Abstract

In this paper I conduct a conceptual analysis of the personality disorder known as "psychopathy." The concept has its roots in psychology, but in recent years there has been much investigation into the nature of psychopathy in both philosophy and neuroscience. These three disciplines frequently work independently of one another, and it is my aim to provide a single account of psychopathy that is informed from all three disciplines, using philosophical analysis as a means to elucidate key aspects of the disorder. Apart from exploring the aspects of psychopathic wrongdoing, emotions, and practical rationality, I also explore the understanding of psychopaths as "morally insane," and conclude that the concept of psychopathy is best understood from a non-moral point of view.

Introduction

A history of the concept as a mental disorder

The concept of psychopathy has evolved over several hundreds of years of clinical investigation.[1] The concept can be traced back to the emergence of the discipline of psychiatry and the study of personality disorders, and is seen as the first personality disorder to be recognised in this field.[2] The origins of the concept lie chiefly in the European and North American traditions,[3] from which several different understandings of the disorder emerged in the early 19th Century. Over the years there have been significant conceptual changes, and areas of contention about the nature of the disorder and the relevance of its application remain to this day. In this section I discuss the history of the psychological construct from two perspectives. The first concerns the

[1] Robert D. Hare, "Psychopathy: A Clinical and Forensic Overview," *Psychiatric Clinics of North America* (2006): p. 710.
[2] Hare, "Psychopathy: A Clinical and Forensic Overview," p. 710.
[3] Hare, "Psychopathy: A Clinical and Forensic Overview," p. 710.

nature of the "insanity" of the psychopath. The second concerns the current recognition of the concept in psychiatric and psychological disciplines in comparison to other recognised personality disorders.

1. The "insanity" of the psychopath

Over the past 200 years there have emerged three important conceptual 'markers' regarding the nature of the psychopath. The first is the identification of *emotions* as significant in the understanding of the disorder. The second is the rooting of the concept in *moral* terms. The third is the move to understand psychopathy as a disorder of *behaviour*. Of course, all three of these characteristics are interrelated and are rarely discussed in isolation; I present them separately merely in order to mark out their development over the years.

Psychopathic individuals do not demonstrate obvious signs of insanity such as delusions or hallucinations, and so the precise nature of the disorder has proved difficult to pinpoint. Philipe Pinel's 1809 description "Mania Sans Délire"[4] reflects this understanding of individuals who are dysfunctional in certain respects, such as "social drift,"[5] but display no obvious signs of cognitive incapacity. The first significant conceptual "marker" of psychopathy was that of emotional dysfunction. Up until the 1800's "disorders of affect" had been neglected in psychiatry,[6] and Pinel was among the first to suggest that this disorder was largely rooted in the emotions.[7] Esquirol's 1838

[4] S.C. Herpentz, & H. Sass, "Emotional Deficiency and Psychopathy," *Behavioral Sciences and the Law* 18 (2000): p. 567.
[5] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 567.
[6] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 567.
[7] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 567.

description, "monomania," added to this by suggesting that the disorder concerned a combination of emotional, intellectual and volitional mental faculties,[8] and Morel's 1857 theory also found significance in emotional instability.[9]

It was also around this time that references to *moral dysfunction* surfaced, the second 'marker' of psychopathy. It is said that the English physician Pritchard did much to popularise the concept of psychopathy and carve out a more distinct area of enquiry with his description of "moral insanity" in 1835.[10] Although this is often cited as playing a major role in the understanding of psychopaths as morally dysfunctional, Pritchard's use of the word "moral" has been debated. It seems that Pritchard intended to use the word to denote dysfunctions "other than intellectual"[11] rather than frame the concept in ethical terms. The main emphasis was still on emotional difficulties and "a perversion of temper,"[12] and perhaps volitional problems associated with the descriptions of his French contemporaries. However, Maudsley's 1879 description of moral insanity dealt outright with "a failure in the development of a moral sense or moral responsibility,"[13] and Rush (1827) spoke of the "moral alienation of the mind."[14] However, it is Robert Hare's work on psychopathy that has proved most influential in the characterisation of psychopaths as amoral, such as in his 1993 book *Without Conscience*.[15]

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[8] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 567.
[9] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 568.
[10] G.T. Harris, T.A. Skilling, & M.E. Rice, "The Construct of Psychopathy," *Crime and Justice* 28 (2001): p. 202.
[11] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 568.
[12] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 202.
[13] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 203.
[14] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 569.
[15] Robert Hare, *Without Conscience* (New York: Guilford Press, 1993).

The third 'marker' of psychopathy concerns its understanding as a disorder of *behaviour*. Some conceptions have described psychopathic behaviour evaluatively, i.e. describing behaviour as negative or undesirable from a social perspective. For example, Kraepelin's 1915 description of "psychopathic personalities" focused on such elements as inborn delinquency, and psychopaths as unstable liars and swindlers.[16] Others focused on more descriptive elements. Schneider (1923) for example, included antisocial activity as only one possible description amongst others, such as being emotionally unstable and suffering psychic abnormalities that do not necessarily have societal consequences.[17] The American psychiatrist Cleckley also focused on descriptive elements such as the inability to experience grief, shame and pride.[18] Today, the diagnostic category *Antisocial Personality Disorder*, as well as Hare's diagnostic tool, the *Psychopath Checklist-Revised*, are used as behavioural assessments to diagnose maladjusted individuals with psychopathic personalities.

The underlying physiological explanation for psychopathic personalities is still a matter of considerable debate. Several explanations have been offered over the years. Lombroso's 1876 description of the "born criminal" related the condition to a variant of epilepsy.[19] Kraepelin discussed the degenerative moral stature which he believed was "biogenic in its origin."[20] Cleckley discussed what he called "semantic aphasia,"[21] in

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[16] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 569.
[17] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 569.
[18] Hervey Cleckley, *The Mask of Sanity* (New York: New American Library, 1982).
[19] V. J. Gerberth & R.N. Turco, "Antisocial Personality Disorder, Sexual Sadism, Malignant Narcissism, and Serial Murder," *Journal of Forensic Science* 42, 1 (1997): p. 52.
[20] Gerberth & Turco, "Antisocial Personality Disorder, Sexual Sadism, Malignant Narcissism, and Serial Murder," p. 52.
[21] Cleckley, *The Mask of Sanity*, p. 234.

which "the language and emotional components of thought are not properly integrated."[22] This is still a popular theory today, but it competes with numerous other theories. Harris et al describe some of these competitors,[23] such as the "Low Fear Theory" which posits a low capacity for fear and anxiety as the causes of poor socialisation in psychopaths; the "Disinhibition Theory" which focuses on impulsive urges; an evolutionary theory that suggests psychopathy is merely a successful genetic adaption; and many more. There is no consensus as to which factors necessarily underlie the 'insanity' of the psychopath.

2. Modern Conceptions of Psychopathy and Related Disorders

Cleckley's book *The Mask of Sanity* proved definitive in shaping what is now understood as 'psychopathy.' Cleckley provided accounts of psychopaths he had met and studied as patients in his work as a psychiatrist, and for the first time provided detailed descriptions of the manifestations of the disorder in the shape of 16 behavioural traits that were common to them all (see Appendix A). These included: a lack of shame; superficial charm and good intelligence; unreliability; inadequately motivated antisocial behavior; failure to follow any life plan; etc.

Robert Hare, who is regarded as having the "largest theoretical and empirical impact in the area of psychopathy research,"[24] created a diagnostic checklist based on Cleckley's

[22] Paul Babiak & Robert D. Hare, *Snakes in Suits: When Psychopaths Go To Work* (New York: HarperCollins, 2007): p. 22.
[23] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 219-227.
[24] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 203.

description,[25] the aforementioned *Psychopathy Checklist* which was later altered and renamed the *Psychopathy Checklist-Revised*, or the PCL-R (see Appendix B). The checklist was specifically designed for the assessment of institutionalised offenders who were suspected of having psychopathic personalities.[26] It is now the most widely accepted indicator of psychopathy. [27] The PCL-R assesses personality traits and behavioural dispositions.[28] Its success as "an indicator of the potential risk posed by subjects and prisoners,"[29] "the single best predictor of violent recidivism,"[30] and its ability to contextualise subjects' response to treatment and institutionalisation,[31] have led to the use of the PCL-R for clinical, legal and research purposes.[32] The checklist could be seen as an amalgamation of the earlier description of 'moral insanity' and Cleckley's character studies. The PCL-R is reflective of a *spectrum* of psychopathy, though the concept has previously been understood as being "all or nothing."[33]

Though the validity of the PCL-R is central to this paper because of the significance it holds in contemporary discussions about psychopathy, it should be noted that there is nevertheless considerable disagreement amongst psychologists and psychiatrists about

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[25] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 23-24.
[26] Robert D. Hare, "Psychopathy and Antisocial Personality Disorder: A Case of Diagnostic Confusion," *Psychiatric Times* Vol. 13, No. 2 (1996).
[27] See Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 198; Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 571; and G.D. Walters, "The Trouble With Psychopathy as a General Theory of Crime," *International Journal Of Offender Therapy and Comparative Criminology* 48, 2 (2004): p. 132.
[28] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 204.
[29] "Hare Psychopathy Checklist," available at < http://www.minddisorders.com/Flu-Inv/Hare-Psychopathy-Checklist.html>.
[30] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 199.
[31] Hare, "Psychopathy and Antisocial Personality Disorder: A Case of Diagnostic Confusion."
[32] "Hare Psychopathy Checklist."
[33] Gerberth & Turco, "Antisocial Personality Disorder, Sexual Sadism, Malignant Narcissism, and Serial Murder," p. 53.

the concept of psychopathy. Firstly, the concept itself is by no means unanimously understood and agreed upon. Writes Hare, "the etiology, dynamics, and conceptual boundaries of this personality disorder remain the subject of debate and research."[34] Secondly, the use of the concept of psychopathy has been questioned, and in fact it does not appear on the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Orders* (DSM). Instead, it has been replaced by *Antisocial Personality Disorder.* In addition, two other personality disorders – *Narcissistic Personality Disorder* and *Histrionic Personality Disorder* – have behavioural manifestations similar to those of the PCL-R, while other names such as *Sociopathy* cause similar confusion.

Psychopathy is a subtype of antisocial personality disorder, as most people with the latter are not psychopaths.[35] It seems there is an element of 'political incorrectness' regarding labeling people as 'psychopaths' or 'people with psychopathic personalities,' and this is one of the motivations for introducing the more general, slightly less stereotyped, *antisocial* variant. As the exemplars of this latter construct are not co-extensive with those of the more particular *psychopathy*, it seems justified to ignore it and focus on psychopathy proper.

The term 'sociopath' has been used to describe a variant on psychopathy in the past, but current understanding is that the two concepts have been equated and can be used

[34] Hare, "Psychopathy: A Clinical and Forensic Overview," p. 709.
[35] Hare, "Psychopathy and Antisocial Personality Disorder: A Case of Diagnostic Confusion."

interchangeably.[36] In addition, while psychopaths share characteristics with *narcissistic* and *histrionic* personalities, often leading to their misdiagnosis,[37] psychopathy is a distinct type. Thus, even though in some traditions 'psychopathy' has been superseded by 'antisocial personality disorder,' and there appear to be references to other terms that refer to similar disorders, 'psychopathy' is still described as "what may be the most important forensic concept of the early 21st century,"[38] and its "core affective, interpersonal, and behavioral attributes"[39] are still at the heart of an ever-growing empirical tradition.

This concept is now the subject of investigation from several disciplines, including philosophy and neuroscience. In the next section I discuss how these investigations have developed in relation to those in the field of psychology and psychiatry.

The three descriptions of psychopathy

In the previous chapter I discussed the history of psychopathy as a psychological construct. However, in this chapter I show that since the development of Hare's PCL-R, psychopathy has been the subject of research in three different disciplines. These three perspectives can be tied to one another conceptually, but essentially they involve different ideas and operate in different ways. They are: (1) The psychological

[36] Gerberth & Turco, "Antisocial Personality Disorder, Sexual Sadism, Malignant Narcissism, and Serial Murder," p. 53.
[37] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p 41.
[38] Monahan, J, as quoted in Hare, "Psychopathy: A Clinical and Forensic Overview," p. 709.
[39] Hare, "Psychopathy: A Clinical and Forensic Overview," p. 709.

description; (2) The philosophical description; and (3) The neurobiological description. Any one discussion of psychopathy focuses on one of these perspectives, though occasionally a discussion may make use of one or both of the other two. However, we lack a satisfactory conception that integrates all three. It is not the purpose of this chapter to criticise and evaluate the three approaches, but merely to identify them and provide a brief outline of their concerns. In the next chapter, I will begin to develop an 'integrated' conception of psychopathy, i.e. one that is informed from all three disciplines.

The concept of psychopathy has been investigated from three different disciplinary perspectives:

(1) The psychological description

The psychological description is typically embodied by the Hare Psychopathy Checklist- Revised (PCL-R). The PCL-R is a trait-based description of psychopathy. It sees psychopathy as a "disorder of behavior"[40] and provides the tools for diagnosing psychopathy based on case history and a psychological evaluation. Psychopaths are callous, irresponsible, manipulative etc, all of which are evaluations that can be made from a long interview by a professional clinician.

The PCL-R is more informed than Cleckley's work by the neurobiological studies of psychopathy. Nevertheless, the checklist is intended to operate

[40] Robert D. Hare & D. Schalling., Eds, *Psychopathic Behaviour: Approaches to Research* (Chichester: John Wiley, 1978): p. 3.

independently as the most accurate assessment of psychopathy as well as the most useful conception of the "clinical construct of psychopathy."[41] Whereas Cleckley's description of psychopathic traits was not intended to be rooted in moral terms,[42] the PCL-R attempts to locate the traits in the broader diagnosis of moral incapacity; the failure to develop a conscience.[43] As Hare puts it, "no single characteristic is pathognomonic of the psychopath except perhaps his lack of conscience."[44]

Despite Hare's insistence in the above quote, "a lack of conscience" surprisingly does not appear as a trait on the PCL-R. Perhaps then we can view the PCL-R as expressing conditions of a "cluster-concept" that define a lack of conscience, hinging on a lack guilt and empathy. However, this begins to venture into the realm of philosophy and, as I shall argue, there are issues concerning the tension between philosophical and psychological concepts.

(2) The philosophical description

The philosophical descriptions of psychopathy focus on what psychopaths *lack*. Philosophers are interested in a lack of guilt, an incapacity for moral reasons, the inability to conceive of rights, and other issues that fall under moral discourse. The evidence that is explored in these philosophical discussions is largely

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[41] Hare, "Psychopathy: A Clinical and Forensic Overview," p. 710.
[42] Cleckley saw psychopathy as "lunacy," and was not preoccupied with the ideas of the psychopathic conscience; Cleckley, *The Mask of Sanity*, p. 225.
[43] Gerberth & Turco, "Antisocial Personality Disorder, Sexual Sadism, Malignant Narcissism, and Serial Murder," p. 56.
[44] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 4.

derived from the PCL-R, i.e. it is seldom based on more specific neurobiological evidence.

However, there are indications that the traits presented in the PCL-R have not been identified with a firm philosophical conceptual scheme in mind. For example, the PCL-R trait "Lack of guilt/remorse" appears to identify two different concepts. In addition, other terms, such as regret and shame, are found scattered throughout the literature. Are they referring to the same lack? Does the PCL-R account for these other emotions? Given the importance that many philosophers place on emotions such as guilt, it would be worthwhile exploring the conceptual boundaries of psychopathy in this regard.

No doubt, the PCL-R traits arose out of psychological evaluation tests, and were not devised specifically for philosophical arguments. But this is precisely the point. Tension arises when 'definitive' philosophical conclusions are reached, such as "psychopaths have no claim to rights," based on a psychological description that was never intended to provide premise for philosophical arguments.

(3) The neurobiological description

In recent years there has emerged a new description of psychopathy based on neurobiological observations and evidence for abnormal brain functionality based on studies conducted on individuals established as psychopaths via the PCL-R. Here psychopaths are typically described via evidence for lesions in the

> prefrontal cortex or other malformed areas of the brain, as well as in terms of results that test psychopaths' abilities to respond to stimuli, particularly in terms of fear and anxiety.
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> These findings have created a discontinuity between the behavior-based PCL-R and these physiological findings. Where should we look for our understanding of psychopathy? If we wish to know if someone is a psychopath do we assess their behavior or study them in a laboratory? In light of this physiological evidence, we might also be inclined to include new traits on the PCL-R, such as "fearlessness."

A lack of continuity between the three disciplines has prevented a clear and concise integrated conception of psychopathy from developing. In the next three chapters, I conduct a conceptual analysis using all three disciplines as I attempt to provide an 'integrated' conception of psychopathy. Given the prominence of the PCL-R, this will principally involve a critical examination of what I have described as the psychological description of psychopathy.

In Chapter 1, I begin with the general conceptual claim that the behavioural traits of psychopathy should be entirely dispositional; i.e., that psychopaths should be considered as such because of their dispositions to behave in certain ways, and not because of their behavior itself. In Chapter 2 I examine the "Affective" aspects of the PCL-R using philosophical analysis while still being informed on a neurobiological basis. I argue that a philosophical investigation of the trait "Lack of guilt/remorse" and references to it in the literature can be used to further our understanding of psychopathy by exploring the

notions of ‘shame,’ ‘regret,’ and ‘remorse,’ and how these might relate to empathy. In Chapter 3 I discuss the aspects of the practical rationality of the psychopath. Finally, in Chapter 4, I use the discussions in the preceding three chapters, as well as non-conceptual empirical evidence, to evaluate the psychopath as a moral agent.

Chapter 1

Psychopathy does not logically entail immoral behavior

Hare's PCL-R (Appendix B) divides the psychopathic traits into two 'factors.' The general idea behind this division is that Factor 1 traits are behavioural dispositions and emotional capacities, while Factor 2 traits refer largely to *performed actions*: specific instances of antisocial behavior.[45] For example, we can see that Factor 2 traits such as "juvenile delinquency" and "revocation of release" are not dispositional traits that refer to character, but are specific to case history. With this distinction in mind, we can examine whether or not we should include antisocial actions as necessary to the concept of psychopathy.

We must keep in mind that the inclusion of antisocial actions in the PCL-R arises out of the fact that its success is based on its use as a diagnostic tool and a predictor of

[45] Dividing the traits into various groups (sometimes two, sometimes three or four) has had an impact on the accuracy of the checklist's assessment of psychopathy.

recidivism.[46] Psychologists are in the business of identifying actual psychopaths, not defining the concept linguistically. Thus we can imagine the methodology involved with developing the PCL-R being somewhat different to that of this project. In the psychological realm, you wish to explain the behavior of certain criminal offenders. Thus case history provides the majority of information at the outset, and character traits are defined subsequently. The chief reason for including Factor 2 traits in the PCL-R is the apparent improved reliability of the checklist when constructed in this way. These improvements are made in terms of correlations with other sorts of behavioural studies (including recidivism and violence). Therefore, although Hare imagines the checklist to provide conceptual elucidation,[47] its perceived success is undoubtedly due to its role in risk assessment and the prediction of criminal behavior. However, we are currently in the privileged position of conducting a conceptual analysis in which we need not concern ourselves with protecting society from future criminal behavior, because we are interesting in understanding the concept as an underlying explanation for, amongst other things, certain criminal acts. Therefore, now that the concept has been developed by Hare, we can encourage a change in methodology whereby case history is dropped and the character traits are fully explored. As Hare says, "The diagnostic criteria focus too much on criminal misbehaviour - because they were developed through the study of psychopaths who got caught - and too little on the underlying personality problems."[48]

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[46] Hare, "Psychopathy: A Clinical and Forensic Overview," p. 710.
[47] Hare, "Psychopathy: A Clinical and Forensic Overview," p. 710.
[48] Richard Tithecott, *Of Men and Monsters: Jeffrey Dahmer and the Construct of the Serial Killer* (Wisconsin: The University of Wisconsin Press, 1997): p. 38.

