

ARE PSYCHOPATHS MORALLY RESPONSIBLE FOR THE HARM THEY CAUSE?

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Abstract

There is controversy in the philosophical literature about whether psychopaths have moral responsibility. Prima facie, psychopaths are morally responsible for the harm they cause. This is the shared consensus of the lay public and is indeed the position of some in the debate (See, for example, Godman & Jefferson: 2017, Pickard: 2011 and Greenspan: 2003). However, many participants in the debate are sceptical of the psychopath's moral responsibility. Some argue that because psychopaths lack moral knowledge they are not responsible, and others argue that because they lack impulse control they are not responsible (See, for example, Levy: 2007, Duff: 2010 and Gillett: 2010). In this paper, I argue that the psychopath is not morally responsible. My argument is to say that impulsiveness and deficits in moral understanding cannot be separated, and these together are sufficient to excuse the psychopath from moral responsibility. The account that I give is similar in many respects to the account given by Levy (2014), and I will draw upon some of what he says to substantiate my account. The structure of this paper is as follows: In section 1, I outline psychopathy and the cluster of characteristics which are used to diagnose the disorder. In section 2, I consider the relevant conditions for moral responsibility. Finally, in section 3. I conclude that psychopaths are not morally responsible for their actions.

Keywords:

Psychopathy, Future discounting, Impulsiveness, Empathy, Moral responsibility.

1. Psychopathy

1.1: Diagnosing psychopathy

Psychopaths have a specific cognitive and emotional profile which is captured by the diagnostic criteria. One diagnostic test is 'The Psychopathy Checklist' (See Hare, 1999: 34). This measures pathological personality traits and antisocial behaviour. According to this checklist, psychopaths have the following kinds of personality traits: They tend to exhibit superficial charm, they are egocentric and grandiose, they are deceitful and manipulative, they are impulsive, they are prone to boredom, they lack remorse or guilt, they lack empathy, they have shallow emotions and they engage in adult antisocial behaviour (Hare, 1999: 34).

The *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (DSM-5) does not use the psychopathy diagnosis. However, most psychopathy researchers think that psychopathy is a subtype of antisocial personality disorder (ASPD) i.e., some people with psychopathy also meet the ASPD diagnosis. ASPD is a cluster B-type personality disorder, and is characterised by specific deficiencies in personality functioning and pathological personality traits. Psychopathy and ASPD overlap considerably because the disorders share many of the same characteristics. The DSM-5 states that psychopathy is closely tied to ASPD as follows:

The essential feature of antisocial personality disorder is a pervasive pattern of disregard for, and violation of, the rights of others that begins in childhood or early adolescence and continues into adulthood. This pattern has also been referred to as psychopathy, sociopathy, and dissocial personality disorder (APA, 2013: 659).

ASPD has a number of different characteristics such as being egocentric, failing to conform to norms, having self-gratifying aims, having a lack of empathy, lacking guilt or remorse, being incapable of intimacy, exploiting others, and being deceitful, manipulative, callous, impulsive, and prone to boredom (See, American Psychiatric Association: 2013).

However, the two aspects of psychopaths that I think are central in the debate about responsibility (and so the ones I will focus on) are impulsiveness and a lack of empathy. As such, the question as I will deal with it in this paper is: Are those who are incapable of impulse control and incapable of empathy morally responsible for the harm they cause? I will be arguing that these two features of psychopaths in fact stem from the same underlying key problem. In fact, the guiding hypothesis in this paper will be that we can best understand psychopaths if we view them as living in the moment and being incapable of caring about their future selves and others. I will argue that all of their behavioural symptoms follow from this. The hypothesis is that psychopaths are extreme future discounters, in the sense that they count only their current interests as being important and entirely discount their future interests. To a certain degree it is rational to future discount because there is uncertainty about the future, but to future discount too much is irrational. For an explanation on future discounting (See, Broome: 1994).

1.1.2: In what way do psychopaths lack impulse control?

One reason why people may experience problems with impulse control is because they just have extremely strong, hard to resist impulses. This is where one gets a growing urge to do something, struggles to resist the impulse inside them, enjoys performing the action and is relieved once the action has been performed. Impulsive acts in this sense may trigger guilt. Those who lack impulse control in this sense include, for example, Kleptomaniacs. However, psychopaths do not lack impulse control in this way. Instead they fail to have any countervailing desires that prevent them from acting upon their current desires. To illustrate this, consider a quote from Cleckley:

She did not seem to be activated by any ‘compulsive’ desire emerging against a struggle to resist. On the contrary, she proceeded calmly and casually in these acts. She experienced no great thrill or consummation in a theft nor found in it relief from uncomfortable stress (Cleckley, 2015: 69).

