

Responsible psychopaths

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ABSTRACT *Psychopaths are agents who lack the normal capacity to feel moral emotions (e.g. guilt based on empathy with the victims of their actions). Evidence for attributing psychopathy at least in some cases to genetic or early childhood causes suggests that psychopaths lack free will. However, the paper defends a sense in which psychopaths still may be construed as responsible for their actions, even if their degree of responsibility is less than that of normal agents. Responsibility is understood in Strawsonian terms, as a question of our appropriate reactive attitudes toward an agent for what she does, and as distinct from the question of the agent's own motivating attitudes, which lead him to do what he does. The latter is the question more directly relevant to free will, though moral motivation normally depends on the capacity in early childhood to pick up motivating attitudes from others' reactive attitudes. Reactive attitudes based on hatred rather than anger (e.g. disgust or contempt) count as alternative forms of blame that may be appropriately directed toward agents manifesting bad qualities of will, even as a matter of motivational impairment. So psychopaths may still be said to deserve blame, even if they are incapable of modifying their behavior in response to blame.*

1. Introduction

A number of philosophers putting forth general views of freedom and responsibility in the recent literature defend their views in application to cases of psychopaths or sociopaths as intuitively plausible cases of unfreedom. However, philosophers' discussions often make little contact with the cases psychologists refer to in these terms. This is to some extent understandable in light of the unsettled state of research on psychopaths, which I shall sketch briefly below. I shall not attempt to provide full detail on the psychological literature myself. However, even on the basis of a rough sketch, I think we will be able to see reasons for a different philosophical view on the relevant issues, a view that pulls apart somewhat the notions of freedom and responsibility. My aim here is to argue that such a view would make better intuitive sense of psychopaths—and to illustrate, with some more everyday cases, that it also has serious application beyond psychopaths.

Psychopaths are identified as such in the psychological literature in terms of emotional deficit. Details and emphases differ, but on one fairly conventional understanding they lack emotions based on empathy with their victims, and hence an important source of moral motivation. However, there is a philosophical account

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on which they still can be held responsible for what they do. Strawson's (1962) classic treatment of free will issues interprets responsibility in terms of the appropriateness of moral "reactive attitudes" to wrongdoing. Essentially, these amount to emotional components of blame such as resentment. As I shall argue, there are moral reactive attitudes that are appropriately directed even toward psychopaths, just insofar as they are unable to control their behavior on that basis.

Such agents might be said to lack the corresponding *motivating* attitudes, so there is another familiar sense—forward-looking rather than backward-looking—in which they are not responsible agents: they cannot be expected to exercise responsibility over what they do in the future. This explains at least part of the oddity of my reference to psychopaths as "responsible" in the title of this paper. My title, of course, refers to backward-looking responsibility, responsibility for what one has done in the past or is now doing. I think our intuitive view is that responsibility in this sense may be diminished in at least some of the relevant cases but is not thereby ruled out.

I shall attempt to give a rationale for that view in what follows by appeal to a Strawsonian account of responsibility, but with a difference from the usual approach drawn from Strawson that I think these cases serve to illustrate vividly: reactive attitudes may be appropriate, on the suggested account, even where the agent lacks the corresponding motivating attitudes, self-directed versions of the victim's appropriate reactions such as guilt. This means that our notions of free will and responsibility need to be disentangled: responsibility does not really entail free will (even on a compatibilist reading), as philosophers usually assume, if we take it that free will does depend on the agent's motivational resources.

2. Psychopathy and reasons-responsiveness

Psychopaths are said to lack feelings that would enable them to learn moral rules from experience in the normal way, though they apparently have the linguistic ability to apply moral concepts and in that sense are able to understand moral rules. However, as we shall see, they lack the fullest kind of understanding: the capacity to appreciate moral rules as reasons bearing on their choice of what to do.

Note that psychopaths are not necessarily serial criminals, as the term in common use suggests. Their offenses may be petty offenses, or social rather than legal offenses. In any case, psychopathy is not a recognized diagnostic category in the US and international (as opposed to the British) system of psychiatric diagnostic classification, which instead uses "Antisocial Personality Disorder" (ASP) to refer to roughly the same sorts of cases [1]. Earlier, the term was "sociopathy," which implies explanation by social rather than psychological factors and hence still seems to be preferred by some philosophers, along with authors in the social sciences and others eager to avoid any suggestion of explanation by inherited factors.

