

# Absent, Full and Partial Responsibility of the Psychopaths

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In his discussion of challenges to moral life, including the challenge that the amoral existence of the psychopaths presents, Bernard Williams notes that “the psychopath is, in a certain way, important to moral thought; but his importance lies in the fact that he appalls us and we must seek some deeper understanding of how and why he appalls us” (Williams 1972, pp. 8–9). Indeed, a closer look at the amoralists, of which the psychopath is the most conspicuous type, can reveal something essential about our own nature, i.e., the nature of the *moral* agents. More specifically, the research into the typical behavioral pattern, motivational structure, and the value system of amoralists can shed light on at least three aspects related to the analysis of the moral agency. First, it can help elucidating the emotive and cognitive conditions necessary for moral performance. Secondly, it can provide empirical evidence supporting the externalist theories of moral motivation. Finally, the analysis of the development of amoral characters can bring into greater focus our intuitive notion of the limits of moral responsibility. In this paper I shall concentrate on the last one—the question of responsibility of the amoralists. The discussion, however, will have an indirect bearing on the other two themes as well.

## 1. WHO ARE THE PSYCHOPATHS?

It is an ordinary empirical observation that most people take considerations of morality as important factors in making morally relevant choices, even if the requirements and prohibitions of morality can often be overshadowed in the actual life situation by reasons of self-interest, or ignored due to inattentiveness, weakness of will and the like. The cases of moral lapses are not uncommon. What is (much) less common is an attitude that openly denies any special authority to moral reasons and conceives of the moral point of view as being just as optional as a certain political or religious stance. To give an individual with this attitude a convenient label, and following the established tradition, I shall call him an

*amoralist*, and his general position (or, perhaps, his condition) with regard to morality will be referred to as *amoralism*. Even though the term ‘amoralist,’ as used in the philosophical literature, may have wider denotation, it is convenient to limit the present analysis to the psychopathic or sociopathic personalities only.<sup>1</sup>

Psychopaths firmly belong to the category of philosophical curiosities, and the references to serial killers, mass murderers and other hardened criminals are often used to provide vivid illustrations for the discussion of the dangers of moral skepticism or, perhaps, the consequences of a materialistic worldview. Nonetheless, psychopathy remains among one of the most puzzling social phenomena. Contrary to the popular opinion, a psychopath is neither a mentally ill person, nor a person suffering from any known defect of the intellect, psychosis, insanity or brain damage. There is almost a uniform opinion that concurs with this claim starting from the earliest investigators of this condition in the beginning of the nineteenth century (Pinel, 1801; Rush, 1811; Conolly, 1830; Pritchard, 1835) to the latest authoritative studies of the psychopathic personality by Hervey Cleckley (1982), Benjamin Wolman (1987; 1999), Robert Hare (1993), and Martha Stout (2005).

It is also well known (e.g., from fiction literature and popular films) that psychopaths can be quite charming and often exhibit a level of intelligence that is significantly above average; they are able to achieve a high social status and to function successfully in various social arrangements for extended periods of time. As Stout observes, this peculiar “disfigurement of character” that she calls “sociopathy” is unique in that

... all of the other psychiatric diagnoses involve some amount of personal distress or misery for the individuals who suffer from them. Sociopathy stands alone as a ‘disease’ that causes no *dis-ease* for the person who has it, no subjective discomfort. Sociopaths are often quite satisfied with their lives (2005, p. 12).

Wolman likewise argues that “sociopathy seems to be more a social than a medical problem” (1987, p. 22). And Cleckley (1982) reports that psychopaths, when brought to the psychiatric facilities, are routinely discharged upon closer examination, since most of them are absolutely healthy as far as the accepted standards of mental health are concerned. As a result, he continues, there exists not a small confusion among the medical practitioners, social workers and the law enforcement officials as to whether a psychopath belongs to a psychoanalyst’s chair, a psychiatric ward, a priest’s office or a prison cell.

Admittedly, true psychopaths belong to a rare breed and the chances of having a direct encounter with one are slim for most ordinary people. In the *Enquiry Concerning the Principles of Morals* David Hume goes as far as to claim that there has never existed a person who was totally indifferent to moral reasons:

If we consider the principles of the human make, such as they appear to daily experience and observation, we must, *a priori*, conclude it impossible for such a creature as man to be totally

indifferent to the well or ill-being of his fellow-creatures, and not readily, of himself, to pronounce, where nothing gives him any particular byass, that what promotes their happiness is good, what tends to their misery is evil, without any farther regard or consideration (1777/1966, p. 264).