The concept of psychopathy should identify necessary conditions for the concept's application. I am suggesting that antisocial behavior is not a necessary condition. Traits such as "a history of juvenile delinquency" are not necessary additions to the concept of psychopathy. If such traits do not exemplify what someone is prone to doing, how someone is likely to be motivated, or how someone is likely to approach a certain situation, then the trait is conceptually unenlightening. It seems that all of these requirements can be met, and should be met, without the need for empirical data rooted in the past (case history) or the future (statistical predictions of recidivism). Psychopathy should refer to a certain psychological *type*, and particular behavioural manifestations must take a back seat to investigations of the agent's psychological state and his possible motivations. Antisocial behaviour is compatible with numerous other psychological types and disorders. This means that while behavioural manifestations are by no means irrelevant (in fact they do much to further characterise the prototypical psychopath), they are nevertheless *conceptually* unnecessary. By this I mean that immoral behaviour is not logically necessary for an understanding of psychopathy; we can define psychopathy without it.

The implication of this is that we allow for the conceptual possibility that *some psychopaths never perform immoral or antisocial actions.* If this is correct, it removes certain ambiguities from the concept. For example, sometimes 'immoral actions' are not co-extensive with 'actions condemned by society.' Consider a psychopath who enjoys violence and murder. If he carries out these desires in the context of war as a soldier, conceptual ties to immoral actions will have little value because he is acting in accordance with societal expectations (to some extent). Similarly, there are psychopathic

traits that are valued in certain areas of modern life.[49] This means that a conceptual understanding of psychopaths as immoral people is only as good as society's understanding of morally-acceptable behaviour at the time. Since the psychopath and non-psychopath can perform the same action (e.g., killing during a war), our interest ought to lie in the dispositional and motivational states behind those actions in order to make a useful distinction. Another example is that of fraud. Psychopaths and non-psychopaths alike can become conmen and trick people out of wealth. What distinguishes them will be the dispositional and motivational states that lie behind the actions.

The advantage of abandoning particular case history from our analysis is that it treats psychopathic traits as *dispositional.* To be disposed to act in a certain way says something about your psychological make-up, but provides no guarantees about what you will do. As I will argue in this paper, there are no guarantees about how a psychopath will adjust to social life or interact with other people. There is clinical evidence to support the idea that "psychopaths may live well adjusted socially and even successfully."[50]

Further arguments have been made for this position by philosophers and psychologists alike. One line of reasoning suggests the redundancy of the concept if it includes wrongdoing as a necessary condition. Walters, for example, acknowledges that the concept is expected to play a role in explaining criminal behaviour, but that a distinction must be respected between psychopathy and criminality if the concept is "to have

[49] These traits are discussed in more detail in Chapter 6.
[50] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 571.

value."[51] Duff agrees that "if crime is *the* criterion of psychopathy, the label becomes utterly uninformative."[52]

Other discussions are less helpful. For example, Murphy discusses the need for criteria that are independent of wrongdoing,[53] but his argument presupposes an "all or nothing" approach: either we look solely at wrongdoing or we ignore wrongdoing completely. Murphy suggests that using wrongdoing as 'evidence' for someone's mental capacities begs the question, because it is presumed that a deficiency in mental capacity in this regard would manifest *as* the desires and choices to perform wrongdoing. The argument is circular. Therefore we should choose the 'nothing' option and examine only criteria that are "independent (both causally and logically) from criminal wrongdoing."[54] But we need not discard wrongdoing entirely; such information can help more accurately indicate an individual's character and motivations. As will become clearer in this paper, there is much empirical evidence that, though not *necessarily* connected to the concept of psychopathy, nevertheless sheds light on the nature of psychopaths.

What is the relationship between psychopathic traits and antisocial behaviour? This question hinges on our understanding of psychopathic rationality and competency with regards to goal-oriented behaviour. If we are to agree that the psychopath commits actions at random and is to be understood by incongruence over time, then we could hardly say that antisocial behaviour is a necessary consequence of psychopathy, since it

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[51] G.D. Walters, "The Trouble With Psychopathy as a General Theory of Crime," *International Journal Of Offender Therapy and Comparative Criminology* 48, 2 (2004): p. 133.
[52] Antony Duff, "Psychopathy and Moral Understanding," *American Philosophical Quarterly* Vol. 14, No. 3 (1977): p. 190.
[53] Jeffrie G. Murphy, "Moral Death: A Kantian Essay on Psychopathy," *Ethics* 82 (1972): p. 286.
[54] Murphy, "Moral Death: A Kantian Essay on Psychopathy," p. 286.

would then appear a random outcome that could easily have been otherwise. On the other hand, if we conceptualise the psychopath as rational and having secure end goals, and identify antisocial behaviour as a consequence, then this says a great deal about the motivation and functionality of the psychopath – people who very purposefully and rationally choose to perform immoral and criminal actions.

As mentioned, the PCL-R is understood as a diagnostic tool that incorporates a conception of "moral insanity;" people without a conscience. But this paper calls into question the value of framing the concept around moral values, and it will be necessary to reserve a definitive answer as to what role antisocial behaviour should play in our analysis until we have further explored the question of functionality. Most notably, we must consider the possibility that a "lack of guilt/remorse" and a "lack of empathy" might contain no causal links to antisocial behaviour.

In the meantime we ought to draw tentative conclusions regarding antisocial behaviour that can lay the foundations for later conclusions. For example, there may be an intuitive pull to avoid the trivialisation of antisocial behaviour in our conceptual analysis, and this intuition is justified given that the popular understanding of the word "psychopath" renders it virtually synonymous with "serial killer." That is, it might seem that the unspeakable murders committed by a certain serial killer will appear central to our analysis of him, because these kinds of actions are so unusual and so incomprehensible.

However, these concerns are to do with criminology and state punishment, and are not appropriate bases from which to conduct a conceptual analysis. There is clinical evidence to suggest that antisocial behaviour, i.e. the Factor Two traits, diminish with

age even though Factor One traits remain constant.[55] Consequently, we can imagine a scenario where a serial killer is incarcerated for several years, and from the time of his release he conducts no more antisocial behaviour. With this change our concept diminishes into insignificance since our understanding of him had chiefly arisen from his heinous crimes. Such an example suggests that there is more analytical value for this conceptual task in understanding dispositional traits than in judging and evaluating particular actions. It also supports the argument that there is only a 'loose' connection between psychopathy and antisocial behaviour; one that is not logically necessary.

In the light of this discussion, it seems reasonable to conclude that antisocial behaviour should not play a definitive role in the concept of psychopathy; it is possible that a psychopath does nothing wrong his whole life. Nevertheless, antisocial behaviour is still of great interest to us in a discussion of psychopathy.

[55] Walters, "The Trouble With Psychopathy as a General Theory of Crime," p. 142.

Chapter 2

Defining emotions

I now move on to discuss psychopaths and the emotions. As the discussion of the history of the concept revealed, the emotions have always played an important role in the understanding of psychopathy. In this chapter I wish to establish which emotions psychopaths have the capacity for, and which they do not, given what else we know about psychopaths. I first show that the concept of 'shame' provides us with an important insight into what psychopaths experience and how the philosophical and empirical approaches support the inclusion of it in our new integrated conception of psychopathy. Second, I argue that we cannot rule out the capacity for regret because of neurobiological evidence for how psychopaths function. Third, I examine the claim that psychopaths are incapable of empathy, but suggest that empathy be understood as a cognitive, not emotional capacity. Fourth, I argue that the trait "Lack of guilt/remorse" should be revised to include only 'remorse,' because a capacity for 'guilt' is too complex to be simply ruled out by what else we know about psychopaths.

The reason I choose to examine the above emotions in relation to psychopathy is that they are all referred to in the literature, to greater or lesser extents. A common understanding of the manifestation of psychopathy is that psychopaths are unable to experience guilt. This is also a trait on the PCL-R. However, in the clinical literature there are references to other emotional states that ostensibly refer to the same trait, but in fact can differ in philosophical significance. These include references to: (a lack of) 'guilt,' 'shame,' 'remorse' and 'regret.' While all of these words point to a similar emotion, it is worth exploring each one separately while comparing them to the different descriptions of psychopathy. Through this, we can establish new psychopathic traits from which to work.

Before I begin, it will be helpful to provide a brief sketch of how we might characterise emotions and the experiencing thereof. In Justin Oakley's *Morality and the Emotions,* the author defines an emotion as "a complex which involves dynamically related elements of cognition, desire and affectivity,"[56] whereby the instantiation of all three (being linked in the relevant way) is jointly sufficient for an emotion. Bearing in mind the complex nature of emotions such as guilt, this account will be a useful one to adopt. Although in this paper you will not find a defence of Oakley's account *per se*, I use it for pragmatic reasons since it links the emotions to other significant areas of processing such as cognition, desire, and affectivity, and these areas are pertinent to a discussion of psychopathy.

(i) Psychopaths Feel Shame

[56] Justin Oakley, *Morality and the Emotions* (London: Routledge, 1993): p. 6.

The PCL-R trait "Lack of remorse/guilt" was adapted from Cleckley's earlier description of psychopaths lacking "shame,"[57] and subsequent research concerning shame has been conducted.[58] It seems clear, however, that shame is an emotion that psychopaths *are* prone to experiencing, and there is empirical evidence to support this. Firstly though, what do we mean by 'shame'?

It might be easiest to contrast shame with guilt. Bernard Williams,[59] as well as Rawls[60] and Wallace,[61] are some philosophers who have spent time articulating the difference between guilt and shame. Williams suggests that the essence of shame is being made aware of a particular *loss of power.* The emotion is one of self-protection from an internalised "watcher" or "witness."[62] This watcher does not have to be angry, but need only observe this loss of power, inadequacy or failing that the subject feels.[63] However, this "failing" need not be moral; it could be of any sorts derived from any standards or expectations. Rawls suggests that these standards arise from our aspirations and the excellences we seek.[64] It can concern societal norms and conventions that play roles in how members of the society are admired, accepted or despised.[65] But shame can also work in smaller social circles such as a family.

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[57] Cleckley, *The Mask of Sanity*, p. 208.

[58] David Morrison & Paul Gilbert, "Social Rank, Shame and Anger in Primary and Secondary Psychopaths," *The Journal of Forensic Psychiatry* Vol. 12, No. 2 (2001): pp. 330-356.

[59] Bernard Williams, *Shame and Necessity* (London: University of California Press, 1993): pp. 219-224.

[60] Rawls, *A Theory of Justice*, p. 484.

[61] R. Jay. Wallace, *Responsibility and the Moral Sentiments* (Massachusetts: Harvard University Press, 1994).

[62] Williams, *Shame and Necessity*, p. 219.

[63] Williams, *Shame and Necessity*, p. 221.

[64] Rawls, *A Theory of Justice*, p. 440.

[65] Williams, *Shame and Necessity*, p. 83.

A brief contrast with guilt will suffice. Shame differs noticeably from guilt in at least three ways: (1) The 'watcher' of shame can be compared to the 'victim' in the case of guilt. In this way shame is "more narcissistic than guilt"[66] because as the subject, attention is drawn only to yourself, not to a victim. (2) With guilt, the subject is no longer experiencing a loss of power, a failing or inadequacy in general terms, but specifically he has failed to meet what Wallace describes as a *moral expectation*.[67] Even when shame is felt for a moral failure, it is "an injury [to an agent's] self-respect"[68] rather than a breach of objective moral wrongs. (3) Shame involves being *seen* by someone (internalised or actual), but guilt is rooted in *hearing* one's own "voice of judgement."[69]

What would it be like to live without shame? Firstly, we can imagine someone with no internalised standards of excellence in any area of her life. Such a person would have no difficulties with feelings of low self-respect, inadequacy or her perceived value in society because she would have no inclination to 'match up' to a set of standards or perceived values that are culturally and socially determined. Such a portrait might appeal to the common understanding of psychopaths – the criminal masterminds who go only by their own rules; the Hannibal Lecter archetype.

But there is evidence to suggest that this portrayal of psychopaths is inaccurate. For example, Johnson and Becker suggest that real-life serial killers endure "a feeling of

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[66] Williams, *Shame and Necessity*, p. 222.
[67] Wallace, *Responsibility and the Moral Sentiments*, p. 36.
[68] Rawls, *A Theory of Justice*, p. 442.
[69] Williams, *Shame and Necessity*, p. 89.

inadequacy."[70] The word "inadequacy" implies a set of standards to which you are failing to adhere. The Oxford English Dictionary refers to an inadequate person as "one whose personality is in some way insufficient to meet the expectations of society,"[71] and also describes it as "not equal to requirement; insufficient."[72] Thus to have the capacity for feeling inadequate means that one has to have already *internalised* a set of standards.

Williams also talks about a loss of power or a failing.[73] In the article *The Application of Learning Theory to Serial Murder*,[74] the author discusses the perceived failings of certain serial killers in their social and private lives. The killer Ted Bundy is reported to have seen himself as failing with women in the social and dating scheme. While "others were able to obtain dates, fall in love, and be married,"[75] Bundy was failing in this area. For the killer Ed Gein, it was his failure to acquire maternal love that is thought to have caused feelings of inadequacy.

Although the same article refers to an "internalised humiliation"[76] at the root of these feelings (such as Bundy being rejected by his fiancée), it seems that we can make an appropriate connection to shame. Humiliation differs from shame in that one can be humiliated for something that has not been internalised. For example, you might fail to present gifts to one's hosts in China, and be humiliated for this failing even though you

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[70] B.R. Johnson & J.V. Becker, "Natural Born Killers?: The Development of the Sexually Sadistic Serial Killer," *J Am Acad Psychiatric Law* Vol.25, No.3 (1997): p. 341.
[71] "Inadequate," *Oxford English Dictionary Online*.
[72] "Inadequate," *Oxford English Dictionary Online*.
[73] Williams, *Shame and Necessity*, p. 221.
[74] R.L. Hale, "The Application of Learning Theory to Serial Murder, or, 'You Too Can Learn to be a Serial Killer,'" *American Journal of Criminal Justice* Vol. XVII, No. 2 (1993): pp. 37-45.
[75] Hale, "The Application of Learning Theory to Serial Murder," p. 37.
[76] Hale, "The Application of Learning Theory to Serial Murder," p. 37.

may never have heard of this custom. It would seem that shame is not appropriate in this case. However, one can imagine an experience such as this playing a role in future feelings of loss of power and inadequacy. Perhaps an experience of humiliation is the most effective tool for internalising the standards of others. The next time you travel to China and make the same mistake, you may feel feelings of shame because the previous humiliation has served to internalise the standards of your hosts.

Similarly, although Bundy may have originally felt humiliated by his fiancée leaving him, the fact that the humiliation was internalised may have contributed to feelings of inadequacy and shame as a heterosexual male. The key lies in the subject's internalisation of certain *standards* rather than the internalisation of the humiliation itself. Since we have already heard of the 'inadequacy' of these killers, along with their understanding of social norms and the internalisation of certain aspects thereof (including social expectations of heterosexual males and maternal love and approval), we can conclude that the concept of psychopathy ought to be allowed to stretch as far as the experience of "shame" and the internalisation of certain standards and expectations in this regard. Thus the anticipated feelings of inadequacy lead the killer to attempt to regain "lost power."[77]

(ii) Psychopaths Feel Regret

Oakley[78] suggests that regret has a similar relationship with shame as that which exists between joy and pride. One cannot feel pride about something unless the event/object is

[77] Hale, "The Application of Learning Theory to Serial Murder," p. 39.
[78] Oakley, *Morality and the Emotions*, p. 179.

"related to us"[79] in a specific way. Similarly, "we may regret […] having parked our car in the spot where it was later crashed into by someone else, but we could not properly be ashamed of this unless it showed a defect on our part."[80] Therefore, unlike shame, we can regret situations that are *not* intimately linked with our personhood. Regret is also appropriate for *non-moral* situations, such as the car example above. Williams claims "Sometimes regret can focus simply on the outside circumstances that made the action go wrong, and the thought is: I acted and deliberated as well as I could, and it is sad that it turned out that way."[81] However, Rawls brings our attention to the personal aspects that can involve regret, such as sentiments of opportunities missed or means squandered.[82] This might be what Williams refers to as "an agent's regret" as opposed to regret about simply "what happened."[83]

Let us then define regret as the affective/emotional response to an event that is perceived as negative in light of the possibility that a different event may have occurred. The last part of this definition may seem excessive, but it is there to ensure that the emotion of regret hinges on the ability to review alternate possibilities. But this definition is still not complete, since it fails to link the event to the subject in any way. For although the link is not as strong as in the case of shame, there is nevertheless *some* link between the subject and the event.

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[79] Oakley, *Morality and the Emotions*, p. 179.
[80] Oakley, *Morality and the Emotions*, p. 179.
[81] Williams, *Shame and Necessity*, p. 69.
[82] Rawls, *A Theory of Justice*, p. 442.
[83] Williams, *Shame and Necessity*, p. 70.

To demonstrate this, consider the following scenario: You have arrived at a party. Everyone at the party asks after your brother. You say to them all, "I regret to announce that my brother is ill and will not be attending." Why should you regret to announce this? The party is not your responsibility, nor is your brother's health. The answer is that you are related to the event (your brother's not arriving) because you associate yourself with your brother, though you had no causal role in his not coming to the party (of course you might have, in which case regret might still be appropriate). Thus part of you recognises the negative aspect of the event because you are *at least minimally associated* with an aspect or aspects of the event, where "minimally" implies a relationship of some kind, causal or non-causal.

Let us change our definition of regret to mean: the affective/emotional response to an event, to which one is at least minimally related, that is perceived as negative in light of the possibility that a different event may have occurred.

As mentioned, this last part concerns the realm of alternate possibilities. Glannon[84] refers to clinical studies that suggest that psychopaths have lesions in the orbitofrontal cortex, which is involved in "mediating the emotion of regret, which is critical to counterfactual reasoning."[85] The psychopath may be unable to think through his choices for action because of this. Harris et al refer to studies that show an "inability to plan" that arises from damage to this area of the brain. [86] The same phenomenon seems to be

[84] Walter Glannon, "Moral Responsibility and the Psychopath," *Neuroethics* 1 (2008): pp. 158-166.
[85] Glannon, "Moral Responsibility and the Psychopath," p. 159.
[86] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 222.

referred to by some as a lack of imagination or fantasy.[87] What has this got to do with regret? Clearly an inability to think clearly through one's choices must affect the way in which one can then review performed actions, since such a review would utilise the same functionalities, such as counterfactual reasoning and imagination.

