Psychopathy, Moral Reasons, and Responsibility [1]

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Abstract:

In popular culture psychopaths are inaccurately portrayed as serial killers or homicidal maniacs. Most real-world psychopaths are neither killers nor maniacs. Psychologists currently understand psychopathy as an affective disorder that leads to repeated criminal and antisocial behavior. Counter to this prevailing view, I claim that psychopathy is not necessarily linked with criminal behavior. Successful psychopaths, an intriguing new category of psychopathic agent, support this conception of psychopathy. I then consider reactive attitude theories of moral responsibility. Within this tradition, psychopaths are thought to be blameless as a result of their pronounced affective deficits. Psychopaths are considered morally blind because they lack the moral emotions that make us sensitive to moral reasons. I argue that, even if they are morally blind, psychopaths remain open to forms of blame stemming from non-moral reactive attitudes. These reactive attitudes remain appropriate because psychopaths can express hateful, disgusting, or contemptible non-moral values in their judgments.

Moral philosophers aim to provide a plausible explanation and justification of our moral practices. Psychopaths are an undeniable part of the moral world and so need to be accommodated by moral theory. One important debate in contemporary ethics centers on psychopathic responsibility. Responsibility is thought by some to require a capacity to understand emotions like guilt, shame, and resentment. Psychopaths, we are learning, have significant difficulty understanding these emotions. This apparent fact about psychopathy leaves us with several questions: Does the psychopath's inability to feel or understand moral emotions imply that they are not morally responsible for their actions? If psychopaths are not morally responsible for their actions can they still be held accountable in some way?

In this chapter I argue that psychopaths are open to several forms of accountability despite the fact that they are not morally responsible for their actions. I begin with a brief history of the concept of psychopathy. I also address an unanswered psychological question about the link between psychopathy and criminal behavior. I then turn my attention to debates about the moral responsibility of the psychopath. Psychopaths are competent practical reasoners and yet appear to suffer from important affective and motivational deficits especially in terms of their ability to understand moral norms. As a result, psychopathic agency raises problems for standard theories of responsibility. Reactive attitude theories of responsibility, theories that make an understanding of moral emotions an important part of moral responsibility, traditionally hold that psychopaths are exempt from moral responsibility because of their affective deficits. Finally, I argue that psychopaths remain open to several forms of accountability stemming from the kinds of judgments that psychopathic choices express about the value of other agents.

A Brief History of Psychopathy

In 1739 David Hume, a Sentimentalist moral philosopher, wrote his *Treatise of Human Nature*; in it he argued that moral properties were constituted by innate feelings he called approbation and disapprobation [Hume 1739/2000, 193-194]. Although Hume believed that the capacity to feel

approbation and disapprobation was innate, he considered the possibility that some people may be born without this capacity. In his later *Enquiry Concerning the Principles of Morals*, Hume wrote about agents who might lack the capacity to feel disapprobation toward the violation of moral norms. In doing so he made an early philosophical reference to a type of agent who would now be suspected of being a psychopath. Hume mentions an especially problematic kind of person, a "sensible knave," who

> "may think, that an act of iniquity or infidelity will make a considerable addition to his fortune without causing any considerable breach in the social union and confederacy. That *honesty is the best policy*, may be a good general rule; but is liable to many exceptions: And he, it may, perhaps, be thought, conducts himself with most wisdom, who observes the general rule, and takes advantage of all the exceptions" [Hume 1751/1998, 155].

Hume's knave realizes that being moral, while sometimes beneficial, comes with costs that could be avoided by behaving badly. Although most of us avoid bad behavior because of the pain of feeling guilt, shame, or remorse, Hume claimed that sensible knaves would "feel no reluctance to the thoughts of villainy or baseness" that occur to them [Hume 1751/1998, 156]. Sensible knaves believe that their interests are better served by obeying moral rules only when it is to their advantage. They do not feel guilt, shame, or remorse when they violate moral norms. If sensible knaves were incapable of guilt or shame (i.e. if they could not feel disapprobation toward immoral behavior) then Hume worried that sensible knaves could be morally incorrigible: they could be insensitive to moral reasons.

Hume's sensible knave has characteristics that correspond to what would now be seen as diagnostic criteria for psychopathy: selfishness, lack of empathy or guilt, and antisocial or immoral behavior. Hume's sensible knave represents an early philosophical treatment of psychopathy. A clinical description of psychopathy would not appear for another one hundred and ninety years. 1941 saw the publishing of Hervey Cleckley's *The Mask of Sanity*, a work that fundamentally shaped modern conceptions of psychopathic agency.

The Cleckley Psychopath

Hervey Cleckley was a clinical psychiatrist whose work brought him into contact with patients who were repeatedly incarcerated or committed to mental institutions for crimes ranging from check fraud, domestic violence, theft, and bigamy to assault. Cleckley noticed that some of his patients shared a cluster of personality traits that made them expert manipulators, but also left them unable to understand why they had been incarcerated or hospitalized. Although they claimed to understand right and wrong, Cleckley argued that this was a show his patients put on to take advantage of others. Cleckley's patients had symptoms that did not correspond to a mental illness or disorder recognized by psychiatrists of his day. In the preface to *The Mask of Sanity*, Cleckley noted that, at the time, "[n]o definite or consistent attitude on the part of psychiatric authorities could be adduced" to explain the behavior of his patients and that "no useful legal precedent at all could be invoked, and no institutions found in which help might be sought by the community" to treat them [Cleckley 1941/1988, xi]. Cleckley called his patients "psychopaths" and tried to define a set of diagnostic traits to help psychiatrists identify and care for them.

