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Luca Malatesti
University of Rijeka, Faculty of Arts and Sciences, Department of Philosophy, Omladinska 14, HR–51000 Rijeka
lmalatesti@ffri.hr

Moral Understanding in the Psychopath*

Abstract

A pressing and difficult practical problem concerns the general issue of the right social response to offenders classified as having antisocial personality disorder. This paper approaches this general problem by focusing, from a philosophical perspective, on the still relevant but more approachable question whether psychopathic offenders are morally responsible. In particular, I investigate whether psychopaths possess moral understanding.

A plausible way to approach the last question requires a satisfactory philosophical interpretation of the empirical evidence that appears to show that psychopaths fail to draw the distinction between conventional and moral norms. Specifically, I will consider a recent philosophical debate polarized between supporters of rationalist and sentimentalist accounts of moral understanding. These opponents have discussed whether the case of psychopathy offers empirical support for their account and undermine the rival view. I will argue that the available empirical data leave the outcome of this discussion indeterminate. However, this implies that both these principal theories of moral understanding, if independently motivated, would imply that psychopaths have certain deficits that might affect their moral understanding and, consequently, their moral responsibility.

Key words

psychopathy, moral responsibility, moral understanding, rationalism, sentimentalism, psychology of moral understanding, conventional/moral norms

1. Introduction

A pressing and difficult practical problem concerns the general issue of the right response to offenders classified as having antisocial personality disorders. In UK, for instance, the government proposed the preventive civil commitment of people with this type of disorder (The Home Office 1999). This proposal has generated a wide debate, faced many criticisms and, finally, has been rejected (Cordess 2002; Moran 2002). In this discussion, it has emerged the persuasive suggestion that deciding how to respond to this class of offenders should require, amongst other types of legal and practical considerations, an evaluation of their moral responsibility (McMillan 2003).

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This paper addresses the question whether *psychopathic* offenders are *morally responsible* for their crimes by considering whether they possess *moral understanding*. This appears to be a relevant and approachable issue within the general practical debate mentioned above.[1] Several philosophers have approached the problem of the moral responsibility of psychopaths by considering whether they possess moral understanding.[2] Moreover, due to the work of the psychologist Robert Hare, focusing on psychopathy appears to be more promising than considering the general notion of antisocial personality disorder.[3] In the last three decades, Hare has offered and investigated an operational refinement of Harvey Cleckley's classical clinical characterization of psychopathy (Hare 1991, Cleckley 1976). Hare's notion of psychopathy demarcates a relevant subgroup amongst the individuals that are classified as having antisocial personality disorder (ASPD) by the *Diagnostic and Statistical Manual for Mental Disorder (DSM IV)* (American Psychiatric Association 1994). Hare's diagnosis of psychopathy appears to be a unifying construct in a growing number of psychometric, neuropsychological and neurological studies that appear to support its plausibility and fruitfulness (Patrick 2006, Blair, Mitchell, and Blair 2005).

The main thesis of this paper is that certain philosophical attempts to argue for the conclusion that psychopaths lack moral understanding are unsatisfactory. These proposals share the methodological assumption that this conclusion should derive from the adoption of either sentimentalist or rationalist accounts of moral understanding. Against this strategy, I will argue that the functional impairments of psychopaths are consistent with both these views on moral psychology.

2. Psychopathy

The term 'psychopath' has an imprecise current usage. Moreover, it has been employed in the history of psychiatry in connection with different diagnostic practices. Here 'psychopathy' will be used to refer to the notion formulated by Robert Hare. In the Seventies he began refining the concept of psychopathy elaborated in the seminal work of Harvey Cleckley. Hare's research culminated in the formulation of the *Psychopathy Checklist Revised* (PCL-R), a qualitative diagnostic tool that aims to establish how a subject scores along different dimensions encompassing behavioural criteria and personality traits (Hare 1991).

The PCL-R is used to evaluate a subject along 20 items: (1) Glib/superficial charm, (2) Grandiose sense of self-worth, (3) Need for stimulation/proneness to boredom, (4) Pathological lying, (5) Conning/manipulative, (6) Lack of remorse or guilt, (7) Shallow affect, (8) Callous/lack of empathy, (9) Parasitic lifestyle, (10) Poor behavioural controls, (11) Promiscuous sexual behaviour, (12) Early behavioural problems, (13) Lack of realist, long-terms goals, (14) Impulsivity, (15) Irresponsibility, (16) Failure to accept responsibility for own actions, (17) Many short-term marital affairs, (18) Juvenile delinquency, (19) Revocation of conditional release, and (20) Criminal versatility.