Indeed, Hume believed that the fact that one “wears a human heart,” i.e., belongs to the human race, would ensure the presence of a moral sentiment, however weak or suppressed, and it may strike one as being very un-Humean that he takes this statement as an *a priori* truth. However, having perhaps an advantage over Hume in that we have more than two hundred additional years of human history to rely upon, we may suggest with good reason that Hume’s estimation of the innate human beneficence was perhaps overly optimistic. Not incidentally, Erich Fromm defines man as “the only primate that kills and tortures members of his own species without any reason, either biological or economic, and feels satisfaction in doing so” (1977, p. 26). The exact number of people affected by this extreme amoral condition is hard to come by; yet some approximations are possible. Stout estimates that as many as 4% of the population can be classified as sociopaths (2005, p. 6), and Cleckley similarly (but more cautiously) states that “it does not seem an exaggeration to estimate the number of people seriously disabled by the disorder now listed under the term *antisocial personality as greater than* the number disabled by any recognized psychosis except schizophrenia” (1982, p. 14).

More importantly, there is interesting anthropological evidence suggesting that psychopathy is not an artificial construct of the Western psychiatric science. Martha Stout, a psychiatrist and sociologist, argues that “sociopaths, by various names, have existed in all kinds of societies, worldwide and throughout history” (2005, p. 136). And an anthropologist Jane Murphy reports that during her extended field work among the Eskimos of Alaska, and the Yorubas tribe in Nigeria she discovered that these two very different communities have a concept that closely parallels our concept “psychopath”—someone who consistently violates the accepted norms of society and lacks the necessary emotive apparatus to feel genuine guilt or remorse over his deeds. The Eskimos have a word *kunlangeta*, which refers to a person “whose mind knows what to do but he does not do it” (Murphy, 1976, p. 126). A *kunlangeta* person consistently lies, cheats, steals and refuses to go hunting, and when other men are out of village, he takes sexual advantage of many women. As Murphy observes, the awareness of the rules is not in question here, and the violations happen despite numerous reprimands from the elders and are due to reasons other than ignorance or negligence. The Yorubas of Nigeria, too, have an abstract word with similar meaning, *arankan*, which refers to a person “who always goes his own way regardless of others, who is uncooperative, full of malice, and bullheaded” (*Ibid.*). A pattern of behavior characteristic of a *kunlangeta* in Alaska and an *arankan* in Nigeria is similar enough to the various descriptions of the extreme amoralists in our own culture to elicit a strong sense of cross-cultural reality of this phenomenon.

Given the complexity and versatility of the condition of a psychopath as this type is described in psychiatric literature, it would be rather unhelpful to try capturing it by a single definition. The great variation that exists between the concrete cases of psychopathy suggest of adopting a “family resemblance” model, where the members of this “species” are loosely connected with each other by several overlapping and crisscrossing character traits, without (necessarily) there being any single characteristic that all members of this class share. This does not mean that we cannot elucidate this condition by citing the several most typical features of a psychopath. Since the first attempts at classification and description of the phenomenon of “moral insanity” made by James Prichard in the beginning of the nineteenth century (1835), scholars have added more than twenty features to the list of the common personality and behavioral traits characteristic of the psychopaths. Poor behavioral control, the inability to resist one’s immediate desires and impulses, the absence of the usual internal constraints (e.g., shame, fear of punishment, guilt), parasitical lifestyle, pathological lying, lack of empathy and unusual cruelty to other people and animals are just some of the common features of sociopaths appearing in the most recent *Diagnostic Manual* (1994), the *Hare Psychopathy Checklist* (1990), as well as in the more informal descriptions of those suffering from antisocial personality disorder made by individual scholars. In a helpful discussion of the psychopathic or antisocial personality Richard Jenkins offers this brief characterization: “The psychopathic personality is not so much a disorder as it is a defect in development. In one sense we are all born psychopaths. Most of us outgrow this stage of overwhelming egocentricity: some become arrested there” (1960, p. 324). He further adds that “the psychopath is simply a basically asocial or antisocial individual who has never achieved the developed nature of *homo domesticus*” (p. 331). The key character trait that is identified here by Jenkins as indicative of a psychopath is “overwhelming egocentricity”, and the antisocial or even criminal behavior that is typical of such individuals is likely to be derivative from this main feature. Robert Hare (1993) and Martha Stout (2005) stress the absence of *conscience* as a distinctive feature of psychopaths, where conscience, “the most evolved of all humanizing functions” (Stout 2005, p. 10), is understood in part as the ability to transcend one’s egotistic desires and preferences, to consider the interests of others in making a decision, and experience guilt and remorse when others are adversely affected by one’s actions. In the same vein, David Lykken observes that “the psychopath is characterized by a lack of the restraining effect of conscience and of empathic concern for other people” (1995, p. 115). These authors seem to agree that pathologic egocentricity and, as a result, total lack of empathy for others in distress sets the psychopath apart from the ordinary people, even from people with little inclination toward altruistic acts or the ones of reserved and apathetic disposition. An extreme amoralist, on most accounts, markedly stands out from the usual cases of the indifferent, wayward or criminal individuals.

