The Responsibility of the Psychopath Revisited

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ABSTRACT: The question of the psychopath’s responsibility for his or her wrongdoing has received considerable attention. Much of this attention has been directed toward whether psychopaths are a counterexample to motivational internalism (MI): Do they possess normal moral beliefs, which fail to motivate them? In this paper, I argue that this is a question that remains conceptually and empirically intractable, and that we ought to settle the psychopath’s responsibility in some other way. I argue that recent empirical work on the moral judgments of psychopaths provides us with good reason to think that they are not fully responsible agents, because their actions cannot express the kinds of ill-will toward others that grounds attributions of distinctively moral responsibility. I defend this view against objections, especially those due to an influential account of moral responsibility that holds that moral knowledge is not necessary for responsibility.

KEYWORDS: responsibility, moral knowledge, mental illness, character, excuse, blame

Psychopaths are deeply puzzling. They seem to be in control of their actions, to do just what they want to do because they want to do it, and, therefore, to be responsible for their actions. They seem, in many ways, to be sane and rational. Yet in other respects they seem quite irrational; so much so that the term "moral insanity" has sometimes been applied to them (Benn 1999, p. 29). This strange phenomenon, the sane madman, seems to defy our attempts at understanding.

Psychopaths also present us with an all too practical challenge. They are (causally) responsible for a disproportionately large percentage of crimes: more than fifty percent of violent crimes, and a very large percentage of petty thefts, frauds, and other relatively minor crimes (Reznek 1997, pp. 136–40). Many psychopaths have long records of convictions for offences followed by short prison sentences and, often, stays at psychiatric institutions. Most do not go on to become murderers, but some do, in spectacular fashion. “Psychopath” is far from synonymous with “serial killer,” but most serial killers are probably psychopathic. Ought we to hold the psychopath morally responsible for these crimes? Or should we excuse them, as we (typically) excuse those suffering from psychoses and some impulse-control disorders?

Many thinkers who have considered this question have concluded that psychopaths are responsible. In this paper, I shall argue for the contrary view. I shall argue that psychopaths do not possess the relevant moral knowledge for distinctively moral responsibility; lacking this knowledge, they are unable to control their actions in the light of moral reasons. This conclusion is of obvious practical significance. It also has a philosophical payoff, inasmuch as it provides grounds for believing that one of the more influential accounts of moral responsibility is inadequate.
Philosophers and Psychopaths

Just what is a psychopath? Although there is more disagreement among psychiatrists concerning this disorder than most, we can identify a number of traits that are included on almost every list of the distinguishing features of the psychopath (or the sufferer from “Antisocial Personality Disorder,” to use the DSM-IV description). A psychopath is a persistent wrongdoer, who fails to exhibit any signs of genuine remorse or guilt for his or her past actions. They are not ashamed of these actions, even when they were very wrong, and feel no apparent sympathy for their victims. They are impulsive and irresponsible, unable to carry out long-term plans. Psychopaths are distinguished from ordinary habitual criminals by their lack of prudence: They commit crimes when the risk of getting caught is extremely high, and will gamble the proceeds of a large haul for a small gain. Consider Tom, one of the psychopaths catalogued by Cleckley in his classic book on the subject. Tom was a serial car thief. Thinking that if he had one of his own, he would no longer be tempted to steal, his father bought him a car. Tom abandoned the new car and stole an inferior model instead (Cleckley 1964, p. 86).

Over the past decade, we have been able to move beyond this purely behavioral characterization of psychopathy to its neurological underpinnings. Blair, Mitchell, and Blair (2005) argue that psychopathy is first and foremost characterized by an emotional impairment, from which its typical behavioral manifestations stem. They advance what they call the integrated emotions systems model of psychopathy. The neurological basis of this model lies in amygdala dysfunction. The amygdala is a central part of the emotional brain, and it is involved in most of the impairments seen in psychopaths. Because the amygdala is involved in processing affect-laden representations, it is crucial to moral socialization. Blair and colleagues suggest that the heightened rate of instrumental aggression seen in psychopaths is the product of this emotional impairment. Whereas other disorders leading to aggression cause higher rates of reactive aggression, as a result of loss of self-control, the psychopath coolly uses violence to get his way when he perceives it to be the best available means. It is this deliberate use of instrumental violence that makes psychopaths so dangerous, and makes us so unwilling to forgive them.