The PCL-R is applied via semi-structured interviews and intensive study of the files concerning the history of the subject. For each element in the list, there is a score varying between 0 to 2 points. The maximum total score is thus 40 points; when a subject obtains a value of 30 or more points he/she is considered psychopathic.[4] Factorial analysis studies show that the values of variables in PCL-R can be located on three dimensions: items concerning the

social interaction characterized by mendacity and arrogance, items concerning the factor of deficient affective experience, and, finally a dimension concerning impulsivity and irresponsibility (Cooke and Michie 2001). However, the exact factorisation of psychopathy is an open issue amongst specialists (see Hare and Neumann 2006).

The PCL-R has played a central role in different types of fruitful research and there are good reasons for considering it a plausible unifying diagnostic tool. Statistical studies appear to show that it might be a useful predictive tool for recidivism (Douglas, Vincent, and Edens 2006). Moreover, the existence of functional deficits that are specific to psychopathy is corroborated empirically (Blair, Mitchell, and Blair 2005). Finally, recent brain activity visualization studies (positron emission tomography, computer assisted magnetic resonance) suggest that there might be specific anatomic and functional neurological anomalies underlying this disorder (Raine and Yang 2006).

3. Measuring Moral Understanding in the Psychopath

Several philosophical accounts of moral responsibility hold that moral understanding is a requirement for deeming an agent morally responsible.[5] Without offering a complete characterization of moral understanding, here it is enough to point to a minimal necessary requirement for ascribing such an understanding. The upholders of the majority of views on the nature of moral concepts and judgment, and of the associated faculties, should agree that an agent possesses moral understanding when, minimally, he or she has the capacity to recognize that, when acting, he or she and other individuals should consider the interests of others. Moreover, it seems safe assuming that this recognition, whatever the subservient underlying faculties, can be reflected in the agents' ways of explicit reasoning about the permissibility of performing certain types of action in certain contexts.

Psychologists have devised experimental paradigms to establish the presence and nature of this type of reasoning in agents. Moreover, these paradigms have been applied to psychopaths. Thus, the investigation of the moral understanding of psychopaths can consider this type of experimental evidence. An important psychological paradigm for the investigation of moral understanding was developed by Elliot Turiel (Turiel 1983). This paradigm is based on

1
For a more articulated defence of this formulation of the problem see Malatesti and McMillan *forthcoming*.

2
See Duff 1977, Fields 1996, Glannon 1997, Haji 1998, and Levy 2008.

3
It is important to stress here that, given that the diagnostic criteria are significantly different, investigating the moral responsibility of psychopaths might not shed light on anti-social personality disorder in general. However, while the majority of individuals with ASPD are not psychopathic, those that fall under the psychopathic diagnosis meet the diagnostic criteria for ASPD, see Ogloff, 2007.

4
This cut-off value is usually adopted in North America; in Europe a value of 25 is often used.

5
See, for instance, Fisher and Ravizza 1998, pp. 69–73 and Watson 1993, pp. 126–128. Moreover, see note 1 above for discussions that use this assumption to investigate the moral responsibility of psychopaths. However, some authors have denied the relevance of moral understanding (or moral knowledge) for moral responsibility; see Arpaly 2006 and Scanlon 1998. Particularly, Greenspan 2003 offers an application of this insight to the case of psychopaths. Convincing replies to these deflations of moral understanding are offered in Levy 2008, pp. 132–135.

the moral/conventional distinction task. The participant is presented with vignettes involving moral and conventional transgressions. An action is a moral transgression when it has consequences for the rights and welfare of other individuals such as hurting another individual or damaging his/her property. Conventional transgressions are defined by their consequences for the social order; these are actions such as talking in class, dressing in opposite-sex clothes. The participant has to make judgments about the transgressions. It has emerged that children of 4 years find acceptable transgressing in certain circumstances to conventional rule imposed by authorities (teachers, parents). However, they think that moral transgressions are always impermissible. For instance, they would judge these transgressions unacceptable even in cases where the authorities imposing moral rules are not present.