It seems implausible to deny psychopaths the capacity for regret in the broad sense in which I have defined it. To begin with, the requirements that precede regret (the ability for counterfactual reasoning, imagination, planning etc.) seem to be met in three ways by other empirical evidence concerning psychopathy. The first is that we would expect a person who is entirely incapacitated in this way to be overtly irrational with regards to practical rationality.[88] The second is that there is evidence that psychopaths have the capacity for complicated fantasies and imaginary situations, which would contradict a claim for an outright denial of counterfactual reasoning. Gerberth et al[89] and Johnson[90] are amongst those who provide evidence for the developed fantasy lives of many psychopathic serial killers. Many killers display active, sometimes *overactive,* imaginations. They live fantasy lives in which they indulge in their desires for particular actions, and then try enacting these fantasies in real life. Sometimes offenses have already been committed in fantasy.[91] While fantasy is not the equivalent of counterfactual reasoning, it must be considered one instance of counterfactual reasoning

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[87] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 96 & 100.

[88] See Chapter 5 for a more in-depth discussion about the psychopath's capacity for practical rationality.

[89] Gerberth & Turco, "Antisocial Personality Disorder, Sexual Sadism, Malignant Narcissism, and Serial Murder," p. 51

[90] Johnson & Becker, "Natural Born Killers?: The Development of the Sexually Sadistic Serial Killer," p. 341.

[91] Johnson & Becker, "Natural Born Killers?: The Development of the Sexually Sadistic Serial Killer," p. 341.

since it involves propositions of the sort "If it had been the case that p, then it would have been the case that q."[92]

The third reason why a capacity for planning and counterfactual reasoning cannot be entirely absent is that psychopaths who perform illegal actions often make an effort to avoid being caught. The most intelligent serial killers, such as Ted Bundy, are those who are able to contextualise their desires to kill or cause harm by running through plausible scenarios that serve to avoid detection or reduce the risk of being caught. It also seems unlikely that our concept should rule out the possibility of such a person being caught and feeling regret that he wasn't aware enough to avoid being caught on this occasion.

I have identified my definition of regret as "broad." A narrower understanding would limit itself to some conception of "moral regret." Here one could argue that psychopaths are incapable of moral reasoning, and so moral regret is not possible, though other types of regret might be possible. The conceptual value of this claim is unclear. The cognitive aspect of regret concerns certain intentional states. These intentional states are not conceptually limited in the way that shame and guilt are limited to a loss of power and moral expectations respectively. That is, one can potentially express regret about any event to which one is minimally related. But to say that psychopaths are incapable of *moral regret* is conceptually unenlightening, since all the conceptual work is being done by the "moral" part. That is, what this reveals (if it is true) is an insensitivity to moral reasons, but the concept of regret itself cannot shed light on this insensitivity. This is

[92] "Counterfactual Conditional," in Thomas Mautner, Ed., *The Penguin Dictionary of Philosophy* (London: Penguin Books, 2000). Here we can substitute "I had assaulted the lady in the queue this morning" for p and "I would be in a much better mood for further assaults this afternoon" for q.

because *moral regret* is akin to the idea of *religious regret*, whereby you feel regret for religious transgressions or eventualities. If we say that a person is incapable of religious regret, this says nothing about the nature of his inability to form beliefs about religion or where the problem lies, because regret has no conceptual ties to religion. Similarly, regret has no conceptual ties to moral beliefs.

The concept of regret does not root itself in the moral realm. What can be regretted need not involve (a) an interpersonal relation (consider, "I regret leaving my holiday plans until the last minute"), (b) any causal responsibility ("I regret, my brother will not be attending"), or (c) any value system ("I regret drinking that milk because it was sour"). Of course, it *can* also include (a), (b) or (c), or all three at once ("I regret teasing that person who ended up in tears"), but is not restricted to them. Instead, regret is constituted by the comparison of what actually happened to what might have happened. Shame and guilt are not like this. One will experience regret if one cares enough about what might have happened, leading to regret about what did happen.

I have argued that psychopaths are capable of regret. In addition, I have argued that any diminished capacity for regret should not be a matter of moral concern, since regret is not conceptually tied to moral reasons. It seems that the more interesting and revealing evidence concerns the *cognitive processes* that lie behind regret, such as those mentioned by Glannon. Logically, showing that psychopaths meet certain requirements for the capacity for regret does not entail this capacity, it only suggests its plausibility. As with guilt, it is difficult to cite direct testimony as empirical evidence for regret due to the dishonest nature of psychopaths. In order to make such testimony remotely

plausible, we would need to believe that the psychopath had little to gain from expressing such emotions, such as reduced prison time or more favourable trial conditions.

We might examine Jeffrey Dahmer, serial killer, who provided a full confession to police and assisted with the investigation "to relieve the minds of the parents" of his victims.[93] It would seem, on death row, that Dahmer had little to gain from stating such things as: "I wish I hadn't done it;"[94] as well as: "Yes, I do have remorse, but I'm not even sure myself whether it is as profound as it should be."[95] While the former suggests regret *per se*, the latter is a bit trickier, but since the next section deals with remorse, it is still appropriate. Here we might view my "broad" definition of regret as being applicable to this statement. It is plausible that Dahmer is mistaking his regret for "remorse." As I will argue in more detail in the next section, his lack of empathy prevents him feeling remorse, and this may be responsible for his expressed lack of "profundity." What he feels is regret; regret for matters that do not concern empathy.

(iii) Psychopaths lack empathy

The PCL-R trait "Lack of empathy/Callous" is misleading. It sometimes falls under the sub-category of 'Affect,' which has led many to misunderstand its significance. The confusion arises because empathy is not an emotion and is not an affective component. No doubt empathy *gives rise* to certain emotions (typically sympathy), but empathy itself is a kind of *knowledge* or *awareness*, and therefore ought to be considered a

[93] "Jeffrey Dahmer Quotes," available at <http://www.skcentral.com/articles.php?article_id=25>.
[94] "Jeffrey Dahmer Quotes."
[95] "Jeffrey Dahmer Quotes."

'merely' cognitive capacity, not an emotional or affective one. As Metz argues, "empathy is an *awareness* of what it is or would be like to be another being, a knowledge of what the other is undergoing or would undergo."[96] However, this need not only pertain to physical experiences such as pain or pleasure, one can also empathise with other mental states. Goldie suggests that the imagination is used to describe the narrative of another person, their thoughts and emotions.[97]

Goldie sees this understanding of another's experience and emotions as involving the faculties of reason and imagination.[98] Empathy "*does not require that any emotion be felt by the interpreter.*"[99] I have suggested (following Oakley) that an emotion be defined as "a complex which involves dynamically related elements of cognition, desire and affectivity."[100] Here we can place 'empathy' neatly in this complex as the cognitive element of several emotions, such as sympathy and compassion. Oakley argues that emotions cannot be reduced to cognitions because we are able to have such cognitions in the absence of an affective element or a desire. This is echoed in Wallace's discussion of the 'moral' emotions when he suggests that one can make moral judgements without actually feeling the appropriate emotion.[101] Goldie agrees, suggesting that an emotion "involves feelings."[102] An emotion is not a 'mere' cognition, though it no doubt can be

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[96] Thaddeus Metz, "Sympathy and Moral Status," unpublished, p. 7.
[97] Peter Goldie, *The Emotions: A Philosophical Exploration* (New York: Oxford University Press, 2000): p. 178.
[98] Goldie, *The Emotions: A Philosophical Exploration*, p. 181.
[99] Goldie, *The Emotions: A Philosophical Exploration*, p. 181.
[100] Oakley, *Morality and the Emotions*, p. 6.
[101] Wallace, *Responsibility and the Moral Sentiments*, p. 42.
[102] Goldie, *The Emotions: A Philosophical Exploration*, p. 184.

partly constituted by a mere cognition, in this case, the belief that another person is having a certain experience.

The word "Callous," used in the PCL-R, is also misleading. To most, 'callous' is an evaluative judgement rather than a description of a capacity. If you are callous then you treat people in a certain way because of certain motivations you have to do so, e.g. to 'get ahead,' to get what you want, etc. Although this fits well with the common understanding of psychopaths, it does not directly correspond with the clinical studies that support the above understanding of a lack of empathy as a cognitive deficiency. Dadds et al suggest that "deficits in recognizing fear exist in children with psychopathic traits."[103] Normal child development requires this recognition to source threats and thereby understand that other people are sentient beings.[104] They suggest that "emotion-recognition problems in psychopathy are owing in part to a failure to direct attention to the emotionally significant aspects of the environment."[105] Blair describes psychopaths as not being averse to the distress of others,[106] which is the logical consequence of being unable to read signs of distress in others. Hare relays the idea that psychopaths have great difficulty in "detecting and interpreting" less obvious cues in their environment that pertain to interpersonal relations.[107]

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[103] M.R. Dadds, Y. Perry, D.J. Hawes, S. Merz, A.C. Riddell, D.J. Haines, E. Solak, & A.I. Abeygunawardane, "Attention to the Eyes and Fear-Recognition Deficits in Child Psychopathy," *The British Journal of Psychiatry* 189 (2006): p. 280.

[104] Dadds, Perry, Hawes, Merz, Riddell, Haines, Solak, & Abeygunawardane, "Attention to the Eyes and Fear-Recognition Deficits in Child Psychopathy," p. 280.

[105] Dadds, Perry, Hawes, Merz, Riddell, Haines, Solak, & Abeygunawardane, "Attention to the Eyes and Fear-Recognition Deficits in Child Psychopathy," p. 280.

[106] R.J.R. Blair, "Neurological Basis of Psychopathy," *British Journal of Psychiatry* 182 (2003): p. 5.

[107] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 96.

Some may argue that emotions are necessary to read one's environment correctly, and so the above evidence merely supports the understanding of empathy as an emotion. But emotions are consequents of environmental cues; they are not the cues themselves. For example, we might say that guilt is an emotion the experiencing of which is necessary for reading how our actions affect the emotions of others. However, if this were the case then we would feel guilt or any other relevant emotion (as a complex of cognition, desire and affectivity) every time we perceive that our actions have affected another in this way. This is clearly not the case, since I can sense you are upset by something I said, yet either feel no emotion or, as Wallace describes, feel that it would be "appropriate" to feel that emotion.

This renders the connection between emotions and the 'reading' of one's environment as contingent. Oakley suggests that we can view aspects of the world that one might expect to be accompanied by emotion, such as jealousy or grief, yet do so "quite unemotionally."[108] One could, however, argue that emotions are necessary despite this apparent contingency. Here we can point to the role that emotions play in the acquisition of the capacities necessary for moral reasons and reading other people accurately. This is the argument that Wallace appears to put forward, but since this argument will play a larger role in Chapter 4 of this paper, I would like to leave a response to it for then.

The above evidence does not characterise the lack of an emotion, but rather the lack of a basic human capacity to read the environment, which I have argued is not necessarily tied to the experiencing of emotions. Emotional capacity is not the capacity to read

[108] Oakley, *Morality and the Emotions*, p. 26.

one's environment accurately, but rather an indication that one *can* read one's environment correctly. We can say that having emotions is *sufficient* for reading one's environment correctly,[109] though not necessary. Thus "Lack of empathy" refers to an incapacity for certain cognitive states that typically *give rise* to emotional states. The significance of this shift in understanding is twofold. Firstly, it means that the trait does not refer to an affective deficiency. Although the lack of empathy may logically imply an affective deficiency, it in itself is a cognitive deficiency. This is an important point for our overall conception of psychopathy.

Secondly, this understanding pushes behavioural explanations backwards. The PCL-R trait as it is presented is one aspect of a "lack of conscience." Immoral behaviour is an obvious step from that point of departure. If a psychopath murders several people then this trait does a great deal of explanatory work. The killer is unfeeling, callous, lacks emotional depth, and does not have a conscience, and so this explains how (and possibly why[110]) he performed these actions repeatedly. It fulfils a necessary condition for the explanation behind such actions. However, as a mere *cognitive* deficiency a "lack of empathy" does far less explanatory work.

The change I have in mind is paradigmatic. The psychopath has trouble reading emotion in other people's faces, but this is not an obvious explanation as to why he would hurt others or be overtly aggressive. While characterising the psychopath as a person without

[109] To a greater or lesser extent. Of course, some people are more aware of social cues than others, though they all experience emotions. Other factors, such as intelligence, no doubt also play a role in a successful social understanding.

[110] Here I have in mind the idea that psychopaths seek emotional fulfillment through extremely violent or hurtful actions.

conscience does not *guarantee* such behaviour, it seems sufficient an explanation *for* such behaviour in much of the literature. For example, under their discussion of "Lack of empathy," Babiak and Hare claim that "psychopaths are such effective predators because they are *not* plagued by doubts and concerns raised by a conscience."[111] But such explanations are not as obvious if we consider a lack of empathy not as an emotional failing but rather as a cognitive deficiency. Psychopathy insisted on as a lack of conscience has more explanatory power in this regard but, as I will argue, the extent of moral understanding even among high-scoring psychopaths is unclear.

(iv) Psychopaths lack remorse, not guilt

"Psychopaths also *lack feelings of remorse and guilt*,"[112] write Babiak and Hare. This sentence contains the interesting inclusion of two very similar terms: "remorse" and "guilt." Both appear on the PCL-R. Are these emotions identical, or are there significant differences between them? Philosophers tend to place more importance on guilt as a *moral emotion*, and Wallace suggests that being susceptible to guilt is a necessary requirement for moral agency. Guilt not only concerns the moral aspects of interpersonal harm, but also the broader aspects of action such as intention, and duties to abstract entities (e.g. obeying the law). Remorse, on the other hand, deals exclusively with interpersonal harm and is directly dependent on a capacity for empathy.

In this section I argue that claims that psychopaths are *incapable* of guilt are not adequately supported because the evidence is restricted to interpersonal harm, and does

[111] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 46.
[112] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 46.

not extend to the broader aspects of the emotion. Instead, the evidence suggests psychopaths are incapable of *remorse*.

(a) The broad scope of guilt

Because most people who are considered candidates for the Psychopath Checklist assessment are criminal offenders, the general understanding regarding those who are subsequently diagnosed as psychopaths is that they do not feel any guilt for their numerous antisocial transgressions.[113] The PCL-R traits "Manipulative" and "Pathological Deception," as well as other evidence for psychopathic behavior drawn from studies of criminal populations, suggest that psychopaths do not feel guilt for interpersonal violations *in particular*. Psychopaths are "masters of manipulation, intimidation and coercion,"[114] and the development of the *Antisocial Personality Disorder* construct reflects the significance of interpersonal transgressions in psychopathy. These are the transgressions for which psychopaths do not feel guilt. Is this enough to label them as being *incapable* of feeling guilt? When we consider the nature of guilt, it cannot be.

There are several important aspects of guilt that are relevant to understanding it as a complicated emotion. Firstly, guilt is a moral emotion; it has the cognitive aspect of *holding someone to a moral expectation*.[115] The experience of feeling guilt concerns the moral realm, moral expectations and moral reasons, as has been discussed in relation to Wallace. Secondly, guilt covers a broad scope of action that includes motivations and

[113] As I have argued, it is not the case that all psychopaths have committed antisocial actions.
[114] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 258.
[115] Wallace, *Responsibility and the Moral Sentiments*, p. 66.

intentions. For example, one may feel guilty about not being adequately motivated to give money to charity. Or, one may feel guilty for merely *thinking* about poisoning one's stepmother, though you never actually did so. Thirdly, guilt can be felt for abstract moral transgressions where there is no interpersonal interaction or no obvious harm caused by an action; there is no one with which to empathise. Imagine you are driving on a quiet Sunday afternoon, there is nobody around you, and you go ever-so-slightly over the speed limit because the road is so quiet. In a very direct sense, there is no one with which to empathise for this transgression because you placed no one in physical danger. You know that there was no risk of physical injury to anyone if you broke the speed limit and did not endanger anyone at the time. If you feel a moral obligation to follow the law, then you will feel guilty for breaking it, though it is not clear who, if anyone, has been harmed. What one has is an offense in abstraction: "breaking the law." Another example might be feeling guilty for actions that don't harm anyone else. For example one might feel guilty for not going to gym. Williams, however, dismisses such guilt as "irrational,"[116] felt for breaking a rule or resolution. It is nevertheless still possible to imagine holding oneself to such a resolution as a *moral demand* on oneself, perhaps as the belief that one is morally obliged to treat one's body in a certain way.

We can see how guilt that concerns interpersonal harm would form only a part of the broad scope that is covered by 'guilt.' The absence of this kind of guilt points to the psychopath's lack of empathy as an explanation. There is no doubt that a lack of

[116] Williams, *Shame and Necessity*, p. 93.

empathy would affect your ability to feel guilt *for certain things*. If you are unaware that someone is upset by something you said, then you will not feel guilty for saying it. The same logic can be extended to numerous other examples. However, a lack of empathy need not rule out a capacity for guilt entirely.

Firstly, if guilt is rooted in moral principles and expectations, then in order to be certain that an agent is incapable of guilt we would need to be sure that the agent is incapable of holding moral expectations. While criminal psychopaths no doubt demonstrate this incapacity with certain interpersonal moral expectations, such as those pertaining to physical and psychological harm, there is room to question if this is enough to warrant an extension to *all* moral expectations. I suspect that it is not. For example, there is reason to believe that the inability to read emotions need not rule out the possibility of forming moral principles or acting out of a sense of moral duty. As I discuss in more detail in Chapter 4, autistic people are said to suffer from a lack of empathy, yet some still feel a sense of duty with regards to their conduct with other people. This is the formation of abstract moral principles and ideals, and could lead to a susceptibility to guilt that does not depend on the ability to read emotions.

In addition, the internalisation of moral principles need not be as philosophically sound as some philosophers would ideally hold. For example, if I am correct in attributing capacities for shame and regret to psychopaths, these emotions might serve to internalise religious or social principles as moral expectations. For example, one hears of 'Catholic guilt,' and we cannot rule out the possibility at this stage that a psychopath could be susceptible to such guilt, because it does not directly involve physical or psychological

harm to others, but rather to abstract rules and normative dictates in the form of religious commands. This might also include guilt around thoughts and intentions of the sorts mentioned earlier. With the mechanisms for shame and regret in place, it is possible that these 'rules' become part of a moral code that the agent has not arrived at himself.

These discussions constitute a large part of my discussion of the psychopath as a moral agent, and so I will leave a full exploration of them until Chapter 4. The central point to this section is that the kind of guilt noted as absent in psychopaths need not rule out *all* capacity for guilt since the emotion is far more complex than this allows.

(b) The narrow scope of remorse

What the absence of guilt in psychopaths pertains to is their harmful interpersonal actions. I have suggested that the emotion of guilt covers a greater spectrum than this and therefore should not be ruled out entirely. However, I will argue in this section that the emotion of remorse concerns harmful interpersonal actions exclusively, and that we *are* therefore in a position to claim that psychopaths are incapable of remorse.

