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RATIONAL REQUIREMENTS FOR MORAL MOTIVATION: THE PSYCHOPATH'S OPEN QUESTION

by

MARIA L. MONTELLO

Under the direction of Eddy Nahmias

ABSTRACT

Psychopaths pose a challenge to those who make claims about the strength of moral assessments. These individuals are entirely unmoved by the moral rules that they articulate and purportedly espouse. Psychopaths appear rationally intact but are emotionally broken. In some cases, they commit horrendous crimes yet show no guilt, no remorse. Sentimentalists claim that the empirical evidence about psychopaths' affective deficits supports that moral judgment is rooted in emotion and that psychopaths do not make genuine moral judgments—they can't. Here, I challenge an explanation of psychopathy that indicts psychopaths' emotional impairments alone. I conclude that there are rational requirements for moral motivation and that psychological and neuroscientific research support that psychopaths do not make the grade.

INDEX WORDS: Moral motivation, Sentimentalism, Psychopathy

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MARIA L. MONTELLO

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

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August 2011

To Carolyn

who makes me believe that motivational internalism is true—at least locally

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INTRODUCTION

In this thesis I explore motivation, and in particular moral motivation, in light of empirical research on humans' brains and behavior. I offer a new approach to explore the connection between moral judgment and motivation and suggest that this approach points to a more complete explanation of why that connection can break down. In particular, I focus attention on psychopathy and consider how we can understand more about moral motivation from those for whom it appears to be plainly, and tragically, lacking. Ultimately, I will suggest that the psychopath exhibits particular rational deficits. These deficits, I argue, undercut a prominent sentimentalist explanation for why the psychopath fails to be motivated by his judgments.

The thesis is organized as follows. In Chapter 1, I provide background on the thesis of motivational internalism and the methodology of the debate. I offer a new statement of the thesis to which I return in the final chapter. In Chapter 2, I consider the paradigmatic counterexample to motivational internalism—the psychopath—and discuss how research on psychopathy has been used to support motivational internalism and the philosophical thesis that emotion is necessary and sufficient for moral judgment. In Chapter 3, I challenge the notion that what explains the psychopath's moral failures can be entirely attributed to affective deficits. Employing the statement of the thesis of motivational internalism thesis developed in Chapter 1, I examine empirical research on psychopathy in order to support the central claim of this thesis: the sentimentalist's move from the empirical evidence about psychopathy to conceptual motivational internalism and a sentimentalist conception of moral judgment is not justified. Affective deficits alone do not explain psychopaths' failures; they have relevant rational deficits as well.

CHAPTER 1: MOTIVATIONAL INTERNALISM

On January 8, 2011 Jared Lee Loughner, a 22-year old man bearing a semi-automatic Glock with a 30 round magazine, opened fire outside a Safeway grocery store in Tucson, Arizona where U.S. Representative Gabrielle Giffords was hosting a "Congress on Your Corner" political event. He injured 13 people, including Giffords, and killed six, one of whom was a 9-year-old child. Soon after the event, details emerged, disturbing details, certainly, but also inspiring stories of Giffords' staffers, event participants, Safeway employees, and other bystanders who subdued Loughner and came to the aid of the victims, several risking their own lives. One person clocked the gunman with a folding chair. A 74-year old retired Army colonel, while blood flowed from his own head wound, tackled Loughner and kept him in a chokehold. A 61-year old woman kept Loughner from reloading his second magazine and held his ankles while others laid on him. A congressional intern rushed to Giffords' aid, preventing her from choking on her own blood and keeping pressure on the bullet wound until paramedics arrived.

What is so striking about these individuals is that they claim that their actions were not, in fact, unusual. Bill Badger, the 74-year old "good old South Dakota boy" who tackled Loughner said, "No, I don't consider myself a hero. I did what anybody would do" (Penzenstadler, 2011). One of the Safeway employees who rushed to aid a victim said, "I was just a person helping like anybody else would have" (Pitzl, Wang, & Brennan Smith, 2011). What are we to make of such comments? Maybe these heroes were being humble and their actions reveal that they are in fact special people. Perhaps they have a heightened awareness of their moral duty and possess such strong moral motivation that they commit acts that, in some cases, put their own lives at risk. Some philosophers suggests otherwise.

In this chapter, I explore the nature of moral judgments and their connection with motivation. I describe the thesis that articulates a conceptual connection between the two—motivational internalism—and do some groundwork to clarify what the thesis means. Finally, I pose a new way to articulate the thesis of motivational internalism, one that will ultimately shed light on how and why the judgment-motivation breaks down in profound and disturbing ways in particular individuals—psychopaths.

1.1 THE DISTINCTIVENESS OF MORAL JUDGMENTS

When most individuals make *moral* judgments, they do seem to be *motivated* to act in accord with them. This is true even if their motivation is overridden by other motivations and they do not ultimately act accordingly. Indeed, what appears to be distinctive of moral judgments, as compared with judgments of other sorts, is that motivation reliably follows the judgments. Someone in the Safeway that afternoon might have thought she should go to the gym instead of eating the chocolate bar she had tossed onto the checkout counter, but she may have had no motivation whatsoever to do so. However, when she heard gunfire and judged that she should rush out to help, she *was* motivated. The latter judgment was a *moral* one. Further, moral motivation not only reliably follows moral judgment, it also tracks it (Rosati, 2006). That is, when a moral judgment regarding a particular state of affairs changes, motivation changes accordingly. So, had the judgment of Daniel Hernandez, Giffords' intern-turned-medic, shifted such that he felt it morally right to turn Loughner's weapon on the gunman himself (as opposed to administering first aid to the wounded), he would have been motivated to do that. Note though that had Hernandez made the judgment to shoot Loughner, he might not actually have done it since his motivation might have been overridden by something else, e.g., a judgment that

he was not strong enough to overpower Loughner or that shooting him would be too personally risky.