Recent empirical results suggest that adult psychopathic offenders, when compared to non psychopathic offenders, manifest insensitivity to the distinction between moral and conventional transgression (Blair 1995; Blair, Jones, Clark, and Smith 1995). Now it seems that an ordinary conception of moral understanding will require, at least, that an individual should be capable of distinguishing between conventional and moral transgressions. Therefore, the application of Turiel's paradigm to psychopaths appears to offer evidence for the conclusion that they fail to draw a distinction that is importantly related to moral understanding.

These empirical results, however, do not show that psychopaths are *incapable* of drawing the moral/conventional distinction and thus are *incapable* of moral understanding. This behaviour needs to be caused by certain impairments in order to be the expression of incapacity. Therefore, we should consider the available explanations for their failure to draw the moral/conventional distinction. Some philosophers have assumed that the performance of psychopaths in the conventional/moral task can be explained by deficits in the psychological faculties required for moral judgment.

4. The Moral Faculties Stalemate

The recent philosophical discussion on the moral understanding of psychopaths is characterized by polarized positions. This polarization occurs particularly around key notions such as moral judgment and its relationship to emotive and rational faculties. To illustrate this debate, I will consider first a rationalist approach offered by John Deigh (Deigh 1995).

Deigh has investigated the moral responsibility of psychopaths by using a rationalist model of moral judgment inspired by Kant. According to this account, the capacity for moral judgment presupposes that certain formal principles regulate practical reason. This requirement implies a number of conditions. Firstly, and more importantly, subjects should be able to recognize their actions as a manifestation of their intentions. Moreover, they should be able to universalize these intentions. Notoriously, opinions differ on how the criterion of universalisation should work to deliver moral understanding; however its theoretical aim is quite clear. This criterion is required to impose consistency in moral judgment and thought. In accordance with this principle, an individual possesses moral understanding when she recognizes as reasons for action rules that she wants to regulate the behaviour of those who are in a situation similar to hers.

According to Deigh, to know whether an intention could apply to all persons, a subject has to recognize that other individuals have interests and goals that

they regard as good. However, he suggests that a form of understanding richer that this recognition is required for the right kind of universalisation. A subject might recognize that others have interests that they regard as important, but he might still assume that only his interests matter. Therefore, although he might see the interests of others from their point of view, he might universalize his intentions without being lead to recognize any inconsistency. Moreover, the capacity for moral understanding requires a form of empathy that renders the agent capable of imagining other people's feelings of frustration that might result from his actions and to understand that their interests constitute reasons for action, even if such reasons are different from his own.

Deigh suggests that this notion of empathy has to be quite "rich". For example, empathy here cannot be taken as mere emotional identification. Children, for example, can empathize in this sense. Moreover, sadists arguably need at least this form of empathy to take pleasure from others' pain. Thus, Deigh argues that possessing moral understanding requires having some sort of mechanism for the comparison of values and goals of others with ours. Therefore moral understanding requires, firstly, appreciation of the fact that one's interests might conflict with those of others. Secondly, this understanding requires sensitivity to a criterion for the solution of these conflicts. It is in virtue of this "mature empathy" that rational constraints and principles of consistency enter as requirements for moral understanding.

Deigh's rather elaborate set of psychological requirements for moral understanding produces two main hypotheses about the shortcomings of the psychopath that need to be empirically investigated (Deigh 1995, p. 763). Firstly, the psychopath might be incapable, given a certain "stunted development", of reaching a proper understanding of others' interests and reasons for action. Secondly, it could be the case that they revert to an egocentric perspective, because they cannot handle conflicting different perspectives, given that they do not appreciate the need for their harmonization. However, some might maintain that there are philosophical reasons for not investigating these hypotheses. This because Deigh fails to provide a satisfactory account of the faculties required for moral understanding.

Shaun Nichols, for instance, has argued that psychopaths undermine rationalist accounts of moral judgment and understanding (Nichols 2002). According to him, psychopaths, being rational individuals that fail to be motivated by moral reasons, offer a counterexample to those that assume that moral rationalism is a conceptual or empirical truth. Moreover, moral rationalism, understood as an empirical account of moral psychology, fails to explain the psychology of psychopaths. We can leave aside the important problem of the relevance of psychopaths for the meta-ethical issue of the nature of the capacities required for moral judgement. What is relevant here is that Nichols suggests an explanation of their failure to draw the distinction between conventional and moral norms that might shed light on the issue whether they are not capable to draw this distinction.