It is in this sense that the psychopath is impulsive, not like the kleptomaniac who fails to overcome an impulse. To a certain extent, we all suffer from a lack of impulse control in this sense. For example, consider what happens when one wishes to fulfil a relatively trivial desire (e.g. the desire to make a cup of tea). It is not as if an urge builds up inside, and it is not as if one feels any countervailing desires that one has to struggle against under normal circumstances. The desire arises and one gets up and goes to make the cup of tea. It is only when we have more problematic desires (e.g. a desire to steal or desires which are against our own long-term self-interest), that the countervailing desires come in to prevent us. So, psychopaths lack impulse control in the sense that they fail have any countervailing desires arise, no matter how problematic their current desires are.

Psychopaths live in their present (i.e. it is only their own current feelings that matter to them). If they are in a situation where they immediately feel discomfort then they will want out of it. For example, Cleckley describes the case of ‘Max’ who was perfectly happy in a psychiatric hospital for a couple of weeks and then once he got bored, he immediately thought “I do not want to be here”, and then started to plan to get out (Cleckley, 2015: 47-66). There was a sense here in which Max cared about his future self in this case, but only because this impacted upon his current self. I think there is a link here with criminal recidivism, which is typical for psychopaths (See, Campbell et al: 2006). My hypothesis is that upon getting out of prison or psychiatric facilities, psychopaths immediately go straight back into their criminal behaviours because the fact that they got out satisfied them. As such, I think it’s plausible that in that moment, because they are no longer inside anymore, they no longer care. Psychopaths plan can short-term because to go through with the plan is itself what they want in the moment, (e.g. they might have an urge to be nasty to someone but stop themselves because they know if they are nice to them they will be able to manipulate them). Nonetheless they may have difficulty following plans because psychopaths can plan only when based upon what they now want. That is to say so long as they keep wanting something, they will execute a plan to get that thing. But as soon as they no longer want that

thing, they will abandon the plan.

Levy (2014) makes a similar point. He argues that psychopaths do not have even their own self-interest at heart in the sense that they will do something that seems immediately gratifying but bad for themselves in the long-term. I agree with Levy because psychopaths do seem to do what they want in the moment, irrespective of whether it harms them in the long-term which suggests impaired impulse control.

1.3: In what way do psychopaths lack empathy?

Psychopaths understand people's emotions to the extent that they can manipulate them. For example, psychopaths have the ability to play people, and are capable of realising and exploiting people's emotional weaknesses and insecurities. There is a sense in which in order for someone to be a good con artist, they must have some idea or understanding of what other people's buttons are otherwise they cannot push them, and psychopaths can read emotions to this extent (See, Shoemaker: 2011). However, there is data in the literature which is used as evidence to suggest there is a reduced ability in psychopaths to recognise fearful or other emotional expressions in others (Baren-Cohen, 2011: 78-87). The psychopath's difficulties characterising others emotions on the basis of facial expressions, is a problem with their cognitive empathy. Psychopaths also have a problem with their emotional empathy, which is the ability to care about others emotions (Shoemaker, 2011: 115-7).

However, although the lack of empathy is the main aspect that is often spoken about in the philosophical literature, the matter seems to be somewhat deeper. They seem to lack any "deep" emotions whatsoever (of which empathy is one). Instead they have only short-term 'proto-emotions: primitive responses to immediate needs' (Hare, 1993: 53). As such, they seem to lack a concern for their own well-being and in particular their future selves as well as for that of others.

To illustrate that psychopaths cannot feel deep emotions (e.g. no fear or worry), consider a quote from one psychopathic rapist:

They are frightened right? But, you see, I don't really understand it. I've been scared myself, and it wasn't unpleasant (Hare, 1993: 44).

An example of a short-term proto-emotion that psychopaths experience is the boiling up of anger. However, referring back to my hypothesis, I believe that this anger arises purely because psychopaths dislike their current situation. Once they are in a situation that they like, the anger disappears and they simply do not care about it anymore. In addition, psychopaths also might use aggression as a means to an end. This is because they may know that if you act in a certain angry manner, it gets you what you want. The patient mentioned earlier, Max, is an example of someone who used instrumental violence often (i.e. he got angry, but when he realised it was not going to help, he quickly turned back to normal) (Cleckley, 2015: 47-66).

Furthermore, it is plausible that it is as a consequence of having only 'proto-emotions' that psychopaths lack a concern for their future selves.⁵ Consider the case of 'Roberta' who expresses long-term future plans:

In speaking of her need for psychiatric treatment, something suggested that her conviction of need was more like what a man feels who looks in the mirror and decided he needs a haircut (Cleckley, 2015: 68).

