

Is It Ethical to Hold a Person Culpable for His Actions if He Cannot Recognize Right from Wrong?

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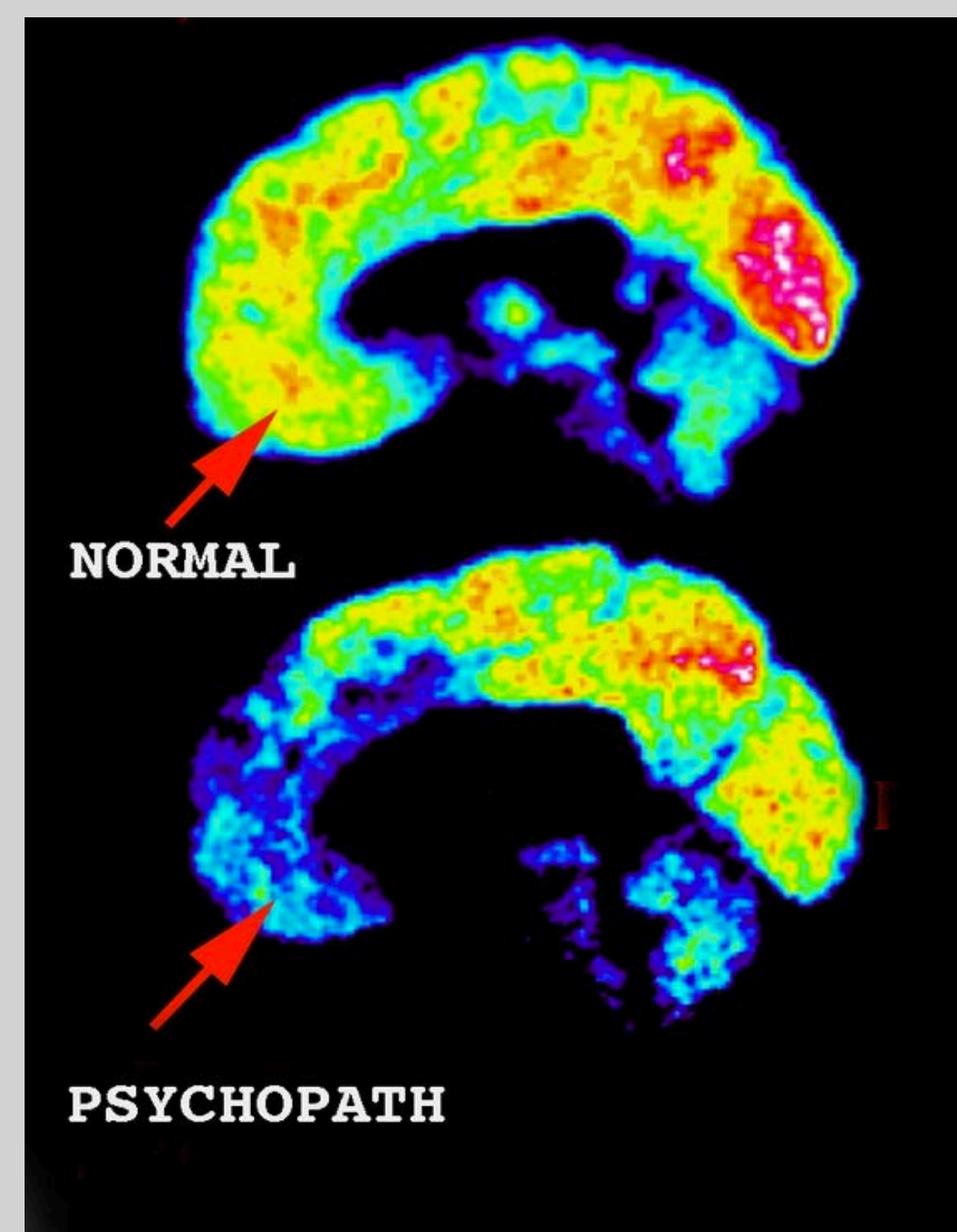
Talbert