Nichols focuses on well-documented emotional impairments that affect psychopaths' empathic responding. Adults with psychopathy, and children with presumed precursors of psychopathic traits, show reduced autonomic responses to and recognition of fearful and sad behavioural manifestations (facial expression, vocal affect) (Blair 1999; Hare, Clark, Grann, and Thornton 2000). He, then, argues that an account of morality based on moral sentiments explains the case of psychopaths. Their immoral behaviour in general and their incapacity to draw the distinction between moral and conventional rules

is explained by their emotional impairments that in turn affect their capacity for moral judgment and understanding.

However, empirical evidence concerning psychopaths suggests that their moral shortcomings can be explained by adopting a Kantian view which emphasizes the role of rationality in moral understanding. Firstly, it has been persuasively argued that highly-functioning autistic adults with Asperger's syndrome manifest a similar deficit in empathic understanding as psychopaths. However, individuals affected by this form of autism can realize, by reasoning, that other people have reason-giving interests as their own (Kennett 2002).

Moreover, given that without consistency in conception or consistency in willing, there cannot be universalisation, psychopaths manifest impairments in their rational capacities that appear to undermine their capacity to think consistent course of actions and will the means for their ends (see for this argument Maibom 2005). In particular, let us consider a subject that has a reason to form the intention to act in accordance with a certain universal rule. It seems that she should recognize that having that reason commits her either to pursue the means for that action or abandon it (see Millar 2004, pp. 76–78).

But it seems that psychopaths do not have this capacity. First of all, there is a growing literature attesting that psychopaths have attention deficits that cause problems when they have to coordinate their specific strategies (means) required to carry out a certain underlying intention (end). Moreover, psychopaths have problems with response reversal, the capacity to change responses that were previously rewarded and then punished (Newman and Kosson 1996). Clearly, this appears to be a limitation in their capacity to follow strategies that will consistently promote their ends.

Thus, it can be concluded that psychopaths, besides emotional impairments suffer cognitive limitations that impair, relatively to non-psychopathic individuals, their rational capacities. Therefore, it appears that both rationalists and sentimentalists can accommodate the case of psychopaths.

Walter Glannon (Glannon 1997) has advanced an important objection to this conclusion. He claims that emotions play a central role in motivation and rational deliberation on the basis of a well known hypothesis advanced by Antonio Damasio. Damasio studied patients who have suffered lesions of their frontal lobes and argued that emotions have a central role in guiding practical deliberation (Damasio 1994). The central idea here is that emotions play a role in limiting the space of possible options that a subject will consider when deliberating on the action to pursue. In fact, he argues that the representations of possible outcomes are associated, through experience, to a certain emotion (positive or negative), that Damasio calls a "somatic marker". The occurrence of a certain representation of a future outcome will determine the occurrence of an emotive effect, either positive or negative, that will accordingly induce a positive or negative disposition in the subject in relation to the action that will bring about the outcome.

According to Damasio, certain lesions to the frontal lobes impair the formation of somatic markers. Thus, the patients so affected lack emotional responses to the events that will shape the space of alternative possibilities that are evaluated in their deliberation. For example, in the case of the patient known as Elliott, his prefrontal cortex was rendered dysfunctional owing to a tumour. Elliot's behaviour became extremely irrational. Consequently, his job was terminated, his marriage collapsed, and he lost his income. More-

over, it has been suggested that damage to somatic marker functioning early in development may impair the normal acquisition of moral knowledge. For instance, Damasio and his collaborators studied two patients who suffered ventromedial frontal lobe damage early in childhood (Anderson, Bechara, Damasio, and Damasio 1999). Both patients showed psychopathic features such as irresponsible and criminal behaviour, abusive behaviour towards others, and lack of empathy and remorse.

Glannon endorses the hypothesis advanced by Damasio and others that impairment in somatic marker generation might underlie psychopathy. However, even if we concede that Damasio's account is satisfactory for patients with damaged frontal lobes, we cannot extend it to psychopaths. It is true that there is some preliminary evidence, based on the use of the Four-Pack Gambling task, that suggests that psychopaths manifest an abnormal somatic marker functioning (Blair, Colledge, and Mitchell 2001). However, these results are not uncontroversial. In two other studies emerged that psychopathic individuals perform similarly to controls on the Four-Pack Gambling task (Blair and Cipolotti 2000, Schmitt, Brinkley, and Newman 1999). Moreover, there are studies that appear to show that those who score highly in the PCL-R respond to emotive stimuli that are not involved in causing sadness or fear (Flor, Birbaumer, Hermann, Ziegler, and Patrick 2002). These individuals show autonomic arousal to emotionally arousing stimuli so long as these stimuli are not expressions of sadness or fear. But according to Damasio's model, lesions in the system of somatic markers cause a complete exclusion of whatever the relevant emotional response. It could be replied, of course, that in the case of psychopaths, we might hypothesize that they suffer more localized impairments that undermine their emotive responses. However, this hypothesis is not only hostage to empirical data that we lack at the moment, it is also theoretically implausible. In fact, there are sound reasons to think that psychopaths manifest the opposite impairments of those that would follow from a damaged somatic marker system.