Like Hume's sensible knave, Cleckley's psychopaths participate in their societies while simultaneously failing to live by moral rules. Cleckley's psychopaths create a convincing "mask of sanity" that lets them pass as upstanding members of society even as they violate their community's most sacred norms.

Cleckley describes the mindset of agents like Hume's sensible knave in great detail. In describing one of his patients, "Frank," Cleckley argued that words like

> "[b]eauty and ugliness, except in a very superficial sense, goodness, evil, love, horror, and humor have no actual meaning, no power to move him. He is, furthermore, lacking in the ability to see that others are moved. It is as though he were colorblind, despite his sharp intelligence, to this aspect of human existence. It cannot be explained to him because there is nothing in his orbit of awareness that can bridge the gap with comparison. He can repeat the words and say glibly that he understands, and there is no way for him to realize that he does not understand" [Cleckley 1941/1988, 40].

Cleckley claimed that psychopaths violated moral norms because they were unable to understand them. Psychologists and psychiatrists still believe that moral words do not have meaning to psychopaths and that they learn to parrot them in order to further their own ends.

The alleged moral blindness of the psychopath interests moral philosophers. It is important to note that although we associate psychopathy with violent or inexplicable crimes, most of Cleckley's patients were not murderers. Cleckley's patients led lives defined more by lying, cheating, occasional violence, and persistent manipulation than recklessness, assault, or murder. Cleckley argued that psychopaths had specific characterological traits. He identified sixteen traits ranging from "superficial charm" and "absence of remorse and shame" to "pathological egocentricity" and "untruthfulness and insincerity" that most of his patients shared [Cleckley 1941/1988, 338-399]. Cleckley's research went on to spark widespread interest in the study of psychopaths. Robert Hare, who followed in Cleckley's path, would come to define contemporary conceptions of psychopathy. His views have produced both controversy and productive inquiry. The diagnostic tools Hare would develop have been applied to criminals, [Hare 1999, 31], corporate CEOs, [Babiak, Neumann, and Hare 2010, 174], children, and have even been modified to identify psychopathic chimpanzees [Lilienfeld, Gershon, Duke, Marino, and de Waal 1999, 365]. Hare's theories have had such a widespread impact that psychopaths are often referred to as "Hare Psychopaths" [Hervé 2007, 31].

Hare and the PCL-R

In its revised form, Hare's most famous diagnostic tool for psychopathy is the primary method for diagnosing psychopaths: the Psychopathy Checklist (PCL-R). Like Cleckley, Hare understands psychopathy as composed of characterological traits including many from Cleckley's list: grandiosity, domination, and lack of guilt, remorse, or empathy [Hare and Neumann 2010, 93-95]. Hare also includes behavioral traits like impulsivity and violations of social and legal norms [Hare and Neumann 2010, 95]. Although developed initially for use with men in correctional or psychiatric institutions, Hare's PCL-R has been adapted for use with juveniles [Ridenour and Dean 2001, 227], women [Weizmann-Henelius, Sailas, Viemerö, and Eronen 2002, 355], and outside of correctional institutions [DeMateo, Heilburn, and Marczyk 2006, 133].

The PCL-R is a two part diagnostic tool containing both a structured interview and a historical behavioral assessment. Interviewers ask questions that aim to identify the degree to which the subject might be said to possess a psychopathic personality trait. Interviewers rate each question from 0-2 depending on whether subjects manifest the trait in question strongly (2), somewhat (1), or not at all (0). A "perfect" score, the score most indicative of psychopathy, is 40 points. Normal subjects score

between 5 and 6 points; scores are slightly higher for incarcerated subjects and range between 12-18 points on average [Clotilde-Penteado, Arboleda-Florez, and Portela Camara 2005, 7].

There is some controversy about where clinicians should mark the cutoff between non-psychopathic, partially psychopathic, and full-blown psychopathic scores. Currently, the cutoff score for a diagnosis of psychopathy ranges from 25-30 depending on the country [Hare, Clark, Grann, and Thornton 2000, 635]. Approximately 15-38% of the male prison population has a PCL-R score that falls between 25-40 [Hildebrand & deRuiter 2004, 233].

Although Hare's Psychopathy Checklist is the standard diagnostic tool for identifying violent offenders, "psychopathy" is not among the 400-plus mental diseases and disorders in the American Psychiatric Association's *Diagnostic and Statistical Manual* (DSM IV-TR) [American Psychiatric Association 2000]. The exclusion of psychopathy from the current version of the DSM and each of its earlier editions, stems from persistent debates about the construct validity of psychopathy.

Is Psychopathy A Mental Illness?