Dr. Matthew Talbert holds that psychopaths are inevitably responsible for their actions and explains this in his article “Blame and Responsiveness to Moral Reasons: are Psychopaths Blameworthy?” His definition: a “personality disorder characterized by extreme egocentricity and impulsivity, by a pronounced lack of remorse and empathy, and by a persistent tendency to disregard the effects of one’s actions on others”.¹

1. Talbert assumes that psychopaths are still rational people who guide their behaviors based on reason and their judgments about people’s reactions. This idea is important for the argument that psychopaths should be held accountable for morally reprehensible actions.
2. Talbert specifies that a psychopath definitely has the ability to judge the effects of his actions on others and, as such, can know that there can be reasons to refrain from acting in certain ways. It is this ability to judge potential consequences that makes a psychopath blameworthy.
3. Talbert brings up a possible retort: it may be illegitimate to blame a psychopath because he is unable to display any true regret or remorse, if that is indeed the point of blaming.

The concern with Talbert’s argument is that he equates psychopaths with morally blind agents. This assertion leaves the door wide open for arguments against a psychopath’s culpability.

Psychopaths are not morally blind because ‘morally blind’ suggests that a person is unable to notice moral rules in the same way that a physically blind person cannot see. I disagree: it is possible for psychopaths to notice the moral rules that surround them, but they do not feel the emotional weight. This ability to observe and abide by the moral rules has been observed in psychopaths both within and outside of the prison system.^{3,4,6}



Psychopaths have reduced activation in areas of the brain known for empathy.¹³

Morally Blind?

The psychopath would approach the moral rule not to murder, for instance, in the same way I would approach the social rule to offer the last piece of food at a dinner party: a nicety that is not entirely necessary and, if there were a need (e.g. if I were still hungry) it would be perfectly acceptable for me to break this social nicety. While psychopaths and non-psychopaths seem to share reasoning ability, their emotional capacities differ. This suggests that psychopaths are not morally blind; rather, they are emotionally disconnected from any type of rule-making behavior. A psychopath can “see” all of the moral rules around them but has no emotions connected to these rules.

Culpability

Psychopaths should be found culpable for their actions.

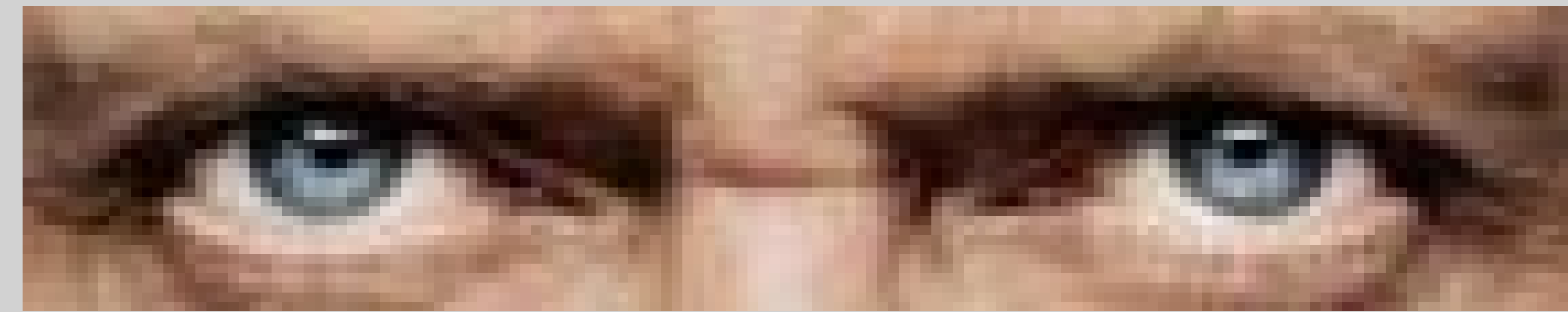
Gideon Rosen argues in “Culpability and Ignorance” that a person can be culpable for his actions when he acts out of ignorance if the person is culpable for the ignorance from which he acts.⁸

Psychopaths are able to interact within society, and often attain good, high-powered jobs showing that they are able to understand aspects of social situations and know how to behave correctly when they deem it advantageous.^{5,6}

This behavior suggests that psychopaths are able to perceive moral rules and social norms through the interactions of others and what they have been taught; they simply lack the intuitive need to follow the moral rules in the way others do.^{3,4,6,7} Additionally, research has shown that psychopaths do have basic Theory of Mind.^{9,10,11}

If a person is able to choose whether to adhere to moral rules, then it seems evident he know when he is breaking them.