Remorse is an emotion that can have a bearing on future action. Wallace describes remorse as being "associated with demands made on oneself in one's conduct with others," along with guilt and shame.[117] It is there to decrease the likelihood of performing those actions for which one blames oneself, again.[118] This remorse shares with 'guilt,' which is also backwards-looking and has bearing on future conduct. In fact, remorse could be seen as a species of guilt, one that pertains only to interpersonal harm

[117] Wallace, *Responsibility and the Moral Sentiments*, p. 35.
[118] Wallace, *Responsibility and the Moral Sentiments*, p. 57.

in the ways I described in the previous section. Remorse and guilt are backwards-looking emotions that place blame on the subject for actions they have performed. Remorse concerns the *recognition that you are responsible for a particular state of affairs*. However, not just any state of affairs will lead to remorse, only those states of affairs that you come to know via the awareness that is *empathy*, i.e. that the state of affairs has caused harm of some kind or another in another sentient being (or any other thing with which one can empathise). Remorse is thus not directly constituted by the failure to meet a moral expectation, but by the cognitive awareness of certain kinds of empathy. Thus we can define remorse as *an unpleasant affective state resulting from a cognition that one has brought about harm in another sentient being.*

Thus the moral expectations that constitute remorse are those that concern harm to other people, and this is what the psychopath lacks because he does not have the requisite capacity for empathy. There are moral expectations that do not pertain to remorse because they do not directly concern the cognitive function of empathy. Earlier I suggested that guilt can pertain to thoughts, intentions and attitudes, such as feeling guilty for thinking about poisoning one's stepmother, though you never actually did so. Remorse seems inappropriate here, and the above definition would exclude it because genuine empathy cannot be triggered by merely imagined actions. I also mentioned the example of feel guilty for not going to the gym. Again, remorse seems inappropriate here without any harm caused to others. These examples point to an interpersonal element that guilt does not require.

Remorse, then, can be seen as a more simplistic emotion than guilt, since the latter can be matched appropriately to both interpersonal *and* 'merely' personal experiences. Remorse does not seem to have such a prominent role in moral development and sensitivity to moral reasons as guilt. When you feel guilt, it sheds light on your moral expectations and reasoning, which you can reflect on. But remorse doesn't seem to work in the same way or necessarily give rise to the same considerations. Dilman argues that the central difference between remorse and guilt is that remorse can be egocentric as it "leaves one's self-regard totally in the shade."[119]

(c) The significance of "Lack of remorse"

Thus we are entitled to claim that psychopaths are incapable of *remorse*, not guilt. This enables us to reserve judgement of the psychopath as a moral agent until the boundaries of the concept have been secured, by acknowledging that what empirical evidence suggests is lacking in psychopaths cannot be extended to the extremely broad nature of 'guilt.' This leaves it an open question as to the psychopath's ability to understand moral principles and his sensitivity to moral reasons in general. Many PCL-R traits and others that are not on Hare's checklist point to this direct tie to interpersonal harm rather than the abstract commitment to moral rules or the other broad areas covered by guilt, such as thoughts and intentions. These include: the murder of animals, manipulation, pathological deception, lack of care for the "well-being of others,"[120] and exploitative

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[119] Ilham Dilman, "Shame, Guilt and Remorse," *Philosophical Investigations* Vol. 22, No. 4 (1999): p. 325.

[120] R.C. Carson & J.N. Butcher, Eds., *Abnormal Psychology and Modern Life* (New York: HarperCollins, 9th Edition, 1992): p. 282.

sexual relationships.[121] While it cannot be denied that these traits all concern broad moral questions and can be placed in that context, the point is that they appear to extend directly from a lack of empathy, and are all examples of interpersonal harm.

The reason that these traits do not pertain to a broader scope than interpersonal harm is that the PCL-R is a diagnostic tool, and so if these traits were rooted in philosophical positions about observing moral rules, it would be too difficult to apply the PCL-R in a clinical setting. For example, how might we discuss manipulation as a manifestation of a lack of conscience? Perhaps it could fall under the heading: "failure to understand the concept of rights" (psychopaths cannot understand that manipulating people is a violation of their rights). To deduce that such a trait is present would take the most complex empirical tests, to distinguish between manipulation done in the *absence* of the concept of rights and done *with* an understanding of rights. Failing this, manipulation *per se* could be established as a trait that does not need to be (initially) placed within the context of the candidate's appreciation of moral concepts, and instead can be seen with regards to a lack of empathy.

This is why Hare can afford to say that "Some psychopathic features are not necessarily a bad thing for society – in some professions they may even help."[122] These traits are not the elements of a paradigm for lacking a conscience. These behavioural dispositions are there to identify the psychopathic personality type, offering a description of how some people operate. In this sense, a "lack of guilt/remorse" does not so much describe moral insanity, but rather gives plausibility to the reasons behind certain actions. In Daniel

[121] Carson & Butcher, Eds., *Abnormal Psychology and Modern Life*, p. 284.
[122] Alison Abbott, "Scanning Psychopaths," *Nature* Vol. 450, No. 13 (2007): p. 943.

Dennett's terms, it is perhaps to do with strengthening our ability to take "the intentional stance"[123] with regards to the psychopath. With these traits we can posit plausible explanations as to how psychopaths can "view others as objects or pawns to be moved around at will"[124] and allows them to "identify their victims" and "con and manipulate [them] shamelessly,"[125] and to "kill for reasons filled with banality."[126] These constitute the narrow moral realm covered by remorse, and need not invoke the more complicated concept of guilt.

Since there is no necessary relation between lack of empathy and lack of guilt, we cannot immediately conclude that psychopaths are incapable of guilt. For now, however, I propose that we include "lack of remorse" in our concept for the reasons I have outlined, i.e. that remorse is directly tied with empathy, and that the interpersonal problems associated with psychopathy can be explained by "lack of remorse." Although this casts doubt over the psychopath's moral agency, it is by no means conclusive. Once we have established the boundaries of the integrated conception of psychopathy, we will be in a position to do so (see Chapter 4).

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[123] John Heil, *Philosophy of Mind: A Contemporary Introduction* (New York: Routledge, 2005): p. 156.
[124] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 53.
[125] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 50.
[126] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 66.

Chapter 3

Practical rationality

Now that we have discussed the role of immoral behavior in our integrated concept, as well as the emotions and capacities thereof, there still remains the matter of how well psychopaths function with regards to practical rationality. There are several indications from empirical research that psychopaths are dysfunctional with respect to goal-oriented behavior. However, the exact nature of this dysfunction is unclear given the psychopath's ability to "infiltrate"[127] society undetected, often with no obvious signs of a disorder. Is this what Cleckley referred to as the "mask of sanity;" a "subtly constructed reflex machine that can mimic the human personality perfectly"[128] but behind which lies "madness in excelsis"?[129] Or, more likely, has the understanding of psychopathy evolved since Cleckley, shifting the debate to more complex questions about free will and action? We can identify three areas within which to frame this question. Firstly, psychopaths are renowned for having an inability to learn from the past, particularly in the areas of punishment and other fear-induced learning

[127] Hare, "Psychopathy and Antisocial Personality Disorder: A Case of Diagnostic Confusion."
[128] Cleckley, *The Mask of Sanity*, p. 228.
[129] Cleckley, *The Mask of Sanity*, p. 225.

mechanisms. Secondly, psychopaths fail to follow a life-strategy or identify long-term goals. We must ask to what extent this failure lends itself. Thirdly, the question of free will and psychopathy arises in the context of compulsive behaviour.

In this chapter I will attempt to address all three of these areas, keeping in mind that the third one deserves more attention than this paper will allow. Nevertheless, it still seems possible to draw a general conclusion as to the capacity for practical rationality. I shall argue that psychopaths are not significantly diminished in this respect. Before I begin addressing the main arguments, it will be useful to provide a minimal account of practical rationality in which to frame the claims that psychopaths are deficient in this regard.

This is not a question of which beliefs one ought to have in general. For example, I am not concerned with the question of whether or not it is 'rational' to believe in God. Instead, a person who displays practical rationality has an appropriate relationship with *goals*. What "appropriate" denotes depends partly on (a) the appropriateness of the goals themselves; and partly on (b) volitional and intellectual capacities. To understand the former, we look to *the kinds of goals* an individual formulates. To understand the latter, we also look at *how* she goes about achieving them and *to what extent* she is successful. This is a very general idea of what it is to be rational with regards to practical matters, and could be contrasted with those individuals who have substantial deficits of the intellectual faculties, such as schizophrenia or severe mental retardation, or suffer from addiction or compulsive needs.

What kinds of goals are appropriate for an agent? Goals are related to one's beliefs, desires, preferences and priorities. Thus, to a large extent, the rationality of one's goals depends on what an agent believes and what she wants. If at point *Y* you are hungry, and this desire for food is a priority, and if you know there is food in the next room, then you are likely to formulate the goal to *get food from the next room* – a goal that is appropriate relative to your beliefs and desires. Some goals will be short term (get food from the next room), while some are long-term goals that require several short-term goals (get a job in order to earn enough money in order to buy a bigger fridge).

Usually the appropriateness of these goals is assessed by other people via their (the goals) relation to the agent's beliefs, desires, preferences and priorities. For example, is it rational for a man to collect stamps? We say that it is if we know that the man enjoys collecting things, finds stamps interesting, enjoys spending his time in his study, etc. However, sometimes it is not enough that an agent's beliefs, desires etc are appropriate to the goal, sometimes we question the beliefs and desires *themselves* in order to evaluate a goal. For example, is it appropriate for a man to collect stamps given that he is poverty-stricken and spends any money he comes across on stamps at the cost of his health? Here, although the man may have the appropriate beliefs and desires in relation to the goal, we question this *prioritisation* of stamps over health, and thereby judge his stamp-collecting goal to be inappropriate or irrational. Such an individual *should have different priorities.* Alternatively, someone may have goals with which we simply *cannot identify*, such as someone who memorises the Phone Directory for "no reason."

Then there are cases where we might accept that a particular goal is rational but criticise *how* the agent goes about achieving it. An agent might have difficulty in attaining or completing the goal because she goes about it in an irrational manner. Here we can imagine someone who goes about achieving her goals solely through the means of violence or threats of violence. If she wants to get service at a restaurant, she threatens the manager or assaults him until a waiter arrives at her table. In this case we might suggest that there are *more rational means* with which to achieve the goal. Lastly, an agent may have identified a rational goal and a rational means of achieving that goal, yet still fail to achieve the goal due to other restrictions or impediments, such as compulsion or acute phobias. Here we might say the agent fails to execute goals due to *internal inhibitions.*

It is against this picture that I shall try contrast the psychopath in order to evaluate his capacity for practical rationality.

1. Low fear and the pursuit of short-term goals

Empirical research suggests that psychopaths are subject to low levels of anxiety and are resistant to fear-induced punishment.

> *One of Cleckley's earliest assumptions was that people classified as psychopaths experience low levels of anxiety in response to environmental threat. Hare hypothesized that this lack of autonomic response may make it difficult for psychopaths to learn from their mistakes.*[130]

[130] Walters, "The Trouble With Psychopathy as a General Theory of Crime," p. 137.

It has been demonstrated that psychopaths experience lower levels of anxiety in anticipation of a "noxious stimulus" such as a physical shock or a loud noise.[131] This has led some to question the psychopath's ability to learn from their mistakes in a classical conditioning paradigm[132] and suggests a failure to develop passive avoidance learning.[133] These low levels of anxiety correlate with a sense of fearlessness in psychopaths:[134] a lack of anticipation of unpleasant stimuli such as pain.[135] However, Walters suggests that there are empirical findings that place doubt on the validity of the low-fear theory, resulting in what he calls the "unsettled" issue of anxiety.[136] Nevertheless, it seems that the majority of empirical findings support the low-fear theory to either a greater or lesser extent.

It is unclear to what extent this trait would affect the psychopath in terms of goal-oriented behavior. While psychopaths appear to be unperturbed by shocks and loud noises, they seem entirely responsive to other threats of punishment, such as financial loss.[137] However, legal repercussions are not always a factor in the mind of the psychopath. This is best demonstrated by the failure of the justice system to rehabilitate psychopaths. Recidivism is common amongst psychopathic offenders, and it is for this reason that the PCL-R's ability to predict recidivism proved so important to the success

[131] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 220.
[132] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 220.
[133] Herpentz & Sass, "Emotional Deficiency and Psychopathy," p. 572.
[134] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 220.
[135] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 100.
[136] Walters, "The Trouble With Psychopathy as a General Theory of Crime," p. 137.
[137] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 220.

of the checklist.[138] This means that the time spent in jail and the threat of re-arrest do not weigh heavily in released psychopathic offenders.

This might affect our criticism of the psychopath's *priorities*. We can imagine being motivated enough to commit credit card fraud once, but after serving time for this offence it seems as though the possibility of recapture ought to weigh more heavily in favour of not committing credit card fraud again, given that the circumstances are relevantly similar. Seemingly, this is not always the case with psychopaths. This is also suggested by research indicating that psychopaths are more likely to pursue an action "for which the reward was immediate and the anticipated punishment delayed."[139] This suggests that psychopaths fail to always evaluate the consequences of their actions fully.

Though this does not mean that psychopaths are incapable of deliberation, it indicates that they are prone to prioritising more immediate goals over longer-term ones. This seems to concern *impulsive* behaviour, which is a trait on the PCL-R. It is necessary to distinguish impulsiveness from *compulsion*. Though the two appear to be used in similar contexts in some literature, I wish to isolate compulsion for discussion in the third part of this section. Schalling notes that "the word impulsive appears to have quite different meanings in different clinical traditions,"[140] one of which implies "being a victim"[141] in the same sense as one may view compulsion. Nevertheless, there are differences, the most significant of which concerns the immediacy of the dispositions. While acting on

[138] Hare, "Psychopathy and Antisocial Personality Disorder: A Case of Diagnostic Confusion."
[139] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 220.
[140] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 92.
[141] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 92.

impulse implies a spontaneity and carelessness ("acting on whim"[142]), compulsion indicates necessity and thereby a more immediate call to act. In addition, an impulsive action is performed in the absence of "conscious conflict"[143] which is usually symptomatic of compulsive disorders such as kleptomania. Framed in terms of my earlier description of practical rationality, we could say that impulsiveness draws criticism about the *priorities* of the psychopath in his formation of goals, while compulsion is an *internal inhibition* to the execution of goals. What I mean by the criticism of priorities is that impulsive acts seem to arise from a lack of clear ordering of goals, i.e. the immediate act is not adequately ranked relative to other goals.

The claim that psychopaths "seldom forego immediate pleasure for future gains and long-range goals"[144] can be interpreted in two ways. The first is that psychopaths are irrational because they fail to formulate long-term goals that are appropriate for their beliefs and desires. Consequently, they never formulate intermediary short-term goals that are the means to achieve the long-term goals. Cleckley took this line of argument in *The Mask of Sanity*. He concentrated on behavioural manifestations of poorly motivated (i.e., impulsive) behaviour, claiming that the psychopath is a "lunatic"[145] who "does not maintain an effort to any far goal at all,"[146] cutting short "any activity in which he is succeeding."[147] Cleckley's psychopath fails to adequately reflect on the *majority* of his actions. This claim will be evaluated in the next part of this section, but for now it will

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[142] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 92.
[143] Cleckley, *The Mask of Sanity*, p. 209.
[144] Carson & Butcher, Eds., *Abnormal Psychology and Modern Life*, p. 283.
[145] Cleckley, *The Mask of Sanity*, p. 225.
[146] Cleckley, *The Mask of Sanity*, p. 224.
[147] Cleckley, *The Mask of Sanity*, p. 224.

suffice to say that this understanding of psychopaths as embodying "madness in excelsis"[148] has since been rejected.

The second interpretation is less extreme. On this interpretation, psychopaths simply live "in the present"[149] but not to such great cost to their rationality. On this interpretation the psychopath's impulsiveness does not appear to be a debilitating one, or one that can be characterised as overt dysfunctionality or irrationality. In some cases, this trait can appear to be more beneficial than anything else. This appears to be the general contemporary understanding. Writes Hare, "The more impulsive psychopaths […] use short-term predatory strategies to get what they want. The less impulsive types appear to be less predatory in their pursuit of gratification, instead relying on opportunities coming to them."[150] This presents this trait as an asset in the pursuit of goals, leading some, for example Levenson, to speculate that "in situations where the psychopathic person's antisocial behaviour has produced prior success,"[151] the psychopath has low anxiety, but in unfamiliar situations he shares anxiety levels with non-psychopaths. It seems an obvious point, but we can imagine low levels of fear leading us to perform actions that result in beneficial consequences in certain circumstances, and harmful consequences in others. Although its absence does have effects on certain kinds of social conditioning, it does not seem that fear itself is necessary for practical rationality.[152] Living 'in the moment' can be a blessing for the

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[148] Cleckley, *The Mask of Sanity*, p. 225.

[149] Carson & Butcher, Eds., *Abnormal Psychology and Modern Life*, p. 283.

[150] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 184.

[151] Walters, "The Trouble With Psychopathy as a General Theory of Crime," p. 138.

[152] One could argue that normal levels of fear are necessary for other aspects of rationality, such as certain perceptions of value as understood by 'the good life' or what the community deems 'virtuous.'

pursuit of short term goals. The effects it has on long-term goals will be discussed in the next section.

2. The pursuit of long-term goals

There are also indications in the literature that suggest psychopaths suffer defects with regards to strategic planning. According to the PCL-R, psychopaths have "no long-term goals," and suffer from acute boredom and a "need for stimulation" that prevents them from succeeding in this respect. How does this correlate with the earlier description of practical rationality? There appear to be two understandings of the psychopath here. Ostensibly this appears to be a case of an *internal inhibition* that prevents the psychopath from achieving long-term goals because psychopaths cannot retain interest in such goals. By this I mean that psychopaths establish and work towards long-term goals, but at some point the goals themselves disappear in the face of new opportunities. Thus the idea of 'boredom' is an inability to retain sustained interest in a long-term goal. However, it also seems that much of the criticism concerns the *priorities* of the psychopath in respect to personal ambition and self-reflection. I will discuss the *internal inhibition* aspect first, after which I will move on to consider the alternative explanation of inappropriate *priorities*.

It is not clear to what extent this acute boredom harms the psychopath's functionality and capacity for achieving long-term goals. For example, Babiak and Hare remark: "Psychopaths are not good at establishing and working toward long-term, strategic

objectives,"[153] but in the same book they claim that: "The first goal [of psychopathic manipulation] is to gain the trust of the individual through ingratiation and various impression-management techniques."[154] Given the discontinuity between these two claims, as well as Cleckley's description of the psychopath as a lunatic, it will be worthwhile examining the extent of this claim.

Firstly, where can we place psychopathic boredom on a spectrum of dispositions to be bored? On one end, we might have a "normal" frequency and quality of boredom that most non-psychopaths endure with certain long-term endeavours. To be bored easily is not in and of itself a dysfunction. For example, many people are bored by their jobs, friends and even lifestyles. Ordinary boredom is a very real and recurring repeated phenomenological experience. On the other end of the spectrum we might find people who suffer from Attention Deficit Disorder (ADD). "You're drumming your fingers, tapping your feet, humming a song, whistling, looking here, looking there, scratching, stretching, doodling, and people think you're not paying attention or that you're not interested, but all you're doing is spilling over so that you can pay attention."[155] Thus the one end of the spectrum appears to involve diminished interest, while the other end (ADD) involves too many interests.

Psychopaths seem to fall closer to the side of diminished interest. They do not show immediate signs of boredom such as those indicated by ADD. Helen Morrison, who interviewed numerous psychopathic serial killers, noted that their cool, calm demeanour

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[153] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 196.
[154] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 48.
[155] What's it like to have ADD," available at < http://www.add.org/articles/whats_it_like.html>.

could only be breached after hours of continuous dialogue.[156] We can assume that psychopathic boredom is not severe enough to be considered a disorder in itself. Rather, it appears to manifest as a kind of apathy towards sustaining a prolonged effort towards long-term goals; a volitional failure that sets in with respect to *persisting* with a plan or strategy. That is, they do not get distracted, they lose interest.