In place of psychopathy the DSM-IV uses "Antisocial Personality Disorder" (ASPD) to cover cases of persistent and harmful norm violators [American Psychiatric Association 2000]. The descriptive paragraphs preceding the diagnostic traits for ASPD in the DSM make it clear that, in the minds of the authors of the DSM, ASPD and psychopathy are equivalent diagnoses. ASPD, they say, "has also been referred to as psychopathy, sociopathy, or dyssocial personality disorder" [American Psychiatric Association 2000, 702; Hervé 2007]. Along similar lines, some have questioned whether psychopathy is a mental illness at all [Edens, Lilienfeld, Marcus, Poythress 2006, 131], whether psychopathy is a distinct mental illness rather than a form of ASPD, or whether the PCL-R is the best way of measuring psychopathy. Each of these questions is at the heart of current debates about psychopathy. In this chapter, I address each of these questions in turn.

The best available evidence suggests that ASPD and psychopathy, diagnosed using the PCL-R, are distinct conditions. ASPD and psychopathy rely on different diagnostic traits. A diagnosis of ASPD is primarily based on historical behavior, which might be assessed, for example, by asking whether a patient has a history of repeated incarceration, fighting, and conning [Gurley 2009, 297]. Psychopathy, on the other hand, refers primarily to agents with a distinctive set of personality traits. The DSM is a diagnostic manual intended to be used in a clinical setting to diagnose and treat illness. In the DSM, a diagnosis of ASPD is based on easily observable criminal acts instead of personality traits. Hare claims that ASPD rather than psychopathy appears in the DSM because of a need to guarantee high rates of agreement between clinicians diagnosing patients in a wide variety of contexts (i.e. private practice, schools, penal institutions, etc.) [Hare, Hart, and Harpur 1991, 391]. It is easier, Hare argues, for clinicians to agree on a diagnosis when it is based on facts about a patient's past than it is when clinicians must each infer a patient's character traits. However, evidence suggesting that ASPD and psychopathy are distinct mental constructs is mounting. About 80% of incarcerated prisoners meet the diagnostic criteria for ASPD while only 15%-38% qualify as psychopaths under the PCL-R standard [Hildebrand and deRuiter 2004; Gurley 2009]. Hare Psychopaths are also more likely to violently re-offend than those with ASPD, and to respond to treatment differently [Hart and Hare 1997; Barbaree 2005]. However, although psychopathy is distinguishable from ASPD, doubts have been recently raised about whether the PCL-R accurately measures the construct of psychopathy.

Psychologists Jennifer Skeem and David Cooke have raised doubts about the use of the PCL-R as a measure of psychopathy [Skeem and Cooke 2010a 433; Skeem and Cooke 2010b, 455]. Skeem and Cooke argue that the PCL-R was developed as a tool to predict violent or incorrigible offenders in forensic contexts; as a result, the PCL-R itself reifies psychopathy as manifesting in violent, criminal, or antisocial behavior. They claim that the adoption of the PCL-R as a model of psychopathy links psychopathy with these behaviors unnecessarily [Skeem and Cooke 2010, 434]. Criminal behavior is diagnostic for (i.e. provides evidence for a diagnosis of) ASPD and PCL-R but there are important differences. The PCL-R contains multiple factors, multiple diagnostic criteria, that make up the construct of psychopathy. Only one of these factors makes reference to prior criminal behavior; the other factors are characterological (glibness, selfishness, lack of empathy, etc.). On the other hand, a person can be diagnosed with ASPD based purely on their prior criminal behavior. Although there is an important difference between PCL-R and ASPD in terms of the diagnostic relevance of past criminal behavior, Skeem and Cooke argue that the PCL-R associates antisocial personality traits with violent or criminal actions too strongly. They instead suggest that the antisocial traits characteristic of psychopathy need not result in or manifest as violent or criminal behavior. They go on to argue that Hare's focus on antisocial behavior as a marker for antisocial personality traits strays from the defining features of psychopathy seen in Cleckley's classic description of psychopathy: that the psychopath is callous and unemotional. Evidence suggests that Skeem and Cooke's criticisms are right.

Studies show that antisocial behavior and callous/unemotional traits are not correlated with one another; this is a significant results because it implies that antisocial and criminal behavior are distinct from, and not necessary for, a diagnosis of psychopathy [Vanman, Mejia, Dawson, Schell, and Raine 2003]. Furthermore, a new category of psychopath, the “successful psychopath,” appears to justify Skeem and Cooke's criticisms of Hare's PCL-R. Successful psychopaths are persons who meet diagnostic criteria for psychopathy but who avoid incarceration; some even achieve great success in corporate or political institutions [Stevens, Deuling, and Armenakis 2011, 139; Mullins-Sweat, Glover, Derefinko, Miller, and Widiger 2010, 554]. If successful psychopaths exist, then it is possible for people to manifest the characterological traits of psychopathy but avoid serious criminal behavior.[2] If true, then Skeem and Cooke's claim that criminal and violent behavior are not diagnostically related to psychopathy is vindicated.

Psychopathy is a condition that picks out a person who fails to understand or appreciate the wrongness of immoral behavior. They cannot feel guilty about behaving badly nor can they empathize with the pain and suffering their actions (legal or illegal) cause others. Moral philosophers have taken a keen interest in psychopaths because they demonstrate aberrant agency and because that agency appears intractable (it does not appear treatable) [Barbaree 2005, 1120-1125]. In the following section I explore how the growing body of research on psychopathic agency has played a significant role in debates about moral agency and moral responsibility. I argue that psychopaths cannot be held responsible according to one standard theory of moral responsibility, and that, despite this, psychopathic wrongdoing can merit hate, scorn, and punishment.