Kant noted a certain mysteriousness of the moral law saying, “two things fill the mind with ever new and increasing admiration and reverence, the more often and more steadily one reflects on them: the starry heavens above me and the moral law within me” (1788/1949). That motivation regularly traces moral judgments seems peculiar. Comments by Hernandez, for example, hint that he feels there may be some sort of *necessary* connection between moral judgment and motivation. "Of course you're afraid,” he said, “you just kind of *have to* do what you can… It was probably not the best idea to run toward the gunshots, but *people needed help*" (Rose & Pitzl, 2011; emphasis added). His moral judgment that “people needed help” and the act of helping as something one *has* to do suggests that, if asked, Hernandez would likely agree that there is a necessary connection between moral judgment and motivation. Indeed, his comment suggests that, at least in some cases, there is a tight connection between moral judgment and *action*.[1]

To claim that, *necessarily*, motivation follows judgment means that, anyone who makes a genuine moral judgment that Φ is the right thing to do cannot help but be motivated to do Φ (though this motivation is defeasible such that the person might not actually do Φ).[2] One way to characterize the necessity of the moral judgment-motivation connection, and the one I will focus on in this thesis, is to say that the two are linked with a particular kind of connection—a

[1] For the purposes of this thesis, I assume that a morally right action passes from moral judgment to action via moral motivation. Certainly, there may be other elements, e.g., beliefs, desires; however, the sequence involves at least this tri-partite process—judgment, motivation, action. I note that not every step must be conscious. Indeed, the process of moving from judgment to action, including acting based on *moral* judgments, may often times be automatic and may not rise to the level of conscious awareness. So, in this thesis I avoid using language that suggests that an agent must consciously *feel* motivated in order to be motivated. I also note that just because this judgment-motivation-action process might sometimes be nonconscious does not mean that it is not *rational*.

[2] Much of the debate regarding the connection between moral judgment and motivation centers on what that “someone” must be like and what a “genuine” moral judgment is. This topic will be covered in Chapter 2.

conceptual connection. I now consider what is meant by a "conceptual connection" and how one might frame the thesis that moral judgment and motivation are conceptually connected.

1.2 CHARACTERIZING A CONCEPTUAL CONNECTION

Understanding what is meant by a conceptual *connection* is perhaps most easily approached by examining the particular case of a conceptual *identity*. "Sarah is barren" is conceptually identical to "Sarah is unable to have children." It is part of *what it means* to be barren that one is one is unable to have children. Someone who had been told "Sarah is barren" should rightly be embarrassed if he asked her, "So, how many months along are you?" Not only would that individual have committed a tremendous social gaff, the remark would have revealed a fundamental confusion about the meaning of "barren."

For two propositions, P_1 and P_2, to be conceptually *connected* means that it is part of what P_1 means that P_2 obtains. Suppose that you believe in a God that is omniscient and perfectly benevolent. The proposition "God commands that you should love your neighbor" is conceptually connected to "It is good to love your neighbor."[3] Since it is part of your concept of God that he is all-knowing and all-good, his commands are true and he wants us to do the good. Therefore, someone with this concept of God can say "Necessarily, if God commands that you should love your neighbor, then it is good to love your neighbor." It is part of *what it means* to be commanded by God that following his commands is good. Should someone ask, "God commands that you should love you neighbor, but is it good to love one's neighbor?" he must not understand (or, perhaps, share) your concept of the nature of God and his commands. Hence,

[3] Note that the person who espouses a normative theological volunteerism (i.e., "divine command theory") might claim that "God commands that you should love your neighbor" is conceptually *identical* to "It is good to love your neighbor." That view is that an act is morally right if and only if God commands it and that, in fact, an act is morally right *because* God commands it. This need not be the case, of course. What *makes* something morally right might be distinct from God's commands. For example, an act might be morally right if it maximizes happiness; however, because of his nature, God's commands happen to precisely track moral rightness.

by virtue of the conceptual connection, God's commands perfectly track what is morally good in a way similar to how moral motivation is said to track moral judgment.

1.3 THE THESIS OF MOTIVATIONAL INTERNALISM

The claim that figures centrally in this paper is the thesis of motivational internalism. It posits that there is a conceptual connection between making a moral judgment and motivation. That is, moral judgments motivate on their own; there does not need to be anything else, e.g., an overall desire to do what is right (Prinz, 2008). Some ground clearing is in order to situate us in the debate about the philosophical implications of psychopathy on *motivational* internalism. First, unfortunately, there are many moral theses where "internalism" figures in their title, and internalists (and externalists) of various stripes cite the empirical evidence on psychopathy to defend their claims. Second, there is considerable debate about which version of *motivational internalism* is worth fighting for and details worth mentioning about how the thesis figures in various metaethical positions. I touch on these topics briefly to (1) situate us in the debate and hopefully avoid a terminological muddle, (2) set the stage for a restatement of the motivational internalism thesis which I will use later, and (3) shed light on how the discussion of psychopathy tries to avoid the conceptual analysis stalemate and, in general, how it figures in the debate.

1.3.1 Varieties of internalisms

Amongst the various theses of moral internalism, the first distinction to make is between existence internalism and judgment internalism. The former posits that moral obligations necessarily motivate, or necessarily provide good reasons for action, and the latter posits that there are necessary connections between moral judgments, on the one hand, and either motives or justifying reasons (Shafer-Landau, 2000). Shafer-Landau distinguishes three kinds of

judgment internalism: motivational judgment internalism, reasons judgment internalism, and "hybrid" judgment internalism. The first—necessarily, a person judging an action right is motivated to some extent to comply with her judgment—is the one that will figure primarily in this thesis; however, the others are worth mentioning.

Reasons judgment internalism states that, necessarily, a person who sincerely judges an action right has a reason to perform that action. Its strong version holds that moral judgment is overriding and the weak version, which is thought to be more plausible, holds that moral judgment is defeasible (Shafer-Landau, 2000). This internalism is connected to rationalism, the notion that morality is a form of practical rationality. If rationalism is true, then moral judgments are intrinsically connected to reasons for action, i.e., reasons judgment internalism is also true. Note that reasons judgment internalism does not entail motivational judgment internalism since you do not have to be motivated by your moral judgments; however, if you are not, then you are practically irrational (Michael Smith, 1995). Therefore, one way to explain why someone is not motivated by their moral judgments is to appeal to ways in which that person is irrational. Heidi Maibom, a rationalist, takes this line in her discussion of psychopathy (2005). She argues against sentimentalism, the view that moral judgment is rooted in emotion, and she challenges the claim that emotional deficits explain the psychopath's motivational lapses. Like Maibom, I target the sentimentalist claim that the evidence from psychopathy supports their thesis, though not necessarily to support a "rationalist" conception of moral judgment.

