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Free Will, Moral Responsibility and ADHD

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Abstract

One of the oldest problems in philosophy concerns the relationship between free will and moral responsibility. If we adopt the position that we lack free will, in the absolute sense—as have most philosophers who have addressed this issue—how can we truly be held accountable for what we do? This paper will contend that the most significant and interesting challenge to the long-standing status-quo on the matter comes not from philosophy, jurisprudence, or even physics, but rather from psychology. By examining this debate through the lens of contemporary behaviour disorders, such as ADHD, it will be argued that notions of free will, along with its correlate, moral responsibility, are being eroded through the logic of psychology which is steadily reconfiguring large swathes of familiar human conduct as pathology. The intention of the paper is not only to raise some concerns over the exponential growth of behaviour disorders, but also, and more significantly, to flag the ongoing relevance of philosophy for prying open contemporary educational problems in new and interesting ways.

Introduction: schools, pathology and punishment

As any number of contemporary writers on education have pointed out, one of the most fundamental and significant features of the modern school is its pervasive disciplinary apparatus (Symes and Preston, 1997). This is generally regarded as being comprised of various sets of normalising practices, spatial and temporal schema, and architectural arrangements. All of these elements are underpinned by the notion that through constant and relentless surveillance, pupils learn to regulate their own conduct and, hopefully, become responsible citizens. Children learn to make appropriate, sanctioned decisions on the assumption that they will be held accountable for transgressions, transgressions now made visible through the disciplinary machinery of the mass school. Governance is thus ultimately founded upon self-governance; that is, the recruitment of young people into their own self-reformation. In turn, self-governance itself is founded upon a number of crucial assumptions, the most significant of which, is the belief that we all have the capacity to make free choices, and that we can be held

accountable for those choices. After all, if students cannot do otherwise, why bother trying to make them? And why bother with punishment? However, the axiom of voluntary and accountable human action, central not only to educational practice, but also to the foundations of our self-understanding, is not without its exceptions. The following two associated examples, dealing with Attention Deficit Hyperactivity Disorder (ADHD), are worth some scrutiny, primarily as a way of providing a pivot for some of the philosophical issues to be discussed later in the paper. The examples are neither shocking nor extreme, rather they are significant only as a consequence of their relative predictability and mundanity.

A pupil in Tennessee, who had previously been diagnosed with ADHD, kicked a water pipe in a school lavatory until it burst, an act for which he was suspended for three days. At a school hearing into the matter, the student's psychologist testified that the act of vandalism "was a manifestation of [the] disability". The principal argued that while this may have been true of the vandalism, the incident itself occurred in an area of the school the student had been forbidden to enter, and therefore that this was not a matter of disability but rather of discipline. With the student facing categorisation as a delinquent, the matter eventually ended up in court, where the student won. In a matter that the potential to go all the way to Congress, the school district has been forced to appeal the decision, a decision it contends "has made schools a 'lawless zone' for students with disabilities" (Zirkel, 1995).

A pupil in Wisconsin was one of three who vandalised two elementary schools causing \$40,000 worth of damage. His school sought to expel him, along with the two others who caused the damage. During the hearing into his actions, his mother raised the possibility that he might have ADHD, and soon acquired a private psychologist who concurred with this appraisal, even though the school district's psychologist disagreed. Once again, the matter ended up in court, with the student winning his case and avoiding expulsion as a "disabled" student—unlike his two co-vandals who only escaped expulsion by withdrawing from the school. As the school district attorney pointed out, the admission of such post-hoc diagnoses is both "disturbing and mysterious", and adversely affects the school's ability to discipline not only students with disabilities, but also those who may then choose to claim them (Zirkel, 2001).

There is an obvious conclusion to be drawn here: students who have been diagnosed with ADHD—or, for that matter, any behaviour disorder—are not to be held as responsible for their

actions as students who have not been so diagnosed. Such a realisation raises a number of interesting questions, two of which will be addressed here: first, how might this issue impact upon the traditional philosophical understanding of the relationship between free will and responsibility? Second, what are the implications of this for the school's ability to exercise authority over students who have been allocated such labels? In order to answer these questions effectively, it will first be necessary to recap some of the dominant philosophical positions over the notion of free will.

Do We Have Free Will?

This question has been the focus of philosophical discussion for over two thousand years, speaking, as it does, to the very foundations of what it means to be a rational and autonomous living entity. The fundamental problem hinges upon the apparent irreconcilable tension between the sure and certain knowledge that each of us make all manner of decisions on a daily basis, choices based upon nothing but our own volition, and the equally sure and certain knowledge that we are part of a material universe, and hence subject to the same physical laws as any other form of matter, laws which preclude us from magically producing causation out of thin air. However, the seeming impenetrability of this conundrum, aptly referred to as a Gordian Knot by Gilbert Ryle (1973), appears to have neither hindered discussion on the issue, nor prevented all manner of philosophers, theologians, physicists and other assorted commentators from taking up sides in what has been a long, acrimonious, and as yet, unresolved debate. The debate has primarily, but not solely, been between those who believe that we have free will (libertarians), and those who believe that we do not, (determinists)—a dichotomy represented in Figure 1.