Moral Reasons, Moral Responsibility, and the Psychopath

Hume confessed “that, if a man think, that [the knave's style of] reasoning much requires an answer, it will be a little difficult to find any, which will to him appear satisfactory and convincing” [Hume 1751/1998, 155]. It is not clear whether Hume believed that the knave could understand moral reasons but lacked the motivation to act on them or whether the knave could not understand moral reasons at

all. Both interpretations have been the source of philosophical debates. Psychopathic agency impacts how we think about the nature of moral reasons and moral motivation. Some philosophers argue that psychopaths are capable of understanding moral norms without feeling motivated to act upon them and that this tells us something important about the nature of moral reasons.[3] Furthermore, because psychopathic agency combines the paradoxical capacities of pragmatic rationality and moral incompetence it poses a challenge to theories of moral responsibility. While psychopaths are capable of causing immense suffering to others and of violating our trust, psychopathic agency leaves moral reasons outside of what Cleckley called their "orbit of awareness" [Cleckley 1941/1988, 40]. For these reasons, psychopaths are said to suffer from moral blindness. Philosophers disagree on whether this moral blindness exempts them from responsibility for their bad behavior.

In this section I map the contours of the traditional debate over moral responsibility. I pay special attention to views that give pride of place to moral emotions; I then show why adherents of these theories claim that psychopaths cannot be held accountable for their actions. I conclude by offering an alternative to this view. I argue that psychopaths are open to several forms of normative address despite their lack of moral responsibility. These forms of address are based on what psychopathic choices express, the kinds of attitudes psychopathic harms evoke, and ultimately the forms of punishment psychopathic actions merit.

The Faces of Responsibility and Reactive Attitude Approaches

There are close connections between our concepts of free will and moral responsibility. In many cases it appears that an action of ours must be free in order for us to be responsible for it. Notoriously, philosophers disagree over how to define free actions. Some argue that free actions require that physical determinism, the claim that the laws of physics necessitate every action that has happened and that ever will happen, is false; freedom, on this understanding, requires the ability to act in ways that are not necessitated by past events, it requires the existence of genuine metaphysical alternative possibilities [Pereboom 1995, 23-26; O'Connor 1995, 173]. Others argue that a will can be free even if determinism is true so long as we are open to reasons, are able to deliberate about our options, and act on the products of our deliberation [Fischer and Ravizza 1998, 62-91; Frankfurt 1971, 10-14]. Others opt for an asymmetric view; they claim that morally praiseworthy acts can be determined and still be praiseworthy but that moral blame is appropriate if (and only if) the wrongdoer could have done otherwise [Wolf 1980, 151; Nelkin 2008, 497]. One of the main reasons philosophers worry about freedom is because our conception of a free action appears bound up with our conceptions of morally responsible agency.

Freedom is important for responsibility because free actions and unfree actions help us understand the psychological capacities that constitute responsible agency. Free actions function as paradigmatic cases of morally responsible agency while unfree actions help us better understand the factors that subvert that agency. Cases of duress are instructive. When a person is put under duress he or she is threatened with a significant harm if they fail to comply with an order. The size and immediacy of a duress threat is often thought to excuse a person, it diminishes a person's responsibility, because duress threats undermine freedom [Frankfurt 1969, 832-833]. Cases like duress, insanity, brainwashing, etc. where a person is intuitively not responsible for his or her behavior help philosophers model the capacities required for morally responsible agency. Before I turn my attention to the factors that result in unfree action and the role psychopathy plays in improving theories of responsibility, I first elaborate an important distinction between two judgments about responsibility.

Gary Watson argued that when we hold someone responsible we make two different judgments each with its own criteria for correctness; these judgments together form the concept of moral responsibility. Watson called these two aspects of responsibility its two "faces": attributability and accountability [Watson 1996].[4] Because attributability and accountability are distinct, it is possible for a person to satisfy the criteria for one and not the other and therefore it is important to keep these two judgments distinct.

Attributability refers to instances where we are seen as the proper source of an action. We are the proper sources of an action if the action results from our choices and if the action stems from the use of our deliberative powers. Actions are attributable to us because we are able to deliberate on and adjust our desires, we can form ends, and we can act on our deliberations. These actions reflect on us and our agency. When I maliciously step on your toes you are correct in attributing that action *to me.* When an earthquake knocks several books over and they fall on your toes, the action is not attributable to anyone. If an infant knocks the same books onto your toes that action is also not attributable to anyone because infants do not yet have the sort of agency to be bearers of attributability. Infants cannot deliberate about their ends and modify them in the face of reason. Attributability, Watson claimed, is concerned with "one's purposes, ends, choices, concerns, cares, attachments, and commitments" and infants and earthquakes lack many (or all) of these capacities [Watson 2004, 287].