A brief concrete example may further illustrate this type. Dr. Hervey Cleckley, a psychiatrist who worked for many years with the individuals diagnosed with

psychopathic personality reports on a case of a young man, named Gregory. Cleckley carefully records the many instances of Gregory's antisocial acts (thefts, violence, promiscuity, lies, impersonations, etc.), but finds the most telling feature of his personality that defines him as a psychopath (an amoralist), and clearly sets him apart from the ordinary criminals (immoralists, as we might say), in the following:

Gregory's utter lack of understanding why it might be considered just and appropriate for him to go to the state prison for committing crimes similar to those committed by others confined there well illustrates a major point that I think often distinguishes the psychopath from other people who carry out criminal acts. Other criminals do not, of course, want to go to prison, and often protest against it. But they do not seem to have this strange conviction that they are, or should be, somehow exempt from prisons that were made to control people who commit the very crimes of which they themselves have been convicted (1982, p. 88).

What is most interesting in this observation, given by a psychiatrist rather than a philosopher, is a reference to a lack of the feature that we have identified as being necessary for acting within the moral domain, viz., willingness to universalize one's normative judgments. On a minimal interpretation of this condition, one ought to apply similar evaluative pronouncements in similar situations or to similar persons, unless there is an essential difference between them. In Cleckley's example, Gregory's attitude is conspicuous for his unwillingness to apply the same criteria of evaluation to himself as would be appropriate (even in his own judgment) to others committing similar offences. Moreover, as Cleckley observes, this unwillingness Gregory's part is very different from the understandable unwillingness of a criminal to face the penalties for his actions. A criminal would ordinarily agree that anyone committing *X* should get a certain penalty, but will on occasion argue that he did not in fact commit *X*, or plead some special extenuating circumstances that should spare him the punishment. The defense tactics of Gregory is not of this kind, according to Cleckley. Gregory is quite convinced that he should not be punished for doing *X* simply because it is *he* who did it, not the other person.

## 2. HOW DIFFERENT PSYCHOPATHS ARE?

The existence of a psychopath is perceived as a warning—a warning to us, ordinary people, whose status as moral agents is constantly threatened by an all-too-real possibility of amoral existence. Most of the time this danger is vaguely realized. But meeting with psychopaths closer, whether in person or through the second hand descriptions, elicits in most people the strong reaction of moral disgust, which points to the close connection between the moral values and deeper layers of their personality. Assuming a moral point of view is not something we do on occasion; it is part of who we are as persons. What strikes us most

in the psychopaths (or what “appalls” us, in Williams’ words), however, is precisely their ability to divorce moral considerations and moral reasoning from everyday actions and decisions. Morality, even if its formal content is familiar to them from external sources, is not a real factor in the amorality’s choices. In their eyes, it has a status of an optional perspective, which has no intrinsic priority over any other normative concerns, such as considerations of self-interest or (as the case may be) the aesthetic values.<sup>2</sup> Such an attitude naturally suggests a fundamental difference between us, the moralists, on the one hand, and ‘them’, the amorality, on the other. This perceived difference, among other things, may justify a refusal to apply the familiar categories of moral and legal responsibility.

The first impression, however, might be misleading. My main reason for holding psychopaths morally responsible breaks down into two claims: the assumption that most ordinary people *are* morally responsible for their intentional actions (i.e., the rejection of hard determinism) and the denial that the psychopaths are *qualitatively* different from the non-psychopaths. Even though emphasizing the distinction between amorality on the one side and moralists on the other helps bringing to the fore the characteristic features of these amoral individuals, it is highly questionable whether the difference between the two classes is fundamental enough to warrant a differential application of the demands of responsibility.

The amoral condition is a matter of degree, and it can vary significantly both with regard to its *scope*, and its *intensity*. The individual cases may exhibit various degrees of moral unresponsiveness, ranging from partial and temporal exclusion of a certain group of people from the domain of all moral subjects (as regularly occurring during wars), to more persistent cases of selective amorality (e.g., racist or ethnocentric attitude), and culminating in extreme instances of thoroughgoing moral apathy (psychopaths; serial killers). Likewise, one can be more or less indifferent to the universal ends of morality, and the strength of one’s moral motive need not remain the same over time. Thus it appears that there exists continuity between the ‘normal’ subjects and amorality, including the most radical cases of psychopathy. If it is true, then, that there are no good reasons for viewing psychopaths as a different *type* of agents, then there are no reasons for treating them differently with respect to moral accountability.

The above thesis, however, needs to be further substantiated. A number of researchers who want to exempt extreme amorality from responsibility (both moral and legal) build their case on the assumption that psychopaths are *too* different from the rest of us in their values and patterns of thinking to warrant the application of the familiar moral and legal categories. Aristotle, who was the first to give a systematic analysis of agents capable of action, introduced a category of a “brute” to refer to the most perverted kind of agent whose wickedness goes “beyond the human level” (*N. Ethics*, 1149a16–17). Given his graphic description of the brutes, the impression is conveyed that a “brutish type” is indeed a qualitatively different type of agent—a kind of a borderline case between humans and animals. A contemporary philosopher Jeffrie Murphy is even more

overt when discussing the status of psychopaths: "From the moral point of view, it is very implausible to regard [psychopaths] as *persons* at all . . . A psychopath is more profitably pictured as an *animal*" (1972, pp. 93–4). Similarly, Anthony Duff expresses a common enough attitude when he writes:

A psychopath is seriously defective in practical understanding and rationality. [. . .] This deficiency is clearly a *disorder*: a psychopath cannot understand the nature and quality of his actions: he cannot control his actions in the light of any rational concerns or values, not because his impulses are strictly irresistible, but because he has no conception of rational values as providing reasons for actions. We cannot hold him answerable for his actions, any more than we can a young child<sup>3</sup> (1977, p. 199).