Moral Knowledge

Most attempts at assessing psychopaths’ moral responsibility have focused on the kind of moral knowledge she is capable of possessing (Duff 1977; Fields 1996; Glannon 1997; Haji 1998). Interest in this question was originally spurred by issues in meta-ethics, and the meta-ethical concerns have continued to dominate debate. The meta-ethical debate concerned the question whether MI is true. If MI is indeed true, the fact that psychopaths apparently lack all moral motivation is evidence that they do not possess moral knowledge (Fields 1996). Although they seem to make moral judgments, they do so only in an “as if” fashion, reporting the moral conventions of their society, rather than making judgments in propria persona. Hence, they are apparently not fully responsible.

However, given that both the truth and the best interpretation of MI is extremely controversial, this argument did not serve to advance the debate. We cannot settle a disputed question by invoking principles that are even more controversial than the original question. Recently, however, some thinkers have suggested that new evidence enables us to break through this impasse. In a fascinating and influential article, Adina Roskies (2003) has adduced experimental evidence designed to demonstrate that MI is false; if Roskies is right, then there is no apparent barrier to attributing moral knowledge to the psychopath. Roskies’ evidence is drawn from studies of patients with ventromedial cortex damage (VM patients). VM patients exhibit a behavioral profile very similar to that of psychopaths; the earlier in development the damage occurred, the greater the resemblance. VM patients are therefore sometimes said to suffer from acquired sociopathy (Anderson et al. 2000). Despite their brain damage, VM patients perform normally on many tests of cognitive ability, including tests of moral reasoning. But they appear unmotivated to act on their moral beliefs, a motivational deficit apparently due to their
inability to experience moral emotions. Hence, Roskies suggests, the VM patient provides us with evidence for the falsity of MI. VM patients have preserved moral knowledge, gained before their lesions, and are therefore capable of normal moral reasoning. But they are not motivated to act in accordance with their moral beliefs. Hence, psychopaths’ lack of motivation is not evidence of lack of moral knowledge, and there is no barrier to holding them responsible.

However, the empirical evidence Roskies adduces remains insufficient to resolve the debate over MI, because she does not provide us with sufficient evidence for concluding that VM patients have the relevant moral beliefs. Participants in the traditional meta-ethical debate might be accused of begging the question against one another, with internalists arguing that psychopaths could not really have moral beliefs, because they were not appropriately motivated, and their opponents arguing that because psychopaths were not motivated by their moral beliefs, internalism must be false. The debate over VM patients replicates this situation. As Michael Cholbi (2006) argues, Roskies’ argument begs the question against the internalist, because internalists will be disposed to take VM patients’ lack of motivation as evidence that they lack the relevant beliefs. Roskies (2006) replies that it is Cholbi who begs the question, by relying on the truth of internalism. But in this context it is possible to avoid begging the question only if we have an independent criterion for the attribution of moral beliefs. Lacking such a criterion, the debate is at an impasse.

We might put the point by invoking Eric Schwitzgebel’s (2002) phenomenal dispositional account of belief. On this account, a subject believes that p just in case she does not deviate too greatly from the dispositional stereotype of the belief. The dispositional stereotype is the set of dispositions we are apt to associate with the belief: behavioral dispositions (such as the disposition sincerely to assert that p or to act as if p), phenomenal dispositions (such as the disposition to be surprised if not-p), and cognitive dispositions (such as the disposition to draw conclusions entailed by the belief that p). Armed with this account, we can characterize the question at issue between Roskies and Cholbi, or more broadly between opponents and proponents of MI, as whether appropriate motivation is central to the dispositional stereotype of moral belief. Showing that VM patients lack moral motivation will not settle this question.

