imagining bad motives: what is to be most condemned?

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purpose and disclaimer

I am going to discuss our intuitive sense of the motives for bad actions, especially very bad actions. The combination of intuitive grasp of motive with moral judgement is very delicate and problematic, as I shall argue. One connection with legal reasoning arises with sentencing decisions by judges. (Another is with the decision that a case is too trivial to hear.) I shall not say a lot about this connection, because I do not have the background for it. I shall assume, though, that judges often have considerable discretion in sentencing, in spite of sentencing guidelines in some jurisdictions, and that the moral character of the particular instance of a crime for which a particular person has been convicted plays a large role in this. (If this assumption is in fact less evident than it seems to me, please correct me.) Similar considerations apply when juries have discretion such as deciding whether the death penalty is to apply, but I shall not discuss these, again out of ignorance.

There is a central topic here that I am not going to discuss. I have written about it for decades and perhaps I know too much about it and the hazards of easy positions to express myself simply. (Or perhaps I am just bored with the details.) That topic is the mechanisms we use when we get an everyday, intuitive, imaginative grasp of another person, what they are thinking or feeling or likely to do. I shall make four assumptions here. (a) we use processes of simulating in our minds the minds of others. (b) we mix this with explicit and unstated conceptual views of human nature which at least to some extent vary from culture to culture. (c) some of this consists of thoughts, images, and feelings that can be reasonably described as imagination. (A very simple example of this is when you recreate the perspective on the scene that

another person has when they are spatially separated from you.) And (d) all of (a) to (c) are shaped by the fact that they have moral purposes, using the term widely. (The basic idea here is that a fundamental reason why we need to understand other people is that we need to cooperate with them in ways that harm none of the cooperating parties.) I shall assume all of these, without defending them. I would find it difficult to defend any of them independently of the others, and the result would take up all my time.

One difference in emphasis between my discussion now and what I and others have said in the past, though, is that most of the literature has been concerned with how we manage to understand others successfully. That is not surprising because the object has been the human capacity to attribute states to other humans, and we would not take it that there was such a capacity unless it worked fairly well much of the time. But in this paper I am more interested in failures, and in what I take to be a novel and important topic, systematic problems in the ways we attribute motives to one another.

grasp of motives

So the topic is our grasp of the motives for actions we disapprove of. And in particular in cases where this grasp is used for something more substantial than simply understanding the person, having an idea why they performed that action. Time for some examples.

First an example from my own life. When I was perhaps seven I came into a windfall of a few dollars, and in a fit of generosity I said to my little brother, who was five, that I would buy us a pair of toy cowboy pistols that I had seen in the little store at the end of the road. What I said was "I'll share this with you; we'll buy those pistols we've been looking at.” We went down there and I paid for the pistols, giving one to little Charlie. But then he pointed out that I had said I would share the windfall with him, so he was due half the change

also. (From an early age Charlie was very sharp about money.) I hadn't thought of this, and I didn't want to share the change. So I said that we should take it to our mother for arbitration, knowing that I was technically in the wrong but that being two years older I would be able to quote my promise in a way that didn't have this commitment. And as I expected she took my side, telling Charlie that I had been generous enough already. But this still lingers among my many feelings of remorse about the past, even if there are examples that are much weightier morally. (Betrayals of trust, harm to innocents, ...)

Now continue the story in an imaginary way. Suppose that a crude swindler is trying a very simple scam on me. I wonder how he can think I do not see through him. Then I have this reflection: it's as if he takes me for little Charlie, not seeing how a minor twist on the words can make all the difference. So all I have to do is to say something perceptive and articulate to him, and he'll realize that I'm no sucker and change his tack. This may work; by imagining the swindler as if he were my seven-year-old self dealing with my five-year-old brother I may be able to simulate his thinking and his likely reactions to new information. (Of course it is also possible that he is vastly more devious than that, and the appearance of a crude swindle is meant to deliver me into just the reaction I plan, which is much more of a trap.)

Second example. You are a reasonable person but there are a few trivial things that can be counted on to make you lose your temper. Suppose, for example, you see that someone is ignoring a suggestion about a simple improvement to some social arrangement just because it is not what they had planned and not an improvement they had thought of. Then it is very likely that you will begin to shout at them and accuse them of various kinds of bad character, and perhaps even push them out of the way to modify the plan in accordance with the ignored suggestion.