The third kind of judgment internalism is hybrid judgment internalism, the view that a person sincerely judging an action right has *reason to be motivated* to perform that action. Like the others, it has a strong and weak formulation depending on whether or not one believes that the reason for motivation is the best one. Reasons judgment internalism entails hybrid judgment

internalism. If making a moral judgment means having a reason to act and action presupposes motivation, then if one makes a moral judgment, one has a reason to be *motivated* to act (Shafer-Landau, 2000).

In the following section, I discuss the third type and the one I assume in this thesis, motivational judgment internalism.

1.3.2 An internalism worth fighting for

As was the case for the other judgment internalisms, there are a variety of formulations of motivational judgment internalism (hereafter MI) and there is debate about which is the most plausible and/or worthy of attack or defense. For example, Smith's MI posits that an agent who judges it morally right to Φ in circumstances c is motivated to Φ in c, "at least absent weakness of will and the like" (1996), a thesis which not only allows that moral motivation can be overridden by other motivations but also excludes akratic agents. Smith's MI is attacked by Roskies who claims that it is too weak to render fruitful philosophical debate and focuses her argument on a stronger version of MI (Roskies, 2003; Michael Smith, 1995). Kennett and Fine seem to suggest that in so doing Roskies is attacking a straw man and that other MI versions are more apt for discussion (Kennett & Fine, 2008). Shafer-Landau (2000) says that "strong" MI, which disallows for the possibility of akrasia, is a view that is not much in favor and he (and I) focus on the weak MI formulation.

While MI is interesting in its own right, it is also important as it figures in various metaethical positions. Those positions are carved out by what is accepted and rejected of the following three internally inconsistent claims or what Smith calls "the moral problem" (Michael Smith, 1995 as cited in Miller, 2003):

(1) Cognitivism: Moral judgments express (independently intelligible) beliefs.
(2) Motivational Internalism: Moral judgments have a necessary connection with being motivated.
(3) Humean theory of motivation: Motivation is a matter of having, inter alia, suitable (and independently intelligible) desires.

Of the metaethical views that retain MI, there is the expressivist and the cognitivist-internalist. The expressivist (non-cognitivist) retains (2) and (3) and gives up (1) by holding that moral judgments are simply expressions of certain desire-like states (Horgan & Timmons, 2006; Kumar, 2010). Moral judgments necessarily motivate because someone who makes a moral judgment is expressing a desire (Miller, 2003, p. 220). The cognivitist-internalist claims that moral judgments are *beliefs* that necessitate motivation, thus retains (1) and (2) and gives up (3) (Kumar, 2010). Prinz, for example, says that there is a conceptual connection between moral judgment and certain motivational states, e.g., the disposition to have certain emotions (2006). Judging something is wrong, for Prinz, is an expression of an underlying *emotional* disposition.

The cognitivist-internalist view is the one I will target. Or, more precisely, I will target the *move* made by Prinz from the empirical evidence on psychopathy to confirmation of MI and his conception of moral judgment as rooted in emotion. I explain this in full in Chapter 2. For the present purposes, the thesis of weak motivational internalism will be the one I assume here because it is the one that figures in the argument I challenge.

1.3.3 Recasting the motivational internalism thesis: A closed question

In this section, I offer an "open question argument" (OQA)[4] against motivational internalism as a way to reframe the MI thesis. It is not my goal here to offer the OQA in order to

[4] G. E. Moore outlined an argument intended to falsify the conceptual identification of moral properties with natural ones (Miller, 2003, pp. 13-15; Moore, 1903). Generally, he starts with properties A and B that are purported to be *conceptually identical*. He argues that if it is significant for a competent person to ask the question "X is A, but is it B?" then the conceptual identity does not hold. For example, if someone were to ask, "Sarah is barren but is she

defend motivational externalism. It is my aim to use the OQA to motivate new ways of looking at why there are individuals who are not motivated by their moral judgments. Recasting the MI thesis in the way implied by the OQA will clarify what capacities are necessary for MI to hold and what *rational* capacities a paradigmatic counterexample of MI, the psychopath, might lack. In the following chapters, I consider empirical data on the psychopath and show that the open question is open for him in part because he lacks those rational capacities.

The OQA I wish to consider is a reductio in which an assumption is made, in this case, that MI is true, and an implication is drawn that is clearly false. The argument could be standardized as follows:

(1) Suppose that an agent judges that it is morally right for her to Φ in circumstances *c*, and assume for *reductio*, that making this judgment is necessarily connected with being motivated to Φ in *c* (as held by MI).
(2) If so, then it is contained in the meaning of "it is right to Φ in circumstances *c*" that one is motivated to Φ in *c*.
(3) In that case, someone who seriously asked, "Is Φ-ing in circumstances *c*, which is right, also something I am motivated to do?" would betray some conceptual confusion, such that it would not be a significant question to ask (the question would be "closed").
(4) But it *is* a significant (or "open") question to ask, "Is Φ-ing in circumstances *c*, which is right, also something I am motivated to do?" That is, asking that question betrays no conceptual confusion.
(5) Therefore, it is not the case that the judging that it is right to Φ in circumstances *c* is necessarily connected with being motivated to Φ in *c* (contra MI).