Finally, Heidi Maibom has suggested that these results contrast with the impairments of patients with damages to the frontal lobes (Maibom 2005). Some studies offer compelling reasons for concluding that psychopaths manifest attention deficits (Jutai, Hare, and Connolly 1983). For example, empirical studies appear to indicate that psychopaths dedicate a great deal of their attention resources to events of immediate interest, while they ignore effectively other stimuli. In a well replicated study, it has been found that psychopaths show a reduced physiological response to irrelevant auditory stimuli when they are engaged in some other activity, although their response is normal when they are involved in passive listening. Similarly, it has been shown that psychopaths are not distracted by certain stimuli when they perform certain tasks (Hiatt, Schmitt, and Newman 2004). In these tests they should perform certain duals tasks, were they were required to follow the movements of several objects. These findings suggest that the problem with psychopaths is that they have an excessive narrowing of their attention. But this is the opposite of what would be expected if psychopaths had their somatic marker system damaged.

Thus, although there might be a significant relation between emotions and reason, Glannon has not put forward compelling evidence for the idea that the practical irrationality of the psychopaths depends on their emotional impairments. It seems that psychopaths have impairments that undermine both emotional and rational capacities. Therefore, it is far from clear how their

deficits contribute to the understanding of faculties required for moral understanding.

It seems that both sentimentalist and rationalist accounts of moral understanding can provide explanations of the deficits of the psychopaths that might undermine their performance in the conventional/moral distinction task. Deciding which of these two explanations is the correct one requires an independent investigation to establish which of these two approaches to moral understanding is correct. So without these independent accounts, there is no hope of establishing whether psychopaths are unable to recognize moral norms because of some impairment of what classically philosophers have taken to be the moral faculties.

However, given the practical and pressing nature of the question of the social response to psychopaths, this appears to be an interesting and important result. It authorizes us to discuss this practical concern in terms of "middle ground principles" and "parity of explanations" between competing important philosophical views, whose final adjudication does not appear to be forthcoming or easy. The majority of sentimentalists and rationalists can agree that moral understating requires the capacity to draw the distinction between moral and conventional norms. Moreover, the empirical evidence so far considered appears to support the conclusion that both these theories can explain psychopathic deviant behaviour in terms of impairments of capacities required for moral understanding. Nevertheless, it is clear that this does not lead to an uncontroversial outcome concerning the moral responsibility of psychopaths.

First of all, sentimentalism and rationalism as sketched here might not represent all the plausible positions on moral understanding.[6] Moreover, even if we accept this disjunction as exhaustive, further steps might be required to establish that psychopaths are not morally responsible. Even if we can establish that psychopaths are incapable of moral understanding, because these faculties are impaired, we will still have to investigate whether these impairment are such to undermine their moral responsibility.

There are several problems to be considered, here I can only mention one that derives from interfacing our practices of ascribing moral responsibility and the empirical data discussed. The empirical results show certain functional impairments of the psychopaths as traced by statistical differences with individuals diagnosed as not being psychopaths. Thus, without a deterministic explanation of the impairment that generated these functional impairments, we have to be prepared to adjust our judgment concerning the presence of absence of a certain capacity in a certain class of individuals in a statistical fashion. In turn, this will imply that our practice to ascribe moral responsibility to certain classes of individuals, depending on their moral understanding, has to be sensitive to these statistical correlations.

5. Conclusion

It appears that the empirical evidence we have about psychopaths is consistent both with the idea that they might lack certain emotional capacities and certain rational capacities that are required for comprehending the distinction between moral and conventional rules. Thus, it is clear that psychopaths do not draw an important distinction between conventional and moral rules. Now, both two principal theories of moral understanding imply that their performances in this respect derive by impairments in certain moral faculties. Investigating whether and how these impairments undermine psychopaths' moral responsibility has to be left for another occasion.

References

American Psychiatric Association. 1994. *Diagnostic and Statistical Manual of Mental Disorders, 4th Ed.* Washington, D.C: American Psychiatric Association.