This seems especially relevant to career goals and ambitions. Psychopaths' work histories are defined by "a series of unconnected, randomly selected jobs," and "Even psychopaths who choose a *criminal* career lack goals and objectives, getting involved in a wide variety of opportunistic offenses, rather than specialising the way typical career criminals do."[157] Counterexamples can be found, such as serial killer John Wayne Gacy who was "a successful contractor and a leading light in the local Democratic Party"[158] before his arrest for murder, but such examples could be seen as exceptions to the rule.

Nevertheless the failure to pursue long-term goals seems to restrict itself to the domain of career ambition, and does not pertain to the many areas of one's life that require planning and persistence. For example, the most prolific psychopathic serial killers obtain such a dubious honour because they appear to have, at some point, decided to maintain their deadly activities with a careful methodology. It seems fair to say the successful serial killers, i.e. those that evade capture for several years, are the ones who can foresee their murdering as a long-term 'project,' sometimes adding secret areas such

[156] "Helen Morrison," available at < http://en.wikipedia.org/wiki/Helen_Morrison>.

[157] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 57.

[158] Nigel Cawthorne, *The World's Greatest Serial Killers* (London: Chancellor Press, 2008): p. 92.

as basements in which to store victims, or even creating friendly public images of themselves so as to avoid suspicion (such as the aforementioned Gacy).

Another example appears in *Snakes in Suits,* where the authors suggest that psychopaths in the corporate world assess which individuals have the most power in the organization (manifesting in different forms, such as formal and informal power). Since this assessment is succeeded by subtle plans of manipulation in order to benefit the psychopath, we can assume that actions towards a final goal of some kind of gain are a necessary part of the process. These psychopaths – known as corporate manipulators – "are adept at using others in pursuit of fame, fortune, power and control,"[159] but it takes some persistence and several "phases"[160] to get what they want.

Thus we can conclude that psychopaths can persist with long-term goals, and the dysfunction is not one of outright irrationality.

Perhaps it is more appropriate to criticise the *priorities* of the psychopath. On-lookers might be concerned with the lack of interest the psychopath takes in his own desires, preferences, enjoyments and loves. Normally people base important decisions on the desire to encourage and prolong these aspects of their lives. For example, if you enjoy writing you might enrol in a course in order to widen your capacities for writing and open further opportunities to do so. Such behaviour is linked to your personal ambition and self-reflection. It seems that much criticism of the psychopath concerns failures in establishing these motives. This coincides with the idea that the psychopath suffers from

[159] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 186.

[160] These are identified as the as the assessment, ascension, and abandonment phases.

a kind of crisis of identity, and does not have any significant enjoyment of life to hold on to. Writes Smith: "the psychopath is not so much interpersonally alienated – for people find him/her attractive – as existentially alienated, seeking desperately after a fixed identity. The psychopath is a relatively empty self."[161] This is an echo of Cleckley's description that claimed that psychiatrists who became closely acquainted with psychopaths eventually "come to know or feel that [they are] not real" and can "mimic the human personality perfectly."[162] Jeffrey Dahmer, for example, said of jail: "I couldn't find any meaning in my life when I was out there. I'm sure as hell not going to find it in here. This is the grand finale of a life poorly spent and the end result is just overwhelmingly depressing; it's just a sick, pathetic, wretched, miserable life story, that's all it is."[163]

This aspect of psychopathy will be discussed in more detail in the next chapter concerning moral responsibility. The criticism here is that psychopaths choose *abnormal* goals because they do not have a 'deeper' sense of self. It is not to say that they have scattered personalities with nothing to latch on to. Clearly, the success of the PCL-R suggests that psychopaths "are in fact amazingly consistent in their psychological makeup."[164] It is instead that what they *do* have to latch onto is extremely thin and does not have as compelling motivations as those of non-psychopaths. This has to do with a deeper reason for doing things, i.e. "what meaning his or her existence has,"[165] which

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[161] R.J. Smith, "The Psychopath as Moral Agent," *Philosophy and Phenomenological Research* Vol. 45, No. 2 (1984): p. 187.
[162] Cleckley, *The Mask of Sanity*, p. 228.
[163] "Jeffrey Dahmer Quotes."
[164] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 183.
[165] Carson & Butcher, Eds., *Abnormal Psychology and Modern Life*, p. 113.

serves as a frame of reference for assessing reasons. They do not seek self-actualisation - the need to "achieve one's own potential in life."[166]

It is not clear that psychopaths are "wantons," to borrow Harry Frankfurt's terminology. A "wanton" is someone who has no higher-order desires, who does not assess which desires he would prefer to have and which he would prefer not to have. He pursues only his strongest inclinations, but "does not care which of his inclinations is the strongest."[167] Frankfurt here defines 'personhood' by having the capacity for these second-order desires. Therefore "wantons" are not persons.

Psychopaths are not wantons. Although Frankfurt allows that a wanton may "deliberate concerning how to do what he wants,"[168] psychopaths appear to be capable of more than this. Although they do, at times, seem to value immediate goals more than long-term considerations, as I have argued in the first section psychopaths do not *merely* follow and plan for their strongest inclinations. Psychopaths can formulate and achieve long-terms goals, and this requires the ability for planning. In order to do this, one needs to be able to distance oneself from the desire in question and assess its meaning to you. Some serial killers display this higher-order understanding of their criminal activity. Jeffrey Dahmer said of his killing spree that "It's been a nightmare for a long time, even before I was caught. For years now, obviously my mind has been filled with gruesome, horrible

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[166] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 151.

[167] Harry G. Frankfurt, "Freedom of the Will and the Concept of a Person," *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988): p. 17.

[168] Harry G. Frankfurt, "Freedom of the Will and the Concept of a Person," *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988): p. 17.

thoughts and ideas. A nightmare;"[169] and "It's hard for me to believe that a human being could have done what I've done."[170] This displays a higher-order condemnation of his sadistic desires. Perhaps this is why such individuals are reported to enjoy incarceration where their choices are limited,[171] since many of their desires may not be desired on a higher level. Gacy seemingly had greater ease accepting his lust for murder, going to such extraordinary lengths and deliberating plans with which to pursue his desires while maintaining a 'normal' lifestyle.

Unlike wantons, the psychopath is, for the most part, free "to want what he wants to want."[172] Criticism of his rationality questions the nature of his goals, which might appear *abnormal* when they are short-term goals that are chosen despite non-psychopaths seeing other long-term goals as more appropriate. But I have argued that psychopaths do not blindly follow these inclinations and are capable of reflection and long-term goals. What I have suggested is an absence of a 'deeper' sense of self points to *a set of sustained loves and passions that develop over the years that provide significant value to certain of the agent's motives and choices.* Unlike the other rational faculties discussed here, this definition is vague and unspecific. Perhaps Gacy's 'sustained love and passion' was murdering people. This may well be the case, but there is a *set* of such passions that underlie one's character over the years, and it is such a set that appears to be absent in many psychopaths. This is not necessarily the equivalent of

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[169] "Jeffrey Dahmer Quotes."

[170] "Jeffrey Dahmer," available at <http://www.trutv.com/library/crime/serial_killers/notorious/dahmer/20.html>.

[171] R.P. Brittain, "The Sadistic Murderer," *Medicine, Science and the Law* 10 (1970): p. 205.

[172] Harry G. Frankfurt, "Freedom of the Will and the Concept of a Person," *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988): p. 20.

Aristotelian 'character' which refers to moral virtues, since these deep passions need not be virtuous to the objective eye; they need only provide a sense of self to the agent.

I have tried to demonstrate that while some psychopaths may be excessively impulsive, 'impulsiveness' is not a make-or-break psychopathic trait, and is not a necessary condition for psychopathy. The same applies for the existential angst described here. Psychopaths need not experience this lack of meaning and passion, but they appear to be disposed to it. When they do experience it, it doesn't seem to affect their capacity for practical rationality, but rather their personal ambition and need for self-actualisation.

3. Compulsion and free will

Earlier I suggested a distinction should be made between impulsiveness and compulsion. Whereas impulsiveness implies a focus on a short-term goal in the absence of certain long-term considerations, compulsion is even more immediate, "an impulse to engage in some behaviour experienced as irresistible" and do so "seemingly against [the agent's] own will."[173] Examples of this are those actions that form "compulsive motor rituals,"[174] such as grooming and dressing, commonly associated with obsessive-compulsive disorder, whereby "the thoughts are much more persistent, appear irrational to the individual, and interfere considerably with everyday behaviour."[175]

[173] Carson & Butcher, Eds., *Abnormal Psychology and Modern Life*, p. 189.
[174] Carson & Butcher, Eds., *Abnormal Psychology and Modern Life*, p. 191.
[175] Carson & Butcher, Eds., *Abnormal Psychology and Modern Life*, p. 190.

John Wayne Gacy killed 33 people. At his trial, his lawyer pleaded temporary insanity at the moment of each individual murder.[176] We can draw analogies here to the idea of compulsion. Perhaps Gacy had no choice in the matter, i.e. his urge to kill has overbearing, irresistible, and impinged on his capacity to exercise free will. This debate requires a philosophical exploration of free will and psychopathic compulsion. Since the topic of free will is vast, I will not have time in this paper to develop the discussion fully, and so aim here merely to provide an indication of the general concerns.

What is at issue here is whether or not there are certain actions that the psychopath cannot control. Such actions are not *freely chosen* because the 'agent' becomes the 'victim' of *internal inhibitions* that disable her ability to make a reasonable choice. The case in favour of denying that psychopaths can exercise free will with respect to certain behaviour arises from the idea that psychopaths are subject to compulsive behaviour. Certain options for behaviour, particularly regarding aggression, are irresistible to the psychopath, to such an extent that he does not have free will over the choice of actions, since even if the psychopath chose not to perform the said behaviour, he would nevertheless be unable to resist. This is seemingly the case with people suffering from obsessive-compulsive disorders, whose "involuntary behaviour"[177] causes some distress.

If this understanding of psychopaths lacking free will is accurate, then it means that certain actions are performed without the express pursuit of a goal in mind. The psychological literature supports this idea, such as in Blaire's discussion of instrumental

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[176] Rodney Castleden, *Serial Killers: They Live to Kill* (London: Time Warner Books, 2005): p. 96.
[177] Carson & Butcher, Eds., *Abnormal Psychology and Modern Life*, p. 189.

and reactive aggression and free will.[178] Reactive aggression is an automatic response of sorts, wherein "a frustrating or threatening event triggers the aggressive act."[179] Thus this response is seen as undermining the free will of the psychopath, since there is no planning or adequate motivation behind the action.

However, Blair notes that reactive aggression is a complicated mechanism. Although the psychopath's response to immediate threats may be diminished (as discussed with respect to fear), "several regions of frontal cortex are involved in the regulation of the basic threat systems."[180] Blair suggests that evidence indicates these regions to be functioning appropriately in psychopaths, but psychopaths *choose* not to regulate their responses.[181] Thus, in general, there seems no need to deny free will with regard to reactive aggression in psychopaths, as they are thought to exhibit the same regulatory control as non-psychopaths in this regard.

This appears to negate arguments that take the same line as Gacy, if the "insanity" pleaded concerns the lack of free choice. Other features of compulsion suggest the implausibility of this line of defence. For example, compulsion is characterised in the psychological literature as a desire that goes against the agent's wishes, and is a source of internal conflict. However, psychopaths appear to avoid these difficulties. Psychopaths typically do not think that anything is wrong with them, and this is

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[178] R.J.R. Blair, "Aggression, Psychopathy and Free Will From a Cognitive Neuroscience Perspective," *Behavioral Sciences and the Law* 25 (2007): pp. 321-331.

[179] Blair, "Aggression, Psychopathy and Free Will From a Cognitive Neuroscience Perspective," p. 323.

[180] Blair, "Aggression, Psychopathy and Free Will From a Cognitive Neuroscience Perspective," p. 325.

[181] Blair, "Aggression, Psychopathy and Free Will From a Cognitive Neuroscience Perspective," p. 328.

reflected in the low numbers of self-reporting psychopaths.[182] Psychopaths are noted for the absence of "conscious conflict"[183] that is usually symptomatic of compulsive disorders such as kleptomania. As Cleckley says, "we do not find the regularity and specificity in his behavior that is apparent in what is often called compulsive stealing or other socially destructive actions carried out under extraordinary pressures that the subject, in varying degrees, struggles against."[184]

This suggests that we should look away from traditional accounts of compulsion. Blair suggests that *instrumental* aggression could be another significant area. Unlike reactive aggression discussed above, instrumental aggression is "purposeful and goal directed."[185] Instrumental aggression is exhibited in the *means* one identifies with which to achieve a goal, such as choosing to assault the tellers in a bank in order to prevent them from calling the police while you commit theft. This raises interesting questions about motives and planning, for although much instrumental aggression is used for the purpose of financial gain (robbery), it is not *always* clear why psychopaths perform antisocial actions. But it seems likely that there are goals in mind for this kind of behaviour in psychopaths, since someone engaged in instrumental aggression "is likely to be recruiting the same neuro-cognitive systems that are required for any other goal-directed motor program."[186] Thus even the 'senseless' aggression that is often coupled with serial murder might be considered instrumental if we can understand the reasons behind the actions. For example, MacCulloch et al suggest that the chief motive behind

[182] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 95.
[183] Cleckley, *The Mask of Sanity*, p. 209.
[184] Cleckley, *The Mask of Sanity*, p. 209.
[185] Blair, "Aggression, Psychopathy and Free Will From a Cognitive Neuroscience Perspective," p. 323.
[186] Blair, "Aggression, Psychopathy and Free Will From a Cognitive Neuroscience Perspective," p. 323.

serial murder is to obtain complete control over another person,[187] as do Johnson et al.[188] In these cases, instrumental aggression is the means with which to achieve this.

We might deny that a psychopath has free will if he cannot choose whether or not to use instrumental aggression as a means with which to achieve his goals. Psychopaths are renowned for using instrumental aggression to realise goals that non-psychopaths would approach without aggression. But this can be explained by the lack of empathy that psychopaths are known for. Psychopaths "show reduced autonomic responses to the distress cues of other individuals and impaired fearful facial and vocal expression recognition,"[189] and thereof they do not learn to avoid (via the distress of others) using instrumental aggression as a means to achieve their goals.

Although Blair concludes that this does not deny the psychopath free will, since other means are available to him to achieve his ends yet he chooses instrumental aggression, it is not as simple as it appears. If the psychopath has not learnt to weigh the distress of others as a factor in decision making, and is to a great extent incapable of doing so, then the range of behaviours available to the psychopath as means to his end, is limited. What we have to decide is whether or not this limit is compatible with free will. For example, I might have limits on my understanding of friendship because I was home-schooled and isolated from a young age. Thus if I seek to obtain something from a potential friend, I will not be able to weigh up certain considerations, such as reciprocity, in my attainment

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[187] M.J. MacCulloch, P.R. Snowden, P.J.W. Wood, & H.E. Mills, "Sadistic Fantasy, Sadistic Behaviour and Offending," *British Journal of Psychiatry* 143 (1983): p. 22.

[188] Johnson & Becker, "Natural Born Killers?: The Development of the Sexually Sadistic Serial Killer," p. 336.

[189] Blair, "Aggression, Psychopathy and Free Will From a Cognitive Neuroscience Perspective," p. 327.

of that goal. If I had chosen to be sensitive to the needs of the other person, I still would not have succeeded because I am simply limited in my possible behaviours, and thus I would fail to have exercised free will.[190]

Thus we might think that the psychopath is equally limited and faces the same problem of free will. However, evidence suggests that psychopaths are *not* limited in this respect, since they can blend in with society and achieve their goals in conventional ways if it suits them. This means that their use of instrumental aggression is a choice, which coincides with psychopaths' often secretive, meticulously planned and carefully channelled uses of instrumental aggression, such as serial killers who plan their murderous activities around a life of otherwise 'normal' behaviour. Blair extends this to suggest that psychopaths in fact have *more* choice than non-psychopaths, since their use of instrumental aggression is not restricted by the consideration of the distress of others.

[190] This might be considered a cognitive deficiency rather than a conative one.

Chapter 4

The Psychopath as moral agent

We have now come some way in establishing the conceptual boundaries of psychopathy. I have argued that psychopaths need not commit immoral acts, they exhibit capacities for shame and regret, they do not feel remorse, and they are incapable of empathy. They also display capacities for practical rationality in its various forms as I discussed in the previous chapter. Now we are in a position to discuss and evaluate the psychopath as a moral agent.

Many discussions in philosophy about psychopaths and moral responsibility have taken the reverse approach to that of this paper. Firstly, philosophers tend to assume that psychopaths have no cognitive deficiencies. For example, Murphy claims they "suffer from no obvious cognitive or volitional impairments" and the psychopath "knows what he's doing."[191] Secondly, they take the traits "Lack of empathy" and "Lack of guilt/remorse" to express philosophically-robust personality traits of otherwise 'normal' people. Philosophers tend to think along the following lines: "Take any person, and

[191] Murphy, "Moral Death: A Kantian Essay on Psychopathy," p. 285.

imagine they felt no guilt and no empathy. Would they meet the criteria for being considered morally responsible agents?"

This approach is not without justification. The historical characterization of the concept appears to root itself in moral terms, and therefore invites philosophical analysis. Pritchard's description of "moral insanity" points to this. The idea that the psychopath is someone who is only deficient in reasoning about moral issues persisted through the years up to and including Hare's work. Hare identifies a lack of conscience as the unique feature of psychopathy. We can plausibly take "lack of conscience" to mean an unawareness of and incapacity for moral reasoning, a lack of moral sense, and the lack of a particular kind of self-evaluation of one's actions and thoughts. However, I will argue that the integrated conception of psychopathy described above can be placed *outside* the moral realm, and that an evaluation of moral understanding is unhelpful in the search of a respectable conception of psychopathy. Therefore, not only *can* we place psychopathy outside the moral realm, but we *ought* to.

The immediate pursuit of the question of moral agency has proved a red herring of sorts in the past. Since, as we have seen, the PCL-R is on shaky conceptual ground, taking those traits and 'mapping on' a theory of responsibility will lead to philosophical conclusions that, while most certainly interesting, are not helpful in accurately explaining the very real phenomenon of psychopathic personalities. Indeed, this approach has already led to several such accounts of psychopathic moral agency. Murphy, for example, characterises the psychopathic lack of "*moral sense*"[192] in

[192] Murphy, "Moral Death: A Kantian Essay on Psychopathy," p. 286.

Kantian terms as a lack of respect for duty.[193] Murphy argues that the psychopath has no claim to rights because he fails "to be motivated by a recognition of the rights of others and the obligations he has to them."[194] But the claim is backed up by little clinical evidence, and it seems that the author has little motivation to address the complex nature of psychopathy at all, stating that he is not "concerned to argue about the clinical criteria" of psychopathy, but only to suppose that "there are such individuals as described above."[195] Given the difficulties in defining psychopathy, it seems unhelpful to make such broad claims without examining the concept itself, let alone the moral significance of labelling an entire group of people as having no rights. In addition, the extremely complex nature of moral responsibility requires an equally in-depth concept of psychopathy with which to work if it is to have any value.