There are a number of things to note. First, and perhaps most obviously, it is not obvious that (4) is true—that it is in fact a significant question to ask, "Is Φ-ing in *c*, which is right, also something I am motivated to do?" For most of us, the question is *not* significant; it is closed. Indeed, for Tucson heroes Badger, Maisch, Salzgeber and Zamudio, that question would not

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unable to have children?" then either being barren is not conceptually identical to being unable to have children or the speaker is not clear on the relevant concepts. In this case, it is the latter. Here I use Moore's classical "open question argument" for non-naturalism presented by Miller (2003) as a template for an open question argument against motivational internalism and propose that this approach will move forward the discussion of what MI as a conceptual claim is.

likely be fathomable. When we sincerely judge that something is morally right, we are motivated to act, though this can be overridden by competing motivations. Consider, though, that it is enough that there exist some people for whom the question is significant. MI is a conceptual claim. If there is someone for whom the question is open and that person genuinely understands the relevant concepts, then it cannot be part of what it means to make a moral judgment that one should *Φ* that one is thereby motivated to *Φ*. It would just happen that motivation follows moral judgment in most cases because most individuals have whatever else it is that, when paired with judgment, makes one motivated.[5] So, when considering the fourth premise—the assertion that the question is open—we need only show that it is open for someone who is competent with the concepts in question.

Second, one might point out that the OQA appears to beg the question. The internalist about moral motivation holds that moral judgment is necessarily connected to motivation; therefore, she will clearly be committed to the assertion that the question posed by the OQA is closed. Hence, she would simply deny premise (4). So, it is natural to wonder if posing the OQA will bear fruit. After all, the discussion of MI as a conceptual claim has been beset by allegations of question-begging on both sides of the debate. However, that this new way of

[5] One might ask what that additional thing might be. It could be that judging "*Φ* is right" is related to a *belief* that "*Φ* is right." The role of belief in motivation has been stated in various ways. Schafer-Landau notes three different claims which appear in the literature: (1) moral belief alone motivates, (2) moral beliefs entail desires which jointly motivate, (3) there is a "distinct, noncompound unitary mental state (e.g., moral commitment, or moral endorsement) that is both truth-seeking and motivational" (Shafer-Landau, 2000, p. 270). He notes that (3) is appealing to the realist because it allows one to affirm the two premises of the classic antirealist argument, i.e., (1) MI and (2) beliefs alone do not motivate, but deny the antirealist's conclusion that moral judgments are not beliefs. Smith attacks (3) by asking one to consider if a husband's motivation to try save his drowning wife could be by way of his motivation to *do the right thing*. His motivation to leap in the river and go after her would be derived from both his judgment that trying to save his wife is the right thing to do and his "basic moral motive," a non-derivative desire to do what is right. But, Smith counters, this attributes to an agent "one thought too many." The man surely does not pass from a judgment that it is right to go after his flailing wife to motivation to jump in the river by way of a general motivation to do what is right. No, Smith says, "commonsense tells us" that we care non-derivatively about helping our spouses in danger, for example, "about honesty, the weal and woe of [our] friends… not just one thing: doing what [we] believe to be right, where this is read *de dicto* and not *de re*" (Michael Smith, 1995, p. 75). Motivational externalists are not convinced by the "one thought too many argument." It is not necessary to externalists that the agent have *consciously* attended to the thought for it to have been present (G. Rainbolt, personal communication, March 11, 2011).

looking at the question of moral motivation contains the risk of interlocutors begging the question is understandable. Question-begging is an inherent hazard when it comes to conceptual analysis; any way of posing a question regarding the meaning of concepts that seems to avoid the danger of assuming one's conception of them in a defense of their meaning is, I believe, suspect. In any case, I hope to avoid that morass and argue that what asking the open question does is direct attention to new aspects of why the question is open for particular individuals, aspects that might render a more complete answer of what is required for individuals to be necessarily motivated by their moral judgments.

In this chapter, I have explored motivational internalism which posits a conceptual connection between moral judgment and motivation. After a bit of ground clearing, I offered an open question argument against MI to motivate a new way of articulating the conceptual claim, i.e., "The question, 'Is Φ-ing in circumstances *c*, which is right, also something I am motivated to do?' is closed." My aim is to use this formulation to examine why MI fails to hold for some individuals—namely, psychopaths. The driving question is, "What is the best explanation for why this question is open for the psychopath?" In Chapter 2, I explore how sentimentalists have explained the psychopaths' deficiencies precisely so as to support MI and their conception of moral judgment as rooted in emotion. In Chapter 3, I use the OQA-inspired MI thesis statement to argue that the sentimentalist explanation is incomplete. The psychopath's deficits are multifaceted and an explanation for the judgment-motivation connection break should include that the psychopath has relevant *rational* deficits.

CHAPTER 2: THE PROBLEM OF THE PSYCHOPATH

Coming to grips with the possibility of a perfectly rational person spraying bullets through a crowd of innocent people is a difficult and disturbing challenge. The Nation breathed a sigh of relief when details emerged about the kind of person the Tucson killer, Jared Laughlin, is—a "very disturbed" man. It turned out that he wore his psychoses on his sleeve and posts on MySpace and YouTube reveal an individual with disordered thinking, one with paranoid, delusional ideas, a man far from rational. "I know who's listening," he said in a YouTube message, "Government Officials, and the People. Nearly all the people, who don't know this accurate information of a new currency [which Laughner apparently thought of creating], aren't aware of mind control and brainwash methods. If I have my civil rights, then this message wouldn't have happen [sic]." In a video he uttered what seems like a reasonable syllogism: "Every United States military recruit at MEPS [Military Entrance Processing Station] in Phoenix is receiving one mini bible before the tests. Jared Loughner is a United States military recruit at MEPS in Phoenix. Therefore, Jared Loughner is receiving one mini bible before the tests." This valid argument would be sound except for the fact that Loughner was never a U.S. military recruit; he was rejected from the Army in 2008 (Steller, 2011).

Unfortunately, not all persons who commit horrible deeds are incoherent and not all have malfunctioning moral compasses. Some criminal psychopaths appear fully rational and they do articulate the moral norms that normal folks espouse. Even so, they seem to be lacking in moral motivation to such a degree that they do not refrain from the most abhorrent of moral offenses, e.g., rape, murder, bodily dismemberment, and even necrophilia and cannibalism. We read that what the psychopath lacks is empathy and perhaps a host of relevant affective responses (guilt, remorse, etc.) that purportedly prevent the rest of us from behaving badly. So, the psychopath

can talk the talk but is not motivated whatsoever to walk the walk because he has lost his marbles—emotional marbles, that is. He is "emotionally insane."