(Figure 1)

Libertarianism

The libertarian position needs little explanation, in that it confirms some fundamental assumptions that most of us take for granted. That is, we assume that our decisions somehow have their origins within us; we assume that although we are subject to external influences, the final choice is ours; and we assume that if valid choices do exist, then *post-facto*, we could always have acted otherwise. The American pragmatist William James (1996: 239-240) understands libertarianism (or indeterminism, as he calls it), to be a realisation that:

...possibilities may be in excess of actualities, and that things not yet revealed to our knowledge may really in themselves be ambiguous ... Indeterminism thus denies the world to be one unbending unit of fact. It says there is a certain ultimate pluralism in it; and, so saying, it corroborates our ordinary unsophisticated view of things. To that view, actualities seem to float in a wider sea of possibilities from out of which they are chosen.

St Thomas Aquinas (1225-1274), essentially a libertarian, was one of the most important early writers to articulate the tension between the two positions. In *Summa Theologica* (cited in Christian, 1981: 241), he stated that man has a free choice and that virtue would be of no account if this were not the case. After all, the possibility of personal redemption is the cornerstone of Christianity. However, if man is free to shape his own destiny, then how can God possibly be said to be omnipotent? Aquinas' solution was to regard free will as a gift from that omnipotent God, and that God may know what we are going to choose—good or bad, right or wrong—but the choice, and the responsibility for it, is still ours alone.

Later libertarians, notably Jean-Paul Sartre, have taken a different tack. God no longer figures in the equation. In fact, for existentialists such as Sartre, it is arguably the absence of God that defines our freedom, since without His input into shaping our lives, we are solely and terrifyingly responsible for ourselves, indeed we are *condemned to be free* (Sartre, 1947). According to Sartre, life has no inherent meaning, and there are no mandates to follow. We have no human nature to trammel us, and no historical baggage to blame for making us what we are. We are totally and unconditionally free. The trouble with this position, of course, is that at a practical level it just isn't true, as Sartre himself undoubtedly realised. Grossman (1984) states that Sartre's position contradicts almost everything we know about our lives, about the social forces that shape us, and about how we become what we are. In that sense, Sartre's project is quite quixotic, as he is attempting to provide a viable template for living a

particular kind of life, rather than attempting to conduct a rigorous philosophical analysis of the possibility of free will.

In truth, neither St Thomas Aquinas nor Jean-Paul Sartre have succeeded in providing a watertight (or realistically, even a very convincing) case for libertarianism, as determinists will continue to ask how this position can provide a coherent and empirically plausible explanation for how we can be the primary origin of our own decisions (Iredale, 1999). However, determinism is itself not without its flaws. Indeed, in *The Critique of Practical Reason*, Kant himself describes it as “a wretched subterfuge ... petty word jugglery” (cited in Sangroom, 1999: 47).

Determinism

In addition to his description of libertarianism/indeterminism, William James (1996: 240) also had a clear characterisation of determinism:

What does determinism profess? It professes that those parts of the universe already laid down absolutely appoint and decree what the other parts shall be. The future has no ambiguous possibilities hidden in its womb ... necessity on the one hand and impossibility on the other are the sole categories of the real.

To best explain determinism, Olen (1983) follows David Hume’s example and utilises the example of the billiard table, describing the case where someone plays the white ball onto the nine, which hits the side cushion before rolling to a halt in the middle of the table. He points out that if you knew some specific details prior to taking the shot—the angle and the force of the shot, the distance between the balls, their weight and dimensions, the hardness of the cushions, the friction coefficient of the surface, and so on—it would be possible to calculate, with absolute accuracy, the final resting place of the nine ball. Under such circumstances, the ball is not able to choose where to roll, as its movements are simply the inevitable outcome of other events. They are determined.

The nineteenth century mathematician, Laplace, extends this same logic with the following speculation: suppose there exists a super-intelligent being that knows the location of every atom in the universe, along with every force acting upon those atoms, and the laws of motion which governs the movement of those atoms, then that being would be able to predict each and every event in the universe from that moment onwards, with absolute accuracy. These perfect

predictions would not just involve macro-events, like the movements of planets, but also micro events, such as those that occur in our heads. That is, given that our brains are made of matter, just like planets, the same causative laws necessarily apply, and ultimately the atoms in our brains follow the same rules as balls on a billiard table, with their movements being equally determined. What each person says, does and thinks could then theoretically be foretold millions of years in advance (Shipka and Minto, 1996). Unless we are to believe that there is something about human brains that gives them an ability to make atoms swerve off their preordained path, there is no other logical alternative to this position. Indeed, most commentators would agree that if we adopt a materialist understanding of the universe and the human mind, a determinist position on free will is almost impossible to rebut.