It is these radical conceptions that I want to question in this section.

These comparisons of a psychopath with a young child or even with an animal (as in Murphy) are meant to suggest a type-difference between the psychopaths on the one hand and the non-psychopathic individuals on the other. This difference, in turn, should warrant the difference in treatment in a number of social aspects, including the exemption from responsibility. The defenders of the above position rest their case on a questionable assumption that there exists a sharp and stable divide between psychopathic and non-psychopathic personalities. Yet, the available clinical and physiological evidence clearly favors the view of the *continuity* between the two classes, rather than the type-difference. Thus the philosopher/psychiatrist Karl Jaspers sees psychopathic behavior as only exaggerated extension of the normal personality, and not abruptly discontinuous with it (1963, p. 724). He observes that with the cases of anti-social personality disorder, unlike the cases of the major psychoses such as schizophrenia, we are mostly limited to observing the behavioral manifestation of this condition, and there are little, if any, reliable internal physiological ("somatic") or invariable psychic symptoms. In a similar vein, psychiatrist Richard Jenkins argues (contrary to Duff) that the psychopathic personality "is *not* so much a disorder as it is a defect in development. In one sense we are all born psychopaths. Most of us outgrow this stage of overwhelming egocentricity: some become arrested there" (1960, p. 324). Egocentrism to a greater or lesser degree is certainly not a rare trait in many people, and it would be odd to suppose that by increasing the scope and intensity of this attitude one would eventually pass over to a qualitatively different type of agent, where none of the normal standards of responsibility are applicable. As Jenkins reminds us, "the psychopath is simply the extreme on the continuum. This means that the significant question will be one of degree rather than one of categorization, not, *is* he a psychopath, but rather *how* psychopathic is he?"<sup>4</sup> (1960, p. 324).

Robert Smith cites further evidence showing that the best attempts to correlate psychopathy with abnormal electroencephalogram (EEG) readings (the view that was enthusiastically pursued in the early stages of research) have failed. Despite the promising beginnings, no unique or identifying brain wave pattern has emerged among diagnosed psychopaths. Gale, for instance, estimates that as high

as 25 percent of unselected youth samples show atypical EEG patterns, and that such patterns are common among many psychiatric disorders (Smith 1984, p. 184). Likewise, deFundia, Draguns and Phillips argue that “pathological behavior in general represents merely the caricatured extreme of culturally shared modes of behavior, and this would be particularly the case for psychopathy because of the social nature of the symptoms” (*Ibid.*, p. 185).

Finally, a growing number of criminologists are wary of the once standard distinction between an ordinary criminal and a psychopath. The opinion of Stanton Samenow is worth citing in this context: “Although diagnosticians may make distinctions between the psychopath and criminal, for all ostensible purposes, one differs hardly at all from the other.” (1984, p. 181) On this view, being more persistent in crime and less susceptible to correction does not yet put a person in a radically different category from the rest of criminals.

In the absence of sufficient evidence to the contrary, we are entitled to conclude that the amoralists are essentially similar to the normal subjects in all aspects relevant to being morally responsible even if they have radically different values or priority of values. That is, when authors like Pritchard describe psychopaths “as though they are from another world, another ‘form of life’” (1974, p. 642), they let themselves be overly impressed by the external differences in psychopaths’ values, beliefs and motivating goals, but tend to overlook the same basic underlying structure of purposeful behavior that they share with others, and which alone is relevant for moral responsibility.

An objection can be raised at this point that the condition of the psychopaths is determined by their genetic emotive deficiency (e.g., lack of capacity for empathy or similar emotions), which is a necessary condition for moral performance. If it is indeed the case that there exists a radical difference in emotive responsiveness of psychopaths as compared with normal subjects, and *also* that having a healthy emotive apparatus is essential for being a mature moral agent, then it does not make sense (on most accounts of responsibility) to hold a person morally and legally responsible for the features of his psyche that he had been born with.