There is the sense in which psychopaths can have long-term desires for their own future well-being, but when they do it is almost a trivial matter to them. The concern for their future selves is analogous to the desire mentioned before that I might have for a cup of tea. I form the intention and desire it, but it is trivial. I am not committed to it and that is the only way which psychopaths can care about the future. They may do what is necessary to obtain that future, but it is all done trivially. So, it seems to me that even if their aims are thwarted, they do not care about it either because they are only pursuing them in a trivial manner.

I have said that my hypothesis is that psychopaths are impulsive in the sense that they fail to have countervailing desires that prevent them from acting on their current desires. But here in fact there is a link between their lack of deep emotions and their lack of impulse control. To explain this further, consider why one might resist acting upon an immediate desire to do something. It seems the most common reason to not act upon an immediate desire to do something, is that it is going to harm me or somebody else in the long run. However, if one did not care about oneself in the long run, or anybody else then there would be nothing to stop one from acting upon one's immediate desires. And so, if one lacked concern for others and one's future self, then one would act upon their immediate desires in the way that psychopaths do and therefore lack impulse control. Another way of looking at this is that psychopaths not only lack empathy for others, but also lack 'empathy' for their future selves and it is this that gives rise to the lack of impulse control. So, impulsiveness is a consequence of their not only lacking concern for others but also concern for their future selves. Here a quote from Cleckley seems to substantiate this idea:

There was no question of Pete's, having been, in the ordinary sense, merely thoughtless or impulsive. He was not negligent in reason...but somehow the obvious, and one would think inevitable, emotional response that would inhibit such an act did not play its part in his functioning...The consequences occurred to him, but rather casually (Cleckley, 2015: 108).

My hypothesis that I am putting forward on how we can best understand psychopaths is that impulsiveness and a lack of empathy go together and the other behavioural symptoms follow from this. For example, psychopaths deceive others because it does not matter to the psychopath that lies tend to be found out later because he lives in the moment. Psychopaths disregard financial obligations because psychopaths can make a promise easily, but the fact that they have got to follow through is in the future and so psychopaths do not care. Psychopaths boast and coerce others because they like to be in control at that moment because that gives them pleasure, and they manipulate people because they have self-gratifying aims. Whilst you are manipulating another person they probably like you and it is a pleasant social interaction. There is a sense in which psychopaths manipulate themselves. They do to themselves whatever they need to do to themselves, in order to get the immediate gratification of their desires and they do not care about the consequences. So, psychopaths will even self-destruct because that is to bring about the current state of affairs that they want and to damn the consequences because that is the future.

2. Moral Responsibility

2.1: Why should impulse control matter for moral responsibility?

It is often thought that in order to be responsible for your actions you must be free. So, no matter which account of what it is to be free we take, a lack of impulse control is going to matter to our freedom. On the view that I find most plausible, to say that somebody lacks impulse control is to say that they lack a capacity to act in accordance with second-order desires. This is based on Frankfurt's account of free will and responsibility. Impulsiveness in this sense can mean either that (i) you have a first-order desire and a second-order desire not to have that desire, but struggle to act in accordance or (ii) simply that you have no second-order desires regarding your first-order desires, and so act immediately upon your first-order desires. Frankfurt's wanton is an example of somebody who has no second-order desires (and so has no stable preferences regarding his life as a whole), and so is led by their moment to moment impulses (Frankfurt, 1971: 11). My hypothesis regarding psychopaths is that they lack impulse control in the second of these senses (i.e. that they have no countervailing desires that prevent them from acting on their current first-order desires), in this sense they are very much like Frankfurt's wanton.

Much of what Levy (2014) says is consonant with my hypothesis. For example, Levy argues that because psychopaths are unable to 'project themselves in the future', they have an impaired

understanding of morality and personhood. If we consider Locke's definition of personhood, the thought is that personhood requires more than merely considering yourself as yourself but having concern for yourself, in the sense of considering yourself as a unit over time. Levy says that psychopaths do not see themselves as a 'persistent being', or at least if psychopaths did, they would not care about their future self. And so, killing another person for psychopaths, because they do not see their own future as particularly important, they cannot appreciate that other people have those sorts of long-term goals and plans (Levy, 2014: 362).

2.2: Why should lack of empathy matter for moral responsibility?