Until we possess an independent criterion for belief attribution, we shall not settle the question of psychopaths’ moral knowledge via the debate over MI. However, a different set of empirical evidence is more promising, I suggest. Even very young children distinguish between moral and merely conventional transgressions (Nucci 1989; Turiel 1977, 1983). Conventional transgressions are authority or rule dependent; moral transgressions are not. Children distinguish them in the following way: Asked whether the transgression would still be wrong if a relevant authority permitted it, they answer “no” with regard to conventional transgressions, but “yes” with regard to moral transgressions. For instance, asked whether it would be wrong for a boy to wear a dress to school, children typically say “yes.” But asked whether it would still be wrong if the teacher said it was alright, they say that it would be okay. They therefore implicitly categorize it as a conventional transgression. On the other hand, they remain adamant that, say, hair pulling is wrong, no matter what the teacher says about it. They categorize it as a moral transgression, where moral transgressions are not authority or rule dependent. Normal children make the moral/conventional distinction; so do autistic children (Blair 1996). But psychopaths fail to grasp the distinction; for them, all transgressions are rule dependent (Blair 1995, 1997).

Why do psychopaths lack the ability to distinguish moral from conventional transgressions? The answer seems to lie in their difficulties with emotional processing. The psychopath’s amygdala dysfunction causes him or her to have impaired representations of emotions. This leads to an impaired ability to recognize fearful and sad expressions in others; more crucially, it interferes with their ability to categorize harms in terms of their effects on the emotional states of others. Hence the psychopath’s inability to categorize transgressions into moral and conventional categories: Whereas normal children recognize that a harm is especially
and intrinsically bad inasmuch as it causes a particular kind and degree of distress, the psychopath is blind to the cues that distinguish moral from conventional transgressions.

I suggest that this inability to categorize moral harms significantly decreases psychopaths’ degree of moral responsibility. Psychopaths know, at least typically, that their actions are widely perceived to be wrong, to be sure, but they are unable to grasp the distinctive nature and significance of their wrongness. Psychopaths apparently take harm to others to be wrong only because such harms are against the rules. For them, stealing from, or hurting, another is no more wrong than, say, double-parking or line-jumping. But the kind and degree of wrongness, and therefore blame, that attaches to infringement of the rules is very different, and usually much less significant, than the kind and degree attaching to moral wrongs. For psychopaths, all offences are merely conventional, and therefore—from their point of view—none of them are all that serious. Hence, their degree of responsibility is smaller, arguably much smaller, than it would be for a comparable harm committed by a normal agent. Indeed, there are grounds for excusing them from moral responsibility altogether. Before we examine the argument for this more radical conclusion, however, we need to consider a rival account of moral responsibility, upon which the psychopath is held to be fully responsible.

Responsibility and Character

I have argued that psychopaths are less responsible than normal agents because they lack moral knowledge. On some accounts of moral responsibility, however, moral knowledge is not a necessary condition of moral responsibility. On attributionist accounts, an agent is responsible for an action just in case that action is appropriately reflective of who she most deeply is. If it is appropriately reflective of who she is, it is attributable to her, and that is sufficient for us to hold her responsible (Arpaly 2006; Greenspan 2003; Scanlon 1998; Smith 2005).

The attraction of the attributionist account, in this context, is that it enables us to set questions of moral knowledge to one side. It simply does not matter, on this account, whether the agent knows that her action is wrong. All that matters is that the action expresses the agent’s attitudes toward others. The agent who intentionally harms another thereby expresses her contempt of that person, whether or not she is capable of appreciating the moral reasons that condemn such actions. As Scanlon puts it, the fact that an agent “is unable to see the force of morally relevant reasons” is irrelevant to her responsibility. “If he commits these crimes because he does not place any value on other people’s lives or interests, what clearer grounds could one have for saying that he is a bad person and behaves wrongly?” (1998, p. 284).

Attributionists also hold that the causal history of the agent is, at least typically, not relevant to her moral responsibility. What matters is whether or not her action expresses her real self, not how she came to have such a real self. Arpaly, for instance, argues that holding someone to be blameworthy is simply to hold that a certain attitude toward him or her is epistemically justified, where the justifying condition just is that an agent has performed a wrongful act that expresses ill-will. On this view, to conclude that someone is blameworthy is analogous to concluding that they are a bad artist or businessman. This implies, as she points out, that someone can be “born blameworthy,” inasmuch as someone might suffer from a congenital condition that makes it very likely that they will perform actions that express ill (Arpaly 2006, p. 35). That she is blameless for her condition does not entail that she is blameless for the actions that it causes. What matters, so far as responsibility is concerned, is that she is bad, not how she came to be that way.