This objection must be taken seriously. The conclusion that the psychopaths are not responsible for their actions requires the truth of both premises, and each premise can be questioned. The first premise attributes to psychopaths the incapacity to experience certain emotions, and, indeed, the reports of most scholars seem to substantiate this claim. Cleckley, for example, traces the roots of the anti-social behavior of the psychopath named Joe to the fact that he “does not experience real and serious emotions” (1982, p. 70). Similar descriptions of psychopaths, emphasizing their emotive abnormality, were given by other researchers as well, and there is no reason to doubt their account. Still, there are other cases which do not fit this picture completely. Gary Watson cites interesting facts about the early years of the ruthless killer Robert Harris with all symptoms of severe psychopathy, who was sentenced to death for several cold-blooded murders and was hated even by his inmates in the death-row prison. His sisters testify that as

a child “he was the most sensitive of all of us. When he was 10 and we all saw “Bambi,” he cried and cried when Bambi’s mother was shot. Everything was pretty to him as a child; he loved animals. But all that changed; it all changed so much” (1987, p. 273). This seems to show that the emotive capacities which play an important role in moral responses (even if not a crucial one) were quite intact in him up to a certain point in his development. As Pizarro (2000) has argued, cases of voluntary “empathic suppression” are not uncommon, and, with continuous effort, a criminal can regulate the “natural” empathic arousal in order to escape the subjective consequences of his actions.<sup>5</sup> In those cases, eventually the blame for being unresponsive to morally demanding situations clearly lies with the individual, rather than with his or her genetic heritage.

But, despite the misgivings, I am willing to grant the truth of the first premise to the objector. What I want to question is the claim that the by nature “insensitive” person is thus condemned to amoral existence, and could not utilize the purely cognitive resources to lead a socially acceptable life. In other words, I want to challenge the claim that emotional involvement is a necessary condition for moral performance.

There exists strong evidence, coming from the field of clinical psychology, which helps to undermine the claims to exclusive importance of the purely emotive factors for a competent moral agency. The evidence comes from the studies in autism. There is a general consensus among the psychotherapists that autistic individuals are similar to psychopaths in at least this respect: both are severely impaired in their ability to sympathize with the distress of others, to develop connectedness to others and enter into meaningful relationships with other people.<sup>6</sup> A standard description of autism will usually include a list of emotions that cannot be experienced by autistic persons, where deficit in empathy ranks high on the list.<sup>7</sup> Moreover, the recent studies in neuropsychology suggest that both psychopaths and individuals with autism may have similar genetic anomalies at the anatomical level—both conditions have been linked to impairments in amygdala functioning (e.g., Baron-Cohen et al., 2000; Blair, R.J. 2006.) One would naturally expect that the resulting thoroughgoing emotive disorder would have most damaging consequences for the capacities of persons with autism to lead moral lives. Yet the available evidence does not always support this expectation.

As Oliver Sacks observed in his well-known account of the time spent with an outstanding scientist and also a diagnosed autistic person Temple Grandin, the lack of the emotive resources that are available to most people does not yet preclude one from developing a mature moral outlook. The various emotive limitations were fully compensated in Temple’s moral life by her outstanding abilities to memorize a great variety of situations with a number of characteristic features and apply the same rules of conduct in similar circumstances. Similar cognitive strategies were employed by Temple to decode human emotions—something she was totally unable to recognize intuitively,<sup>8</sup> the way most people do. As a result, Sacks observes, there was hardly anything lacking in her moral

stature. Indeed, she conveyed an impression of having a deeper and more profound sense of moral duty than most other people:

Temple is an intensely moral creature. She has passionate sense of right and wrong, for example, in regard to the treatment of animals; and law, for her, is clearly not just the law of the land but, in some deeper sense, a divine or cosmic law, whose violation can have disastrous effects—seeming breakdowns in the course of nature itself (1995, p. 296).

The case of Temple Grandin is not exceptional. Cathy Grant with colleagues conducted a series of studies of autistic children with respect to their ability to make correct moral judgments, and (contrary to expectations) found that children with autism were as successful as non-autistic children in identifying the morally relevant features of the situation and hence making accurate distinctions between moral and merely conventional rules (2005, 324–5). Jeanette Kennett likewise reports that “many autistic people display moral concerns, moral feeling and a sense of duty or conscience,” whereas “according to all standard descriptions of autism these concerns cannot be based on empathic identification with the concerns and feelings of others” (2002, p. 349). This evidence, in turn, raises an important issue for most versions of the emotive deficiency theory: “If empathy is crucial to the development and exercise of moral agency then why is the autistic person not worse off, morally speaking, than the psychopath?” (*ibid.*).

Amoralism of a psychopath, as this evidence suggests, is not then *necessarily* due to the deficits in empathy, since, as the example of autism shows, it is at least possible (though, admittedly, much harder) to acquire a level of moral competence utilizing other (presumably, purely cognitive) resources. *How* exactly is it possible is a different question, but Kennett, for instance, suggests that “capable individuals with autism are likely to take a rather Kantian approach to moral thinking” (*ibid.*), i.e., deploying moral concepts of a more dispassionate variety, and developing and rigidly applying the same rules of conduct to similar situations, which can be successfully identified by reasoning alone.