Now suppose that you are considering a person for a job. The person seems well-qualified and to have the right kind of experience. But there is a report on file of an occasion where this candidate got into a shouting and pushing match with a colleague over a trivial mistake the colleague had made. This might be taken as a serious disqualification. But you think "Perhaps that was the kind of mistake they are particularly sensitive to. It's like my reaction to people who are wrapped up in their own schemes, and after all I would do very well in this job." So you ignore the warning sign.

In both of these first two examples the person is using an everyday imaginative device that will often work and sometimes go wrong. Perhaps in the examples the potentiality for mis-attribution or misunderstanding is a bit higher than average. But all these imaginative routines have this potentiality; they are best thought of as setting up plausible hypotheses to be tested in the light of further facts. (Does the swindler take me for a fool? Was the candidate's fury an isolated over-sensitivity?) In a third example, though, something is more directly worrying, even though it is of a piece with something that we do all the time.

You are a generally cheerful person. Very little gets you down, and you take most in your stride. There was one time in your life, though, when things you had set your heart on did not come your way. The details are not going to be relevant but suppose that you were a young academic hoping for tenure and beginning a romance, so that when it became clear that you would need to take another job in another town and that the person in question did not want a long-distance relationship you were devastated. You were gloomy for several months until you got your next job and met someone you liked just as much. Now, years later, you are the chair of the department and have to deal with a colleague who is going through a serious depression. You find yourself saying to your colleague "Most of these things seem more important at the time than they do on reflection. Just think of all the things that are satisfying about your

life – the colleagues who respect you, the job that others would love to have, the family life that you have managed to combine with a career – and remember that your present troubles will pass and it will seem different later."

No doubt the comment was well meant, and no doubt the observations about the nice features of colleague's situation are true. But there is something dangerously naïve about approaching this person at this time with this line. You are making an analogy between a brief time when you were unhappy and the colleague's depression, which seems to them like an endless dark claustrophobic tunnel. But depression and unhappiness are completely different animals. Their feelings and their effects on a person's motivation and behaviour are very different. One difference lies in the attitude to time. A depressed person often has difficulty imagining that they could be a time when the depression will have passed, even in the presence of evidence that makes the thought intellectually reasonable. On the other hand an unhappy person can admit that if in a couple of months various obstacles are removed then things will be okay again. (So one characteristic of depression is that it affects what one can imagine, and imagining this restriction of imagination is difficult for those who are not subject to it.) As a result, imagining depression on the model of unhappiness is likely to result in unhelpful actions, and even in actions that make things worse.

The example may seem isolated, but it connects with something very general which is central to what I want to argue. There is a range of thoughts, motives, and feelings that mediate everyday social interaction, and when we move beyond this range our capacities to imagine other people become much less effective. The everyday range roughly corresponds to the vernacular psychological vocabulary of beliefs, desires, moods, emotions, thought processes, and the like, what philosophers and generation ago called folk psychology. The use of our capacities to imagine and simulate what others are going through can be useful and accurate when it is applied by someone with

interpersonal skills to the kind of phenomena that folk psychology describes. (What is this range of phenomena? I really have no idea how to characterize it in general, and I think I would have almost superhuman wisdom if I could.) But outside this range it is inaccurate, often counterproductive, and sometimes disastrous.

Depression lies outside this effectively imagined range. So do various things that have among their effects pathologically damaged self-respect. Childhood abuse, rape in many circumstances, neurological damage, post-traumatic stress. This is just a list: I wish I had a rationale for it that was both intuitively graspable and supported by psychological evidence. But I don't. Many items on the list are phenomena that are best explained neurologically rather than psychologically, but to say this is just to relabel what we don't understand. (But it does make a link with some other cases where imagination tends to fail. I am thinking of the mistakes people make trying to grasp what it is like to have Parkinson's, MS, or some related trouble. Or for that matter the difficulties people who suffer from these have in imagining what the next stage will be like.) The relevance of this to moral and legal judgement shows in an extension of the depression example. Suppose that the depressed colleague commits suicide, leaving a spouse and children unsupported and shocked. This seems to have made a bad situation into a worse one. In fact it *has* made a bad situation into a worse one. So you judge the person harshly: how could they do this to people who love them? Suppose that it was the wrong thing to have done. How reprehensible was the motive? You wouldn't have done anything like that in your time of unhappiness. In fact you would have gone to considerable discomfort or inconvenience to spare the object of your affections from poverty or misery. So you think that it was a really heinous thing to have done, almost inexplicably so. As a simple moral judgement this has a core of truth. But as a grasp of the person's motivation it is flawed. You have no idea how the prospect of remaining in the depressed state compared to that of bringing trouble on their loved ones. Perhaps someone who has been severely

depressed herself can make a stab at capturing this. But perhaps not: to a person who is no longer depressed that past self may be as remote as the colleague is to the person in the example.