A second example is Duff's comparison of a psychopath to the fictional character Meursault in Camus' *L'Etranger.* Duff claims that "we cannot find in a psychopath's life any intelligible dimension of value, emotion or rational concern."[196] Although Duff appears more sensitive to the clinical literature than Murphy, this claim not only sounds dramatic and overzealous, but also seems plainly false given current conceptions of psychopathy, as I hope to demonstrate below. A simple 'mapping-on' of psychopathic traits onto the ideal moral agent would not only be inconsistent with the complicated nature of psychopathy, but would also have important consequences for psychopaths themselves and how they are viewed by society.

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[193] Murphy, "Moral Death: A Kantian Essay on Psychopathy," p. 286.
[194] Murphy, "Moral Death: A Kantian Essay on Psychopathy," p. 291.
[195] Murphy, "Moral Death: A Kantian Essay on Psychopathy," p. 287.
[196] Antony Duff, "Psychopathy and Moral Understanding," *American Philosophical Quarterly* Vol. 14, No. 3 (1977): p. 191.

In this paper I have suggested a different approach, i.e. applying a philosophical analysis to the concept itself, and then exploring moral agency with regards to a more refined, integrated concept. In addition, this analysis will differ from most in that the integrated conception formulated earlier does not assume that psychopaths are functional in all areas apart from moral reasoning. Indeed, I have suggested that we can locate psychopaths in the non-moral realm and successfully understand key psychopathic traits (such as a lack of empathy) in these terms. In this section, I wish to apply this integrated concept to a discussion about moral agency. I first describe R. Jay Wallace's account of moral agency. Second, I discuss reflective self-control and argue for the possibility that the psychopath's lack of empathy need not rule him out in this respect. Third, I discuss broadly the psychopathic capacity for moral reasoning and argue that the issue cannot be resolved on this point.

(1) Wallace's account of moral responsibility

Moral agency and responsibility have a long tradition in philosophy, going back to Aristotle's *Nichomachean Ethics*. More recently, PF Strawson has been influential in this regard by introducing the concept of "reactive attitudes." In order to be considered a moral agent, one has to be able to form reactive attitudes, which are a form of moral communication in the various "transactions and encounters"[197] we have with people. They evaluate and value a person and their actions[198] and take the form of emotions. For example, you feel anger towards someone who stole your wallet, and this anger is a

[197] P.F. Strawson. "Freedom and Resentment," available at <http://users.ox.ac.uk/~ball0888/oxfordopen/resentment.htm>.

[198] Christopher Ciocchetti, "The Responsibility of the Psychopathic Offender," *Philosophy, Psychiatry & Psychology: PPP* 10, 2 (2003): p. 178.

form of moral communication towards the thief, according to Strawson. In this case we can imagine the intended "message" of the reactive attitude to be one expressing injustice and wrongdoing. To be a moral agent is to be capable of expressing these reactive attitudes.

R. Jay Wallace has furthered the discussion by making a distinction that will prove useful to us in this discussion of psychopathy. Wallace does not locate all reactive attitudes within the moral realm. For him, only those that are linked with *moral* expectations one holds are considered *moral* reactive attitudes or *moral* emotions. A non-moral reactive attitude will be expressed as a non-moral emotion, e.g. anger, love. Therefore, there are a whole host of reactive attitudes that have little bearing on an agent's moral capacity. Anger, mentioned above under Strawson's account, is not a moral emotion for Wallace because it is not constituted by a moral expectation. For Wallace there are, in fact, only three moral emotions – guilt, resentment and indignation. Emotions such as anger, as well as shame (discussed earlier), are reactive attitudes, but they are not tied to moral expectations and therefore the capacity to display these emotions does not imply moral agency. Wallace also abandons Strawson's understanding of reactive attitudes as communication.

Thus the capacity for feeling *guilt*, *resentment* and *indignation*, those emotions that Wallace identifies as moral, is a necessary requirement for being a moral agent since Wallace uses only those emotions to carve out the moral domain. However, that is not to say that every time we react to something with moral content we experience an emotion,

because we only need be *susceptible* to the moral emotions.[199] I can believe that guilt is the appropriate emotion to feel for my having left the lights on unnecessarily all day long (presuming energy waste is an ethical concern of mine), without actually experiencing the guilt. For Wallace this is unproblematic.

Therefore, actually experiencing moral emotions is not necessary for passing a moral judgement, because we can accept and hold someone to a demand without necessarily having the moral emotion.[200] Consequently, moral agency does not depend, in one sense, on experiencing certain moral emotions, i.e. in individual cases of passing moral judgements, the experience of moral emotions is not necessary. However, in another sense, there is a dependency, in that being susceptible to moral emotions *in general* provides the capacity required for accepting, and holding people to, moral demands. There is much to say about the role such emotions play in *moral development* from an early age, whereby children experience these emotions in various forms as they become more and more sensitive to moral reasoning (the "broad background" just mentioned). It is then logically possible that someone, in early adulthood, happens to never experience moral emotions from that point on. She nevertheless remains susceptible to moral emotions and believes them to be appropriate in certain situations that involve moral expectations.

There are two distinct areas that are of relevance here. One is the phenomenological experience of feeling a moral emotion. The other is the physiological fact of being

[199] In addition, these three emotions concern negative evaluations, i.e. they point to *disvalue*, whereas as other emotions might be linked with positive evaluations.
[200] Wallace, *Responsibility and the Moral Sentiments*, p. 42.

susceptible to such emotions. Let us consider that an agent, John, meets the physiological requirement just mentioned, i.e. he is in a state that can be described as "susceptible to the moral emotions;" let's call it *State X*, which is a permanent state that John first reached around the time he became an adult. Now John finds that he failed to keep a promise he had made, i.e. he has violated a moral expectation. Either (a) he feels the emotion of guilt or (b) remains in *State X* but feels no emotion, and judges that guilt would be appropriate. Here we can see that in the case of (b) obtaining, John has remained the same in physiological terms. In this case, the only role that emotions played was to provide the *general background* for his being in *State X*; they were necessary in the past for him to reach that state at that time, but played no other role.

If (b) was not an option, and only (a) was possible, then we could equate moral judgements with the experience of (one of the) moral emotions. This would make it an empirically verifiable fact whether or not someone is capable of moral judgements: we could (in principle) test to see if they felt moral emotions. But the possibility of (b) occurring means that this is not in our interest, and instead we must look to examine the role that emotions play in acquiring the *general background* that is necessary for being in *State X*. Because the experience of (a) will not always be the case, we should assess the less direct role of emotions in making (b) possible. For example, between birth and the age at which someone becomes a fully-responsible moral agent, the moral emotions are essential in teaching us sensitivity to moral reasons and developing moral intuitions. Having these capacities is what I have called the "background" of an agent. Wallace calls it *reflective self-control*.

The ability to reason that a particular moral emotion is appropriate, or to have the experience of that emotion given a set of circumstances, requires a certain capacity for moral reasoning. Reflective self-control *is* that capacity. It comprises two parts. The first is the ability to grasp and apply moral reasons, and the second is the ability to control or regulate one's behaviour in light of these reasons. The former is a cognitive competency whilst the latter is conative.

The cognitive part does not involve the mere grasping of moral concepts. This is because such a condition could be met by someone who has only a 'wooden' understanding of the concepts – such as someone who mimics others or learns the distinctions 'parrot fashion.' The ability to *apply* the moral concepts to a variety of situations ensures that this will not be the case for the moral agent. The conative aspect is more complex as it involves the monitoring and evaluation of one's desires, possible actions and possible choices through the process of deliberation with "attention, concentration and judgement."[201] Young children are commonly given as examples of those who would fail to meet these conditions,[202] and this sits well with basic intuition and common understanding that children are exempt from moral responsibility.[203]

(2) Reflective self-control and psychopaths

Wallace himself discusses the case of psychopathy. He describes psychopathy as disabling an agent's capacities for reflective self-control because "psychopaths lack the

[201] Wallace, *Responsibility and the Moral Sentiments*, p. 158.
[202] Wallace, *Responsibility and the Moral Sentiments*, p. 167.
[203] Of course, we might still hold children responsible in another, non-moral, sense, if they meet the requirements for free action.

quality of imagination and practical understanding required to bring common moral principles to bear in new cases."[204] He also warns against the ability "merely to parrot moral discourse,"[205] which should sound familiar given the nature of psychopathic mimicking mentioned above. Wallace believes that psychopaths are exempt from moral responsibility because they cannot apply and grasp moral reasons properly. In this section I argue that Wallace is right to suspect the psychopath's grasp of moral understanding, given his own account of reflective self-control.

Psychopaths are often seen as representing a *conative* deficiency, i.e. a deficiency of the will. Glannon remarks that psychopaths "are not ignorant of the circumstances in which they act,"[206] while Haksar describes psychopathy as the "inability to choose certain values"[207] rather than the inability to see moral facts. Thus the implication is that there is no significant (non-evaluative) *cognitive* deficiency; the problem lies elsewhere. This brings to the fore a central discrepancy between traditional accounts of psychopathy and what I have suggested as an 'integrated' conception. The traditional accounts view "lack of guilt/remorse" and "lack of empathy" as the unusual traits of otherwise normal intellectual functioning. The picture that emerges from this is one of selfish, narcissistic people who couldn't give a damn, perhaps better named "*son-of-a-bitch.*"[208] Thus the PCL-R turns into an evaluative tool for assessing the extent to which people can feel emotions.

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[204] Wallace, *Responsibility and the Moral Sentiments*, p. 178.
[205] Wallace, *Responsibility and the Moral Sentiments*, p. 178.
[206] Glannon, "Moral Responsibility and the Psychopath," p. 158.
[207] Vinit Haksar, "Aristotle and the Punishment of Psychopaths," *Philosophy* Vol. 39, No. 150 (1964): p. 336.
[208] Ciocchetti, "The Responsibility of the Psychopathic Offender," p. 181.

While this is not entirely wrong, I believe the emphasis is on the wrong area. The deficiencies on the PCL-R are not to do with caring and emotions, but are basic *cognitive* incapacities which have the *potential* to result in uncaring, antisocial misfits. This view is not without clinical support (see Fine and Kennet[209]). The result of this shift is that we are forced to discuss the non-moral deficiencies of the psychopath and move away from talk of psychopaths as people "without a conscience" and the implications thereof, since this is no longer central to the concept. This is because there is inconclusive evidence with which to gauge the moral understanding of the psychopath. This I discuss in more detail later on. Presently however, I aim to first show that we are justified in being suspicious about the moral understanding of psychopaths, but no more than that.

From our conceptual understanding of psychopathy we might suggest that psychopaths will not view an event in the same way as non-psychopaths. For example, a psychopath sees a husband tells his wife that he must cancel their 10th anniversary dinner because he has to work. The wife pauses, and then shakes her head and says "Fine" very matter-of-factly. If one is incapable of reading emotion, then this event might be summarised as follows: The husband informed the wife of the situation. The wife shook her head for reasons that are unclear, and then indicated that she understood the information that was passed to her.

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[209] Cordelia Fine & Jeanette Kennett, "Mental Impairment, Moral Understanding and Criminal Responsibility: Psychopath and the Purposes of Punishment," *International Journal of Law of Psychiatry* 27 (2004): pp. 435-443.

I am presuming that non-psychopaths would read the situation differently, having picked up on the unhappiness of the wife and possibly the emotional tension between the two. Presumably then the phenomenological discrepancies between the psychopath and the non-psychopath must be counted as *cognitive* in nature. The two just simply are not *processing* the same information. We can see how a lifetime of this misperception would affect one's capacity for being sensitive to certain kinds of interpersonal relationships. More specifically, this would be insensitivity to what Wallace would call a moral relationship, "defined by the successful exchange of moral criticism and justification."[210] However, the extent of *this* failing is distinct from the cognitive one described above, and we would imagine it depends on many other factors such as upbringing, intellectual capacity, and other biological dispositions.

We might ask how, over the course of a childhood and throughout adulthood, the formation of concepts central to moral reasoning might be affected. If a psychopath has never experienced guilt, then can he ever fully understand guilt? Or, another classic example is that of love. Perhaps someone can give a dictionary definition of love, and identify it when it is shown, but can you really understand love without having *experienced* it. This understanding would be what Wallace describes as "wooden."[211] This is where discussions about the *conative* deficiencies of psychopaths come in. To take the previous example, someone might understand 'love' as defined in a dictionary and be able to identify it conceptually in movies or real-life situations, but still not be

[210] Wallace, *Responsibility and the Moral Sentiments*, p. 164.
[211] Wallace, *Responsibility and the Moral Sentiments*, p. 158.

able *apply* it in their own life, i.e. the person cannot *actually* love anything. Thus it is easy to be deceived, as Haksar is,[212] into thinking the following argument to be valid:

(1) Such a person has a perfectly good understanding of the concept;

(2) He cannot apply it to his own life;

(3) Therefore, the problem is conative, not cognitive.

Applied to uncontroversially emotional concepts such as love, this argument seems plausible, although (1) is certainly up for debate. In this case the deficiency appears far removed from cognition, since it appears to be purely an inability to feel this particular emotion which is not obviously linked to perceiving your environment in a particular way (though perhaps psychologists will tell us otherwise). However, it is not as intuitively clear for moral concepts as Wallace describes them. As mentioned earlier, the link between moral judgements and moral emotions is not clear, since one can have the former in the absence of the latter. It seems plausible then to regard the moral emotions as necessary tools for moral development. Thus one uses the emotions to refine moral concepts and judgements during childhood and early adulthood, to such a point where one has established reflective self-control, after which the emotion is no longer necessary for the moral judgement (one need only deem it "appropriate").

Therefore one can apply moral concepts without the emotion, which is not the case with 'love.' If you are to love something, it is not enough to simply claim that your love for it is "appropriate" without feeling the emotion. You cannot say that you have loved things

[212] Haksar, "Aristotle and the Punishment of Psychopaths," p. 336.

in the past and you judge yourself to love X right now, though the emotion of love is absent. The emotion must be present. Following Wallace, this is not equally so with moral judgements, where the moral emotion can be absent. Thus we might examine Haksar's claim that psychopaths can see moral values, but cannot *choose* them.[213] This is ostensibly the same as the argument above:

(1) The psychopath has a perfectly good understanding of 'nonmaleficence';

(2) He cannot apply it in his own life;

(3) Therefore, the problem with psychopaths is conative, not cognitive.

Once again, (1) is up for debate and Wallace would take issue with it. The argument against the possibility of (1) suggests that the psychopath's lack of empathy, or his misperception of certain situations as I described it in the earlier example, would make it impossible for him to develop an understanding of such a concept that is not 'wooden.' I am suggesting that, while empathy no doubt plays a significant role in social development,[214] we can imagine someone without empathy developing a proper understanding of such concepts.

Here we might look at another disorder that relates to a deficiency in empathy: autism. Jeanette Kennett discusses autism and its relation to psychopathy in her article *Autism, Empathy and Moral Agency*.[215] Autism is a condition that is characterised by an

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[213] Haksar, "Aristotle and the Punishment of Psychopaths," p. 336.

[214] Stephanie D. Preston & Frans B.M. de Waal, "Empathy: Its Ultimate and Proximate Bases," *Behavioural and Brain Sciences* 25 (2002): pp. 1-72.

[215] Jeanette Kennett, "Empathy and Moral Agency," *The Philosophical Quarterly* Vol. 52, No. 208 (2002): pp. 340-357.

impairment of social communication.[216] Autistic people "have trouble recognising facial, eye, and voice expressions of emotions."[217] As with psychopathy there is a wide spectrum; some individuals have severe mental retardation, while others function relatively normally and possibly go through life without diagnosis. Some lie in the middle and have "some capacity for introspection about their condition." Of this latter group, Kennett identifies those who create strategies to compensate for their defects as most relevant to a discussion of psychopathy, since they are able to participate in moral relationships despite their lack of empathy. "Many autistic people are puzzled as to the nature of friendship and romantic love, finding baffling the complex highly nuanced social interactions involved."[218] This is echoed in the following quote from psychopath Ted Bundy: ""I didn't know what made people want to be friends. I didn't know what made people attractive to one another. I didn't know what underlay social interactions,"[219] and a forensic psychiatrist's assertion that psychopaths don't have the "internal psychological structure to feel and relate to other people."[220]

Though there is a great deal in common between psychopaths and autistic people with respect to reading social cues and environments, their behavioural manifestations are dramatically different. Despite a lack of empathy being the "hallmark"[221] of both conditions, there appears to be no connection between autism and serial killers, con

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[216] Kennett, "Empathy and Moral Agency," p. 345.
[217] Henrik Soderstrom, "Psychopathy as a Disorder of Empathy," *European Child and Adolescent Psychiatry* 12 (2003): p. 250.
[218] Kennett, "Empathy and Moral Agency," p. 348.
[219] Stephen G. Michaud, "The Only Living Witness: The True Story of Ted Bundy, available at <http://www.trutv.com/library/crime/criminal_mind/psychology/witness/14.html>.
[220] J. Reid Meloy, quoted in Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 66.
[221] Soderstrom, "Psychopathy as a Disorder of Empathy," p. 250.

men, prison offenders, etc. "Many autistic people display moral concerns, moral feeling and a sense of duty or conscience."[222] How is this possible?

The heart of the matter appears to lie in *self-awareness* and the 'deeper' sense of self that I identified in the last chapter. Kennett argues that this capacity is what allows the autistic person to develop a sense of Kantian *duty* in the absence of empathy, "a principle or reason which includes [the agent] in its scope."[223] This means that an agent feels *compelled* to perform an action, moral or non-moral, in light of reasons that appeal to the core of their identity. The difference between psychopaths and autistic people is that the former exhibit an absence of "discomfort"[224] that the latter do display in the absence of reasons, or when there is an acknowledgment that there are better reasons for performing a different action. This is what I referred to in the last chapter as a criticism of the psychopath's *priorities* and the attainment of *abnormal* goals.

There are four important concepts involved here:

(a) Having a 'deeper' sense of self;

(b) Attributing this 'deeper' sense of self to other people;

(c) Using this deeper sense of self as a frame of reference for reasons; and

(d) Using your understanding that others have the same sense of duty as a frame of reference for reasons.

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[222] Kennett, "Empathy and Moral Agency," p. 349.
[223] Kennett, "Empathy and Moral Agency," p. 353.
[224] Kennett, "Empathy and Moral Agency," p. 354.

I have given a brief description of how some psychopaths suffer from an absence of a deeper sense of self. Having this ability would potentially allow for (b) to arise. The difference between this attribution – that of (b) - and the capacity for empathy is that the former involves what we might call a logical inference from first principles, while the latter involves an awareness or perception of the environment. The two are separate: Through having an appropriate sense of self some autistic people can infer that other people must also have senses-of-self, though they do not have the tools to understand what these are. Psychopaths, on the other hand, are disposed to never truly making this logical inference because they fail to develop their own 'deep' sense of self. This is not to suggest that psychopaths cannot treat other people as social objects, but rather that some psychopaths are not aware of the deep caring and passion that non-psychopaths can have for certain things that are central to their identities.