Many have still tried. One of the most recent attempts has involved enlisting some aspects of the uncertainty that modern science deems to exist in nature. It has been argued that the Heisenberg uncertainty principle—that there is a fundamental indeterminacy at the level of sub-atomic physics—demonstrates that not all events in the universe appear to be caused by other preceding events, and that provides a loophole for believing that the brain may be able to generate its own first causes: ie free will. This approach has in turn been rebutted by philosophers such as Honderich (1999) who contend that events at the quantum level exist far below the threshold of significance for issues such as human choices and decisions, and also that such micro-events are really not events at all, but rather belong to a totally different class of phenomena, phenomena which are entirely irrelevant to the question of determinism. In addition to the uncertainty principle, opening the Pandora's Box of advanced theoretical physics has only brought more bad news for the libertarians. For example, Einstein has suggested that we do not live in a three dimensional Newtonian universe, passing inexorably through time. Instead, we inhabit a four dimensional universe of space-time, where time does not pass as such, rather the past and the future both exist with equal unswerving certitude, mapped out from the beginning to the end, within the same instant. Thus, James' assertion that the future has no ambiguous possibilities hidden in its womb appears all the more valid.

It is not, however, only modern thinkers who lean towards the determinist position. The venerated 17th century rationalist, Baruch Spinoza, was also a determinist. While still working theism into his conceptual framework—hardly surprising given the era in which he was writing—he based his understanding of human freedom, not upon free will, which he regarded

as a will o'the wisp, but rather upon an understanding of the forces which shape us. That is, he compares the free with the (metaphorically) enslaved by contrasting the degree of understanding they possess of themselves, their situation and the world in which they act (Sprigge 1999). In this manner, the logic of his argument is similar to that in the famous quote by Peter Berger (1963, 199), wherein we are likened to puppets, only with the possibility of “looking up and perceiving the machinery by which we have been moved. In this act lies the first step towards freedom.”

And yet, other determinists have no interest in freedom whatsoever, probably the most famous being B.F. Skinner, as outlined in his seminal text *Beyond Freedom and Dignity* (1971). Skinner contends that freedom is a myth, and that the sum total of human experience is simply a set of conditioned responses to given stimuli. Extrapolating from rats and pigeons, he argues that we have no grounds for believing that we are any different. He stated that there is no reason why the cause/effect nexus that underpins all of the natural sciences, should not have an exact correlate of stimulus/response in the social sciences. The sensation of free will, and hence freedom itself, is simply a conditioned response. Vulgar though Skinner's position is, it still operates with the same domain assumptions, and therefore moves across the same conceptual terrain, as other determinist positions. There is a similar, although infinitely more subtle, logic to be found within the final paragraph of the philosopher John Searle's “Freedom of the Will”:

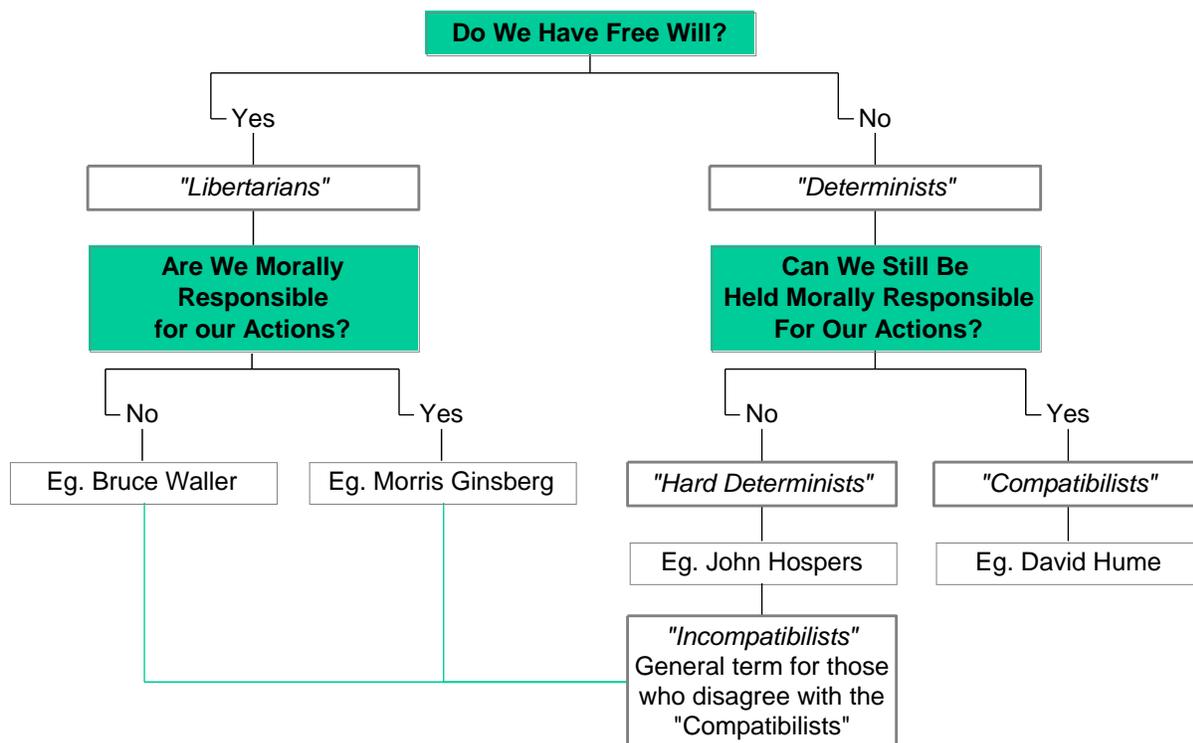
...for reasons I don't really understand, evolution has given us a form of experience of voluntary action where the experience of freedom, that is to say, the experience of the sense of alternative possibilities, is built into the very structure of conscious, voluntary human behaviour. (Searle, 1994: 774)