Psychopathy, some argue, is best explained by the conjunction of MI and a particular view about the basis of moral judgment—emotion. The sentimentalist argues: MI is true; moral judgment is rooted in affect; psychopaths lack the right emotions; therefore, psychopaths don't make moral judgments to begin with. MI stands. The rationalist responds: moral judgment is rooted in rationality; psychopaths have a general rational deficit that affects their moral competence; therefore, the empirical evidence on psychopaths does not support a sentimentalist theory over a rationalist one (Maibom, 2005).

In this chapter, I discuss the amoralist challenge to MI in general, the particular case of the psychopath, and how claims about psychopathy support the conceptual claim of MI. I discuss a sentimentalist argument for moral judgment as rooted in affect and review a rationalist response. This will pave the way for the argument I will make in Chapter 3: the empirical evidence on psychopathy does not support that affective deficits alone explain the psychopath's motivational failures. This conclusion is in line with that of the rationalist; however, I do not approach the empirical research with any theoretical commitments regarding the nature of moral judgments.[6] I return to the open question introduced in Chapter 1 and ask, "What might make this question open for the psychopath?" If MI is true and if the sentimentalist is right about the essential role of emotion in moral judgment, then the answer should be simple: the psychopath does not really make a moral judgment because he has affective deficits. In Chapter 3, I present evidence to suggest that the answer is not that simple.

[6] For example, I do not assume that moral considerations are embodied in rational ones and ask "What might make the psychopath unable to apply the means test or universalize his actions?" This is essentially the tactic Maibom uses in her analysis. She considers the formulations of Kant's Categorical Imperative and says that the psychopath's *rational* deficits are what prevent him from being able to refrain from performing actions that he cannot will all others to do in similar circumstances or that use other people only as means to an end (2005).

2.1 A CHALLENGE TO MOTIVATIONAL INTERNALISM: THE AMORALIST

Establishing the thesis of MI is difficult as it rests on establishing a *conceptual* connection between moral judgment and motivation. A priori philosophical analysis, arguably, has been stymied by the influence that philosophers' own theoretical views—for or against MI—have on their claims about the content of relevant concepts. As such, proponents and opponents of the thesis accuse each other of begging the question by assuming, in their formulations of the concepts and in their claims about what is "intuitive," the very thesis that their conceptual analysis purportedly upholds.[7] While a priori conceptual analysis has been stymied in matters small (a terminological muddle) and large (accusations of question-begging), empirical research on psychopathy, however, has breathed life into a debate taking place on this new front. I frame the topic of psychopathy by first considering, in general, a way in which opponents challenge conceptual MI—counterexamples—and then by discussing how the particular case of the psychopath relates to the debate.[8]

Motivational externalists attack MI by putting forward examples of individuals who make moral judgments but who are not motivated to act on them, "whose characteristic disposition is to disregard what he takes to be genuine moral demands" (Shafer-Landau, 2000, p. 271). If an amoralist is found, then MI is refuted or, at least, undermined (D. O. Brink, 1989, pp. 45-50). Shafer-Landau points out that the amoralist need only be conceptually possible;

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[7] Some attempt a way out of the morass created by "armchair philosophy" by prodding intuitions about, and ordinary usage of, concepts related to moral motivation. Presumably, if motivation necessarily follows from making a moral judgment by virtue of the concepts themselves, then, for example, the folk usage and understanding of this type of judgment ought to include motivation. Such investigations, primarily conducted through surveys, have been used to justify claims about moral judgment (Nichols, 2002a). Still, their efficacy and relevance has been questioned (Kauppinen, 2007; Kennett, 2006; D. Murray, 2009).

[8] I have intentionally added the adjective "conceptual" here. Discussions of psychopathy are concerned with what might be called "empirical MI," the claim that, as a matter of fact, when you look out into the world, motivation does reliably follow moral judgment (with particular qualifications on an agent). As I will explain, the conceptual and empirical claims of MI, while distinct, are related in that proponents of the first argue that its truth best explains empirical facts about the world, namely, why psychopaths do not make genuine moral judgments. I take my lead from Nichols (2002a) who similarly distinguishes Conceptual Rationalism from Empirical Rationalism.

therefore, we need only be able to imagine such an individual—someone who can say *sincerely* "Φ is morally right" yet be entirely unmoved to Φ (2000, pp. 271-272). Externalists about moral motivation have indeed presented theoretical (and actual) amoralists—e.g., Mele's depressed agents (2005), Shafer-Landau's fearful, indifferent, and alienated amoralists (2000), and Roskies' "acquired sociopaths" (2003)—each of which has been challenged in defense of MI (Cholbi, 2006a, 2006b; Kauppinen, 2008).

It is in this context that discussion of psychopathy surfaces. Called a "walking counterexample" of MI (Roskies, 2003), the psychopath appears to posses intact rational faculties and to understand moral norms, yet he is entirely unmoved to act accordingly. Symptoms of psychopathy include emotional and interpersonal characteristics as well as a lifestyle marked by instability and aimlessness (Hare, 1952).[9] The psychopath is disturbing to many because of his incapacity for empathy, lack of remorse and feelings of guilt for his misdeeds, and inability to experience strong emotions or recognize them in others (Hare, 1993, pp. 33-56). Psychopaths are of interest to moral philosophers and, in particular, to those engaged in the debates about MI because of their outright disregard for moral norms in combination with apparently intact intellectual capacities. Hare writes that, in the case of psychopathic killers, their actions "result not from a deranged mind but from a cold, calculating rationality combined with a chilling inability to treat others as thinking, feeling human beings" (1993, p. 5).

[9] I utilize Hare's revised checklist of psychopathy (PCL-R) when describing psychopaths (Hare & Vertommen, 1991). Psychopathy as characterized by the PCL-R is correlated with but distinct from what the DSM-IV calls "antisocial personality disorder." The latter considers only observable traits to the exclusion of characteristics such as a lack of guilt or remorse which arguably require subjective assessment. The PCL-R is the most widely used tool to assess the disorder (Kiehl, 2006, p. 2). Clinical diagnosis of psychopathy requires that an individual be evaluated in twenty areas and scored according to the applicability of each. Empirical research on psychopaths specifies the PCL-R cutoff for subjects, typically 30 on a scale of 0 to 40. While the PCL-R's reliability and validity is highly supported in the literature, it should be noted that diagnosis is difficult not only because of the nature of a definition that specifies a cluster of symptoms, some of which require subjective evaluation, but also by the fact that psychopaths are noted for their deceitful interpersonal style, a characteristic which itself is included in the PCL-R.