Kennett’s account corroborates Oliver Sack’s impression of how autistic Temple Gardin manages to navigate successfully the puzzling world of morality, and raises a number of interesting questions, which can only be touched upon in the present discussion. Both Jean Piaget (1935) and Lawrence Kohlberg (1973; 1976) argue that the unadulterated Kantian (deontological) approach to morality is indicative of the highest stage of moral *and* intellectual development of an individual. For Kohlberg, that the capabilities for complex perspective taking (i.e., cognitively taking the perspective of another), and for understanding abstract, morally relevant conceptions underlie advances in moral reasoning and in the quality of one’s pro-social (moral) behavior. There exists, on this view, a direct relation between advances in general intelligence and moral progress in most normal individuals—e.g., children are expected to develop higher-level moral reasoning as they become capable of cognitive skills required for understanding such reasoning. He postulates six stages of moral development, but admits,

however, that only a select group of individuals who had formal training in ethics would be capable of assuming a deontological moral point of view as described by the highest stage. If, then, this “Kantian” moral perspective (the sixth stage on Kohlberg’s scale) is the only one open for persons with deficient emotive capacities (autistics), then one wonders whether lacking in emotive responsiveness is not a beneficial thing after all, granted that it leads to the development of a more mature (and more desirable) moral outlook. Far from being a necessary condition for taking a moral point of view and being properly motivated, the emotive capacity can be equally viewed as being detrimental for moral performance.

### 3. GLANNON AND PARTIAL RESPONSIBILITY

It remains now to examine a view that seeks a middle ground between the two sides of this issue. Walter Glannon in his relatively recent contribution to the debate makes a strong case against Murphy, Deigh and other philosophers who want to exempt psychopaths from responsibility altogether, but stops half-way when he argues that psychopaths are only *partly* responsible for their criminal actions. This view deserves a closer analysis.

Regarding the necessary conditions for being morally responsible, Glannon accepts the following thesis: “A person is an appropriate candidate for attributions of moral responsibility if and only if he is capable of making a certain response to moral reasons.” (1997, 263) The list of “moral reasons” would minimally include the needs and interests of other people. This general condition is in turn analyzed into two distinct capacities: (1) The capacity to recognize that others have needs, interests, and rights; and (2) the capacity to be motivated to act on these reasons. In the rest of the article Glannon seeks to establish that psychopaths do have the first capacity, but lack the second capacity—they are inherently unable to respond to moral reasons properly. Thus, he concludes, since only one capacity out of two is present, psychopaths are only *partly* responsible for what they do.

My contention is that Glannon’s argument, although original and stimulating, does not withstand closer scrutiny. We may agree with Glannon that both capacities mentioned are needed in order for an agent to be an appropriate candidate for moral praise and blame. Furthermore, as available evidence suggests, psychopaths are indeed capable to recognize the presence of the morally relevant facts (e.g., pain, desires, needs). They do not generally suffer from a cognitive impairment that would prevent such recognition. However, it is the denial to psychopaths the capacity to be appropriately *motivated* by those reasons that I want to question.

How could this “incapacity to respond to moral reasons” be established in the first place? Presumably, using the observable behavioral criteria only. To clarify this, we may imagine two individuals, Harold and Steve. Harold was never observed to respond to moral reasons appropriately; e.g., he passed by five different

swimming pools with drowning children, and never bothered to do anything to save the children. Steve, on the other hand, was only rarely moved to save children in similar circumstances; we can assume that, typically, he would save only one child out of five in the circumstances cited. Given this behavioral data, should we count Steve as incapable of responding to moral reasons? Surely not, since he is motivated appropriately at least sometimes. Should we say that Harold, on the other hand, lacks the capacity to respond to reasons of morality? Not necessarily. We cannot infer from the fact that Steve was never *observed* to act morally, to the stronger claim that he is *incapable* of doing so.

Even if we grant, for the sake of the argument, that a lack of behavioral manifestation is indeed a reliable indication of the inner incapacity, still, we may question whether a person like Harold ever existed except in a philosopher's imagination. How plausible is it to suppose that a psychopath *never* acted morally, that he never kept a promise or helped a stranger, even as a child?<sup>9</sup> It might be true that a true psychopath never gives priority to moral reasons in cases of conflict with his own values, but, in the absence of the opposite incentives, there is nothing that would prevent him from responding appropriately to the demands morality. After all, he is not a person who made it his chief goal in life to act contrary to the demands of morality at all costs—rather, he is largely indifferent to these demands. But even a single instance of moral reaction would be sufficient to establish the *capacity* in question.

Furthermore, Glannon's theory commits him to a counterintuitive view that Steve, who only occasionally acts morally, is more responsible and hence more guilty than Harold, who never does. In fact, it appears that all that a criminal needs to do to avoid being held responsible for his immoral action is to act immorally from now on without a single exception. As Gary Watson rightly observes, the view that extreme evil disqualifies one for blame is, at best, "paradoxical" (1987, p. 268).