judgement and moral evaluation

In recent years in English-speaking countries, and probably elsewhere, there has been a spate of episodes in which middle-aged male judges have showed remarkable naivety in discussing the motives of men accused of rape (and other similar offences) and their accusers. [Examples: Stanford case, Canadian case] In a typical case the judge criticizes the accuser for foolishly allowing the man opportunity or expectation, and expresses some sympathy with the man for succumbing to what would naturally have seemed like an invitation (or so the judge thinks). So the judge ends up by saying either "under these conditions, it wasn't a crime" or "well, technically you broke the law, but your situation was so understandable that I'm giving you a minimal sentence."

The judge in these cases is citing what seems to him the easy imaginability of a relatively innocent or ordinary motive as a mitigating factor. In effect he is saying "if you are to be punished severely then so should almost everyone". There is obviously a big topic here on imagining ordinary motives as mitigating factors in cases where there is judicial latitude in sentencing (which I realize varies a lot from one jurisdiction to another). I am not going to discuss it because it requires knowledge I do not have. It also requires a sophistication about the philosophy and psychology of motive attribution, for which I am a little better equipped. An interdisciplinary project?

But the imagination is asymmetrical. He imagines the motives of the man but not of the woman. The obvious reason is not that he is subject to crude prejudice but that he has been in situations like that of the man but not like that of the woman. Very generally analogously like, but close enough. I

suspect that there is a deeper reason for this asymmetry that connects with the failures of imagination I mentioned just above. Sexual attraction is a mysterious thing in cases where you are not yourself subject to it. It is hard for exclusively straight people to imagine same-sex attraction, and I take it that exclusively gay people think of other-sex attraction as just one of those peculiar things that happens with much of the human race. (This is too formal and pretend precise. We can retreat to "we all find it hard to get a good grasp on who other people fancy." And add that six-year-olds faced with adult sexuality just say: yuck.) The reason is that these motives are not continuous with or well integrated with our other motives, at least not with the ones that we can easily simulate in others. So the enterprise of putting yourself in another person's shoes is difficult when the other person is in this respect not like you. In this way it is like neurology or academic psychology rather than the everyday grasp we have of everyday motives.

the right and the usual

An action can be reprehensible because it does a lot of harm, or because it has a vile motivation. Different moral theories balance these two differently. An example of the first without the second is a negligent action that thoughtlessly produces a terrible result. An example of the second without the first is a racist comment whose only effect is to lower the audience's opinion of the person making it. Begin with the second, bad motives. Many human actions are done for less than the most noble reasons, so actions that are particularly reprehensible are those that have unusually bad motives. Focus on the "unusually". It would not be unreasonable to use an imaginability test for this. That is, if you can easily put yourself in the perspective of someone who wants something and acts on that want, then since you are a typical human being, so wanting and so acting is probably not very unusual. Otherwise your attempts to anticipate others would generally have failed, and if you are a normal social human being they have been generally successful. So things that you have

difficulty imagining are probably extraordinary. And things that you can easily imagine are probably fairly normal, and it is probably fairly normal, if not so usual, to act on them. So they are not to be condemned without condemning much of the human race.

Extraordinariness cannot take all the weight here. The motive has to be intrinsically at least somewhat bad. For it is also hard to imagine generous or self-sacrificing motives that are well beyond the average. (I think that people often do react to these with hostility, and rationalize away their hostility in various ways. But these reactions find their way into explicit judgement much less often.) So when we have reason to think that an action is wrong, then how strongly we condemn it often depends in part on how unusual its motives were. I state this as a fact about ordinary moral judgement, not as a recommendation. Arguably there are many motives built into human nature that we ought to be combating, compensating for, and sometimes suppressing. (It is a little late in my life now suddenly to find myself subscribing to a doctrine of original sin.)