Accountability presupposes attributability but concerns itself with *our* responses to an agent's action. In the previous paragraph I wronged you by stepping on your toes maliciously. This action is attributable to me and it reflects poorly on my character. The accountability face of moral responsibility poses questions about whether it is *fair* (or justifiable) for you (or anyone else, including myself) to do anything to me as a result of my wrongdoing. Holding a person accountable can range from mild, "dirty" looks, to severe; the extreme end of the accountability spectrum is marked by actions like social exclusion or even death [Watson 1996, 266-267]. Watson made clear that questions about attributability and accountability are settled by different considerations even though our judgments about moral responsibility appear unitary. [5] Your judgment that I am responsible for stepping on your toes (a judgment about attributability), may be accompanied by yelling at me (a mild form of accountability). It is one thing to say that I am the source of an action, a judgment about attributability, and another to say that you are justified in doing something to me, praise or blame, because of my action. The latter is a judgment about accountability. These are Watson's two faces of moral responsibility.

Competing theories of moral responsibility approach attributability and accountability from different perspectives. One family of theories appeals to our moral emotions, "reactive attitudes," to understand Watson's two faces of responsibility. Reactive attitude theories of responsibility begin by noting that reactive attitudes, feelings like resentment, indignation, guilt, shame, love, etc., are intimately involved with the accountability face of moral responsibility [Strawson 1962; Wallace 1994]. To resent someone is to hold them accountable. Reactive attitudes are also understood as a means of social address, they communicate the fact that we are holding someone accountable. Reactive attitudes also appear to respond to the quality of their target's will. Resentment, for example, is a reactive attitude that becomes appropriate only when we resent someone who has *unrepentantly* wronged us. The fact that a person is unrepentant, in this case, is what seems to justify resentment.

The reactive attitude theorist argues that what makes it appropriate for us to respond reactively (i.e.

what makes it appropriate for us to resent someone) helps to define our understanding of attributability as well. The reactive attitude theorist blurs the separation Watson created between the two faces. However, reactive attitude theorists believe that understanding the role of the reactive attitudes in setting the conditions for attributability deepens our understanding of the concept. A reactive attitude theory of attributability (A) and accountability (x) define the terms as follows:

R(A): A person is the proper source of their action if and only if they are an apt target for reactive emotions in a general sense

R(x): A person is morally responsible for a specific action, x, if and only if they are an apt target for the reactive attitudes generally *and* it is appropriate to respond to the agent reactively in virtue of his or her x-ing

Jay Wallace holds a reactive attitude theory of accountability. On his view, what makes it appropriate to hold someone responsible for a specific action are the conditions that make them an appropriate *target* of resentment, indignation, or guilt (when we hold ourselves responsible) in that case; these conditions will turn out to presume specific notions of agency and fairness [Wallace 1994, 62-72]. Accountability, then, is understood in terms of the conditions that determine when it is appropriate to *express* (as opposed to merely feeling without expressing) reactive attitudes to an offending agent.

According to reactive attitude theorists,when all goes normally things work like this: 1) I deliberate about stepping on your toes 2) I step on your toes 3) you feel pain 4) you judge that I did this on purpose 5) you get angry 6) you express your anger by yelling at me and 7) you believe that it was appropriate for you to do this. Item 7 is important. Reactive attitude theorists do not believe that every reactive attitude is justified. It is also possible that we might not feel an emotion even when it would be appropriate for us to do so. This is clearest in cases where things *don't* go normally. If you learn that I stepped on your toes to kill a poisonous spider that was ready to bite you, then it would be inappropriate to resent me (even if you can't help yourself). Abnormal cases invite us to modify our reactive attitudes and help define the concept of moral responsibility [Strawson 1962; Wallace 1994, 118-186].

Abnormal cases show us that behavior can be excused; they also show us when agents are exempt from reactive attitudes in a more global sense. Reactive attitude theorists have trouble deciding whether psychopathic agency excuses psychopathic behavior, globally exempts them from responsibility or whether psychopaths can still be held responsible. In the next section I explain the difference between an excuse and an exemption before I argue that psychopaths should be considered open to forms of reactive accountability despite their lack of moral responsibility.

Excuses and Exemptions

Reactive attitudes like resentment and guilt focus on the quality of a person's will. When we resent someone we do so not so much because of what they have done but because of what their will expresses about their action. When you rightly resent me for having stepped on your toes maliciously you do so because of my malicious intent. This is why resentment is not be appropriate when I step on your toes to save you from the spider. It is in this sense that reactive attitudes focus on the quality of a person's will. Call this the quality of will thesis. We can define excuses and exemptions by their effects on our reactive attitudes. When a person has a legitimate excuse it is inappropriate for us to continue

expressing negative reactive attitudes toward them. An excuse shows us that we were mistaken about the quality of a person's will [Wallace 1994, 136-147]. If you knock me over I might resent you until I learn that you pushed me out of the way of falling debris. If made aware of this, I might instead feel gratitude but should find it inappropriate to continue resenting you. Excuses inform us that we were mistaken about what action was done. Excuses do not cast doubt on a person's ability to be an agent, their attributability, but instead inform us that we were wrong about what action we attributed to them. Excuses are singular events. Particular actions are excused. If you have a global excuse then you are exempt from responsibility.

Exemptions cause us to question whether a person meets the attributability requirement. Imagine again that I get knocked over except now I learn that the person who knocked me over suffers from significant and persistent psychotic delusions that lead her to believe that she is at constant risk of alien abduction and that I was an alien. Unlike excuses, a person whose agency is hampered by delusions as severe as these is not a proper target for our reactive attitudes at all. Agency as abnormal as this is exempt from judgments of attributability and accountability. Exempt agents are not the true source of their actions because exempt agents lack the ability to regulate their behavior in an intelligibly rational way [Wallace 1994, 166-180].

