. See Brown, “Nonreductive Physicalism and Soul,” for an exposition of these cases.
serotonin in the brain. In one session the participants made moral judgments while under the influence of SSRI and in another session they made moral judgments while on a placebo pill. As it turns out, while on the placebo participants said it was appropriate to harm one to save the five, and while under the influence of the SSRI they were significantly less likely to say it was appropriate to harm the fat man in order to save the five. Now perhaps Charles would take these results as evidence in favor of the extreme view of scientism that moral agency is merely “all in the brain.” However, this would be exaggerating what the evidence entails. Perhaps some would use this to defend the sort of skeptical and eliminativist view of moral agency, possibly as that of “scientism” holds. Others would understand that the issues are far too complex to make such hasty conclusions. However, it is certainly a mistake to neglect the evidence from neuroscience out of fear by avoiding the possible implications. I suggest that Charles’s defense of moral agency and human freedom could be examined and defended more fruitfully by paying particular attention to these cases of neurological damage and the influence of serotonin on moral decision-making. Specifically, how can an immaterial view of human persons account for and resonate with what neuroscience shows us? How might a nonreductive view of human persons account for and resonate to those aspects of personhood that are traditionally attributed to the notion of the soul or spirit? Is it necessary to appeal to an immaterial self in order to uphold our moral agency? These sorts of questions helpfully position Charles’s defense appropriately within the debate concerning the ontology of human persons.

Is Smith Really Morally Responsible?

I want to suggest that contrary to what Charles claims, Smith should be assessed according to how his temporal neurological deficits impeded his moral capacities. That is, irrespective of a metaphysical and ontological framework (for example, compatibilism or incompatibilism), there is reason that Smith should not be held morally blameworthy for his behavior. And just


18. Although she argues that neuroscience is fundamentally important to understanding our moral nature, Molly Crockett is skeptical of hasty conclusions drawn from the data (see her TEDtalk, “Beware Neuro-bunk,” December 18, 2012, http://www.ted.com/talks/molly_crockett_beware_neuro_bunk).

19. I should say from the outset that theories of moral responsibility are very complicated and there is much disagreement. I cannot do justice to offering a full defense of a theory of moral responsibility here, but for helpful overviews see John Martin Fischer, “Recent Work on Moral
because Smith represents a case of someone who should be morally excused, it does not follow that everyone should be excused. This generalization of excuse can be avoided by simply pointing out the peculiarity characteristic of Smith’s case.

Robert Kane, who defends a scientifically plausible view of libertarian freedom, would agree that someone should not be held morally responsible for brain damage. He says, “To concede the point is to allow that, even if we lived in a determined world, we could meaningfully distinguish persons who are free from such things as physical restraint, addiction or neurosis, coercion or political oppression, from persons not free from these things, and we could allow that these freedoms would be worth preferring to their opposites even in a determined world.”²⁰ He goes on to argue that what incompatibilists about free will and determinism should claim is that there is “at least one kind of freedom that is incompatible with determinism, and it is a significant kind of freedom worth wanting.”²¹ On Kane’s view this is the type of freedom that allows someone the power to be the ultimate creator of one’s own ends. Elsewhere he explains these types of freedoms by making a distinction between what he calls surface freedom and deeper freedom. On the surface view of freedom one is more free if they are able to satisfy more of their desires. That is, we are free when we are not subject to coercion, force, oppression, or manipulation: “such manipulation is demeaning because, when subjected to it, we realize we were not our own persons; and having free will is about being your own person.”²² Kane argues that these surface-level kinds of freedom are significant everyday notions of freedom that can be analyzed without supposing determinism to be false. Likewise, in the case of Smith, although he is not morally responsible for his behavior, it does not follow that genetic, psychological, or social factors that influence us entail the negation of libertarian free will. These influences may not be entirely determining. Indeed, determinism plays no role in my argument here: to hold that some people lack free will due to how their brains work is not to deny free will in general (whether compatibilist or incompatibilist). For our purposes, I shall focus on the important compatibilist type of everyday freedom most relevant to the case of Smith.

Perhaps one way we can assess Smith’s moral responsibility is to ask Charles, “What would you have Smith do?” In blaming Smith for his behavior it is clear that Charles demands that Smith not have done what he did; that he do what morality requires and deny his pedophilic desires.

