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Al-Hakim, Short Paper

**Free Will and the Case of the 40-Year Old Man**

Intro

What actions are truly our free will and were those actions our true desires? What if there was something greater than the person controlling our actions and desires? In this paper I want to argue that the 40-year old patient is responsible for his actions due to the fact that he committed pedophilic acts and they will forever affect the individual who was involved. With that I also want to argue that he shouldn’t be held as accountable as someone who would willingly act on their wrongful desires. To support my claim, I want to expand on the case and use Harry Frankfurt’s position on rational creatures and wantons to support my own. My stance is that if we desire to do something we still have the choice of committing those actions in the end.

1. Our Actions and Desires

In March of 2003 there was an observation preformed on a 40-year old patient who due to a tumor acquired Constructional Apraxia and pedophilic symptoms which include heighted interest in pornography and child pornography. In his life prior to this he was documented as having a healthy relationship and nothing out of the normal in his life prior. Over time though he started to conceal his pedophilic activities because he recognized they were not right. At a certain point in time though he started to act on these urges and began making “subtle sexual advances toward his prepubescent stepdaughter.” (JAMA) After some time his step daughter reported his behavior to her mother and thus the investigation began and he was convicted of child molestation and ordered to go into rehabilitation or jail. During rehabilitation it was then reported that “Despite his strong desire to avoid prison, he could not restrain himself from soliciting sexual favors from staff and other clients at the rehabilitation center and was expelled.”. (JAMA) Then prior to his sentencing he complained about a headache and it was found after an MRI that he had a Right Orbitofrontal Tumor. Later it was observed that following his surgery all his prior urges had ceased and he regained his coordination. This then asks was the 40-year old man responsible for his actions because of a tumor?

1. Desires of a Rational Man and a Wanton

In the essay written by Frankfurt “Freedom of the Will and the concept of a person”, the author expands on our desires and draws out levels of our desires to distinguish between a person and a wanton. According to the essay Frankfurt explains that there are two order levels to our desires. First order being “to have the capacity for reflective self-evaluation that is manifested in the formation of second-order desires.” Meaning simple desires to either do or not to do. Second order being “men may also want to have (or not to have) certain desires and motives.”. this is what gives us our conflicting feelings on what we choose to pursue. A person with no volition of the second-order is referred too as a wanton. The reason being is that the wanton pursues what it desires most not giving thought to which of his “inclinations is strongest”. The distinction being made here is that a rational creature is someone “who reflects upon… his desires” thus allowing them to choose what actions will follow.

1. Responsibility of Man in Controlling Desires

In the case of the current patient in question. He had gone through rehabilitation and had joined “Sexaholics Anonymous program” to help him overcome the sexual desires and was found to have recovered and allowed to return home. After a year he developed a persistent headache and thus began his desires again. He began to secretly stash porn again and after another MRI it was shown that he had tumor regrowth and then began another resection to remove the tumor. After the surgery he was then examined and found to have his urges removed with the tumor once again. This then proves that the tumor was a main clause of his pedophilic desires. Should he be held responsible for his actions since they were only preformed while the tumor was present? We can compare him with someone who is a rational person that has put pleasure in front of rational decision making. For an example we’ll use Demi Lovato the celebrity pop singer. She had abused drugs in the past and was then reportedly recovered after receiving treatment and therapy. She then in summer of 2018 had been rushed to the hospital for an apparent overdose on heroin, this was due to her relapsing and returning to her addictive behavior. We can compare this to how the 40-year old patient returned to his old pleasure driven behaviors. This is a great comparison because both him and Demi Lovato in the end were held responsible for their actions; For Lovato she suffered from an overdose because of her relapse but in the case of the patient he returned to his old behaviors and should subsequently be held responsible for his actions. The comparison starts with how neither were able to keep their own desires in check. For Lovato despite her desire to quit she let her inclination to pursue these drugs get the best of her. In the case of the 40-year old patient his desires came back with the regrowth of a tumor. The contrast here is that Lovato in the end had an overall choice in her actions to take the drug, and in the case of the man he had no choice whether the tumor was regrown or not. This is why he should not be held as responsible as someone who acts upon their desires without a biological defect hindering their judgment.

1. Conclusion

Despite the tumor in the patients brain he had the overall choice to fulfill his pleasure driven desires. In the matter of fact, he did proceed on his unethical desires by pursuing his step daughter and allowing “the pleasure principle” to override his actions. Even though he allowed his urges to take precedence there is biological proof that the urges stemmed from a tumor that was out of his control. This is why he should be held responsible for his actions but not as responsible as someone who just acts on their urge because they desire it. He in the end had the ‘freedom of action’ to either do or not do given his situation. To make it simple, if you had a fantasy one night about a coworker would you fulfill your desire despite rational thinking or would you let desires get the best of you and give into deviant behavior?