In this sense, Seale is contending that the experience of freedom of the will is, in some ways, analogous to Kant's arguments about the “hard-wiring” of the perception of space and time into the human mind. Voluntarism similarly becomes a primary component of consciousness, a component which not only determines how we perceive the world, but also how we are able to perceive ourselves. In the final analysis though, whether we base our analysis on libertarian or determinist presuppositions, the most significant issue is not really whether we have free will at all—even though this is hardly trivial in the grand scheme of things—rather, the critical issue is what all of this has to say about the notion of personal responsibility. After all, if we are

simply Skinnerian rats, responding to stimulus in the same cause/effect way that balls roll around a billiard table, then how can we be held responsible for anything we do?

Are We Morally Responsible?

When we hold someone morally responsible for an action, this is to say that their good deeds are deserving of praise, and their bad deeds deserving of punishment. This process forms the cornerstone of our ability to form moral communities. Without holding each other responsible for our conduct, the basic social framework of rights and obligations characteristic of all human societies would be unable to function. However, the balls on a billiard table are not blamed if one of them happens to roll into a pocket at the wrong time. The determinist nature of events on a billiard table render the issue of blame redundant—that is, as long as the frame of reference is limited solely to the balls themselves. Furthermore, rolling into a pocket is not, *prima facie*, an act laden with moral significance. If Skinner's rat stole cheese from your kitchen, this would not be a moral issue—undesirable though it is. However, if the cheese were to be stolen by Skinner himself, a number of moral conclusions could be drawn about his conduct, and he would rightly be held to be morally and criminally responsible. Is this fair? Is there a difference? Figure 2 sets out some of the ways these questions have been approached:



(Figure 2)

The two most common positions taken on the issue of free will/determinism and moral responsibility are generally referred to as “Compatibilism” (the view that we can still be held morally responsible for our conduct, even in a determinist universe), and “Incompatibilism”, (the view, for whatever the reason, that the two cannot logically coexist).

Compatibilism

If we are totally determined creatures, whether we realise it or not—as most philosophers would contend—then can we be held morally accountable for our actions? The Scottish philosopher David Hume made what is probably the most famous attempt to answer this question in *An Enquiry Concerning Human Understanding* in 1748. As a compatibilist, Hume sees no necessary contradiction between the notions of liberty of action and causal necessity; that is, we can be both determined and morally responsible. The logic of his argument is centred around the belief that such long-standing philosophical problems can most often be explained in terms of linguistic ambiguity. In this particular case, the focus falls upon precisely what is meant by “liberty”.

Throughout this debate, liberty has generally been placed in binary opposition to determinism. If we act freely, then we cannot possibly be determined; if we are determined, we cannot possibly regard our actions as being free, and of course, we cannot possibly be held accountable for our actions. In contrast with this position, Hume argues that liberty actually means the power to make choices based solely upon the determinations of our will. After all, the opposite of necessity is actually chance, and this has nothing to do with being free. Hence, according to Hume, liberty should be placed in opposition, not to determinism, but rather to constraint. Therefore, we act freely if we are untrammelled in our choices. As Pichin (1990: 117) states:

“Thus we are offered a compatibilist account asserting no inconsistency between the concepts of liberty and necessity. A human action can be necessary in the sense that it is the inevitable outcome of causes. It can also be free in the sense that it is not subject to constraints.”

Within this paradigm, moral responsibility is no longer a problem: we are responsible for the choices we have freely made. Pinchin is not entirely happy with this explanation, as it still does not address the matter of how we can be held responsible if we could not have acted otherwise. Still, there is a broad consensus that freedom is an ambiguous concept, and that

Hume moved the debate forward by locating at least part of the problem within language itself. That said, even though compatibilism is undoubtedly the dominant position within the debate, it is not without its critics. More often than not, these critics are grouped together under the umbrella of incompatibilism, even though often the only thing they have in common is their status as ‘other’.