Lastly, and more seriously, Glannon's theory of partial moral responsibility of amoralists rests on the assumption that responsibility admits of degree, i.e., that one can be more or less responsible for his voluntary actions. This is by no means obvious. We should recall that Glannon builds his case for partial responsibility on the crucial claim that the two necessary conditions for being responsible are only *partially* satisfied in psychopaths. This reasoning, in turn, relies on the general assumption that a partial satisfaction of the necessary conditions for a given function result in *partial* functionality. Let us suppose that in order for a car to be able to move the two conditions need to be met: a working engine and enough gasoline in the gas-tank. The car does not become a *partly* moving car, however, if only one of those conditions obtain. Glannon needs to show, in other words, that the case of moral responsibility is essentially different from the car-scenario above.

But let us grant that the notion of partial responsibility is not incoherent. Still, how should we understand this claim? Arguably, he might have meant one of the

two things here: **(a)** psychopaths deserve some lenience and should not be held wholly accountable for their actions (e.g., should not be prosecuted to the full extent of the law), since certain extenuating conditions (e.g., non-blamable ignorance) are present whenever a psychopath acts. Or: **(b)** Due to some peculiarity of the psychopaths' nature, they are inherently *less capable* of being responsible for their actions than other agents, even if they are still capable of being partly responsible.

I shall start with the interpretation **(b)** first. It is not clear whether this reading can be squared with the common intuition. In the legal system, one can be partly *guilty*, in the sense that he is guilty only on some of the charges that were originally presented against him. To be partly guilty amounts to being guilty of doing X, but not being guilty of doing Y. On the other hand, if it was established that one has committed X, then the agent is either responsible for his action or not (e.g., by reason of insanity). To be sure, there might be various extenuating circumstances that would diminish the agent's guilt, but those excusing condition do not take from him the *capacity* of being responsible in the first place. A criminal does not become *less* capable of responsibility simply because, for example, his family circumstances warrant a less severe sentence from a judge. The capacity itself, it appears, is either present or not, and cannot be augmented or diminished depending on the external circumstances.

But perhaps Glannon had the interpretation **(a)** in mind. In that case, the point is general enough and it should cover all agents, psychopaths or not: if a person acts in the presence of an extenuating condition (e.g., ignorance), then he deserves lenience. Then it is an empirical question whether psychopaths, as a class, are always acting in ignorance or in the presence of some other extenuating yet not fully excusing condition. If this reading is closer to Glannon's intent, then he must specify the universally present condition which partly exempts a psychopathic agent from responsibility for his actions. And in fact, he does:

Psychopaths may not be responsible for the *consequences* of their actions if their capacity for planning and decision-making is so impaired as to preclude them from foreseeing the likely long-term consequences of what they do. [. . .] Thus while they are at least partly responsible for their actions, they may not be responsible for the consequences of their actions (1997, p. 272).

First, we may notice that Glannon seems to have changed his initial view here. In the beginning, he argued that what *makes* the psychopaths less responsible as compared to the ordinary criminals is the fact that they are incapable of being appropriately *motivated* by moral reasons. In the passage just quoted, he suggests that the reason why psychopaths should be exempt from full responsibility is that they are incapable of foreseeing the consequences of their actions (i.e., some kind of ignorance, a cognitive deficiency). And it has not been shown that the two interpretations are consistent with each other.

Secondly, this explanation still leaves a number of practical questions open. We may legitimately ask what does it mean that a person is responsible for his *actions*

but not for the *consequences* of his actions? What counts as a consequence in a given case? Suppose that a serial killer Ted Bundy's act of killing of a victim may (logically) be analyzed into at least two components: thrusting a knife into his victim's chest (Bundy's action proper) and the victim's death as a direct *consequence* of this action. Should we say that Ted Bundy is responsible for thrusting a knife but *not* responsible for the victim's death? Surely, this would be a rather idiosyncratic way of describing the situation.

If, on the other hand, Glannon does not mean something as immediate as the death of a victim resulting from a hit with a knife, but the *long-term* consequences of one's actions that the psychopaths are allegedly incapable of foreseeing (and thus should not be held accountable for), then this empirical claim is very likely to be false. The capacity to foresee the future outcome of one's behavior (with a greater or lesser precision) is (in part) what it means to have an unimpaired general intelligence, and there is no reason to deny this much to psychopaths. They appear to be just as capable as the normal subjects to learn from experience and to make reliable causal inferences about the future states of affairs based on the known evidence about the present. John Deigh's observation is especially relevant here:

Though amoral the psychopaths appear nevertheless to be capable of reasoning, weighting evidence, estimating future consequences, understanding the norms of their society, anticipating the blame and condemnation that result from violation of those norms, and using these cognitive skills to make and carry out their plans (1995, p. 743).

We may conclude that the arguments denying the responsibility of psychopaths, or trying to diminish it in some way, do not withstand a critical examination. Hence, we have no reason to view psychopaths as deserving a special treatment when it comes to moral or legal responsibility for their actions. This conclusion is in agreement with and, among other things, provides a theoretical justification for the position of most classifications of the persons with antisocial personality disorder in the DSM IV.