In accordance with the current US approach to psychiatric diagnostic classification, ASP is supposed to be neutral in explanatory terms—"objective" in the sense of being uninfluenced by theoretical commitments or subjective judgment on the part of a given psychiatrist. One of the criteria for ASP actually makes

reference to a record of criminal behavior: “failure to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds for arrest” (American Psychiatric Association, 1994, p. 649). The category is essentially meant to pick out the sort of agent who just does not learn to follow socially accepted moral rules, even from continued experience of thwarting his own interests—someone, in short, who just does not learn from punishment.

A psychopath, as that more explicitly psychological term is used, might be someone who regularly gets away with illegal or other socially objectionable behavior in his own interests. A characteristic feature of psychopaths on psychologists’ accounts (see Cleckley, 1976; Hare, 1993) is a pattern of deceptive behavior and glib manipulation of others—something not limited to those with a criminal record, or for that matter, any record of behavioral dysfunction. There is a sense in which psychopaths are indeed able to empathize with others, and in fact are particularly good at it: in terms from current cognitive science, they can run “offline” simulations of others’ mental states—at any rate, their states of desire and belief, if not their emotions—for the purpose of anticipating likely responses to what they do [2]. But they are not personally affected or inhibited by others’ emotional responses in the normal fashion.

On this conception a psychopath sounds like the philosopher’s figure of the amoralist: a rational agent who simply promotes his own interests without concern for others or for what he recognizes as the moral or social rules. There is a certain type of psychopath who arguably fits this picture: the sort of person exemplified in the popular imagination by Ted Bundy, who apparently functioned rather well in life until he was caught and executed in Florida for a series of rape-murders. Of course, there is much dispute about real-life cases, but one current speculation is that psychopathy in cases like Bundy’s is not really a disorder, unless we appeal to social values in our understanding of what constitutes a disorder. Instead, some would say that what we have here is a deviant personality type, socially harmful and repugnant to others but reasonably well suited to egoistic concerns. In evolutionary terms, psychopathy may have been “adaptive,” in the sense of getting genes into the gene-pool in high enough numbers to survive [3].

However, there is at least a significant subclass of psychopaths (some would say including Bundy) who exhibit a cluster of impairments undermining rationality. They are impaired, that is, in their ability to function in their own interests, as a result either of childhood abuse or a complex of congenital factors such as brain damage. One factor may be genetic and is apparently linked to a deficit of the neurotransmitter serotonin, resulting in chronic impulsive behavior [4]. Someone who fits this pattern might be serial killer Robert Alton Harris, as described by Watson (1987), though not explicitly labeled a psychopath. A victim of extreme abuse as a young child, Harris shot two young robbery victims in the back after assuring them he would let them go—and then casually consumed their lunch.

Psychopaths who fit this second pattern—arguably all psychopaths—seem to be unable to keep track of their own interests over time, in the way required to promote long-term projects. They might be said to lack even first-person empathy, or empathy with themselves at other times [5]. In the terms offered by Damasio’s

(1994) account of the role of emotions in cognition, they fail to “mark” the memories they have of wrong or unsuccessful choices with emotional anxiety, as needed to bring their past failures to bear on practical reasoning [6]. Hence they are prone to self-sabotage and other failures of planning.

Let me refer to such cases as “impaired” psychopaths, perhaps redundantly, to allow for the possibility of deviant but basically functional cases. Though impaired psychopaths are not psychotic, I think we are intuitively inclined to deny them free will insofar as they lack a crucial resource for self-control. However, I shall argue that we can still hold them responsible.

There is a different division of psychopaths into two types in recent philosophical literature, on the basis of different levels of responsiveness to moral reasons, that might seem to warrant ascribing responsibility to functional but not to impaired psychopaths. Fischer and Ravizza (1998, pp. 69–81) distinguish two elements of “reasons-responsiveness,” which they call “receptivity” and “reactivity.” The former involves the capacity for awareness of reasons (or a certain class of reasons such as moral reasons), and the latter the disposition to act on that awareness. Fischer and Ravizza accordingly distinguish a type of psychopath who lacks receptivity to moral reasons, and thus cannot be held responsible for failure to act on them, from another type whose failure is limited to the level of reactivity, so that he *can* be held responsible, for ignoring reasons he does recognize.