This lacking, Kennett argues, prevents psychopaths from experiencing (c) and (d). As has been discussed, the absence of (c) leads to the formulation of *abnormal* goals. It is interesting to note that this ability to use a deeper sense of self as a frame of reference does not entail any particular *feelings*. That is, one is not motivated to do or care about particular things, but rather one is simply motivated *in a certain way* that only a deeper sense of self can provide. This is the capacity to act from a sense of *duty,* an identity that responds to reasons in a certain way. Kant might contrast this duty with mere *inclination.* This, autistic people are capable of developing, and it in turn provides the understanding expressed in (d), the acknowledgement that others have the same reasons-to-self relation. "They are capable, as psychopaths are not, of the subjective realization

that other people's interests are reason-giving in the same way as one's own, though they may have great difficulty in discerning what those interests are."[225]

One explanation for this difference between psychopaths and autistics might be the identification of autism in people who are not entirely debilitated by their condition. Autistics are often made aware of their condition at an early age and how it might affect their lives. In contrast, psychopaths often do not think that anything is wrong with them.[226] Some of even the most severe psychopaths are able to function in society, to such an extent that there is no obvious indication (to the psychopath or others around him) of an inability to cope. These psychopaths may never be pressured to understand or compensate for their differences in the way that autistic people are, i.e. there is no conscious recognition by either the psychopath or those that surround him that he has such deficits and they need to be addressed. All compensation on behalf of the psychopath seems to come through natural coping mechanisms and sub-conscious techniques as opposed to applied methodology and self-reflection.

Some autistic people thus are aware of their social defects and actively try to compensate for them.[227] This seems to me a plausible philosophical explanation of how autistic people are able to develop "deep moral concerns"[228] despite their lack of empathy. Kennett suggests that some autistic people are able to develop their ability to read emotions and social situations via complicated means such as consciously

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[225] Kennett, "Empathy and Moral Agency," p. 354.
[226] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 95.
[227] Kennett, "Empathy and Moral Agency," p. 348.
[228] Kennett, "Empathy and Moral Agency," p. 354.

documenting people's behaviour to notice patterns and correlations.[229] These are not the imaginative processes of empathy, but rather a "cold methodology"[230] for understanding your environment.

It is hard to see why such techniques could not be developed by some psychopaths. Firstly, we should grant that some psychopaths may develop a 'deeper' sense of self. This might happen for several reasons. For example, as children some psychopaths might be made aware of their social dysfunctions in the same manner that autistic children are, and encouraged to find methods to overcome the deficits. For example, Dadds et al have suggested that deficits in recognising fear in children with psychopathic traits "can be temporarily corrected by simply asking them to focus on the eyes of other people"[231] which addresses the psychopathic failure "to direct attention to the emotionally significant aspects of the environment."[232] Once we allow for the possibility of social interactions by methodology, intellect, instruction or repetition, we can see that it is plausible that some psychopaths develop understandings of "thick" terms such as nonmaleficence to greater extents than Wallace will allow. Soderstrom remarks:

> [O]*verlaps in basic dysfunctions between "core psychopathy" and the autism spectrum suggest that psychopathy research and treatment efforts might benefit from the introduction of similar methods of research, psycho-education, and*

[229] Kennett, "Empathy and Moral Agency," p. 352.
[230] Kennett, "Empathy and Moral Agency," p. 352.
[231] Dadds, Perry, Hawes, Merz, Riddell, Haines, Solak, & Abeygunawardane, "Attention to the Eyes and Fear-Recognition Deficits in Child Psychopathy," p. 280.
[232] Dadds, Perry, Hawes, Merz, Riddell, Haines, Solak, & Abeygunawardane, "Attention to the Eyes and Fear-Recognition Deficits in Child Psychopathy," p. 281.

> *pharmacological treatment to those applied in the field of autism spectrum disorders.*[233]

In addition, it provides a new angle to understanding the nature of moral judgements as being independent of the moral emotions. Even though the psychopath may not develop a 'normal' capacity for such emotions, the judgements themselves are not identical with their emotional manifestations. So we might allow for the possibility that the psychopath can deem guilt 'appropriate' when his friend breaks her promise to him (as per Wallace), and this judgement is purely cognitive. All moral judgements are *potentially* only cognitive, though of course in non-psychopaths they are frequently part of a moral emotion.

One might object that all I have managed to show is that, while psychopaths and autistics both fail to be morally responsible, the latter display a desire to be moral that former do not care for. But this is not the case, for what I have tried to show is that in the absence of emotion, autistics *can* make moral judgements and be morally responsible through developing their understanding of such concepts by proxy. In order for this to be a possibility, we require that one can pass moral judgements without emotion, and this is exactly what Wallace's account allows. If the point of moral responsibility is to have an understanding and application of moral concepts, then it should not matter if this is achieved via emotions or methodology. As I have tried to show, psychopaths are perhaps more emotionally aware than many autistics, as they

[233] Soderstrom, "Psychopathy as a Disorder of Empathy," p. 252.

demonstrate the capacities for regret and shame. This suggests additional emotional tools that can be used in developing moral agency in psychopaths in addition to the methodological possibilities that I described here.

These possibilities express logical avenues that the account of psychopathy presented in this paper will allow us to go down. By judging the psychopath as "without conscience" we are limiting the application of the cognitive failures of the psychopath. While this discussion by no means conclusively shows that psychopaths *are* moral agents, it does allow for us to treat the concept as describing a mere *disposition* to fail to develop moral agency. As I shall argue, the moral understanding of psychopaths is difficult and blurred territory. I will argue that, as with autism, the concept of psychopathy is best placed outside the moral realm, where it can nonetheless provide important value.

(3) The psychopath's capacity in a broad context

Reflective self-control is on a spectrum; it is not cut-and-dry. Section (2) above showed that we can be suspicious of the psychopathic understanding of moral concepts. In this section I wish to explore other evidence that suggests that we cannot draw the line as to where this understanding lies. First I discuss the moral/conventional distinction and argue that it is of little use. Then I attempt to provide information that further blurs the line of psychopathic moral agency, ultimately concluding that it is, at best, *unclear* how well psychopaths understand moral concepts and reasons.

If we consider the 'integrated' conception of psychopathy I have proposed, how are we to evaluate psychopathic reflective self-control? One distinction that has been used in

this regard is that between moral and conventional truths. It is often said that psychopaths can tell you what is *legally* or *conventionally* wrong, but cannot tell you what is *morally* wrong.[234] This distinction would seem to bring the failings of the psychopath to light, since conventional rules are not meant to be applied to a variety of situations but are rather considered to be more rigid. As Wallace argues, moral rules are the opposite; malleable and case-specific.

However, the relevance of the distinction is unclear. For example, it is presumably my moral duty not to gratuitously make fun of someone's appearance in public. But to do so would also breach a conventional rule about what you can and can't say in public. The psychopath in this case must be sensitive to the 'conventional' rule when applying it to meeting a person with a large scar on their face at a dinner party. Presumably he *is* sensitive to this consideration and is capable of keeping any thoughts to himself. Therefore, the sensitivities required for this 'convention' are co-extensive with the moral sensitivities required. The line is extremely difficult to draw in this case (if possible at all); many other examples would no doubt follow suit.

These kinds of examples show that conventional rules are not always rigid. In the dinner party example above, the psychopath needs to apply the general rule of "being polite to strangers." Politeness appears to be a conventional notion rather than a moral one, although there may be moral reasons supporting intentions to be polite. Presumably, after attending many similar events, the psychopath witnesses sets of behaviours that he learns constitute politeness, and he might reach the point where polite behaviour

[234] Neil Levy, "The Responsibility of the Psychopath Revisited," *Philosophy, Psychiatry & Psychology: PPP* Vol. 4, No. 2 (2007): pp. 128-138.

becomes easily applied. Of course, this face of politeness may only be "a mask, one of many, custom-made by the psychopath,"[235] but at this particular junction we are not concerned with *motivation*. The point is that being polite is not a rigid conventional rule, like "yield to the right at traffic stops" is. It needs to be malleable like many moral rules.

Matravers argues that moral rules generally cover more serious wrongs than conventional wrongs, but that they are all along the same spectrum. What makes some action more or less serious is the gravity of the rule broken, "not whether that wrong is considered moral or conventional."[236] Write Vargas and Nichols, "the overlap between the moral and the conventional is vague. What of duties to the self? What of the possibility that some moral reasons are prudential, or reflect some idealized observer's recommendations of prudence?"[237]

Such a stark contrast between moral and conventional reasons is unhelpful. Wallace himself alludes to this when he describes reflective self-control as being a matter of degree, "like the general ability to speak a language."[238] It will be unhelpful and inaccurate to describe the psychopath's reflective self-control in absolute terms. It is misleading to say that psychopaths cannot draw the moral/conventional distinction because psychopaths do not "miss every case."[239] What is more, Vargas and Nichols argue, we must remember that trying to draw such subtle distinctions must take place *in*

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[235] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 78.
[236] M. Matravers, "Holding Psychopaths Responsible," *Philosophy, Psychiatry & Psychology: PPP* Vol. 14, No. 2 (2007): p. 140.
[237] Manuel Vargas & Shaun Nichols, "Psychopaths and Moral Knowledge," *Philosophy, Psychiatry & Psychology: PPP* Vol. 14, No. 2 (2007): p. 158.
[238] Wallace, *Responsibility and the Moral Sentiments*, p. 186.
[239] Vargas & Nichols, "Psychopaths and Moral Knowledge," p. 158.

a particular context. "[T]here is no reason to suppose there is a fixed, justified standard by which the capacity for moral knowledge and reasons sensitivity is to be measured."[240]

Of course, that is an epistemological issue. We cannot know which questions to ask in order to find the psychopath's capacity for reflective self-control. Some cases no doubt pull our moral intuitions in different directions. For example, we might all agree that stealing bread to save someone's life might be permissible in a certain circumstance. But it is unclear how a psychopath would understand such a dilemma. It is perfectly plausible that a psychopath is pulled in different directions, and understands that there is the wrong of stealing weighed against that wrong of letting someone die and, as Vargas and Nichols argue, not all psychopaths would get it wrong, by which I mean would disagree with the general consensus on such a matter. However, there are psychopaths who plainly *would* get it wrong, who are only aware of *some* of the moral issues at hand. For example, Jack Abbott murdered a waiter who was a part-time actor, and failed to see the gravity of the situation: "There was no pain, it was a clean wound. He had no future as an actor – chances are he would have gone into another line of work."[241] Though this no doubt exhibits deficient moral understanding, it nevertheless displays the awareness of moral codes and a certain willingness to adhere to them. Here Abbott seems, if we are being charitable, to appeal to Utilitarian concerns about suffering, and (though obviously horrifying) he questions the utility his victim would have yielded if he was not killed. If Abbott had been able, as I propose some psychopaths are, to develop his

[240] Vargas & Nichols, "Psychopaths and Moral Knowledge," p. 159.
[241] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 228.

understanding of moral values, then we could find him at the other end of this strangely rational reasoning.

There are two other ways in which these studies could be interpreted. The first is to suggest that what is demonstrated by these tests is the extent of the dependence on authority for validation of the rules in question. Conventional rules, like "put your hand up when you want to ask a question," depend on an authority figure for their force; they are not motivating in and of themselves and the authority defines or regulates the 'convention.' A moral transgression, however, is "always wrong"[242] according to this diagnostic tool. So, if the teacher says it's 'OK' to ask questions without raising your hand, then that makes it permissible to do so because of the teacher's authority. However, if the teacher says it's 'OK' to hurt another child, the motivation to avoid this action should go beyond the teacher's authority; it is still not permissible.

This understanding therefore concerns motivation more than understanding. This rings true of many psychopathic serial killers, who cover up their actions and hide their secret lives because they realise that the authority of the law, as well as societal constructs, deem these actions "wrong." But the distinction is once again blurred when we examine motivation in more detail. Firstly, authority figures can be internalised. For example, "don't interrupt people" might count as both a conventional rule (in a tutorial or classroom) and a moral rule (respect for persons). However, if someone is motivated to adhere to the rule outside the conventional setting, it need not be because she has reached what psychologist Lawrence Kohlberg described as the advanced, "post-

[242] Daniel Seseske, "Moral Development in Persons With Autism," available at <http://www.bc.edu/clubs/mendel/ethos/archives/2006/seseske.shtml>.

conventional"[243] stage of moral understanding, i.e. applying universal ethical principles. It could be because there is a higher authority whom she (either consciously or subconsciously) is motivated to appease. For example, such a rule might have been one her father spoke of in the household, which she has internalised and still finds difficult to break.

We might also call into question religious morality and the appeal to "divine laws" as moral guides. It seems that someone who looks to biblical laws for fundamental moral guidance could be seen as seeking an 'authority' in the 'conventional' manner. It is often said by religious fundamentalists, in opposition to atheism, that if there is no God then there are no morals. This seems to me the ultimate 'moral/conventional' distinction; are these individuals not capable of applying moral reasoning over and beyond their 'authority'? It seems plausible to say that most of them can, but that normative 'authorities' such as the church, the family and other conventional structures nevertheless play a large role in our moral outlook. Clearly, appeal to authority is something that many non-psychopaths rely on in their moral lives.

The second option for interpreting these data is to view moral transgressions as producing an empathic response. With moral transgressions (in this context) "there is a victim, and the viewer has a fundamental emotional response to the suffering of the victim."[244] The conventional transgressions are therefore meant to be 'victimless,' and

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[243] Kohlberg claims there are three levels of moral development: (1) Pre-conventional; (2) Conventional; and (3) Post-conventional. "Kohlberg's Stages of Moral Development," available at <http://en.wikipedia.org/wiki/Kohlberg%27s_stages_of_moral_development>.

[244] Daniel Seseske, "Moral Development in Persons With Autism," available at <http://www.bc.edu/clubs/mendel/ethos/archives/2006/seseske.shtml>.

this is what distinguishes the two categories. Given the importance of empathy to the concept of psychopathy, it is unsurprising on this interpretation that some view such data as separating psychopaths from non-psychopaths. However, as a general indication of moral understanding, this is not enlightening. If we are looking for a certain level of moral understanding, such as those described in Kohlberg's theory of moral development, then we will be looking for competency regarding "abstract reasoning using universal ethical principles."[245] But this interpretation of the moral/conventional distinction only focuses on gaining an empathetic response, or what has been referred to as "care-based morality."[246] Blair, who has conducted studies on the moral/conventional distinction, suggests that other aspects of moral thinking are likely intact in psychopaths.[247] Here these 'other' aspects include "disgust-based morality and reasoning about conventional transgressions."[248]

Earlier I suggested that a simple "mapping-on" of a conception of moral responsibility onto that of psychopathy is what led to several untenable theories of psychopathic responsibility. Two other options, as I see it, are available to us. The first is to discuss the mechanisms involved in the acquisition of reflective self-control and how the integrated concept of psychopathy relates to this, which I have done in the previous section. The second is to examine other empirical claims about psychopaths that are not

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[245] "Kohlberg's Stages of Moral Development," available at <http://en.wikipedia.org/wiki/Kohlberg%27s_stages_of_moral_development>.

[246] A.L. Glenn, R. Iyer, J. Graham, S. Koleva & J. Haidt, "Are All Types of Morality Compromised in Psychopathy?" *Journal of Personality Disorders* Vol. 24, No.3 (2009): p. 385.

[247] Glenn, Iyer, Graham, Koleva & Haidt, "Are All Types of Morality Compromised in Psychopathy?" p. 385.

[248] Glenn, Iyer, Graham, Koleva & Haidt, "Are All Types of Morality Compromised in Psychopathy?" p. 385.

essential to the concept itself. This includes manifestations of antisocial behaviour as well as testimony from 'known' psychopaths. I view the second option as providing inconclusive evidence for the psychopath's moral capacity. However, it does seem to place the psychopath in some sort of context by describing the general boundaries within which psychopaths work in. That is, psychopaths are not entirely ignorant of moral concepts and reasons; they are not entirely competent in those respects either. I would like to place them somewhere in between as a starting point from which a further discussion about reflective self-control will be better placed.

There seems little point in trying to argue that psychopaths feel emotions as non-psychopaths do. Generally speaking, they have "an inability to experience or express normal feelings."[249] However, our concept doesn't dismiss psychopaths entirely by claiming them to be totally devoid of any emotion whatsoever. I have suggested that they are capable of shame and regret, while it seems the general consensus is that they feel many other emotions such as anger, satisfaction and happiness.[250] What kind of values might these capacities allow?

Smith attempts to build on this picture by approaching 'normal' values with some scepticism. As Smith says, "Are such characteristics as having empathy, following a life plan, feeling guilt – the values of those of us who are not designated psychopathic?"[251] Smith argues that we ought to distinguish between the values we idealise and those that we actually live by. If we only considered the former, then the psychopath would be

[249] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 228.
[250] Harris, Skilling, & Rice, "The Construct of Psychopathy," p. 203.
[251] Smith, "The Psychopath as Moral Agent," p. 185.

unable to relate to non-psychopaths at all. However, there are many values that we do share with psychopaths. These "Machiavellian" values include manipulating others, showing little affect in interpersonal relationships, and displaying low conventional morality.[252]

There is an ambiguity here between 'values' and 'desires.' It might be said that while many of us do exhibit psychopathic behaviour in certain respects, this is a different matter from believing such behaviour to represent our values. But this seems to be willingly ignorant of the fact that we are encouraged to display these traits, and that status and reverence can be attributed to people who display these traits as their *values*. Many people look up to those with an entrepreneurial spirit; "fast thinkers, more assertive and persuasive"[253] people who are often admired and rewarded for their leadership and relentless pursuit of profit, and who are unfased by "chaotic change."[254] Although these traits belong to the business world, they can have an effect on the rest of society, particularly in so-called "consumer cultures" such as the U.S.A. These values, unquestionably psychopathic, are shared with countless non-psychopaths. This is presumably what Walters means when he describes the PCL-R as reading "like the position description of a politician or used car salesman."[255] Not only are they shared with non-psychopaths, but they are, to some extent, *encouraged* in modern societies.

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[252] Smith, "The Psychopath as Moral Agent," p. 185.
[253] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 160.
[254] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 167.
[255] Walters, "The Trouble With Psychopathy as a General Theory of Crime," p. 144.

This is the psychopath as an independent man, ambitious, practical and without emotional ties. These similarities allow psychopaths to "infiltrate"[256] society undetected.

Hare's co-authored book *Snakes in Suits* discusses psychopaths whose 'deficiencies' allow them to become highly successful corporate workers. In the book we learn about two things. The first is the startling ferocity with which big corporations hire, promote, and ultimately hand significant power to psychopaths because they embody the stereotypical values of (many) big businesses. Smith identifies these as maxims such as "Look out for number one," "Sell yourself," "Live for today for tomorrow we may die," and so on.[257] In this regard, psychopaths can be encouraged and rewarded by society for expressing themselves in a manner that they are extremely comfortable with. It is no wonder, then, that some psychopaths see themselves as rising to the top and having the guts to do what others can't[258].

We should be careful not to overstate Smith's case. We are not all of us ruthless businessmen who don't practice respect for persons in our daily lives. However, the point is that the psychopath is often sensitive to, and successful with, these narcissistic values that permeate through the media, the business world, and other social arenas in many capitalist societies. Capitalism can be seen as being about achievement at the expense of others.[259] In this respect, some psychopathic traits are admired and

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[256] Hare, "Psychopathy and Antisocial Personality Disorder: A Case of Diagnostic Confusion."
[257] Smith, "The Psychopath as Moral Agent," p. 191.
[258] Ted Bundy saw himself as having the "boldness and daring – the strength of character" to ignore the law. Louis Pojman, "A Critique of Ethical Relativism," *Ethical Theory: Classical and Contemporary Readings* (Wadsworth Publishing Company, 2006): p. 41.
[259] Jose Sanchez, "Social Crises and Psychopathy: Toward a Sociology of the Psychopath" in W.H. Reid, ed., *Unmasking the Psychopath* (United States: W.W. Norton, 1986): p. 90.

