

BRAIN THEORY

ESSAYS IN CRITICAL NEUROPHILOSOPHY

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Ethics and the Brains of Psychopaths: The Significance of Psychopathy for Our Ethical and Legal Theories

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8.1 Introduction

The first well-publicized success of the neuroscience revolution was Damasio's (1995) case history of a man referred to as EVR, who began to show signs of psychopathy following surgery to remove a brain tumor above the orbits of his eyes. Since then, the neuroscience of psychopathy and sociopathy has steadily moved forward to begin to identify what is different about their brains. Not all psychopathy is caused by environmental conditions, however. There is mounting evidence that some psychopaths are born that way. The existence of such people within a society has profound implications for our attempts to build ethical and just communities. How should we manage the psychopaths amongst us? In this chapter, we will examine this and other questions. We will begin with a description of the current method of diagnosing psychopaths. Then we will describe four competing neuropsychological theories of what is different about their brain functions. In the final sections, we will trace the implications that the existence of psychopaths has for our theories of ethics and of legal and moral responsibility.

8.2 Diagnosing psychopaths

In the early 1800s, doctors who worked with mental patients noticed that some of them who appeared outwardly normal had what they called "moral depravity" (Rush 1812) or "moral insanity" (Pritchard 1835) in