However, both of the two types of psychopath distinguished in psychological terms above, the functional and the impaired psychopath, would seem to fit into Fischer and Ravizza’s first category. Both apparently lack the normal measure of receptivity to moral reasons—the capacity to appreciate their force as moral reasons, which involves the capacity for a certain kind of immediate emotional response—even if the functional type has other resources for exercising self-control (see Duff, 1977). Both types of course may be aware intellectually that their actions contravene established rules and may be able to acknowledge the reasons for the rules and for adhering to them—possible harm to others and to themselves in the future if caught—though the impaired psychopath cannot reliably keep this in mind at the time of action. Neither type, however, can fully appreciate why those reasons are important.

Receptivity and reactivity are connected in that normal self-control also involves the ability to inhibit action more or less automatically, on the basis of the emotional responses that reveal moral significance, responses that initially were picked up from others. This means that agents who lacked the experience in early life of emotional empathy based on trust have a kind of moral “learning disability” limiting them to more roundabout means of self-control such as reflection on the likely consequences of lawbreaking—something that may or may not kick in reliably at the time of action.

3. Strawsonian responsibility without free will

An alternative to reasons-responsiveness as a basis for a possible distinction in these cases is suggested by Watson’s (1987) application of the Strawsonian “reactive attitudes” approach to Robert Alton Harris. This case gives us grounds for

conflicting reactive attitudes, or emotional ambivalence: blame for Harris is warranted insofar as he is an intentional agent of harm, but pity or compassion for him is also appropriate in light of the childhood abuse that made him unable to empathize with victims of his actions.

Strawson's approach, which is favored by a number of current philosophers, was originally formulated in application to the standard version of the free will question in philosophy, that of freedom versus determinism. I have argued elsewhere (Greenspan, 1993, 2001a) that we can distinguish another version, free will versus psychological constraint, as the one at issue in psychologically problematic cases. However, Strawson's (and other philosophers') detailed defense of an answer to the standard question contains many insights into the relevant cases. Strawson identifies a set of "reactive attitudes" such as resentment that are directed toward good or bad qualities of will in agents. One of his central points, following Kant, is that recognition of each other as persons depends on moral practices of holding each other responsible by directing such attitudes toward others. This means that an agent who lacks free will would escape blame only at the cost of forgoing genuine interpersonal relationships. In place of moral reactive attitudes he would warrant the "objective" attitude that we normally apply to things as opposed to persons.

For present purposes, to get an intuitively plausible account of our attitudes toward psychopaths, we need to apply Watson's extension of the Strawsonian approach, which allows for ambivalent reactive attitudes, beyond cases like Harris, whose early childhood experiences involved clear suffering, to other impaired psychopaths who simply "suffer from" congenital defects such as brain damage or serotonin deficit. We can think of such impaired agents as pitiable in another sense—for their inadequacy as rational planners, in contrast to the type of psychopath who is assumed to be well fitted for the conduct of his own life, though it is a deficient life by normal human standards.

Essentially, then, we can justify an element of blame for either type of psychopath, though at least in impaired cases it will be offset by grounds for a contrary practical stance. Let me from now on concentrate on the impaired cases, since intuitively those are the harder cases for justifying blame. We might even assume that the agents in these cases would not be able to control themselves consistently in order to avoid the censure of others besides their victims: their own family members or intimate friends or partners whose reactions they clearly do care about in some sense, at any rate some of the time. Though I cannot say about Robert Alton Harris, a case that seems to fit this description is Gary Gilmore (on Mailer's 1998 account, which does clearly label him a psychopath). Gilmore clearly cared about his girlfriend—and his mother and various supportive relatives—even though he often acted insensitively toward even these intimate others.

Psychopaths do not lack all varieties of interpersonal attachment, that is, though their relationships are in many ways inconsistent and superficial. They do seem to establish at least deficient interpersonal relationships of the rough sort that Strawson described as based on mutual reactive attitudes [7]. The problem is that their reactive attitudes (and their awareness of others' reactive attitudes)

apparently do not generate motivating attitudes, including guilt and other self-directed forms of blame, that manifest themselves as needed to inhibit impulses to act.

Though some psychopaths, unlike Harris, may regret their actions later—or even conceivably at the time of action, albeit ineffectively—they do intend injury when they give in to aggressive impulses. To that extent they exhibit bad qualities of will, whether or not they are capable of self-control. What they lack would seem to be motivationally effective self-blame as the usual vehicle of self-control. While they cannot help that defect in themselves, it is a defect that is central to their worth as moral agents and thus might be said to merit blame, even in the absence of the usual instrumental purpose of blame in getting an agent to modify his behavior.