²¹ Ibid.
However, as the case illustrates, the limits of Smith’s control were caused by a tumor. The tumor is relevant in the case of Smith because it causes the unintended disability. In particular, what matters is not merely Smith’s disability but the cause of his disability. There is no uncertainty about the presence of the tumor, since it was removed and analyzed. Therefore, it is impossible that Smith could have faked it. The only possible uncertainty is with the causal link between the tumor and his behavior. Perhaps it would be fair to require a causal link with convincing evidence. However, Smith meets these burdens: “because the way in which his urges and behaviors came and went with the presence or absence of his tumor provides strong evidence of causation, as his doctors said.”

Perhaps Charles thinks that Smith is blameworthy simply because of the fact that he is causally responsible for his actions. If so, this is a confused understanding of responsibility. We can distinguish between varieties of responsibility. For instance, there is a (i) role-related sense of responsibility in which someone acquires a particular duty or obligation: the role of a parent to care for and nurture his or her child. Another sense of responsibility is (ii) causal. Smith is involved in the explanation of the events his tumor causes. Additionally, there is a (iii) moral sense of responsibility. That is, to be morally responsible is to be at fault for some action caused; it is to be deserving of blame and other retributive sentiments such as anger, condemnation, and resentment. And another sense of responsibility is that of (iv) legal responsibility. If someone maliciously intends to harm another of their own free will and is successful in their attempt to harm then the court can justifiably hold them legally responsible.

Notice that what is relevant in assessing whether Smith is blameworthy is not causal responsibility but whether it would be appropriate to target him with resentment and opprobrium, that is, whether he is morally responsibility. A plausible way to analyze Smith’s responsibility is to assess whether his pedophilia can be properly attributed to his intentions. As I see it, the reason that Smith’s tumor excuses him is precisely because it is external to his true or real self. His excusing condition signals considerations of fairness that restrict the appropriateness of blame as a response to wrongdoing.

Although Smith is causally responsible, an excuse establishes that he should not be blamed, or at least not fully blamed for his behavior.

One can defend this more adequately by appealing to a principle that explains conditions in which it would be appropriate to hold someone morally responsible, in the sense of viewing their action as morally blameworthy. Call this the Principle of No Blameworthiness without Fault. R. Jay Wallace defends such a principle in his important work, *Responsibility and the Moral*

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According to Wallace, to be blameworthy is to be deserving of sanctioning behavior from the blamer—condemnation, reproach, avoidance, and the like. If an agent is blameworthy for X-ing then that person was obligated not to do X. He argues that an agent’s quality of will is the primary target of moral assessment. That is, a person can only be said to comply with a moral obligation when there is present a relevant quality of choice. As Wallace says, “If s makes a movement that harms someone (treading on another’s hand, say), but it turns out that s did not tread on the person’s hand intentionally, then what s did will not constitute a case of harming someone as the result of a choice to bring about such a harm. Hence s will not have breached the obligation of nonmaleficence, and it would be inappropriate to hold s responsible for a violation of that duty.” In the case of Smith, let us ask again what we would have Smith do given the extreme affect his tumor had on his moral capacities? In what way can Smith deserve blame when his choices were not free, not really under his control, and not something he could have avoided? On what grounds does Charles expect Smith to act differently? Charles ignores these questions. I think Wallace’s principle of No Blameworthiness without Fault persuasively explains why it is unreasonable to hold Smith responsible: Smith temporally lacked the ability to comply with the moral obligation to avoid fulfilling his desires. In other words, Smith’s will and intentions were temporarily out of his control; he lacked the ability to step away and control and regulate his behavior.

**Conclusion**

In this brief essay I have argued that one need not think, as Charles seems to, that either the evidence from neuroscience entails a skeptical and eliminative view of moral agency or that it is completely irrelevant. I have tried to show why Charles should take seriously the evidence from neuroscience and suggested that it would be a more fruitful project to explain how the evidence is not incompatible with a view of moral agency that he wishes to defend. Moreover, I have argued that because his desires for pedophilia cannot be appropriately attributed to Smith, he does not deserve to be held morally blameworthy and therefore should be excused either partially or fully for his behavior.

26. Ibid., 132.
27. Ibid., 133.