Incompatibilism

The most common and obvious incompatibilist position is generally referred to as “hard determinism”. This involves the assertion that our conduct is determined, but a refusal to accept that this state of affairs is compatible with moral responsibility. The implications of this conclusion are either that we abandon holding citizens accountable for their conduct altogether, or we hold them accountable, even if we know this is not really the case. John Hospers (1994) adopts a psychoanalytic approach to the issue, arguing that our conscious minds—the “*sanctum sanctorum* of freedom”, and the only parts of our “selves” which can logically be held accountable for anything—is not the driving force behind our choices or our conduct. Rather, the unconscious mind is ultimately responsible for how we act, or, as Hospers (1994: 758) puts it: “the unconscious is the master of every fate and the captain of every soul”. While not suggesting abandoning the notion of moral responsibility entirely, he does indicate that it has no intellectual or ethical foundation. Significantly for this paper, he goes on to state that psychiatry has begun the process of coming to terms with the implications of non-conscious factors of human conduct in ways that philosophy has not. Precisely what this might mean will be addressed later, since presumably disorders such as ADHD would be included within this assertion.

Other approaches in opposition to compatibilism begin their analysis, not with hard determinism’s refusal to accept that causal necessity and moral responsibility can co-exist, but rather with the premise that because being totally determined is unthinkable to us, we *must* have free will, therefore we can also be held morally responsible for our actions. In his essay “The Nature of Responsibility”, Morris Ginsberg (1956: 345) makes precisely this point. He asks whether anyone seriously doubts that we have the minimum level of freedom necessary to be held morally accountable, as we make judgements every day which involve weighing the consequences of given acts and the relative worth of available alternatives. Ginsberg also suggests that if our judgements are completely determined, then this would make a nonsense of

all knowledge. Intellectual choices would become redundant—truth and falsity, sense and nonsense—would all be on the same epistemological level.

Bruce Waller (1996) provides an interesting spin to the debate by contending that although we are free to make choices as we see fit, we do not deserve praise or blame for the outcomes of those choices, ie. we are not morally responsible. He reaches this conclusion by suggesting that the good and bad events that happen in our lives are the result of “genetic-environmental luck”. The uneven starts and unequal paths that lead through life undercut all assumptions about just deserts and moral responsibility, and the notion of moral responsibility itself not only acts to stifle more fruitful inquiries into the circumstances which shape our conduct, but also promotes iniquitous social policies and punitive rather than positive social programs.

To summarise so far: the discipline of philosophy has argued back and forth about the relationship between free will and moral responsibility for 2000 years. Whether a libertarian or a determinist, and from there whether a compatibilist or an incompatibilist, the vast majority of philosophers contend that we can rightly and fairly be held accountable for our actions. Even the periodic intervention of theoretical physics into the debate has not altered this fundamental conclusion. However, historically there has always been one more major player in the game, and this body of knowledge also leans heavily towards personal accountability: jurisprudence.

Responsibility, Transgression and the Law

At first glance, as one might suspect, the law is pretty strict and specific on the issue of precisely what is required for a person to be held responsible for an action. Criminal responsibility is “the concept that individuals with the capacity to make voluntary and intentional choices to act criminally, understanding the significance of the choices, should be accountable to the criminal law for those choices.” (Nygh and Butt, 1998: 107). Whether directly or indirectly, the principle expressed in the maxim *actus non facit reum nisi mens sit rea*: the act does not constitute guilt unless the mind is guilty, still drives much of the reasoning behind the legal approach to responsibility. Therefore, if we make choices, voluntarily and intentionally, understanding the nature of those choices, we are responsible for them. There is no notion here that we could somehow claim to be like one of Skinner’s rats, acting as a result of given stimuli, and hence not legally or morally accountable for what we do. Indeed, history suggests the reverse is more likely to be accepted as the case, given that in 1595, the City Court

of Leyden sentenced a dog to hang at a public gallows for killing a man, “to the deterring of all other dogs” (Ginsberg, 1968: 349).

The seeming overt simplicity and rigidity of the legal position of responsibility actually hides a significant degree of flexibility. Just because a number of people are found guilty of a particular offence, does not mean that they are all, *a priori*, regarded as possessing the same degree of criminal responsibility. There are a number of mechanisms which can attenuate, restrict, modify or even negate responsibility, several of which are pertinent to this paper. For example:

Mitigating Circumstances

According to Olen (1983), even though a morally responsible person is a rational agent, who knows right from wrong, and who can be influenced by moral argument—and arguably we do fit these criteria (determinism or otherwise)—we sometimes let each other off the hook. In essence, this is a form of very weak incompatibilism. The logic is that there are many reasons why people do what they do, why they make given choices, why they break the law. These reasons provide a context for interpreting a level of responsibility appropriate to the situation. To better exemplify this position, Olen uses the James Cagney gangster movie *Angels With Dirty Faces*. The story begins with two boys from a tough New York neighbourhood, running from the police. Pat O’Brien gets away, and grows up to be a Catholic priest, but Cagney is caught and sentenced to a reform school, where he grows up to be a hardened criminal. Throughout the film, the two compete for control over the lives of a group of boys, and the film ends with Cagney’s electrocution, and O’Brien telling the boys to say a prayer for a boy who couldn’t run as fast as him. The film’s message is clear: crime is not only a personal issue, but also a social one. While we are responsible for our lives, they are also shaped by forces beyond our control, and often the only difference is a matter of luck.