Without explicit reference to psychopaths, Scanlon (1998, pp. 267–90) also argues for the appropriateness of blame, in the form of “moral criticism,” toward agents who lack the capacity to appreciate moral reasons. However, Scanlon’s own account involves a move away from the explicitly emotional basis that Watson and other authors get from Strawson’s approach to responsibility. Scanlon takes issue particularly with Wallace’s (1994) argument that blame, as an emotional sanction, would be unfair in cases where an agent lacks the motivational resources that would give him an opportunity to avoid the sanction. Scanlon’s discussion is complex—interwoven with his defense of a contractarian basis for ethics generally—but essentially he argues that it *is* fair, at least in the sense of “accurate,” to subject an agent to blame for “faulty self-governance,” given the significance of the latter for our relations to others.

It is important to Scanlon’s account that the agents he is considering do understand reasons generally but just are insensitive to a particular class of reasons, involving something like appropriate assignment of value to others. The appropriate reactive attitude on our part to a failure to value others appropriately is moral criticism on Scanlon’s account. These two conceptions can be seen as somewhat intellectualized versions of the volitional and reactive attitudes in Strawson’s picture of blame for bad qualities of will. They can be made to cover emotional attitudes via Scanlon’s notion of “judgment-sensitive” (essentially, reasons-responsive) attitudes, which plays an important role in this argument. However, the argument also apparently de-emphasizes the emotional element that figures so prominently in the Strawsonian account, for reasons that are worth discussing briefly.

Scanlon wants to pull away from a familiar sort of utilitarian version of compatibilism on free will issues that trades on assigning retributive emotions an instrumental role in changing behavior—which of course would be inapplicable to the cases in question here. He therefore denies that blame should be understood as a “sanction,” on the assumption that the latter term would make the appropriateness of blame depend on the idea that the object of blame deserves punishment, if only the unpleasantness of being subject to social censure [8]. However, Scanlon’s view here would be compatible with an emotion-based account that understands the essential role of emotions, not in terms of instrumental efficacy in the case at hand, but rather as a matter of accurate representation of the situation—in affective

materials that normally are capable of conveying motivation at early stages of learning [9].

What emotions allow is the kind of automatic response via motivating attitudes like guilt picked up by empathy at early stages that we lose if we consider only “cold” recognition of the reasons for moral criticism. Remember that psychopaths may be able to manage moral appraisal in this latter sense; what they lack is its normal motivational effect, and in that sense a full appreciation of moral reasons, which is what Scanlon’s argument takes as initially problematic. The wrongdoer’s attitude of devaluing us, and our reactive attitude of subjecting him to criticism for so doing, come out as reciprocal on an intellectualized approach, but the contrasting case, of avoiding wrong action because it would be subject to moral criticism, would not involve mutual responses of a sort that might precede developed moral thought—with the agent’s capacity for self-governance *growing out of* the reactions of others.

I take the latter possibility to be an important feature of the Strawsonian picture. It might be seen as opening the door to a limited notion of desert in these cases: thinking of oneself as subject to blame (or criticism) is aversive for most agents, and I at any rate would not hesitate to take that as part of what we have in mind when we say that blame is “merited,” whether or not we would justify subjecting the agent to any further form of suffering—even to an actual instance of the emotional reaction, which among other things might not be worth our bother. But one might think of the relevant sort of “merit” just as appropriateness or accuracy, in terms Scanlon accepts (unlike “desert”).

In any case, besides allowing for ambivalence in the way Watson (1987) suggests, an emotion-based account does also need to make room for emotional manifestations of blame besides what are sometimes called “retributive” emotions—essentially those that suggest desert. I would suggest adapting terminology that Watson (1996) uses for another purpose to contrast retributive with “attributive” forms of blame. Besides resentment, Strawson’s own list of reactive attitudes—what he also refers to as “participant” reactive attitudes—includes gratitude, anger, and similar emotions that might be seen as primarily aimed toward reciprocating others’ good or ill will in action. He thinks of the opposing “objective” stance as an impersonal attitude, in which we excuse the agent from responsibility in some global sense (not just as limited to particular circumstances of action) and subject him to forms of treatment or management rather than punishment—thereby failing to respond to him as a person [10].