On the attributionist account, psychopaths are clearly responsible. They do not place sufficient weight on other people’s well-being, and their actions are reflective of this fact. However, there are several good grounds for doubting the adequacy of the attributionist account. Attributionists are unable to draw a distinction between bad and blameworthy agents, and they are unable to draw this distinction because they ignore the causal history of the agent. This gives us two closely related reasons for rejecting their account: the distinction
between the bad and the blameworthy is itself intuitive, such that any theory that requires us to reject it is to that extent less plausible, and the bracketing of causal history leaves the attributionist unable to account for the lack of moral responsibility of agents in some clear cases.

Attributionists are explicit in rejecting the distinction between the bad and the blameworthy. For Arpaly, a blameworthy agent just is one that is bad: “on my view, blame is analogous to holding someone to be a bad businessman or a lousy artist” (2006, p. 35). But we normally distinguish two ways in which an agent can come to be a bad businessman or a lousy artist. First, an agent might be a lousy artist (say) because he lacks talent; second an agent may be a lousy artist because he fails to apply himself. The implications of these possibilities for the agent’s responsibility are radically different. If I lack talent, then there is nothing I can do to make myself a good artist; my artistic production is relatively insensitive to my efforts. But if my artistic production is bad because I have failed to cultivate my talent, then it is my doing that I am a lousy artist. It would be unfair to blame me for my bad art if I lack talent, because there was nothing I could reasonably have been expected to do to make myself a good artist, but it may be fair to blame me for my bad art if I failed to apply myself.

Now, psychopathy is a developmental disorder, caused by amygdala dysfunction, which probably has a genetic basis. There is nothing psychopaths can reasonably be expected to do to prevent developing it. To that extent, psychopaths are more like the talentless artist than the talented but lazy artist. They are not responsible for becoming psychopaths. Hence, although they are clearly bad agents, whose badness is expressed in their actions, this fact does not suffice to establish that they are blameworthy.¹

Attributionists may believe that this line of argument runs together two separate questions: (1) Is the agent responsible for her bad character? (2) Is she responsible for her actions? The psychopath, they may say, is like the talentless artist in lacking responsibility for her character. But it does not follow from the fact that they are not responsible for their dispositions that they are not responsible for the actions that express these dispositions. Although psychopaths are not responsible for being psychopaths, they are nevertheless responsible for their violent actions. However, this reply will not do. If I lack all artistic talent, then I lack responsibility for failing to produce good art, not just for being a bad artist. The agent who has neglected to cultivate their talent, conversely, is responsible both for this fact and for their failure to produce bad art. If I am so lacking in talent that I cannot even tell that my “art” is horrendous, I do not seem responsible for producing it. Similarly, if psychopaths are not responsible for being psychopaths, and if they cannot tell that there is something especially wrong about the way they behave, they seem not to be responsible for their behavior.

In the background of the attributionist claim that we ought to ignore the causal history of the agent is the ancient dispute between compatibilist and incompatibilist views of moral responsibility and free will. Compatibilists hold that responsibility is compatible with causal determinism; incompatibilists deny this claim. Attributionists are compatibilists (as are most participants in the moral responsibility debate), and it is this fact that apparently motivates their rejection of the claim that causal history matters. Ultimately, they point out, none of us is responsible for our characters. Given the truth of causal determinism, we are all the way we are as a result of factors over which we exercised no control, namely, our genes and our formative environment. Hence if attributions of moral responsibility are to be possible at all, they had better “bottom out” in the character of the agent, not in questions about the agent’s responsibility for her character.

However, although no one is ultimately responsible for their character, we can and should distinguish between different ways in which agents can come to be the kinds of persons they are. Just as compatibilists deny that determinism excuses all by itself, because the kind of cause of an action makes a crucial difference to the degree of freedom of the agent, so we ought to distinguish between the kinds of causes of moral character. If an agent comes to be bad through a process that entirely bypasses her ability to appreciate and to respond to reasons, including moral reasons, she
is not a responsible agent at all; but if she comes to acquire her moral character, at least in part, by way of a process that is responsive to reasons, she is capable of being responsible for the actions that express her character. Thus moral responsibility is compatible with normal processes of socialization, which gradually produce the child as a competent moral agent who is capable of reflection upon her own beliefs and desires, but it is not compatible with some kinds of severe mental illness, brain tumors, and the like. Any adequate account of moral responsibility must, it seems, recognize the distinction between responsibility conducive and responsibility destructive causal histories.