Unlike someone like Jared Laughner, whose actions appear to follow from a flawed perception of reality and profoundly disturbed thinking, psychopaths do not seem to have such deficits. Indeed, they appear to have sound reasoning and good sense and in psychometric tests frequently exhibits superior intelligence. The psychopath generally has excellent logical reasoning skills, can anticipate the consequences of actions (including imprudent or antisocial ones), and can articulate a socially appropriate, even admirable, life plan (Cleckley, 1955, pp. 382-383). At the same time, sound rational capacities and seemingly intact ability to make solid judgments about what is right and wrong (at least in theoretical scenarios) does not motivate the psychopath to perform actions that accord with those judgments, both actions that are morally good and also actions that are good for him. Cleckley writes:

> Few more impressive examples of this could be offered from the records of humanity than the familiar one of the psychopath who, in full possession of his rational faculties, has gone through the almost indescribably distasteful confinement of many months with delusional and disturbed psychotic patients and, after fretting and counting the days until the time of his release, proceeds at once to get drunk and create disorder which he thoroughly understands will cause him to be returned without delay to the detested wards (1955, pp. 393-394).

For a proponent of motivational internalism, the psychopath may appear to be a challenge to her thesis. His seeming grasp of moral concepts in combination with a lack of motivation that reflects a marked disregard for his assessments of rightness and wrongness fly in the face of someone who espouses a conceptual connection between moral judgment and motivation.[10] The motivational internalist must explain this. One thing she can say is that the psychopath does not

[10] Assuming at least a tripartite process, judgment-motivation-action, one could reasonably wonder at which step the psychopath fails. It could be argued that: (1) he does not really make a moral judgment, (2) he does make a moral judgment but fails to be motivated by it, or (3) he is motivated by his judgment but he fails to act on it. It is certainly possible that the psychopath fails to be motivated, in some cases, and, in others cases, is morally motivated but, because of something about him, rarely if ever acts on it. The assumption here is that the psychopath does not experience moral motivation.

really make a *moral* judgment.[11] After all, the internalist claims there is a moral judgment-motivation conceptual connection; hence, if the psychopath "gets it" (i.e., understands the concepts employed in his moral judgment), he should be motivated, according to MI. Now, surely the motivational internalist would not want to say that the psychopath's judgments are not moral *just* because they do not carry with them "motivational oomph," i.e., the fact that motivation did not follow a judgment is what failed to make it a moral judgment, since saying this would be to stipulate the very thing she set out to prove. So the question is whether talk of psychopathy will actually bear philosophical fruit or lead down the path of "intuition mongering" (Prinz's expression) that besets some a priori conceptual analysis.

In what follows, I explain how discussion of psychopathy is relevant to the MI debate. It will turn out that the philosophically interesting move related to psychopathy comes when the MI proponent tries to explain *why* the psychopath does not, or perhaps cannot, make a moral judgment. What are moral judgments that the psychopath does not make them? Empirical research on psychopathy bears upon one's views about the nature of moral judgment and the philosophically interesting question concerns what notion of the nature of moral judgment best explains the evidence on psychopathy.

[11] There are other responses available to the internalist who faces would-be MI counterexamples. For example, externalists point out that there are a host of background conditions that must be present for someone to be motivated by her moral judgments. For example, it might be that the situation is one in which taking the action called for by one's moral judgment comes at too great a personal cost or that such an action is practically impossible in the particular situation (S. Jacobson, personal communication, March 26, 2011). The defender of MI would probably say that the individual is motivated *to some degree* but her motivation is overridden by other motivations, e.g., prudential demands. In any case, the response I am considering in the case of psychopathy is that of the sentimentalist who explains that what is going on is that the psychopath does not really make a moral judgment in the first place. As I will detail in the following section, the claim that psychopaths do not really make moral judgments taken together with the sentimentalist's other philosophical commitments (moral judgments consist of emotions) are thought to best explain the empirical evidence on psychopathy (the psychopath lacks the relevant emotions).

2.2 PSYCHOPATHY'S PHILOSOPHICAL FRUIT

In the face of a purported counterexample to their thesis, the MI proponent has a few options: admit that it is actually possible for someone to be clear on the concepts invoked in his moral judgments yet be entirely unmotivated, argue that particular background conditions required by MI are not present (see note 11), or claim that the psychopath does not understand the concepts to begin with. Some internalists about moral motivation have taken the last option—the psychopath does not really understand the concepts "right" and "wrong." These philosophers have not only argued against the psychopath as evidence against MI, they have used the research on psychopathy to argue *for* MI (or, at least, for their particular version of it) and for their other relevant philosophical commitments (Horgan & Timmons, 2009; Kennett & Fine, 2008, p. 189; Prinz, 2006, pp. 42-47). Sentimentalists in particular have seized upon the psychopath example to support MI and their claim about the nature of moral judgment. Prinz, for example, argues that MI is true, that emotions are both necessary and sufficient for moral judgment, and that the psychopath supports his claim. I will examine this view in greater detail below.

The route to supporting MI as a conceptual claim is to start by looking at the corresponding empirical claim, i.e., it an empirical fact that persons who make moral judgments are, to some extent, motivated to act on them (see also note 8). MI proponents who take this empirical route find an example of an amoralist out in the world (e.g., the psychopath) and then suggest that MI is warranted because MI is part of the best explanation for why the amoralist cannot make a genuine moral judgment (Kumar, 2010). So, the best explanation for why the psychopath is not motivated is that he does not *really* make a moral judgment to begin with.[12] In

[12] Contrast this approach with those who consider *theoretical* amoralists. The problem with the theoretical amoralist is that it is hard for internalists not to beg the question. At least in the case of an *actual* amoralist we can look at

the case of the sentimentalist, that MI is true and that moral judgments are constituted by emotion best explains why the psychopath cannot make a moral judgment—he does not have the right emotional capacities.