However, we might also recognize that there are nonretributive attitudes, variants of hatred rather than anger, such as scorn, contempt, or disgust, that might be brought into the Strawsonian account as forms of resentment [11]. When directed toward qualities of attitude or intention that lead to objectionable treatment of others, these might be thought of as “attributive” reactions insofar as they attribute harmful action to the agent’s will (see Scanlon, 1998, p. 277). They are ways of holding his action against him and to that extent are not “objective” in the sense of emotionally uninvolved—though they avoid involvement in an attempt to use our reactive attitudes to induce change, which would necessarily be frustrated in these cases.

4. Incurrigibility

On a version of the Strawsonian account, then, “incurrigible” criminals whom we intuitively regard as unfree on the basis of motivational impairment can still be held responsible for what they do, to the extent that we can attribute it to their own malevolent or negligent intent—in contrast, say, to a psychotic who commits a crime for bizarre or incoherent reasons or out of a deranged view of the situation.

Psychopaths do understand the world, roughly speaking, unlike psychotics. At most, one could claim that they fail to understand the moral aspect of the world—on the model of Wolf’s (1987) treatment of the imaginary case of JoJo, the son of a sadistic dictator who is brought up to hold incurrigibly false values. Wolf characterizes JoJo as “insane” on the grounds that he fails to satisfy the legal standard of the M’Naughton rule, which requires knowing right from wrong. However, he is no psychotic—and not clearly a psychopath or sociopath either. Wolf’s account does not include any evidence of mental impairment, though it suggests a high degree of rigidity in thought and behavior.

Assuming that retributive blame would be inappropriate as applied to agents without the self-control needed to avoid giving cause for it, psychopaths (and perhaps JoJo) can be said to exhibit a lesser degree of responsibility. Our appropriate responses here are limited to a subset of the full range of reactive attitudes, the attributive responses, and may also be offset by contrary reactions in the way Watson (1987) notes.

Freedom also seems to exhibit degrees, but I think these have a different normative basis from the assignment of degrees of responsibility. The threshold for counting an agent as free would seem to vary with what is at stake in a given action: how important the requirement of action is, relative to the difficulty of adhering to it—a fact that has to do with the agent’s resources for self-control, or in other words his motivating attitudes, as distinct from others’ reactive attitudes, though based on exposure to the latter in early life. In cases of violent criminal behavior (as opposed, say, to giving in to a minor addiction) we assume that the stakes are quite high, so that it would take a high level of uncontrol to make an agent unfree. But at least some impaired psychopaths like Harris or Gilmore—those incapable even of taking medication reliably or other forms of long-range reflective self-control—might count as unfree on any reasonable standard, despite the fact that their malevolent intentions would still earn them attributive forms of blame.

The reference to intention as a basis for responsibility in these cases may call to mind another general approach to free will issues along roughly Kantian lines that does divide freedom from responsibility, but I would say too sharply. This is the approach due to Frankfurt (1988). However, as I have argued elsewhere (Greenspan, 1999), Frankfurt’s account does not seem to allow for diminished responsibility. It makes out responsibility as unaffected by whether one *has* free will, though it does require acting *of* one’s own free will (Frankfurt, 1999, pp. 368–369). Insofar as I understand this distinction, the latter expression would seem to fit someone acting on his own malevolent intentions, even if he lacked the emotional resources for self-control that would make his intentions (or his will) free. He might

come out as responsible, then, but as Frankfurt puts it, the view as it stands is “too brittle” to allow for degrees.

Frankfurt’s general understanding of free will as “having the will one wants” raises further problems in application to these cases. In a nutshell, the view involves attributing desires, intentions, and other states of will to an agent as “his own” just as long as they are reflected in “second-order volitions” that he identifies with wholeheartedly—substituting this notion for any reference to the ability to act otherwise as a criterion of free will [12]. But while the most disturbing cases of psychopaths, like Harris, apparently fit this description, lack of conflict does not seem to be required by the very definition of psychopathy. Though psychopaths may lack emotional sources of specifically moral conflict, they can still, like Gilmore, find reason to regret desires that undermine their personal relationships and continually land them in jail. But I take it that they “own” the desires they regret insofar as these reflect established traits of character—on something more like the account of responsibility in Hume (1975).