Attributionists have a ready response. They concede that we must distinguish between normally socialized agents and the severely mentally ill, but argue that their view has the resources to make this distinction, without recourse to reflection on the agent’s causal history. Attributionists hold that an agent is responsible for an action just in case the action is deeply reflective of her real self. But, they argue, the actions of the mentally ill person are not deeply reflective of her real self. Instead, her real self is occluded by the illness; the character that manifests itself in her actions is not truly hers. As a result, the agent is properly excused responsibility (Glover 2001, p. 295). But we cannot make this kind of principled distinction between the real self and the self manifested in an action in the case of psychopaths, they argue. Such a distinction relies on our being able to point to actual or counterfactual character change. We properly distinguish between the real self of the psychotic (say) and that expressed by her action, because the psychotic once possessed a character different from the one that now is manifest. We might even be able to make the distinction if a cure becomes available, allowing us to distinguish between a sufferer’s present character and the character she will or would come to possess if treated. But neither condition is satisfied in psychopathy. Psychopathy is a developmental disease. Whereas schizophrenia and dementia undermine an already established, and presumably innocent, character, psychopaths’ real self is identical to the one they manifest. They are not good people suffering from an illness; they are bad people whose character is synonymous with their psychiatric abnormality. As Reznek puts it, the psychopath shows us that “someone can be evil and mentally ill” (Reznek 1997, p. 217). The psychopath’s illness consists in her evil.

As Reznek himself points out, however, this argument is apparently vulnerable to a counterexample. Consider the baby—call him Billy—born with a slow-growing brain tumor, which passes undetected. As Billy grows, he develops a character which is formed, in part, by the presence of the tumor; it causes him to be aggressive and selfish. In his teens, he is involved in a string of increasingly serious crimes, culminating in a bungled bank robbery, hostage taking, and shoot out with police. Billy is fatally wounded. Now, it is clear that when his tumor is discovered at autopsy, we would cease blaming Billy for his vicious behavior. We would attribute it to his tumor, not to his real self (Reznek 1997, p. 241).

As this case shows, we are not disposed to excuse agents of moral responsibility solely on the basis of character change, actual or counterfactual. Even if the character in question is the only one the agent has ever had, when it is clearly attributable to a disease we are disinclined to hold the agent responsible, either for his character or for the actions that express it. Nor is it the case that we make the distinction only in cases in which we could successfully treat the disease. Billy’s tumor may or may not have been operable; whether it was is irrelevant to our intuitions concerning his responsibility. If, instead of a tumor, he had been born with a gross neurological abnormality, which produced the same symptoms of aggression and cruelty, we would excuse him just as surely, although we could not hope to undo the damage. We would seek to protect ourselves and everyone else from Billy; we might well incarcerate him, but we would not blame him. The agent’s causal history matters crucially to our assessment of his responsibility. Had Billy made himself a callous and cruel agent, we would hold him responsible, but because he is bad through no fault of his own, we rightly excuse him.  

Causal history matters to our assessment of moral responsibility. Agents are morally responsible for an action if (roughly) they are capable of
appreciating and responding to reasons, including moral reasons (Fischer and Ravizza 1998). When they lack this kind of reasons-responsiveness, their responsibility hinges on whether they are responsible for this fact. By denying the relevance of this latter question, attributionism is unable to yield the right answer in cases like that of Billy. Nor, for precisely the same reason, does it provide the right answer in the case of the psychopath. Because psychopathy is a developmental disorder, for which there is no known cure, psychopaths lacks control over their coming to be bad. Hence they ought to be excused from moral responsibility.