Anderson, S. W., A. Bechara, H. Damasio, and A. R. Damasio. 1999. Impairment of Social and Moral Behaviour Related to Early Damage in Human Prefrontal Cortex. *Nature Neuroscience* 2: 1032–1037.

Arpaly, N. 2006. *Merit, Meaning and Human Bondage: An Essay on Free Will*. Princeton, NJ: Princeton University Press.

Blair, J., D. Mitchell, and K. Blair. 2005. *The Psychopath: Emotion and the Brain*. Oxford: Blackwell.

Blair, R. J. R. 1995. A Cognitive Developmental Approach to Morality: Investigating the Psychopath. *Cognition* 57: 1–29.

Blair, R. J. R. 1999. Responsiveness to Distress Cues in the Child with Psychopathic Tendencies. *Personality and Individual Differences* 27: 135–145.

Blair, R. J. R. and L. Cipolotti. 2000. Impaired Response Reversal. A Case of Acquired Sociopathy. *Brain* 123: 1122–1141.

Blair, R. J. R., L. Jones, F. Clark, and M. Smith. 1995. Is the Psychopath Morally Insane? *Personality and Individual Differences* 19, 5: 741–752.

Blair, R., E. Colledge, and D. Mitchell. 2001. Somatic Markers and Response Reversal: Is there Orbitofrontal Cortex Dysfunction in Boys with Psychopathic Tendencies? *Journal of Abnormal Psychology* 29: 491–498.

Cleckley, H. M. 1976. *The Mask of Sanity: An Attempt to Clarify some Issues About the So-called Psychopathic Personality*. St. Louis (MO): Mosby.

Cooke, D. J. and C. Michie. 2001. Refining the Construct of Psychopathy: Towards a Hierarchical Model. *Psychological Assessment* 13: 171–188.

Cordess, C. 2002. Proposals for Managing Dangerous People with Severe Personality Disorder: New Legislation and New Follies in a Historical Context. *Criminal Behaviour and Mental Health* 12: s12–s19.

Damasio, A. R. 1994. *Descartes' Error: Emotion, Rationality and the Human Brain*. New York: Putnam.

Damasio, A. R., D. Tranel, and H. Damasio. 1990. Individuals with Sociopathic Behavior Caused by Frontal Damage Fail to Respond Autonomically to Social Stimuli. *Behavioural Brain Research* 41, 2: 81–94.

Deigh, J. 1995. Empathy and Universability. *Ethics* 105, 4: 743–763.

Douglas, K., G. M. Vincent, and J. F. Edens. 2006. Risk of Criminal Recidivism: The Role of Psychopathy. In *Handbook of Psychopathy*. ed. C. Patrick, 533–549. New York/London: The Guildford Press.

Duff, A. 1977. Psychopathy and Moral Understanding. *American Philosophical Quarterly* 14: 189–200.

Fields, L. 1996. Psychopathy, Other-Regarding Moral Beliefs, and Responsibility. *Philosophy, Psychiatry, & Psychology* 3: 261–77.

Fine, C. and J. Kennett. 2004. Mental Impairment, Moral Understanding and Criminal Responsibility: Psychopathy and the Purposes of Punishment. *International Journal of Law and Psychiatry* 27, 5: 425–443.

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For instance, there are Aristotelian alternatives. Moreover, sentimentalism and rationalism can take different forms.

Fischer, J. M. and M. S. J. Ravizza. 1993. *Perspectives on Moral Responsibility*. Ithaca: Cornell University Press.

Fischer, J. M. and M. S. J. Ravizza. 1998. *Responsibility and Control. A Theory of Moral Responsibility*. Cambridge: Cambridge University Press.

Flor, H., N. Birbaumer, C. Hermann, S. Ziegler and C. J. Patrick. 2002. Aversive Pavlovian Conditioning in Psychopaths Peripheral and Central Correlates. *Psychophysiology* 39: 505–518.

Glannon, W. 1997. Psychopathy and Responsibility. *Journal of Applied Philosophy* 14: 263–275.

Haji, I. 1998. On Psychopaths and Culpability. *Law and Philosophy* 17: 117–40.

Hare, R. D., D. Clark, M. Grann and D. Thornton. 2000. Psychopathy and the Predictive Validity of the PCL-R an International Perspective. *Behavioral Sciences and the Law* 18: 623–645.