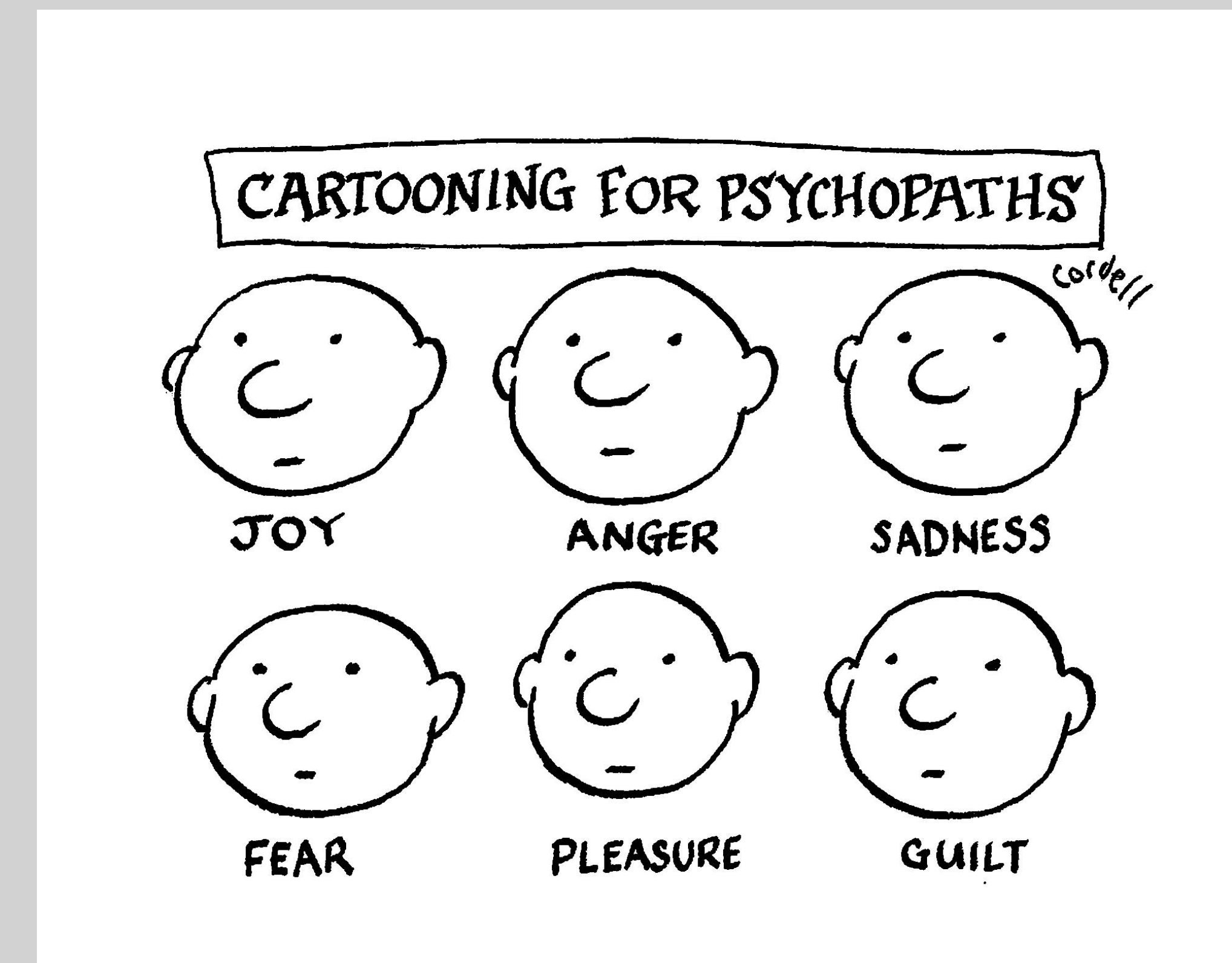
Psychopaths tend to break rules either for personal gain or for gaining pleasure from others’ suffering, a situation which serves as further evidence that psychopaths know when they are breaking the rules. As such, they should definitely be held accountable for their willful non-adherence to the rules.