The other component of reprehensibility, the harm done, also has a link with imagination. And again our judgements are subject to the failures of our imagination. Things are relatively straightforward when it is a matter of pain, bodily damage, or destruction of property. When the harm is more psychological other resources are needed to assess it. One person teases another, and we wonder how much unhappiness was produced. The teased person may tell us, and we may or may not take what they say at face value. To augment their testimony we rely on imagination of how we might react to this particular tease, fine-tuning this to incorporate as much as we can of the person's emotions and situation. This is obviously a fairly delicate business. Even more delicate is assessing how much distress the teaser intended to produce, or should have known that they would produce. One consideration is the teaser's imagination of the teasee. (An irony is that the less psychologically

acute the perpetrator is, the less reprehensible this sort of act may be. Children are often unknowingly extremely cruel.) Similar remarks go for bullying, taunting, denigration, visible contempt, and a whole range of related behaviour.

In getting to a moral judgement about an act of inflicting psychological harm one factor is therefore what harm the person being judged thought they were inflicting. Inasmuch as this involves imagination, it involves the judger imagining what the judged person imagined the victim's reaction would be. Embedded imagination; more that can go wrong. The situation can become yet more complicated. Often a victim's distress is compounded by their realization that their tormentor intended them to be hurt. (If someone steps on your toe by accident you hardly mind, but if they look you in the eye and grin when they do it you will be upset and angry.) So in assessing damage we may find ourselves imagining the victim's imagining the perpetrator's motives. And as a result in assessing deplorability we may find ourselves imagining the victim's imagining the perpetrator's imagining their distress. These human things are like that.

Judges presiding over rape cases are again a case in point. How damaging to her was it? Given that the perpetrator was her husband/fiancé/boyfriend was it something leaving psychological scars or “just” an unwelcome experience? Individual cases will vary and an accurate judgement will depend both on understanding the victim and understanding the perpetrator's understanding of the victim, as I have been explaining. Rape is one of a number of bad things that can happen to people, whose potentiality for psychological damage we have come to appreciate relatively recently. Other examples are post-traumatic stress, sexual and other abuse of children, and bullying. The impact on victims is very sensitive to details of situation and personality; but we have come to appreciate that serious damage is much more common than we thought a generation ago.

where this leaves us

My discussion has come back at several points to difficulties and failures of intuitive understanding of another person. I have been slowly expanding a list of aspects of people that we have trouble grasping. We may not always know that these are difficult for us to do accurately; that is part of the danger because we are liable to assume that we know the roots of an action when in fact we are blundering around in the dark. The list includes the results of deeply wounding experiences, depression, trauma, and the damaging results of some forms of child-rearing. I might add that one of the things that we are not good at grasping about others is the limits of *their* grasp of people around them. So in cases like those I discussed above where our judgement of people depends in part on what we take them to have understood about those they were interacting with, we can expect often to be mistaken.

It would be of practical, moral, and legal significance to have a longer and more nuanced list. But we don't have one. I am reasonably sure that this is a cultural ignorance and not just my own. So there is an important project of getting such a list: finding the right terms in which to express it, finding evidence for or against putting items on the list, and making it known to the people whose actions need it. This is a task neither for philosophers, psychologists, nor legal theorists alone, because it needs facts and techniques from all of these. It is as interdisciplinary as things can get. Part of the project could be rooted in something that does exist already, the scientific psychology of folk psychology as it has been studied by developmental psychologists in the past 30 years. That is just the beginning of what is needed from psychology. Another part of it could be rooted in accounts of everyday grasp of moral concepts, for which there is some suggestive material in so-called experimental philosophy. (And there is a role for novels, films, installations, and other works of art, to make things intuitive that originally were not.) But these are just

unconnected fragments of what we need to know. I hope you agree that if we had a systematic account of these things, supported by evidence, it would make an important difference to many topics.

(– etymology, legal before conceptual)
– you can't stay off the chocolate and you are dealing with someone who has murdered for drugs
– you would do anything for your children who sometimes take advantage of you and now you are dealing with someone who commits elder abuse
– Understanding why versus understanding how
– Simple analogies for both, as good as for non-awful cases. (Reject principle of psychological/moral measurability.) But still we resist. Why?