The logic of excuses and exemptions implies that responsible agency requires at minimum the ability to perceive moral reasons and the ability to understand how these reasons function. Furthermore, many believe that an agent must have the opportunity to avoid wrongdoing as a result of his or her agency in order to satisfy the attributability requirement [Shoemaker 2011, 6]. Psychopaths, because they seem both rational and morally incompetent, cut across these traditional distinctions. They possess some but arguably not all of the necessary qualities for full moral agency.

Moral Blindness and Psychopathic Responsibility

Psychopaths have a poor understanding of moral reasons and moral norms. This fact prompted Cleckley to compare the psychopath's ability to understand moral reasons with a kind of blindness [Cleckley 1941/1988, 40]. Many philosophers believe that recent research on psychopathic agency supports this view. Psychopaths are not able to easily distinguish between violations of moral norms from violations of merely conventional or social norms [Dolan and Fulam 2010; Turiel 1979; Blair 1995]. The implication is that psychopaths tend to treat all norms as having the same kind of authority. Whereas most of us note a difference between using the “wrong” fork during dinner, and stealing a wallet, psychopaths may not. We characterize moral norms as serious, not dependent on authority, and generalizable beyond their present context whereas conventional norms are not [Turiel 1979]. This characterization of morality has been challenged as incomplete and insufficient [Stitch, Haley, Eng, and Fessler 2007, 117; Vargas and Nichols 2008, 157] but it captures a wide range of important moral norms that psychopaths do not easily understand.

Paul Russell has interpreted these results as showing that that emotional understanding is necessary for rational agency. Psychopaths cannot understand the reactive attitudes of others because they cannot feel or apply them. Because they do not understand the reactive attitudes directed at them, they fail to understand the kinds of reasons those attitudes are sensitive to. This failure of understanding impacts the psychopath's ability to engage in critical self-reflection about moral norms and undermines their ability to assess the reasons that speak to those norms. According to Russell, “[t]o appreciate and understand moral considerations fully is precisely to be able to apply them to oneself and others and

feel the appropriate way when violations occur. Failing this the agent just 'does not really get it'"[Russell 2004, 11-13]. If psychopaths are unable to understand moral reasons as sensitivities to emotion, as Russell suggests, then they are not the proper target for our reactive attitudes. Importantly, if 'ought implies can' then it would be *unfair* to hold psychopaths to moral norms they cannot understand[Wallace 1994, 177-178]. Holding the psychopath accountable would be like resenting your foul-mouthed parrot. The attitudes would be inappropriate.

The data on the psychopath's failure to distinguish between moral norms and conventional norms appears to validate the intuition that psychopaths are blind to moral reasons. They think of all norms as purely conventional. For psychopaths, "harm to others [is] wrong *only because* such harms are against the rules" [Levy 2008, 132]. Reactive attitude theories excuse psychopaths from moral responsibility on the grounds that it would be unfair to hold a person responsible if they cannot understand moral reasons. If psychopaths cannot understand moral reasons as distinctly moral (i.e. if they are not receptive to moral reasons) then psychopathic agency lacks a critical capacity: "guidance control," or "reflective self-control," or "normative competence." Anyone who lacks this capacity is exempt from responsibility [Fischer and Ravizza 1998; Wallace 1994; and Russell 2004 respectively]. It would be unfair to hold someone morally responsible if they cannot understand moral reasons. It is therefore inappropriate to express reactive attitudes at psychopaths [Fischer and Ravizza 1998, 78-79].

But how compelling are these arguments? It does seems unfair to hold someone responsible for failing to do something they cannot do. It is also true that our reactive attitudes are diminished (or that we think they ought to be) when we learn that a person's agency is compromised. We seem to perceive psychopaths under what Peter Strawson called an "objective stance:" we see psychopaths not as agents with whom we can participate with as part of a community but instead as "an object of social policy; as a subject for what, in a wide range of senses, might be called treatment; as something certainly to be taken account, perhaps precautionary account, of; to be managed or handled or cured or trained; perhaps simply to be avoided" [Strawson 1962, 6]. In the final section I claim that a wide range of reactive attitudes are sensitive to the values expressed by psychopathic agency despite the psychopath's inability to respond to moral reasons. These attitudes allow us to hold psychopaths accountable for their actions even if they are not specifically morally responsible.

Hatred, Value, and Psychopathic Accountability

Philosophers generally agree that psychopaths can be justifiably removed from society if they cause great harm. Because psychopaths are known for criminal recidivism and poor, sometimes counterproductive, reception to treatment, incarceration is justifiable for at least some psychopaths. David Shoemaker's view in this respect is representative: "[a]s long as [the psychopath] has sufficient cognitive development to come to an abstract understanding of what the laws are and what the penalties are for violating them, it seems clear that he could arrive at the conclusion that [criminal] actions are not worth pursuing for purely prudential reasons, say. And with this capacity in place, he is eligible for criminal responsibility" [Shoemaker 2011, 119]. The larger debate is over whether psychopaths are *morally* responsible for their choices given what we know about psychopathic agency.