This is also a line of reasoning championed by the famed trial lawyer Clarence Darrow. In *Attorney for the Damned* (1957) there is a transcript of his appeal to the judge for clemency in the celebrated case of Leopold and Loeb, two students who, for no apparent reason, kidnapped and killed a 14 year old boy. Darrow (1957: 227) concludes that, ultimately, we are not responsible for either our genetics or our environment, and it is these factors that should actually shoulder the greatest burden of blame. When discussing Loeb, he stated:

If there is responsibility anywhere, it is back of him; somewhere in the infinite number of his ancestors, or his surroundings, or in both. And I submit, Your Honor, that under every principle of natural justice, under every principle of conscience, or right, and of law, he should not be made responsible for the acts of someone else.

Doli Incapax

Article 40 of the United Nation “Convention on the Rights of the Child” specifies “a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.” This is the presumption of “doli incapax”: the inability of children to be held responsible for criminal conduct. Although the specific age boundaries of this presumption vary between countries, the logic is still the same. That is, children below a certain age are not capable of the reasoning processes necessary to be held accountable for their actions. In Australia, the minimum age for criminal responsibility is ten years old. Therefore, if a criminal act is committed by a person younger than ten, that person cannot be held in any way responsible, whatever the nature of the offence. For children older than this, there is a transitional period up to the age of fourteen where they are still not responsible, unless it can actually be proven that the person had the capacity to know the act in question was wrong.

Tyszkiewicz (2001) has a number of interesting points to make on the subject of “doli incapax”. Citing writers such as Aries (1962) and Petersen (1989), he discusses the historically contingent boundaries of the category of childhood, noting that in medieval Europe it could be said not to have existed at all. Those who would now be categorised as children participated in almost all “adult” activities. The notion of childhood was only to evolve over the next three or four hundred years, primarily within the boundaries of the bourgeoisie family. Significantly, there was no notion that these embryonic children needed special protection, or that they were not equally capable as adults of making informed decisions, and being held responsible for those decisions. Certainly, they faced identical punishment to adults—children faced execution for murder in England right up until 1906 (Millet, 1995). For the purposes of this paper, one of the most interesting observations regarding the status of doli incapax concerns the assertion that the age of criminal responsibility is set “not at the age at which the child can tell right from wrong—most five year olds can do that—but the point at which society feels it can unashamedly punish” (Morris; cited in Tyszkiewicz, 2001: 17). The implications of this claim

are obviously far-reaching, not only for the validity of a crucial component of our system of jurisprudence, but also for the logic underpinning the treatment of children in schools.

Insanity

In most common law countries, the understanding of the relationship between insanity and criminal responsibility was originally laid down in the case of M’Naghten (1843), where a man was acquitted by a jury on the charge of murder due to his madness, causing a popular outcry at the time. This case subsequently formed the basis for the “M’Naghten Rules”, which were outlined by Lord Chief Justice Tindall (1843: 208) as follows:

...every man is to be presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and to establish a defence on the grounds of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong.

As a consequence of these rules, the majority of debate over responsibility has tended to focus on the dichotomous positions of full responsibility and non-responsibility. However, it has been argued that the steadily increasing focus on the criminal conduct of young people has played a significant role in reconfiguring the debate around varying *degrees* of responsibility, particularly in children, rather than the previous position of simple mutual exclusion. The key to this process, apparently, is a greater understanding not only of types of crime as they relate to particular mental conditions, but also a greater understanding of the mental conditions themselves (Ginsberg, 1968).

In a sense, Ginsberg is prefiguring a new major player in the “Do we have responsibility?” game—and not only in criminal responsibility, but as it turns out, responsibility in absolutely every avenue of life. The psy-disciplines—primarily psychology, but also psychiatry, psychoanalysis, and so on—are now in the process of cutting an explanatory swathe through all aspects of human conduct. In doing so, they are introducing a hard determinist understanding of moral responsibility. As behaviour disorders multiply exponentially, so too is human conduct, and in particular children’s conduct, now explained away as pathology. That is, more and more human behaviour is now regarded as a direct function of greater and greater numbers of disease entities.

Behaviour Disorders, Moral Responsibility and the School

In spite of three decades of post-modern thought, scientific knowledge, and psychological knowledge in particular, is still most frequently presented as objective, benevolent and teleological, slowly uncovering the facts of the natural world, with the individual researchers merely perceptive but neutral observers to whom these truths are passed. History is thus presented in triumphalist terms: the heroic unmasking of the hidden realities of nature, the shedding of light into the mysteries of the human body and mind, and the identification and control of independent disease entities. Superseded ways of understanding and healing are presented as superstitious, ignorant and/or barbaric. However, as Wright and Treacher note (1982: 3-4), the categories produced by such forms of knowledge:

...are social through and through; they are the outcome of a web of social practices and bear their imprint. When we speak of tuberculosis we are not reading the label on a discrete portion of nature, 'out there'; we are instead ... employing a social meaning that has been generated by the activities of many different social groups, with diverse interests, working through many different forms of practice.