If we assume for responsibility that a person has to have certain knowledge of what they are doing, a lack of empathy matters with regards to moral knowledge. It is not that psychopaths do not know what they are doing under factual description, but rather that they do not understand the moral component of it. There is empirical evidence which suggests that psychopaths cannot appreciate the wrongfulness of their acts. In other words, psychopaths cannot tell the difference between things that are wrong independently of what anybody says, and things that are wrong dependent on what people say (i.e. some rules are only conventional and others are imbued with something more) (See, Levy: 2007 and Blair: 1997). We are supposed to be able to figure out the difference between them, whereas 'psychopaths fail to grasp the distinction; for them, all transgressions are rule dependent' (Levy, 2007: 131).

An analogy might be drawn here between a person with autism who is able to mimic humorous behaviour. They can figure out what kinds of things people find funny in terms of when they say certain things, people tend to laugh. So, they understand descriptively in some sense what counts as a funny joke without being able to understand humour and in a similar way, a psychopath can descriptively pick out an action is wrong. They can categorise things into right and wrong, but they do not understand why it is wrong. So, Levy is right that psychopaths do not understand morality, because they are not picking up on the features of morality.

It seems that for psychopaths, there is no force behind moral reasons, other than the force behind conventional reasons. If psychopaths are born such that they literally cannot understand those reasons, then it seems they are not responsible. For a person to be responsible they have got to understand why they are not to do something. So, it does look like you need moral knowledge for moral responsibility. If it is the case that psychopaths do not have the capacity for moral knowledge, then psychopaths might try as hard as they possibly can to understand, but they would still be incapable of this.

Guilt is the appropriate feeling to have when you have done something wrong to others. It is not quite so clear that guilt is the appropriate emotion to have when you have done something bad to yourself. However, it seems like you ought to feel regret which at the very least is an analogue of guilt but centred on yourself (Williams, 1981: 20-39). It is interesting to note then that although psychopaths cognitively regret harming themselves (insofar as it effects their current self), they do not seem to do so in an emotional sense. Again, my hypothesis would make sense of this (i.e. psychopaths do not feel emotional regret because they are incapable of forming deep emotions regarding themselves too). The problem for psychopaths is not only that they lack empathy for others, it is that they lack empathy for themselves. They are not selfish in the traditional sense because they do not only care about themselves, it is rather that they do not see any reason to do anything that is not directed at their own current mental states. Even at a later time when they have done something that puts themselves in what we would ordinarily think of being a bad position, they do not care about that either unless it has an immediate impact on them. The diagnostic criteria states that psychopaths fail to feel regret for harming others, but my suggestion is that they fail to feel regret for harming themselves too.

3: Conclusion

In the above I have outlined a hypothesis about how we can best understand psychopaths (i.e. as suffering from an incapacity to care not only about other people but about their future selves). I have argued that this is also responsible for their impulsiveness (in the relevant sense). I have also outlined why this

matters for moral responsibility (i.e. because it seems that in order to be morally responsible for our actions we must be capable of emphasising with others and controlling our impulses).

In my paper I have drawn upon Levy's (2014) account to substantiate my hypothesis. However, the main difference between mine and Levy's account, is that whilst Levy thinks that psychopaths are unable to imagine what it is like to be a future person, it seems that this is not the case. It is rather that they cannot see why they should care about their future self, because for psychopaths, it is only what happens now they should care about. In other words, Levy says that psychopaths cannot imagine themselves in a future state, but I think psychopaths can imagine themselves in a future state it is just that they do not see why they should care about that future state. It strikes me that psychopaths seem to be able to conceive of themselves as a 'persistent being, with plans and projects of one's own' (Levy, 2014: 362). The problem is not being unable to imagine this, but instead that they do not care about those future projects. So, it seems that psychopaths conceptually know that they will be a future being with plans, but they just discount that. They care more about the state they are in now. They do not care about the future because they are unable to see the value or why anybody should care about any state other than the one they are currently in. So, it is not an inability to imagine what it is like to be a future being. Rather, it is assigning a lower value to that future than the value of your current states. So, it is not a conceptual problem.

The reason why my hypothesis is interesting is because it seems clear that psychopaths do not fail to care for others for selfish reasons, it is precisely because they also fail to care for themselves. So, it looks as though their deficit is a genuine inability to form a conception of feelings outside their current mental states and therefore they cannot be morally responsible. If they cared about their future selves but not about others, then that would be a different matter. But, if psychopaths do not care about themselves in prison tomorrow, why should they care about anyone else today. The basic thought can be summed up by considering the following: If someone is so insensitive that they literally cannot care about themselves, then you cannot blame them for not caring about others. It is for this primary reason that I have argued that psychopaths are not morally responsible for the harm they cause.