But what is then the ultimate root of the amoralist's condition? I want to suggest here that in approaching the problem of amorality, it seems more promising to focus on the cognitive failure of these individuals rather than on their emotive shortcomings. It is likely that the kind of cognitive mistake involved in cases of amorality is a mistaken judgment about the status and the proper place of moral values. A mistaken conception of the appropriate final ends of one's choices characterizes and potentially explains the amoralists. The mistake that the amoralists make need not be perceived *as* a mistake by the amoralists themselves. Furthermore, there is no need to suppose that this realization *would* come to an amoralist in some more favorable (but practically feasible) epistemic state. There is a legitimate sense in which one can be under normative obligation to respect a certain end (i.e., have a *normative* reason for action), without being open to the possibility of ever recognizing this obligation or being moved by it.<sup>10</sup> In so far as we are staying within the sphere of experience, we may acknowledge that in many

cases no amount of rational persuasion would change the amoralist's outlook, and even the strongest admonitions would fall on deaf ears. One's conception of ultimate values constitutes one of the most fundamental levels of practical reasoning, and, once solidified, is quite resilient to any radical changes.<sup>11</sup>

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*Acknowledgements.* I wish to express gratitude to Douglas Lackley, John Greenwood are two anonymous reviewers for reading and commenting on the earlier version of this essay.

## NOTES

<sup>1</sup> I am using these two terms, "psychopaths" and "sociopath," interchangeably. "A person suffering from antisocial disorder" is an alternative psychiatric description of this condition (See DSM IV, 1994). The label of *amoralist* is attached to a psychopath (or sociopath) by Norman Williams (*Introduction to Moral Education*. Baltimore: Penguin Books, 1967, p. 272), Derek Wright (*The Psychology of Moral Behavior*. Baltimore: Penguin Books, 1971, pp. 208ff), and David Brink ("External Moral Motivation" *Southern Journal of Philosophy*, 1986, p. 29). For the contrary opinion see Milo, 1984, pp. 60–62.

<sup>2</sup> As Ronald Milo observes in his discussion of the reality of amoralist, "there is no reason why a person could not judge it to be a morally bad thing to slaughter people on the lawn merely in order to create the aesthetically pleasing contrast of red on green even though he himself prefers the creation of beauty to the avoidance of moral wrongdoing" (Milo, 1984, p. 179).

<sup>3</sup> The incomplete list of philosophers and psychologists who argue for a similar thesis, denying the responsibility of psychopaths, would include Haksar (1964 & 1965); Murphy (1972); Pritchard (1974); Arrington (1979) and Deigh (1995). For the opposite view see Frankfurt (1971); Flew (1973); Smith, R. (1984); and Glannon (1997).

<sup>4</sup> Cf. also Jeffrie Murphy's claim that "we all have our psychopathic tendencies, and so all the actual cases may be neither black nor white but various shades of gray." (Murphy, 1972, p. 296).

<sup>5</sup> Pizarro cites the case of Rudolph Hoess, the Nazi leader of the Auschwitz death-camp, who engaged in a continuous effort to suppress empathy he felt in the beginning of his career for the Jewish prisoners that he was supposed to murder (2000, p. 369).

<sup>6</sup> It is perhaps significant that the first researchers of this condition in the 1940's have referred to this disorder as "autistic psychopathy". (See, for instance, the pioneering paper by Hans Asperger, "'Autistic Psychopathy' in Childhood." in Frith, Uta, 1991.)

<sup>7</sup> E.g., Frith, Uta., 1989.

<sup>8</sup> Sacks (1995) mentions a report by Dr. Hamelin, of London, in which he told a story about an intelligent autistic girl of twelve, who had come to Dr. Hamelin complaining of the 'funny noises' that her friend Jeanie was making in another room. Upon investigating

the matter, it was found that Jeanie was crying bitterly. The significance of weeping (as an expression of sadness or distress) had fully escaped the understanding of that autistic girl—she had merely registered it as something physical—“funny noise.” (p. 269). This nicely illustrates the difficulty that autistic individuals experience in understanding the affective side of life. But, as Temple’s case shows, this difficulty is yet surmountable.

<sup>9</sup> To argue that he is not acting *qua* psychopath in those rare moments when he does respond to moral reasons is effectively to include the relevant incapacity into the *definition* of a psychopath, and thus beg the question against the alternative view.

<sup>10</sup> This *externalism about reasons* is convincingly defended, for instance, by Russ Shafer-Landau (2003; pp. 176–88).

<sup>11</sup> It is widely acknowledged that all of the existing clinical treatments aiming at reforming the attitudes of psychopaths or correcting their behavior over the long period of time are largely unsuccessful (see Cleckley, 1982; Wolman, 1987). Cf. also Aristotle: “The person who is now unjust or intemperate was originally free not to acquire this character; so that he has it willingly, though once he has acquired the character, he is no longer free not to have it now.” (*Nicomachean Ethics*, 1113b 20–23)

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