There is one possible reply left to attributionists. They can accept that they were wrong in holding psychopaths responsible, but argue that the mistake lay not with the theory, but with its application. As we saw, attributionists hold that agents are responsible when their actions express contempt for others or for morality. As Scanlon puts it, even morally ignorant agents may be responsible when their actions stem from “a mode of self-governance [that] has ignored or flouted requirements flowing from another person’s standing as someone to whom justification is owed” (1998, p. 271). Arpaly concurs, holding that an agent is responsible when their action expresses moral indifference or ill-will (2006, pp. 14–15), and that expressing such attitudes does not require moral knowledge. But it is simply false that expressing contempt, ill-will, or moral indifference is independent of moral knowledge. For an action to express contempt for others or for morality, the agent must be capable of appreciating moral facts. Contempt is a thoroughly moralized attitude; only a moral agent is capable of it. Consider an example: Suppose there is a kind of harm that is objectively morally relevant, but of which we are ignorant. Suppose, for instance, that plants can be harmed, and that this harm is a moral reason against killing or treading on them. In that case, many of us are (causally) responsible for a great many moral harms. But it is false that we express contempt, ill-will, or even moral indifference to these plants. Nor do we flout their standing as objects to whom moral consideration is owed. These attitudes all require a background of normative beliefs for their expression, in the relevant sense.

Absence of moral regard does not entail, indeed it is incompatible with, presence of moral disregard. But just as we fail to express any moral attitudes toward plants, psychopaths fail to express the relevant attitudes toward their victims.

Hence the attributionist can rescue their theory by holding that it gives the right answer in the case of the psychopath after all. The problem with this response is that it is unclear whether accepting it will leave anything distinctive about the attributionist position. Once attributionists admit the necessity of moral knowledge, I suggest, the cases they use to motivate the claim that responsibility does not require control will no longer be available to them. Exploring this issue further would take us too far afield, so I shall not pursue this line of enquiry any further. Here I limit myself to noting that insofar as it is true that psychopaths cannot express moral indifference, let alone contempt or ill-will, they seem appropriately to be excused from all moral responsibility. There may be some—very much lesser—kind of responsibility that is applicable to them, insofar as they knowingly infringe rules. But this kind of responsibility is not the kind of responsibility that underwrites attributions of blame and punishment.

Objections

Before concluding, let me consider two possible objections. The first can be dispensed with rather quickly: the objection from dangerousness. The objection runs as follows: Psychopaths are, at least sometimes, dangerous individuals; even when they are not, they cannot be allowed to walk free. We must hold them responsible for their actions, so that they will likely reoffend.

It is true that psychopaths have a high recidivism rate. It is also true that some of them at least pose significant risks to the community. But it is not true that we must blame them for their actions to justify incarcerating them. We can legitimately restrict the movements of rational and fully competent persons when, through no fault of their own, they pose a risk to others. Thus, we can forcibly restrain carriers of contagious diseases, if need be. A fortiori, we can restrain those whose
rationality and competence is impaired when they pose a significant risk. We are entitled to take all measures necessary to prevent psychopaths from reoffending if there is good evidence that they will do so. The only thing we are prevented from doing is blaming them, and therefore exposing them to those aspects of the criminal justice system which are expressive of blame.

The second objection is more substantial. It might be suggested that my proposal is not the humane and compassionate approach it makes itself out to be. Withholding blame from the psychopath might seem very enlightened, but in fact it treats the psychopath far worse than does the alternative. To refrain from blaming the psychopath is to withhold the reactive attitudes from her; that set of attitudes, of resentment, gratitude, blame, praise, and so on, which are only appropriately directed at rational agents. But to withhold the reactive attitudes is not to treat someone in an enlightened and compassionate manner; it is not an alternative that is preferable to punishment. The attitudes expressed through punishment are, inter alia, a recognition that the person who is its target is a member of our world; one of us in a profound manner. Someone who is not an apt target for these attitudes is rejected as alien. Refuse the reactive attitudes to the psychopath, and, as Adshead puts it, “we end up treating him in exactly the way that he treats us” (1999, p. 42). We degrade him to the status of a mere object. Far better, far more compassionate, if we treat him as an appropriate target for punishment, whether in fact he is one or not. To refuse to do so is to exclude him from our shared world a second time. The disease prevents him from full participation, but we ought not add another obstacle to those it presents.³

This objection would be forceful if the reactive attitudes were all of a piece. In fact, we can apply them quite selectively. Someone might be an apt target for the reactive attitudes with regard to some aspects of her behavior, but not others. Thus, to the extent that psychopaths are capable of participating in our world, we can treat them appropriately. The reactive attitudes ought to track real capacities; although it may be true that we injure someone by excluding her inappropriately from our world, it is also true that we impose intolerable burdens on her if we demand that she share in aspects of it that will always be closed to her. If psychopaths are capable of real human relationships, then just so far as this is the case they can be included in the circle of human fellow-feeling (Harold and Elliott 1999, p. 46).