"valued"[260] by non-psychopaths. Sanchez[261] discusses other societal structures that appeal to the psychopathic personality. He suggests that western societies are structured in such a way that there are multiple constructs that offer values and norms, instead of one dominant construct such as the church or the family. As a result, individuals within society feel they have to rely on their own personal values. Psychopathic personalities tend to "rise to the top"[262] in this respect because their behavioural dispositions and individualism are in some senses heroic and enviable.

The second important lesson from *Snakes In Suits* is that psychopaths can be aware of, and willing to manipulate, moral ideals and values *in others*. For example, the book describes the "three phase" manipulative approach psychopaths have with people. In the "assessment phase," the psychopath assesses your "emotional weak points" and "psychological defences" in order to assess your suitability for conning.[263] Among these we can presume are your perceived moral outlooks and guesses as to your commitment to religion, the law, or other people. In the "manipulation phase" the psychopath can "gently test the inner strengths and needs that are a part of your private self"[264] in order to tell you he is just like you, values what you value, and is a reliable confidant. Here we can understand the PCL-R trait "superficial charm" having its genesis. The book gives the example of Bryan Richards, who managed to con a religious community to such a great extent that he ran his own Christian radio show and organised Christian dating

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[260] Hare, "Psychopathy and Antisocial Personality Disorder: A Case of Diagnostic Confusion."
[261] Sanchez, "Social Crises and Psychopathy: Toward a Sociology of the Psychopath" pp. 79-97.
[262] Sanchez, "Social Crises and Psychopathy: Toward a Sociology of the Psychopath" p. 89.
[263] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 44/45.
[264] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 74.

evenings.[265] Another example is serial killer Ted Bundy, who wore a fake cast on his arm in order to gain the help and sympathy of potential female victims.

Similar to this ability to assess and use people is the sophisticated capacity for *mimicry* that psychopaths are said to hold. This trait has been widely acknowledged since Cleckley, who claimed they could "mimic the human personality perfectly."[266] This coincides with the popular idea that psychopaths have no personalities of their own. Smith points out "the impersonator who casually adopts the personality of a particularly valued person"[267] in a community, suggesting that the mimicry is alert to societal demands and expectations. Apart from this overt mimicry as identity theft, we can imagine such people mimicking ideological beliefs, thought systems and attitudes in order to portray a certain image.

The above suggestions serve merely to place the psychopath in some kind of social context. They are not, as Duff regards them, entirely void of intelligible values. We can see that psychopathic behaviour is often extremely hard to detect. Another gauge we might adopt is that of antisocial behaviour by psychopaths who appear to be morally driven or involve an explicitly moral agenda. Such examples are drawn consistently from the list of serial killers who chose prostitutes, often exclusively, as their victims. Prostitutes might be seen as the moral outcasts of society, openly condemned and ostracised.

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[265] Babiak & Hare, *Snakes in Suits: When Psychopaths Go To Work*, p. 89/90.
[266] Cleckley, *The Mask of Sanity*, p. 228.
[267] Smith, "The Psychopath as Moral Agent," p. 187.

Two such examples are Gary Ridgway (the "Green River killer") and Peter Sutcliffe (the "Yorkshire Ripper"). There is no disputing that prostitutes offer many 'conveniences' to serial killers such as a likelihood of coming from a broken home (thus not being reported missing timeously, or at all), and an easy way to isolate the women without raising initial suspicion from them. However, murderers such as Ridgway and Sutcliffe also display extreme repulsion and what is ostensibly moral disgust at their victims. As Sutcliffe says: "The women I killed were filth - bastard prostitutes who were littering the streets. I was just cleaning up the place a bit."[268] Ridgway is less clear about his approach, stating in his letter of confession: "I picked prostitutes as my victims because I hate most prostitutes."[269]

While it is unclear what the real explanations that lie behind these statements are, some interesting points arise. Firstly, the killers are aware of the moral rejection that prostitutes face from general society and possibly interpret from this that it is ok to "hate prostitutes." Another serial killer, Robert Hansen, asserted that "You can't rape a prostitute,"[270] which seems to suggest that he 'agrees' with society's rejection of sex workers. Secondly, and perhaps consequently, the killers seem to think that cleaning up what is morally "filthy" is not something especially blameworthy – is that not what moral justice entails?

A similar argument might be applied to Ted Bundy's reaction when, after confessing to murdering numerous women, he was asked if he had once murdered a little girl that had

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[268] "Peter Sutcliffe Quotes," available at http://www.brainyquote.com/quotes/authors/p/peter_sutcliffe.html.

[269] "Gary Ridgeway," available at http://www.serialkillerdatabase.net/garyridgway.html.

[270] "Robert Hansen," available at < http://www.serialkillercalendar.com/Robert_Hansen.HTML>.

gone missing. "No. Absolutely not. It's important for me. It's important for my credibility because there is so much question about my credibility."[271] Once again we might attribute to the killer a sense or moral awareness that it is not acceptable to murder innocent children (though presumably adults are fair game), and that to admit to such a thing would be a blow to one's honour.

But Bundy confusingly dismisses any notion of 'the unacceptable' in another reported quote. Here Bundy explains himself as a nihilist, not 'buying into' society's conception of the good:

> "Then I learnt that all moral judgements are "value judgements," that all value judgements are subjective, and that none can be proved to be either "right" or "wrong." […] I figured out for myself – what apparently the Chief Justice couldn't figure out for himself – that if the rationality of one value judgment was zero, multiplying it by millions would not make it one whit more rational. Nor is there any "reason" to obey the law for anyone, like myself, who has the boldness and daring – the strength of character – to throw off its shackles. […] Why is it more wrong to kill a human animal than any other animal, a pig or a sheep or a steer? […] In any case, let me assure you, my dear young lady, that there is absolutely no comparison between the pleasure I might take in eating ham and the pleasure I anticipate in raping and murdering you."[272]

[271] "Predator," available at http://tedbundy.150m.com/quotes.html.
[272] Pojman, "A Critique of Ethical Relativism," p 40-41.

Here Bundy demonstrates the "Hannibal-Lector" understanding of psychopathy – a criminal mastermind who shares no values with you but is just as functional and intelligent as you (if not more). It seems justified to infer from the above that these killers possessed a particular *perspective* on moral issues, as do Hare's 'corporate psychopaths,' while sharing a great deal of common interests, values and pursuits with non-psychopaths. This enables us to see that we will gain little help from the behaviour of psychopaths in order to clarify the issue of moral responsibility, adding to the already unclear conclusions drawn from Wallace's account of reflective self-control.

One other problem for us is that the concept is required to cover an enormous amount of cases. The concept of psychopathy is broad enough to cover mission-oriented serial killers and football hooligans in one fell swoop. At the other end from serial killers on the psychopath spectrum lie thugs and misfits who persistently get into fights, commit theft and assault people, such as a football hooligan. These are the less "romanticized" psychopaths, who avoid the fascination and repulsion of public opinion. It seems likely that such psychopaths are in fact what make up the majority of psychopathic offenders, and not Hannibal Lector-like evil geniuses. But including these as exemplars of psychopathy leaves an extraordinary amount of work for the concept of psychopathy to do. This is because the football hooligan-figure seems ostensibly less sensitive to moral concepts. We can imagine such a person gaining little joy from moral "games" and instead deriving his pleasure from outright violent and harmful actions. Such people seem to be the 'blunt instruments' of psychopathy, who resort to violence as their means for expression.

Consequently, the concept must have enough explanatory power to account not only for the mission-oriented serial killer, but also for sophisticated corporate psychopaths and thuggish football-hooligan psychopaths. Between these three groups of psychopaths we have those who seem to have a somewhat twisted relationship with moral values, as well as those antisocial misfits who blunder their way through life. This is not to mention those psychopaths identified in Chapter 1, the 'clean-living' psychopaths who never do anything wrong. The fact is, the concept does not provide enough to bridge this gap. We are left with no clue as to where the psychopath stands in his understanding of moral concepts.

Chapter 5

Conclusion

What we have seen in the discussion so far is that it is extremely difficult to locate the extent of understanding of moral concepts and reasons in psychopaths. While this in itself is not enough to warrant dispensing with the discussion entirely, I believe that the concept would avoid internal inconsistencies if it were placed in a non-moral context.

So far, I have tried to demonstrate the following:

(1) The concept was originally intended to explain the immoral behavior of certain criminal offenders. However, as the concept developed over the years, it became clear that immoral behavior was not the central feature. I have argued that it should be dropped from the concept altogether (though it will still be used in diagnosis).

(2) Because of (1) above, psychologists felt it appropriate to locate the concept in moral terms. Psychopathy is a "failure of development of a conscience" or the identification of the "morally insane."

(3) The placement of the concept in moral (and therefore philosophical) terms excited philosophers, who interpreted the PCL-R traits as philosophically-robust conceptual tools for further explanations for why psychopaths are not prone to moral behavior. Philosophers understood the need for the concept to be located in moral/philosophical terms and theorized as to why psychopaths are "morally insane."

(4) However, an integrated conceptual analysis shows that the psychopathic traits explored in the three areas of research (philosophy, psychology and neurobiology) can be aligned in a non-moral context, or one that leaves psychopathic moral agency as an open question.

(5) Furthermore, an analysis of the moral understanding of psychopaths cannot pinpoint them on the 'spectrum' of moral capacity. In addition, the concept itself allows for a wide variety of psychopathic personalities, varying from "psychopathic football hooligan" to "nihilist."

Since attempting to hinge the concept of psychopathy on a moral-realist perspective has, I have argued, proved unfruitful in terms of internal consistency, my aim now is to use Frankfurt's description of moral values in order to place the concept of psychopathy entirely out of the realm of moral discourse.

Wallace's view is that moral beliefs are truth-apt and that there is therefore 'moral rationality,' whereby moral judgments can be deduced via rational thinking and the use of moral reasoning. His analysis attempts to provide an account of what faculties are

required for moral reasoning. If one fails to meet these requirements, then one cannot participate in 'rational' moral thinking because one is ignorant of the moral reasons that support it.

This view and others like it depend on a particular meta-ethical view that requires the existence of moral facts. While Wallace cannot "make sense"[273] of a realm of independent moral facts, he nevertheless wishes us to hold that moral claims can specify truth-conditions[274] about whether or not it is "appropriate"[275] to hold people morally responsible.[276] Harry Frankfurt does not subscribe to this view. Instead, Frankfurt suggests that our response to moral deviance is not the same as to when someone commits a logical error – "Our response to sinners is not the same as our response to fools."[277] This is because Frankfurt believes morality to hinge on *things we care about*, and the things we care about are not a matter of choice or the conclusion of an argument. Therefore, what we declare 'rational' will hinge on what we happen to care about. "First, a person cannot help loving what he loves; and second, he therefore cannot help taking the expectation that an action would benefit his beloved as a powerful and often decisively preemptive reason for performing that action."[278]

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[273] Wallace, *Responsibility and the Moral Sentiments*, p. 88.
[274] Wallace, *Responsibility and the Moral Sentiments*, p. 91.
[275] Wallace, *Responsibility and the Moral Sentiments*, p. 91.
[276] Wallace believes that the issue is normative in nature, thus avoiding controversial metaphysical claims but nevertheless enabling us to avoid the concern that moral claims lack truth values ; Wallace, *Responsibility and the Moral Sentiments*, p. 91.
[277] Harry G. Frankfurt, "Getting It Right," *The Tanner Lectures on Human Values* Delivered at Stanford University (14-16 April 2004).
[278] Frankfurt, "Getting It Right."

Frankfurt claims that there are no objective moral truths. What we describe as 'rational' moral behavior depends on what we happen to care about. But what we care about is, to a large extent, out of our control. Some actions will seem to us *unthinkable.* This is because moral 'rationality' "does not *permit* us to be open-minded and judicious about everything. It requires that certain choices be utterly out of the question."[279] Therefore, someone who does not care about the same things we do should not be labeled "irrational" or even "morally irrational."

This understanding of moral values is the ideal tool with which to re-evaluate the moral significance of psychopathy. From what I have argued, it becomes apparent that psychopaths possess a particular deficiency that renders it unlikely that they will care about people in the same way that we do. This is the full extent to which I believe the concept of psychopathy should be discussed in terms of moral agency.

The concept itself simply does not provide enough with which to label *all* psychopaths as not meeting the requirements for moral responsibility. The empirical evidence available points us only to an inability to empathise, which is a cognitive deficiency, and an incapacity for remorse, which does not hold the significance that guilt holds with regards to moral agency. But there is no inevitable personality structure that arises from this as a logical consequent. Given that (a) psychopathy itself falls on a spectrum and (b) social and environmental aspects play such a significant role in a person's development,

[279] Frankfurt, "Getting It Right."

it is more than unlikely that we will ever provide a prototypical analysis of the psychopath as a moral agent because psychopaths vary from person to person in the same way that non-psychopaths do. "[T]here is little consistent psycho-physiological evidence on which to "typecast" them."[280]

Why would we want to analyse psychopaths in moral terms? No doubt the main reason is that psychopathic criminal offenders are unusual people whose behavior is not easily explained by conventional methods. What's more, serial killers who are psychopathic display a frightening disconnection from other people which fascinates us. However, psychopathy is dispositional. In every case of criminal psychopathy there will be intriguing and valuable information that will help explain an agent's motives and behavior. Psychopathy will no doubt be *the catalyst* for the development of such people. This is why the moral aspect of the concept of psychopathy will only come into play *on an individual basis*, and not as a conceptual necessity.

For example, consider Gough's theory of psychopathy. Gough believes that psychopaths fail to develop the capacity to evaluate their behavior by the standards of others.[281] They cannot internalize standards of behavior. Presumably, this theory can be conceptually discounted as a necessary outcome of psychopathic traits. It must be at least *conceptually* possible that a person who cannot read emotions in other people still learns about their experiences, their preferences and, for whatever reasons, manages to learn to

[280] Smith, "The Psychopath as Moral Agent," p. 184.
[281] Hare & Schalling., Eds, *Psychopathic Behaviour: Approaches to Research*, p. 97.

consider this perspective when performing a certain action. Given the significant roles of mothers and fathers in early childhood, as well as other social and environmental factors discussed in relation to autism in the previous chapter, we can imagine this taking place *to a greater or lesser extent*. (The earlier discussion regarding 'shame' also suggests there is more to this than first meets the eye).

Of course, a discussion about a particular psychopath, say serial killer Jeffrey Dahmer, might well fit Gough's theory perfectly. We could say that Dahmer, *as a result of his psychopathy,* failed to internalize societal standards. He was, by all accounts, a misfit and a loner. He was disconnected. We might then analyse his moral capacity and assess whether or not he was a moral agent. On this individual level we might look at his testimony, discuss his upbringing and evaluate the role his parents had. Will it correspond to all other psychopaths? No, because the concept itself holds nothing for moral agency, internalization or the desire to kill.

Frankfurt says:

> "We could not empathize with, or expect ourselves to be understood by, someone who loves death or disability or unhappiness. From our point of view, his will is not so much in error as it is deformed. His attitudes do not depend upon beliefs that might be demonstrated by cogent evidence or argument to be false. It is impossible to reason with him meaningfully concerning his ends, any

> more than we could reason with someone who refuses to accept any proposition unless it is self-contradictory."[282]

This perhaps best explains our need for the moral classification of psychopathy. We cannot understand or relate to Dahmer because we could never imagine living a life without caring for people in the way we do. But, as I have tried to show, the intelligibility of psychopaths varies from case to case, and while Dahmer might fail to be morally responsible on Wallace's account, there is the possibility that other psychopaths are able to meet the requirements yet still retain the key psychopathic traits. I have tried to demonstrate that 'psychopathy' and 'moral responsibility' are not mutually exclusive.

This is not an argument for subjectivism *per se*. What I have tried to demonstrate is that viewing psychopaths within an objectivist moral framework is not helpful. The motivation behind viewing psychopaths as 'without conscience' is that the concept comes from a tradition that studies the worst criminals, people who relentlessly commit immoral acts and seem beyond argument and reason. However, once we admit an interest in broadening the concept so as to serve as an explanation for such behavior, as opposed to consisting in such behavior, the need to press a moralistic agenda drops away. However, if some still feel obliged to express psychopathy as a moral defect, then I am suggesting the problematic objectivist framework might be replaced by one that does not insist on a fundamental misapprehension of the world, but that expresses a

[282] Frankfurt, "Getting It Right."

difference in prioritization. That is, while the validity of subjectivism is contentious, psychopathy is best viewed as a disorder of *caring for people*, which points to its most significant trait - a lack of empathy.

The concept of psychopathy, as I have tried to outline it here, still holds great explanatory significance. We have identified the conceptual boundaries of important issues: immoral actions; emotions; practical rationality; and moral agency. Rather than understanding the concept as identifying incorrigible child-like individuals who can't tell right from wrong, this integrated concept identifies the mechanisms behind these failings, allowing for a greater sensitivity to the varying manifestations of the condition, ranging from a highly-successful company CEO to Hannibal Lecter. What these people have in common is not the complete misapprehension of moral values, but the disposition to care less about people than you or I do. As is often the case, they might comprehend moral values but place too much weight on their own needs. Or, they might conscientiously make an effort to understand other people's emotions and develop caring relationships, as is the case with some autistics. Psychopathy is not a moral judgement, but is the characterization of a particular human experience.

APPENDIX A

Cleckley's 16 Characteristics of Psychopathy

Taken from Hervey Cleckley, The Mask of Sanity (New York: New American Library, 1982).

1. Superficial charm and good "intelligence"
2. Absence of delusions and other signs of irrational thinking
3. Absence of "nervousness" or psychoneurotic manifestations
4. Unreliability
5. Untruthfulness and insincerity
6. Lack of remorse and shame
7. Inadequately motivated antisocial behavior
8. Poor judgment and failure to learn by experience
9. Pathologic egocentricity and incapacity for love
10. General poverty in major affective reactions
11. Specific loss of insight
12. Unresponsiveness in general interpersonal relations
13. Fantastic and uninviting behavior with drink and sometimes without
14. Suicide rarely carried out
15. Sex life impersonal, trivial, and poorly integrated
16. Failure to follow any life plan

APPENDIX B

The Hare Psychopathy Checklist-Revised (PCL-R)

Factor 1

- Glibness/superficial charm
- Grandiose sense of self-worth
- Pathological lying
- Conning/manipulative
- Lack of remorse or guilt
- Shallow affect
- Callous/lack of empathy
- Failure to accept responsibility for own actions

Factor 2

- Need for stimulation/proneness to boredom
- Parasitic lifestyle
- Poor behavioral control
- Promiscuous sexual behavior
- Lack of realistic, long-term goals
- Impulsivity
- Irresponsibility
- Juvenile delinquency
- Early behavior problems
- Revocation of conditional release

Traits not correlated with either factor

- Many short-term marital relationships
- Criminal versatility

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