Hare, R. D. and C. S. Neumann. 2006. The PCL-R Assessment of Psychopathy: Development, Structural Properties, and New Directions. In *Handbook of Psychopathy*. ed. C. Patrick, 58–88. New York/London: The Guildford Press.

Hare, R. D. 1991. *The Psychopathy Checklist-Revised*. Toronto: Multi-Health Systems.

Hiatt, K. D., W. A. Schmitt, and J. P. Newman. 2004. Stroop Tasks Reveal Abnormal Selective Attention among Psychopathic Offenders. *Neuropsychology* 18: 50–59.

Jutai, J. W., R. D. Hare, and J. F. Connolly. 1983. Psychopathy and Selective Attention during Performance of a Complex Motor Task. *Psychophysiology* 20: 146–151.

Kennett, J. 2002. Autism, Empathy, and Moral Agency. *The Philosophical Quarterly* 52: 340–357.

Levy, N. 2008. The Responsibility of the Psychopath Revisited. *Philosophy, Psychiatry, & Psychology* 14, 2: 129–138.

Maibom, H. L. 2005. Moral Unreason: The Case of Psychopathy. *Mind and Language* 20, 2: 237–257.

Malatesti, L. and J. McMillan, eds. forthcoming (2010). *Responsibility and Psychopathy: Interfacing Law, Philosophy and Psychiatry.* Oxford: Oxford University Press.

McMillan, J. R. 2003. Dangerousness, Mental Disorder, and Responsibility. *Journal of Medical Ethics* 29: 232–235.

Millar, A. 2004. *Understanding People: Normativity and Rationalizing Explanation*. Oxford: Oxford University Press.

Moran, P. 2002. Dangerous Severe Personality Disorder: Bad Tidings from the UK. *International Journal of Social Psychiatry* 48: 6–10.

Newman, J. and D. Kosson. 1996. Passive Avoidance Learning in Psychopathic and Non-Psychopathic Offenders. *Journal of Abnormal Psychology* 102: 82–92.

Nichols, S. 2002. How Psychopaths Threaten Moral Rationalism, or is It Irrational to be Amoral? *The Monist* 85: 285–303.

Ogloff, J. R. P. (2007). Psychopathy/Antisocial Personality Disorder Conundrum. *Australian and New Zealand Journal of Psychiatry* 40: 519–528.

Patrick, C. J. ed. 2006. *Handbook of Psychopathy*. New York/London: The Guildford Press.

Raine, A. and Y. Yang. 2006. The Neuroanatomical Bases of Psychopathy: A Review of Brain Imaging Findings. In *Handbook of Psychopathy*. ed. C. Patrick, New York/London: The Guildford Press.

Richardson, G. 1999. Review of the Mental Health Act 1983: Draft Outline Proposals by Scoping Study Committee. Web page [accessed 5/1/2005]. Available at: http://www.hyperguide.co.uk/mha/rev-prop.htm.

Scanlon, T. 1998. *What We Owe to Each Other*. Cambridge (MA): Harvard University Press.

Schmitt, W. A., C. A. Brinkley, and J. P. Newman. 1999. Testing Damasio's Somatic Marker Hypothesis with Psychopathic Individuals: Risk Takers or Risk Averse? *Journal of Abnormal Psychology* 108, 3: 538–543.

The Home Office Department of Health. 1999. *Managing Dangerous People with Severe Personality Disorders: Proposals for Policy Development*. London: The Stationary Office.

Turiel, E. 1983. *The Development of Social Knowledge: Morality and Convention*. Cambridge: Cambridge University Press.

Luca Malatesti

Moralno razumijevanje kod psihopata

Sažetak

Gorući i težak praktički problem vezan je uz opće pitanje ispravnog društvenog odgovora na prijestupnike klasificirane kao osobe s antisocijalnim poremećajem ličnosti. Članak prilazi ovom općem problemu fokusirajući se, iz filozofske perspektive, na još uvijek važno ali lakše dohvatljivo pitanje jesu li psihopatski prijestupnici moralno odgovorni. Posebno se istražuje imaju li psihopati mogućnost moralnog razumijevanja.