If moral responsibility requires the capacity to understand moral reasons as *distinctly* moral and this is grounded on a further capacity to empathize with others, then psychopaths cannot understand moral reasons. This lack of understanding is shown by their performance on distinguishing between moral and conventional norms. For some, this is enough to exempt psychopaths from responsibility:

“[c]ertain psychopaths...are not capable of recognizing...that there are moral reasons...this sort of individual is not appropriately receptive to reasons, on our account, and thus is not a morally responsible agent” [Fischer and Ravizza 1998, 79]. Further, if the reactive attitudes germane to accountability are sensitive to the quality of an agent's will, then psychopathic agents cannot express immoral wills because they do not understand morality. This deficiency affects the degree of control they have over their choices because “[w]hat makes it appropriate to exempt the psychopath from accountability...is the fact that psychopathy...disables an agent's capacities for reflective self control” [Wallace 1994, 178]. Moral understanding, on this view, is essential in order for an agent to act on a quality of will that our reactive attitudes are sensitive to.

A number of philosophers argue that this analysis of psychopaths and reactive attitudes is incomplete. We are better served, they argue, by appreciating the full scope of reactive attitudes and how these attitudes correspond with the kind of will psychopaths can express with their actions [Greenspan 2003; Talbert 2008; Talbert 2012]. This highlights an important sense in which some reactive attitudes are appropriate to direct at the psychopath. These attitudes respond to the kind of will that even psychopaths are capable of displaying in their actions. Psychopaths appear to act without regard to the suffering or standing of other agents when they cause us harm. Successful psychopaths prove that psychopaths, even if not capable of understanding moral reasons, are capable of conforming their behavior to moral norms. Insofar as psychopaths have *this* capacity, then they are appropriate targets for a wide array of non-moral reactive attitudes (and hence accountable).

To see how these views work, we must more carefully describe psychopathic judgments. Although psychopaths are not capable of *moral* judgments, they are capable of making judgments about value and about the kind of standing their victims have to them. We know that psychopaths do not suffer from practical irrationality. They are quite good at means-end reasoning. Successful psychopaths understand what reasons are, how reasons work, and how to weigh reasons against each another to achieve their desired ends. When a psychopath judges that it is permissible to assault me in order to steal my wallet, we can attribute to the psychopath the judgment that 'there is nothing about my status or standing that provides a reason against assaulting me or stealing my wallet' and we can hold psychopaths accountable for these judgments [Talbert 2008, 523]. This is not a distinctly moral judgment (though it may have moral dimensions the psychopath is not sensitive to) and falls within the realm of psychopatic agency.

If attitudes like hatred, disgust or contempt respond to non-moral but evaluative qualities of an agent's will like those that the psychopath are capable of acting on, then these attitudes are appropriate to direct at people when their will includes the belief that others do not matter. The judgment that others do not matter is evaluative, it is a judgment of relative value, but it need not be construed as a distinctly moral judgment. We can feel justified directing hatred at psychopathic actions when they express these judgments. This is true even if the psychopath cannot appreciate that we also have *moral* reasons for caring about our status. Insofar as the psychopath can make judgments like these, then, in the words of Patricia Greenspan, “[h]e is a fair target of resentment for any harm attributable to his intention to the extent that the reaction is appropriate to his nature and deeds. He need not be 'ultimately' responsible in the sense that implies freedom to escape blame” [Greenspan 2003, 427]. Because psychopaths are incapable of understanding moral reasons it is unfair to hold them morally responsible, it is unfair to resent them or demand that they feel guilty for what they have done. It is, however, fair to note that there are forms of accountability and reactive address, hatred disgust and contempt for example, that are appropriate to direct at psychopathic agents. Contempt, for example, appears sensitive to the

psychopaths failure to appreciate the standing of other humans; this failure is contemptible insofar as it appropriately signals the inferior and objectionable will of the psychopath [Solomon 1993, 208].

It is fair to hold psychopaths accountable in these non-moral ways because these forms of reactive accountability are grounded on the capacities psychopathic psychology can bear and the quality of will that their judgments express when they act. More importantly, although psychopaths do not understand the distinctiveness and weight of moral reasons, their judgments can still express condemnable attitudes about those reasons. Greenspan notes that all of us have "blind spots" about certain narrow classes of reasons (about the distant needy, about the value of exercise, etc) and we stand to those reasons in the same relation that psychopaths stand to moral reasons; these blind spots do not excuse us from accountability in a general way and they ought not excuse psychopaths from accountability in a global way either [Greenspan 2003, 435].