There has long been dissatisfaction with elements of the labelling processes associated with 'mental illness'. Seminal work by Hollingshead and Redlich (1958) noted that an individual's chance of being committed to a mental institution varied in relation to their social class—a variable surely irrelevant to an 'objective' illness. Likewise Szasz (1961, 1973) proposes a radical shift in the understanding of 'insanity' due, in part, to his refusal to accept the objective validity of the category. More convincingly, in *Madness and Civilisation*, Foucault (1965) details some of the social contingencies which were necessary precursors to the emergence of psychiatry as a discipline—all of which go some way towards attenuating the 'objective truth' of insanity. Following on from this, a number of specific mental illnesses, claiming the status of 'objective facts', have had this status challenged, such as split personality (Hacking, 1986), and anorexia nervosa (Tait, 1993). The question which arises now is how then does a disease entity such as Attention Deficit Hyperactivity Disorder fare under this kind of scrutiny?

A Closer Look at ADHD

The following quote is typical of the way in which ADD and ADHD are presented within the literature, and by those with an interest in its acceptance as a valid and objective category.

ADD is an inherited neurobiological disorder which becomes evident in early childhood and usually continues throughout a person's life ... There is no doubt in the scientific community that ADD is real ... ADD is not a new phenomenon, it has always been with us but has not always been recognised. (D. and M. Sosin, 1996: 6-7)

It is evident here that disorders such as ADD and ADHD are understood as objective conditions, indisputable facts of nature. In addition, they are deemed to have existed long before their identification by the clear-eyed and perceptive scientists who brought them to our attention, thereby dispelling the former—erroneous—explanations for the same conduct. ADHD is diagnosed with symptoms of fidgeting, excitability, impulsivity, immaturity, and lack of self-control. Estimates of the school population vary widely, from three percent to ten percent, although classes with much greater percentages off ADHD have been reported (Reif, 1993).

There exist numerous strategies for dealing with this new affliction (such as behaviour modification, counselling, cognitive therapy, social skills training), but pharmacological intervention through the use of the stimulant Ritalin is widely regarded as being the most significant. As with other pathologised differences, schools have been charged with the primary responsibility of managing ADHD (almost all identification protocols, treatments and research literature are school-based). Furthermore, the implications and effects of such (formerly) hyperactive conduct are no longer deemed to be confined either to the classroom, or to the schooling years. There is now a significant literature which serves the dual purpose of laying the blame for a number of broader social problems at the door of ADHD (such as various forms of criminal conduct, delinquency, social maladjustment, emotional problems, professional failure, and so on) while at the same time reinforcing the need for identifying and tackling the problem in its embryonic stages at school (Forehand et al., 1991; Dunning, 1998).

Teachers are also now expected to be able to deal with a much wider range of educational differences than just ADD and ADHD. Such differences are no longer regarded as being below the threshold of intervention, or simply part of the human condition, but are now objective pathologies to be identified, categorised and normalised. As Tomlinson pointed out as early as 1982, this appears to be part of an ongoing and exponentially-increasing process. After all, within the realm of educational difference/handicap, there were only two classifications prior to 1890 (*idiot* and *imbecile*). This had swelled to eight by 1913 (including divisions such as *moral*

imbecile, and *mental defective*) and on to twelve in 1945 (with *severely subnormal*, *maladjusted*, and *delicate*). Currently, the list of such differences is enormous—in excess of three hundred (Whitefield, 1999)—each with its own treatment, prognosis and educational implications. It is not enough for teachers to know that certain forms of shyness have now been pathologised as Generalised Social Phobia (Turner et al, 1992), it also helps to be aware of some of its nosological subdivisions—such as Selective Mutism (Black and Uhde, 1996), or Avoidant Personality Disorder (Holt et al., 1992)—as well as how to recognise them, what to do with them, and how to organise your classroom practices accordingly. These developments and discoveries are normally manifest in terms of a burgeoning array of student differences, differences that have the potential to significantly recalibrate, or in the long term, even totally undermine, the moral machinery of the school.

So What Does All This Mean?

There are a number of issues here: first, until fairly recently the issue of free will and moral responsibility had generally involved debates between philosophers, physicists and jurists. If the solution to the “Gordian Knot” were to be found anywhere, history suggested it would come from one of these disciplines. However, psychology appears to be in the process of outflanking them all, providing increasing numbers of hard determinist explanations for what was once regarded as voluntary conduct. Hard determinism, a previously unthinkable option, is slowly becoming mainstream.

Second, disorders such as ADHD are premised upon explanations of human action, founded not in the reasoned conduct of responsible agents, but rather in terms of causal necessity. Children diagnosed with ADHD are more than likely to have any action that fits into the lexicon of symptoms associated with the disorder, explained as being a *function* of that disorder. So, children diagnosed with ADHD who fidget, fidget because of that disorder. Children without ADHD who fidget, presumably make the free and voluntary decisions to do so, and hence become liable to punishment.