What is a Psychopath?

Psychopathy has been defined according to Dr. Robert Hare’s psychopathy checklist and, while there is still some controversy surrounding the checklist, the basic personality traits include:

- Glib and superficial charm
- Grandiose (exaggeratedly high) estimation of self
- Need for stimulation
- Pathological lying
- Cunning and manipulativeness
- Lack of remorse or guilt
- Shallow affect (superficial emotional responsiveness)
- Callousness and lack of empathy
- Parasitic lifestyle
- Poor behavioral controls
- Sexual promiscuity
- Early behavior problems
- Lack of realistic long-term goals
- Impulsivity
- Irresponsibility
- Failure to accept responsibility for own actions
- Many short-term marital relationships
- Juvenile delinquency
- Revocation of conditional release
- Criminal versatility⁴



I would like to clarify that psychopathy is not a set of traits that come and go (e.g. a person who has experienced a really bad day and behaves this way), but rather traits that are usually seen from childhood and remain throughout development, possibly increasing in severity.

A further distinction is often made between sociopathy and psychopathy, but for present purposes I will use psychopathy to refer to both.²

While a psychopath differs from a non-psychopath in the way he views morals, he should still be treated in the same way as everyone else with regard to the breaking of moral codes. The psychopath has the ability to act within the moral code when he chooses to do so, and is therefore responsible for his actions when he breaks that code because he knows that he is doing something deemed wrong by society. As such, it is right to hold psychopaths culpable for their actions and to blame them if they break moral rules.

Blameworthiness

In addition to culpability, psychopaths are worthy of blame. Blame can also be a useful tool in keeping psychopaths compliant within society.

Psychopaths may be unable to truly feel remorse; however, the sole purpose of blame is not merely punitive, but pedagogical. While a psychopath may never feel or display true remorse, it may be useful to express blame as an expression of distaste.

This blame and resulting punishment may teach the psychopath how his actions affect others and show the responses those actions elicit, which may stop him repeating the same actions in the future out of concern for the practical repercussions.

Objection?

Dr. Gary Watson, in his essay “Responsibility and the Limits of Evil: Variations on a Strawsonian theme,” argues that if a person is outside the moral community—which one may claim about a psychopath—then there is no way that he is blameworthy.^{1,2}

However, most psychopaths are not entirely apart from the moral community. Psychopaths predominantly live and function within the community, following the moral and social rules to the extent necessary to lead the life they choose. The fact that they tend to follow these rules (and usually expect others to do the same) suggests that they are choosing to be a part of the moral community in some way.

The fact that a psychopath expects to be treated within the rules of the community necessitates that he be fully treated as a member of that community.

Discussion

Psychopathy has the capacity to play a very important role in neuroscience, neuroethics, and moral philosophy in general. One is able to examine various questions about morality and how to treat immoral behavior by observing the behavior of psychopaths and through the studies that have been carried out on these individuals. Psychopaths are both culpable and blameworthy, since they are able to recognize the social and moral rules and in general choose to exist within the moral community. Blame may not only have some learning benefit to the psychopath, but it may also allow the person who was wronged to feel a little better (although whether this is an appropriate use of blame is a different question).

This conclusion can be useful in our lives both personally and within the legal system. However, it leads to further important questions:

1. Should we forgive psychopaths?
2. What does it mean to forgive a person who would never be sincerely repentant?

Answering these questions should be the next step for philosophical discussions about psychopaths and how to treat them if they are to live as a part of the moral community.

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