The view I have suggested here in effect combines an important structural element of Frankfurt’s treatment, the division between free will and responsibility, with the emotion-based approach due to Strawson, which provides a way of introducing degrees. It turns on the assumption that we get our full set of resources for self-control from emotions reflecting others’ reactions to us in early life—and that without this relatively fast-acting mechanism of self-inhibition it would be at least more difficult, even if not strictly impossible, to act otherwise (Greenspan, 1978). Difficulty, unlike possibility, admits of degrees.

My focus in this discussion has been on abnormal or defective cases, as strong and particularly vivid cases for breaking the link assumed to hold between freedom and responsibility. However, some philosophers tend to dismiss the bearing of such borderline cases on the central sorts of cases that philosophers primarily need to unravel. So let me briefly suggest that many of us more or less normal agents have at least a few areas of incorrigible behavior by the time we are adults: rigid reactions and insensitivities that might be viewed as learning impairments of a limited sort, even if within the bounds of overall normality. We may not lack some overall type of emotional response to others in the manner of a psychopath; instead, we just have “blind spots” in certain areas. We would seem to be somewhat unfree, then, even if we meet the normatively specified threshold for freedom I have outlined, which does not turn on reference to the normal case. However, on the account derived from Strawson we still might be subject to a kind of moral blame.

If so, the account suggests a different answer to questions of the sort that worried Strawson about the impact of determinism, a view that arguably makes out all human action as unfree, on our practice of holding each other responsible. I am myself inclined to reject determinism and to favor a libertarian position on the standard question of free will. In the recent literature, Kane (1998) defends the coherency of a libertarian position, though like Strawson and most other authors in this area he refers to free will and responsibility more or less interchangeably. Pulling apart the two notions as I propose, though, would yield something like what Fischer and Ravizza (1998, pp. 51–54) label a “semi-compatibilist” position. On one

interpretation, semi-compatibilism takes determinism as compatible with responsibility—at least a degree of responsibility adequate to support our moral practices—but as incompatible with free will.

I have no new argument to present here in favor of the incompatibilist element of this view; nor do I want to take on the general issue of determinism. But we can raise many of the same questions with regard to selected areas of normal behavior, with or without a determinist view. Kane's defense of libertarianism rests on the possibility of "self-forming acts" (SFAs) by which we essentially create ourselves by our choices—choices not themselves subject to further causal explanation on his account. But if there are such choices in the formation of an agent's character, making him "ultimately" responsible for what he does, many of them necessarily occur at stages preceding the development of the capacity for knowledgeable self-control.

A good example from later childhood is our choice of friends—before we are in a position to appreciate what effect that is likely to have on our character and behavior. But earlier, our native endowment and interpersonal environment shape such things as our concern for the feelings of others or our perception of their intentions as friendly or hostile. These are the elements of empathy and trust that child abuse can undermine, as in some of the psychopath cases. Ultimate responsibility transfers to other agents in these cases, if it does not simply dissipate in genetic or other biochemical explanations. Most of us presumably develop enough self-control to counteract some of our formative influences in later life with further SFAs. But there still may be areas of insensitivity that we systematically overlook, and perhaps cannot help but overlook if we are to maintain whatever patterns of adaptive response we have managed to achieve. Attempts at "consciousness-raising" on issues of racism or sexism provide a host of examples. An agent who is confronted with reasons for change may be past the age at which it is manageable without the kind of general personality overhaul that would require dropping everything else. So it may be unreasonable to expect him to modify his reactive habits at this point, even if we can still insist on superficial behavioral changes—in the way that we might expect a psychopath to take medication, assuming he has that much reflective self-control.

It is important that in these cases the agent still retains an element of responsibility for what he does; the buck does not pass completely to parents and others who might have participated in forming his character. We focus on the normal range of human interactions, where interpersonal relationships can get a grip, rather than attempting to enlarge our view to everyone, or to all times. In the chain leading back to prior causes, the buck stops—long enough for at least some measure of attributive moral blame—at the nearest point where we find an appropriate target of our reactive attitudes [13].