Third, greater and greater numbers of school children are being diagnosed as suffering from particular forms of behaviour disorder. Special needs children, once rare in classrooms, are now commonplace. That schools should be equipped to deal with difference is not in question. Of course they should. Rather, the point is that the discipline of psychology appears to be

engaged in the ongoing and accelerating process of *creating* difference. And in the case of behaviour disorders, as more categories are “discovered”, more and more students will no longer be held fully accountable for their actions. Whether this also turns out to be the case for the courts has yet to be determined. Interestingly, the Wisconsin student who vandalised a school but escaped expulsion after retrospectively being diagnosed with ADHD, was held to be responsible for his actions under criminal law, and suitably punished.

Finally, the question raised at the beginning of this paper—what are the implications of all this for the school’s ability to exercise authority over students?—has two separate answers. At one level, it has the potential to make the situation very difficult. As the number of students claiming the status of disability continues to increase (via behaviour disorders such as ADHD), and as each disorder has different levels of associated accountability, schools may not only find themselves in the situation of being unable to hold an increasing sections of the school population liable for their conduct, as the two initial American examples demonstrate, but also of requiring some method by which they can determine levels of relative responsibility. At a second level, it has the potential to make the situation much easier—at least for the highly-stressed teacher—but only if we are prepared to leave our ethics at the school gate. Almost all the disorders mentioned or alluded to in this paper are treated pharmacologically: ADHD, Oppositional Defiance Disorder, Generalised Social Phobia, Selective Mutism, Avoidant Personality Disorder, Borderline Personality Disorder, to name but a very few. To put it another way, teaching life will be easier because disruptive students, quiet students, or generally different students, will be drugged into normalcy and passivity.

Conclusion

The rise of the inclusive school, institutions where special needs students are to be given full access to, and involvement in, the daily life of the classroom, has not only placed the teacher on the front-line of conduct disorder management, but also at the centre of millennia-old debate about just who can be held responsible for what. This process has significant implications, for the teaching profession, for how difference is to be conceptualised, and most importantly, for how the population as a whole is to be governed. If a philosophical analysis of this issue can accomplish anything, it is to point to a necessity for a more rigorous conceptualisation of what a hard determinist society would look like. Rather than simply taking each new disorder as a

separate issue, to be dealt with on its own terms, a broader understanding of the relationship between free will and moral responsibility leads to a clearer vision both of what behaviour disorders prefigure, and ultimately, what it means to be human. After all, the truth is that philosophers have always known that the determinist position is far more convincing than the libertarian alternative. Even Spinoza in the 17th century knew we all act through causal necessity. This is nothing new. The only difference to the contemporary psychological stance is that he still held us accountable. Certainly, we need to think through—very thoroughly—the consequences of freeing a steadily increasing percentage of the population from some or all of their moral responsibilities. Of course, this is not to say that the social contexts in which specific forms of conduct take place should not be taken into account. The film *Angels With Dirty Faces* illustrates how complex the notion of responsibility can be. However, there is a world of difference between context and causality.

Earlier in the paper, Morris Ginsberg (1968) called for a greater understanding of the mental conditions that increasingly shape our understanding of moral responsibility. The implication here is that the psychological sciences are in the process of uncovering the essential truths of the human mind. This is, however, only one interpretation of psychology's history and function. Nikolas Rose (1985) has described an entirely different function, that of a crucial cog in the machinery of governmental intervention and regulation. The rise of the psy-disciplines denote the emergence of a new rationale of government targeting human individuality, with the conduct of citizens now to be directed by investigating, interpreting and modifying their mental capacities and predispositions.

One fruitful way of thinking about the mode of functioning of the psychological sciences ... might therefore be to understand them as *techniques for the disciplining of human difference*: individualising humans through classifying them, calibrating their capacities and conducts, inscribing and recording their attributes and deficiencies, managing and utilising their individuality and variability. (Rose, 1988: 187)

Fundamental to this process is the need to categorise, to break the population down into smaller and smaller manageable units, because with each new category, each new behaviour disorder, each new *pathology*, comes new possibilities of governance. Contemporary pupils are no longer simply too lively, they are now as suffering from Attention Deficit Hyperactivity Disorder or Oppositional Defiance Disorder, or Conduct Disorder. Pupils are no longer simply quiet or shy, they are reclassified as suffering from Generalised Social Phobia, or Selective

Mutism, or Avoidant Personality Disorder. Pupils are no longer simply unpopular or obnoxious, they are reclassified as Borderline Personality Disorder, or Antisocial Personality Disorder. However, in each instance, the new possibility of governance comes at a specific cost: the further erosion of individual responsibility.

Finally, given such pressures to pathologise those many students now produced as different, the question must eventually be asked about the veracity of the burgeoning array of medical and psychological categories such children are being placed into. Of course, this is not to say that these categories are false, but what it does mean is that the next paper to be written on the subject of philosophy and education should really take a hard look at precisely what we mean when we talk about “truth”.

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