Conclusion

Thirty years of debate have moved us are no closer to settling the question of the moral responsibility of psychopaths. I have suggested that this lack of progress is due to our having followed an unpromising route, whereby the responsibility of the psychopath was made to turn on meta-ethical debates which are, if anything, more controversial and more difficult to settle than the question they were invoked to settle. I have suggested that we do better to approach the question of psychopaths’ moral knowledge in a different way, by reference to their inability to draw the moral/conventional distinction. This inability excuses, insofar as it leaves them unable to control their actions in the light of moral reasons. It also renders them unable to express the kind of ill-will that underwrites attributions of moral responsibility.

I have also argued that psychopaths put pressure on one of the most powerful and influential accounts of moral responsibility available today, an account that holds that responsibility does not require moral knowledge. I have pointed to various problems with this kind of account, which render it unable to draw the right conclusions in this and related cases. Properly moral responsibility does require moral knowledge; far from challenging this conclusion, the case of the psychopath strengthens it.

We can excuse the psychopath her wrongdoing, without being committed to releasing her to offend again, and without giving up on the attempt to include her within the circle of humanity. Moral responsibility requires moral knowledge; because psychopaths lack this knowledge through no fault of their own, we must refrain from blaming them. Psychopaths are victims, as well as victimizers. We must protect ourselves from them, but insofar as it is possible we ought to do so while sparing them further insult.
ACKNOWLEDGMENTS

This paper has benefited substantially from the remarks of three anonymous referees for Philosophy, Psychiatry, & Psychology, and from discussion with an audience at the Centre for Applied Philosophy and Public Ethics, Charles Sturt University.

NOTES

1. Greenspan (2003) distinguishes between two kinds of reactive attitudes and two kinds of blame that correspond to them: retributive and attributive. Psychopaths, she claims, are excused the first kind of blame thanks to their impairment, but they are still appropriate targets of the second. Insofar as by the attributive reactive attitudes Greenspan just means attitudes of holding the agent to be defective, she is of course right that such attitudes are justified. But these attitudes do not constitute or justify blame. Insofar as Greenspan means something more than merely holding that the agent is bad, she is wrong to think that these attitudes are justified. Greenspan’s account of psychopathy is inadequate: She takes it to be a motivational deficit, which leaves the agent’s moral knowledge intact. To that extent, she claims, psychopaths “exhibit bad qualities of will” (2003, p. 422). But because they entirely lack moral knowledge, they cannot exhibit morally bad qualities at all, and therefore are not morally responsible.

2. Reznek argues that psychopaths are crucially different from sufferers from brain tumors, for the following reason: The latter suffer from a disease, which blocks the inference from their actions to who they genuinely are, whereas the former do not. If it were the case that psychopathy was a disease, he agrees, we should excuse sufferers from moral responsibility. But he denies that psychopathy is a disease; although he takes it to satisfy the conditions he sets for counting as a disease, he holds that that classification is to some extent arbitrary, and that we can therefore decide (on broadly consequentialist grounds) not to count it as a disease (Reznek 1997, p. 243). But an agent’s moral responsibility, or lack thereof, is not something we can simply decide. We are not here concerned with whether it is appropriate to act as if psychopaths were responsible. We are instead concerned with a factual question: whether they are responsible for their actions.

3. Glover expresses a related worry, when he argues that seeing the disorder, and not the person, in someone whose character has been systematically distorted leaves her “in limbo, possibly permanently” (Glover 2001, p. 297). He gives the example of a forty-year-old schizophrenic, whose disorder developed in his teens; surely he is not really that teenage boy? Similarly, we might think, we must identify the psychopath with her character; the only one she has ever had.

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