What would non-moral accountability look like in practice? Imagine an atheist who has a blind spot for divine reasons and values (i.e. reasons and values stemming *only* from divine commands). She lives in a community where divine reasons are routinely appealed to and where divine reasons drive some aspects of the local culture (how members dress, how they greet one another, whether they work on certain days, etc). Although only able to understand divine reasons from an external perspective, she understands that people appeal to divine reasons to justify actions and has some understanding of how divine reasons work. If the atheist decides to work on a divinely-mandated rest day, then we can attribute to her the judgment that she believes that no sufficient reasons speak against working on that day. Members of her community could hold the atheist accountable for her decision to flout divine reasons despite her inability to understand or appreciate them. Although it would be unfair to damn the atheist (i.e. to religiously condemn her) because she lacks the right kind of access to the concept of damnation, it may be appropriate for members of her community to express contempt toward her, a non-religious attitude she can be expected to understand, given the values her judgments express. She may even find herself feeling appropriately ashamed of herself for having done so.[6]

The same holds for the psychopath. Psychopaths satisfy the attributability requirement in virtue of their practical rationality. They can deliberate about what to do and modify their desires in the light of reasons. However, their inability to fully understand moral reasons disqualifies them from moral accountability. This fact does not imply that psychopaths are free from all forms of accountability. Psychopathic judgments can express values that we find contemptible, hateful, spiteful, or disgusting. In many cases it would be appropriate to express these attitudes at psychopaths because these reactive attitudes are sensitive to the quality of will actually demonstrated by psychopathic judgments. In doing so we hold psychopaths accountable. This remains true despite the fact that it would not be appropriate to hold psychopaths morally accountable via attitudes like resentment or indignation. When a psychopath judges that nothing speaks against repeatedly lying to or manipulating others we can justifiably direct reactive attitudes at the psychopath because of the quality of will these actions express. Reactive attitude theorists are correct that psychopaths cannot fairly be held morally responsible but moral accountability does not exhaust the forms of reactive accountability available to us. A psychopath's inability to be morally responsible need not imply that psychopaths cannot be held accountable.

Conclusion

Psychopathy is a controversial and complicated phenomenon. Well before psychopathy became

clinically sharpened as a psychiatric diagnosis in the 20th and 21st centuries, moral philosophers worried about how best to handle agents who frequently violated moral norms and who were devoid of guilt and shame. These questions remain relevant today. Although psychopaths lack an understanding of moral emotions, they seem to be, in all other respects, rational agents. Successful psychopaths are especially good at understanding reasons and use this understanding to manipulate others. Successful psychopaths have been identified working in managerial positions in corporations, [Babiak, Neumann, and Hare 2010] as practicing lawyers, and even among psychology students [Mullins-Sweat, Glover, Derefinko, Miller, and Widiger 2010]. Successful psychopaths make clear that the affective deficits characteristic of psychopathy do not necessarily have to manifest as criminal or violent or even grossly irrational behavior.

Reactive attitude theories of moral responsibility have been too quick to fully dismiss psychopaths from all forms of accountability. Although psychopaths appear blind to moral reasons and hence seem exempt from moral responsibility, their judgments can express values that leave them open to non-moral reactive attitudes. Because they have unimpaired rational capacities, successful psychopaths are especially apt targets for hatred, disgust, and contempt when they judge that they are justified in harming others. These psychopaths are proper targets for these forms of accountability in ways that have gone under-appreciated by contemporary theorists of responsibility.

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[2] Yalin Yang and Adrian Raine claim that what separates the successful psychopath from the standard psychopath is that standard psychopaths show characteristic deficiencies in gray matter volume and that these deficits are “associated with poor judgment and decision-making, thus rendering unsuccessful psychopaths potentially more prone to conviction” [Yang and Raine 2008, 134-135]. Successful psychopaths avoid incarceration but this does not rule out the fact that they may, in Hare's defense, still behave with persistent criminality. They may simply be better at getting away with their criminal behavior.

[3] Whether moral reasons (or moral judgments) necessarily motivate agents, is a debate between what philosophers call motivational internalism and externalism about moral reasons. Internalists claim that moral judgments are connected with desires to act in accordance with our judgments[Smith 1995; Garrard and McNaughton 1998]; externalists, on the other hand, deny that moral judgments imply or necessitate desires to act [Brink 1997; Roskies 2003]. Some alternative positions resolve the issue by rejecting the belief-desire psychology on which it is grounded [McDowell 1979]. It is beyond the scope of this chapter to address the debate about internalism and the role of psychopathic agency in that debate.

[4] Although I take inspiration from Watson, these distinctions have been challenged. Jay Wallace recognizes that attributability and accountability are separate judgments about an agent and his or her action but denies that the two judgments are conceptually distinct. In this sense Wallace argues that the two judgments are conceptually connected [Wallace 1994]. Watson's view of attributability and accountability as singular concepts has been challenged. John Fischer and Neil Tognazzini have

claimed that there are at least two distinct notions of attributability and as many as five different senses of accountability [Fischer and Tognazzini 2011, 381].

[5] Some claim that responsibility requires the possession of the kinds of capacities I have been discussing *and* the further criterion that an actions flows from the right kind of historical process. Although evil neurosurgeons may implant malicious desires in my brain so that I, in the normal way, act on them, that process, even if it does not undermine attributability, is not something I am fully responsible for on these views. An action must also be traceable to past historical decisions in an intelligible way [Fischer and Ravizza 1996, 17-206].

[6] Shame is typically understood to be different from guilt in the sense that shame is a self-directed emotion that we feel when we judge that we have violated a community's norms. Guilt, on the other hand, requires the moralized judgment that we have in fact acted wrongly. Because of this, shame does not appear to require that we accept or internalize our community's norms in order to feel ashamed of violating them [Williams 1993/2008; Taylor 1985]. If this analysis of shame is correct then it might be appropriate for the atheist to feel ashamed of herself for violating her community's norms even though she believes that it is not wrong to violate them.

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