What then is the philosophical import of psychopathy? Talk of psychopathy is of philosophical interest because (1) it purportedly supports conceptual MI and (2) it has been used to support particular notions of the nature of moral judgment. Assuming (1) is true, the central question of this thesis is this: what is wrong with the psychopath that he cannot make moral judgments that motivate? Nichols (2002a) puts it well:

> The fact that the most celebrated class of amoralists have a defective capacity for moral judgment provides some support to the claim that moral judgment is closely linked with motivation. For we know that psychopaths aren't motivated by moral prohibitions the way normal people are. But one then needs to ask what the cognitive mechanisms are that produce this correlation between moral judgment and moral motivation, and what cognitive mechanisms are disrupted in psychopathy (15).

I argue against the sentimentalist's conclusion. I will not, however, argue that MI is wrong; I will not argue that the sentimentalist conception of the nature of moral judgment is flawed. Instead, I will argue that the research on psychopathy does not support the sentimentalist's move. In what follows, I consider Shaun Nichols' argument against a rationalist explanation of the psychpath's failure and then I relate the sentimentalist explanation of the findings on psychopathy.[13] This will require that I dip into empirical research on psychopathy

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evidence; we have ideas about what causes moral judgments and how folks behave who make them; we can look to see if they have what it takes to make a moral judgment—not so if we consider the theoretical amoralist.

[13] The arguments I consider against an explanation that indicts rational deficits to explain the psychopath's moral judgment failures are those offered by Shaun Nichols. I turn to Prinz when I look at the positive claim for the reason that Nichols is a "neosentimentalist" and he abandons conceptual MI (Nichols, 2004). Prinz, a "traditional" sentimentalist it seems, contends that conceptual MI is true and that emotion is necessary and sufficient for moral judgment. The sentimentalist thesis has its roots in Hume who held that to believe something is morally wrong (right) is to have a sentiment of disapprobation (approbation) toward it. Prinz refines the thesis to assert that, "when we judge something is wrong, one or another of these emotions [e.g., guilt, anger, contempt, disgust, indignation, rage, sadness] will occur, and that the judgment will be an expression of the underlying emotional disposition… The emotion serves as the vehicle of the concept 'wrong' in much the same way that an image of some specific hue might serve as the vehicle for the thought that cherries are red" (2006, p. 34).

that sentimentalists use to bolster their claim. I then follow with one rationalist's response as well as some preliminary concerns of my own. That is my agenda for the remainder of Chapter 2. In Chapter 3, I legitimate those concerns. In particular, I return to the MI thesis stated as an open question and argue that empirical research supports that the question is not closed for the psychopath for multiple reasons and, contra the sentimentalist claim, some of these implicate *rational* deficits.

2.3 "MORAL" JUDGMENT AND THE MORAL-CONVENTIONAL DISTINCTION

Internalists about moral motivation insist that the psychopath does not make *genuine* moral judgments. When psychopaths say, "It is right to Φ," they mean 'right' only in an inverted commas sense; they do not mean the same thing that others mean by 'morally right' (Hare, 1952). Cleckley explains that the psychopath is like the person who is colorblind. He might understand all of the technical details regarding redness, for example, and may be aware of certain things that are red, but when he says, "That fire engine is red," something critical is missing in his comprehension of what that means. Though the psychopath may be intellectually sharp, he does not genuinely comprehend the sense of words that others grasp readily. For example, he cannot explain personal values—beauty, ugliness, goodness, evil, love, horror, humor—as "there is nothing in his orbit of awareness that can bridge the gap with comparison. He can repeat the words and say glibly that he understands, yet there is no way for him to realize that he does not understand" (Cleckley, 1955 as cited in Hare, 1993, p. 28). Cleckley suggests that the central problem in psychopathy is analogous to "semantic aphasia," a language disorder in which the individual cannot grasp the meaning of words. Though they have a technical understanding of language and in particular of what is said to be morally right, the sense of the

word is lost to them. This makes them mislabel experiences, particularly those with an affective component (Patrick, 2007). Prinz concurs that psychopaths "give lip-service to understanding morality, but there is good reason to think that they do not have moral concepts—or at least they do not have moral concepts that are like the ones that normal people possess" (Prinz, 2006, p. 32).

It might be true that most (or all) of the time psychopaths are, "[like anthropologists,] report[ing] on morality without making moral judgments" (Prinz, 2006, p. 38), but it could be that they can, in principle (or under certain conditions), make moral judgments. That is, it is one thing to say is that they *do not* make moral judgments and, when they appear to, they are simply paying lip service to norms they believe others hold; however, it is another thing to say that they *cannot* make moral judgments. Recall, I am critiquing the claim that what best explains the psychopath's motivational failure is that, (1) MI is true, (2) emotion is necessary and sufficient for moral judgment, and (3) psychopaths do not have the right sorts of emotions. Inasmuch as psychopaths do not possess something that is critical for moral judgment, this view implies the latter, stronger claim—psychopaths *cannot* make moral judgments.

Evidence that psychopaths cannot make moral judgments is found in their inability to make what researchers call the moral/conventional distinction. For a judgment to be a moral one, "It is wrong to Φ" must be evaluated as serious, general, authority-independent, and justified on the basis of harm, justice or rights. These characteristics are said to distinguish moral judgments from conventional ones (Nucci, 2001; Smetana, 1981, 1993; Smetana & Braeges, 1990; Turiel, 1983 as referenced in Kumar, 2010). While young children can make the distinction, psychopaths cannot (Blair, 1995, 1997; Blair, Jones, Clark, & M. Smith, 1995). For the psychopath, the type of judgment that it is wrong to hit another person is the same kind of

judgment as one that forbids playing with your food (Dunn, Bretherton, & Munn, 1987; Nucci, 2001; Smetana & Braeges, 1990; Turiel, 1983 as cited in Nichols, 2002a). Therefore, psychopaths' moral judgments are not really *moral* ones since they are no different than judgments based on societal convention.