Vjerodostojni pristup posljednjem pitanju zahtijeva zadovoljavajuću filozofsku interpretaciju empirijskog dokaza koji pokazuje da psihopati ne uspijevaju naći razliku između konvencionalnih i moralnih normi. Preciznije, uzet ću u obzir nedavnu filozofsku raspravu polariziranu između pobornika racionalističkog i sentimentalističkog objašnjenja moralnog razumijevanja. Ovi su suparnici otvorili raspravu nudi li slučaj psihopatije empirijsku potporu za njihovo objašnjenje i potkopava suparnički pogled. U radu tvrdim da dostupni empirijski podaci ostavljaju ishod ove rasprave neodlučenim. To implicira da bi obje teorije moralnog razumijevanja, ako su neovisno motivirane, uzele u obzir psihopate kao osobe koje imaju određene nedostatke koje bi mogle utjecati na njihovo moralno razumijevanje a stoga i na njihovu moralnu odgovornost.

Ključne riječi

psihopatija, moralna odgovornost, moralno razumijevanje, racionalizam, sentimentalizam, psihologija moralnog razumijevanja, konvencionalne/moralne norme

Luca Malatesti

Moralisches Verständnis der Psychopathen

Zusammenfassung

Ein akutes und gewichtiges praktisches Problem knüpft an die generelle Frage einer angemessenen gesellschaftlichen Reaktion auf Delinquenten an, die als Personen mit antisozialer Persönlichkeitsstörung klassifiziert werden. Der Artikel nimmt dieses allgemeine Problem in Angriff, indem er – aus der philosophischen Perspektive – die noch immer bedeutende, doch leichter zu umreißende Problematik zum Fokus macht, ob die psychopathischen Zuwiderhandelnden moralische Verantwortung tragen. Es wird nachdrücklich erforscht, ob Psychopathen über Fähigkeit zum moralischen Verständnis verfügen.

Ein glaubwürdiges Herangehen an die letzte Frage beansprucht eine zufriedenstellende philosophische Interpretation des empirischen Beweises, der auf das Außerstandesein der Psychopathen hinweist, die Differenz zwischen konventionellen und moralischen Normen zu detektieren. Präziser ausgedrückt nehme ich Bezug auf eine neuliche philosophische Abhandlung, die zwischen den Verfechtern rationalistischer und sentimentalistischer Auslegung des moralischen Verständnisses polarisiert ist. Diese Rivalen entfesselten eine Debatte, ob der Psychopathiefall den einen empirischen Beistand leistet, während er die Einstellung anderer untergräbt. In meiner Arbeit stelle ich die Behauptung auf, dass verfügbare empirische Angaben den Ausgang dieser Diskussion unentschieden lassen. Dies impliziert, dass beide Theorien des moralischen Verständnisses – falls unabhängig motiviert – Psychopathen als Individuen mit bestimmten

Mängeln berücksichtigen würden, welche ihr moralisches Verständnispotenzial und folglich ihre moralische Verantwortung beeinflussen könnten.

Schlüsselwörter

Psychopathie, moralische Verantwortung, moralisches Verständnis, Rationalismus, Sentimentalismus, Psychologie des moralischen Verständnisses, konventionelle/moralische Normen

Luca Malatesti

La conscience morale chez le psychopathe

Résumé

Un problème pratique pressant et difficile est lié à la problématique générale de la réponse sociale adéquate concernant les délinquants qualifiés comme souffrant de trouble de la personnalité antisociale. L'article se penche sur le problème en se focalisant, d'un point de vue philosophique, sur la question – tout aussi pertinente mais plus abordable – de savoir si les délinquants psychopathes sont moralement responsables. Plus particulièrement, il s'interroge si les psychopathes possèdent une conscience morale.

Une approche crédible de la question pré-citée exige une interprétation philosophique satisfaisante de la preuve empirique indiquant que les psychopathes ne parviennent pas à distinguer les normes conventionnelles et morales. Plus précisément, j'examinerai un débat philosophique récent polarisé entre les partisans de l'explication rationaliste et ceux de l'explication sentimentaliste de la conscience morale. Ces opposants ont ouvert le débat sur la question de savoir si le cas de la psychopathie offre un appui empirique à leur explication et s'il mine la position de leurs opposants. Dans cette étude, j'affirme que les preuves empiriques disponibles laissent l'issue de ce débat incertain. Ceci implique que les deux théories de la conscience morale, si elles étaient motivées indépendamment, considèreraient les psychopathes comme des personnes dont certaines inaptitudes pourraient influer sur leur conscience morale et par conséquent leur responsabilité morale.

Mots-clés

psychopathies, responsabilité morale, conscience morale, rationalisme, sentimentalisme, psychologie de la conscience morale, normes conventionnelles/morales