The reference to appropriateness here is supposed to distinguish such cases from others, such as scapegoating, where we simply find a useful or convenient target of blame. Nonmoral variants of blame might be thought reasonable in some cases for traits other than qualities of will—in light of various practical purposes such as the maintenance of group solidarity or the defense of self-esteem—or for purely

self-regarding defects of will. Law professor William Miller's recent popular book on disgust and related emotions even makes out mutual contempt—of the construction worker for the academic, say; and vice versa—as the basis of democratic values (see Miller, 1998, Chapter 9). We may have adequate reason to resent a morose or tactless person within our own social circle who genuinely “means no harm” in the sense that also rules out wanton disregard for others' feelings. But what incorrigible agents are blameworthy *for* in the cases under discussion—what warrants a “reactive attitude” in Strawson's sense, of a reaction *to* an attitude—is the content of their will toward others, as opposed to the deficit of self-control that allows it to operate.

There might still seem to be something unsettling about this account from the standpoint of fairness. What about impaired cases, of psychopaths or of basically normal but in some ways incorrigible agents, whose aggressive impulses are no worse than those we all have, presumably, but just are more likely to take effect in action because of a general trait of “impulsivity” (as the literature on serotonin deficit puts it) resulting from factors out of their control? To make the point we have to insist that a volitional attitude is more than just an “impulse” in the sense of a passing urge, and more than just a general trait in the sense of a disposition. It is a trait manifested in the agent's active will, part of his record as an agent and in that sense chargeable to him, in the way that a successful murder attempt would be—with similar qualms about fairness insofar as success depends on extraneous factors such whether the murder weapon operated properly (cf. Nagel, 1979, on moral luck).

The incorrigible agent on this rough picture is not capable of full participation in our moral practices, but he is still subject to them. He is not a player, but he cannot get out of the game. He merits contempt and other sentiments of personal exclusion or dismissal from the moral community just because he is impervious to blame and unable to participate in a community set up on that basis. He is a fair target of resentment for any harm attributable to his intention to the extent that the reaction is appropriate to his nature and deeds. He need not be “ultimately” responsible in the sense that implies freedom to escape blame.

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Notes

- [1] See American Psychiatric Association (1994, pp. 645–650).
- [2] See the account in Prinz (forthcoming), contrasting psychopaths and autistics.
- [3] For a psychological argument positing two types of psychopath, one of them an evolutionary

adaptation, see Mealey (1995). According to Stephen Pinker (personal communication), some psychologists interpret cases of adaptation as distinct from those of impairment (in the philosophical literature, see Murphy & Stich, 2000; cf. Greenspan, 2001b, for a counter-argument focusing on another sort of case). I shall soon avoid these complications by narrowing my argument to impaired cases.

- [4] For a psychiatrist's account of recent research, see Black (1999); cf. Greenspan (2001a) for a review of some other literature bearing on genetic factors in "aggressive impulsivity."
- [5] See the philosophical argument from prudence to altruism in Nagel (1972).
- [6] Note that this account would also apply to Lykken's (1995) "low fear" explanation of psychopathy, the focus of much recent research, along with the accounts in terms of deficits of empathy and specifically moral emotions that I focus on here.
- [7] Besides Mailer (1998) on Gilmore, there are various personal recollections of Bundy that stress his apparently normal relationships to others (e.g. Rule, 1986).
- [8] It is here that Scanlon (1998, p. 276, note 17) explicitly departs from Strawson (see 1998, p. 274, for his denial of the Desert Thesis).
- [9] Greenspan (1995), especially Chapters 3–4.
- [10] For an account of psychopaths with a similar basis in the Kantian notion of a "right to punishment," see Murphy (1972). I should note that Strawson's own discussion of the objective attitude (1962, p. 75) is extremely subtle and allows for various mixtures of blame and objectivity, treating the latter as a "resource" we have for limiting fruitless personal involvement.
- [11] See Mason (2003) for a defense of contempt against Kantian objections.
- [12] Some of the later literature extending Frankfurt's view on this subject is rephrased in terms of autonomy; cf. especially Dworkin (1988) and Mele (1995). Mele argues that Frankfurt's account (and Dworkin's) focuses too narrowly on a particular "time-slice" of an agent, whereas we need to consider his overall history. In the cases currently under consideration, the relevant time-slice would presumably be the moment when the agent commits a particular murder. That might allow for wholeheartedness even in Gilmore's case, but if Mele is right, it can do so only at the cost of failing to account for other crucial cases.
- [13] See Hume (1975, pp. 101–102) and Russell's (1995) account of a Humean reading of the Strawsonian approach to free will issues. In unpublished work, Russell uses the case of psychopaths to defend the view that objects of blame must also be subjects of self-blame in order to be members of the Strawsonian "moral community."

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