This concludes my paper, however before finishing I want to briefly consider some comments about further issues arising that I have not had space to go into in detail. The first is that there is an interesting conceptual connection to be drawn by Thomas Nagel (1970). Thomas Nagel (1970) argues that being sensitive to reasons of prudence are entirely analogous to being sensitive to reasons of morality. Nagel says the question why should I be moral is analogous to the question why should I do something that is in my self-interest. That question is just as puzzling, because it amounts to the question why should I care about my future self. You can give the same bold answer to both questions (i.e. you ought to be moral, otherwise there is going to be a bad state of affairs occurring in that other person. The same as you ought to do what is in your self-interest, otherwise there is going to be a bad state of affairs occurring in your future self) (See, Nagel: 1970). Nagel argues the same thing that gives you reason to take the interest of others as providing reasons for action, is exactly the same as taking interests in your future self. So, if psychopaths lack caring about their future self it makes sense that they would lack moral understanding too. To fully articulate this conceptual connection is for future work, but it promises to tell us something about moral reasoning in general.

Secondly, I have not had chance in this paper to look at the practical side about how we treat psychopathy. It might be the case that you might not be able to help psychopaths in the sense that you might not be able to get them to care about their future selves. But one possible way you might help treat psychopathy is to gradually extend delayed gratification in a controlled environment. For example, one way might be to make psychopaths wait for a reward for extended timed intervals in a controlled environment (e.g. 5 minutes, then 10 minutes, then 15 minutes and so on), to extend the sort of delayed gratification. This is a treatment that is suggested by the philosophical conception of psychopaths, but whether it would work is not a philosophical issue but rather an empirical issue.

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Bibliography

- American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.). Arlington, VA: American Psychiatric Publishing.
- Blair, R.J.R. (1997) 'Moral reasoning and the child with psychopathic tendencies', *Journal of Abnormal Psychology*, 22(5), 731-739.
- Broome, J. (1994) 'Discounting the Future', *Philosophy and Public Affairs*, 23(2), 128-156.
- Baron-Cohen, S. (2011) *The Science of Evil*. New York: Basic Books.
- Babiak, P. and Hare, R.D. (2007) *Snakes in Suits*. Glasgow, HarperCollins.
- Campbell, J.S., Edens, J.F. & Weir, J.M. (2006) 'Youth Psychopathy and Criminal Recidivism: A Meta-Analysis of the Psychopathy Checklist Measures'. *Law and Human Behaviour*, 31, 53-75.
- Cleckley, H. (2015) *The Mask of Sanity*. 2nd ed. Mansfield Centre, CT : Martino Publishing.
- Duff, A. (2010) 'Psychopathy and Answerability', in Malatesti, L. & McMillian, J. (ed.) *Responsibility and Psychopathy*. United States of America: Oxford University Press, 199-212.
- Dutton, K. (2012) *The Wisdom of Psychopaths*. Arrow Books: United Kingdom.
- Frankfurt, H.G. (1969) 'Alternate Possibilities and Moral Responsibility'. *The Journal of Philosophy*, 66(23), 829-839.
- Frankfurt, H.G. (1971) 'Freedom of the Will and the Concept of a Person'. *The Journal of Philosophy*, 68(1), 5-20.
- Greenspan, P. (2003) 'Responsible Psychopaths'. *Philosophical Psychology*, 16(3), 417-429.
- Gillett, G. (2010) 'Intentional Action, Moral Responsibility, and Psychopaths', in Malatesti, L. & McMillian, J. (ed.) *Responsibility and Psychopathy*. New York, Oxford University, 283-298.
- Godman, M. & Jefferson, A. (2017) 'On Blaming and Punishing Psychopaths'. *Criminal Law Philosophy*, 11, 127-142.
- Hare, R.D. (1999) *Without Conscience*. New York, The Guilford Press.
- Levy, N. (2007) 'The Responsibility of the Psychopath Revisited'. *Philosophy, Psychiatry, & Psychology*, 14(2), 129-138.
- Levy, N. (2014) 'Psychopaths and Blame: The Argument from Consent'. *Philosophical Psychology*, 27(3), 351-367.
- Nagel, T. (1970) *The Possibility of Altruism*. Woodstock, Princeton University Press.
- Prichard, J.C. (1999) 'Moral Insanity', *History of Psychiatry*, 10(37), 117-126.
- Pickard, H. (2011) 'Responsibility Without Blame: Empathy and the Effective Treatment of Personality Disorder'. *Philosophy, Psychiatry, & Psychology*, 18(3), 209-223.
- Shoemaker, D.W. (2011) 'Psychopathy, Responsibility, And the Moral/Conventional Distinction', *The Southern Journal of Philosophy*. 49, 99-124.
- Williams, B. (1981) *Moral Luck*. Cambridge, Cambridge University.