2.4 WHAT'S WRONG WITH THE PSYCHOPATH: A SENTIMENTALIST ACCOUNT

Internalists about moral motivation generally agree that the psychopath's judgments are not genuinely moral but they disagree about what the psychopath lacks which makes him unable to make such judgments. Some argue that what the psychopath lacks are particular emotional capacities and this is what makes him behave badly (Prinz, 2006). Indeed, what is so striking about the psychopath is that he is unaffected by the human passions that influence most of us. Others argue that the literature suggests a different structure to moral cognition than that presented by sentimentalists, one that requires rational capacities (Kennett, 2006).[14] The counterclaim is that, while psychopathy may lend support to the notion that emotional responsiveness is needed for the development of one's moral capacities and that the psychopath has marked affective impairments, the psychopath also has deficits of practical reason (Maibom, 2005). This fact can explain in part why they fail to be motivated by their judgments.

In the following section, I consider Nichols' argument against an explanation of the psychpath's failure that implicates rational deficits. I describe one (rationalist) response as well as some concerns of my own. In the section that follows, I describe the sentimentalist

[14] I focus on the view presented by Heidi Maibom, a rationalist about moral judgment (and, to a lesser extent, that of Jeanette Kennett). The rationalist contends that moral judgment derives from rational capacities and that moral principles are requirements of reason (Maibom, 2005; Nichols, 2002a). From a Kantian perspective, reason requires that we only perform actions that are universalizable—that we can will every agent to commit without contradiction—and that we not use another person as a means alone (according to the first two formulations of the Categorical Imperative). So, given this reading, the amoralist (including the psychopath) suffers from a lapse in rationality which renders him unable to develop consistent, universalizable maxims or, as Maibom suggests, unable to will the relevant means to reach them (2005).

explanation of the findings on psychopathy and the empirical research they draw on to motivate their claim about the affective basis of moral judgment and the (conceptual) connection between moral judgments and motivation. In Chapter 3, I consider empirical research on psychopathy that suggests the sentimentalist explanation is incomplete.

2.4.1 The negative argument

Nichols (2002a) argues against the notion that it is an empirical fact about people that our moral judgment derives from our rational capacities. He uses evidence from psychopathy to suggest that a rationalist explanation of the psychopath's inability to make moral judgment is neither forthcoming nor likely. Nichols puts a good deal of stock in the capacity for an individual to make the moral/conventional distinction. In particular, he offers an explanation for the moral judgment failures of psychopaths on the basis of an explanation for the failure of psychopaths to make the moral/conventional distinction. While I contend that Nichols' argument is flawed, I believe it represents a common strategy used by psychologists (and philosophers), i.e., deploying *the same explanation* of a litmus test's results (failure in making the moral/conventional distinction) as an explanation for the phenomenon being tested (failure to make moral judgments). I find using an explanation in this way questionable and I offer an alternative in Chapter 3.

Nichols assumes that the ability to make moral judgments requires the ability to make the moral/conventional distinction and that psychopaths cannot make that distinction. Therefore, Nichols posits that psychopaths *cannot* make moral judgments. Nichols move is to say that the rationalist has not found (and will likely not find) rational abilities that are lacking in the psychopath, rational abilities that underlie the capacity for making the moral/conventional distinction. He considers some candidate rational problems which might explain the

psychopath's inability to make the moral/conventional distinction—difficulties in taking the perspective of others, general rational impairments, and an irrational privileging of the psychopath's own opinion over others. In the first case, Nichols argues that there is evidence that psychopaths *can* take the perspective of others, e.g., their victims. They can trick them since they can put themselves in their shoes and predict how they will respond. Second, Nichols doubts that the rationalist will find general rational impairments that explain the psychopath's failure to make the moral/conventional distinction. He notes that any such rational abilities have to be present in people who can make that distinction, persons with a wide range of cognitive abilities and disabilities, e.g., very young children, kids with autism and Downs Syndrome, and non-psychopathic criminals. Finally, Nichols argues that psychopaths do not show a general failure to consider the opinions of others and there is little evidence that psychopaths are different with respect to their level of intellectual arrogance from others who can make the moral/conventional distinction, e.g., non-psychopathic criminals. The rationalist's project is difficult, Nichols contends, and Nichols is placing his bet on an account that implicates affective defects, not rational ones (2002a).

I will briefly outline a concern I have with Nichols argument and discuss a related rationalist response. Nichols is committed to following: (1) the truth of the conditional, the inability to make the moral/conventional distinction entails the inability to make moral judgments,[15] and that (2) the explanation for why psychopaths cannot make the

[15] Nichols (2002a) takes this assumption based on the decades-old tradition in psychology research (Dunn et al., 1987; Nucci, 2001; Smetana & Braeges, 1990; Turiel, 1983) of approaching the capacity for moral judgment by exploring the basic capacity to distinguish moral violations (e.g., hitting another person) from conventional violations (e.g., playing with your food) though he appears to take this as a given. Maibom (2005) points out that rationalism is "not friendly" to the moral/conventional distinction since conventional norms used by psychologists are in fact commands of reason. For example, leaving a concert hall prematurely to avoid the crowd is not universalizable, i.e., one could not without contradiction will everyone to skip out during the applause. So, the rationalist would hold that such a transgression, though conventional, is just as impermissible and serious as a moral norm (Maibom, 2005, p. 249).

moral/conventional distinction will also best explain why they cannot make moral judgments. It certainly seems possible that what might best explain an antecedent of a conditional (a psychopath cannot make the moral/conventional distinction), might not best explain its consequent (a psychopath cannot make a moral judgment). Consider the following, "If Jerry is blind, then Jerry cannot ride a bicycle." Suppose that what best explains that Jerry is blind is that he contracted a virus as a child. Nichols assumption would have us conclude that what best explains that Jerry cannot ride a bicycle is a viral infection when, in fact, Jerry is also a double amputee. So, Nichols' use of the inability to make moral/conventional distinction to make claims about explanations for psychopaths' inability to make moral judgments requires that the relationship between those inabilities be more intimate than an entailment. The ability for someone to make the moral/conventional distinction must *at least* be necessary and sufficient for moral competence in order for explanations to "transfer" in the way Nichols needs. This is a claim that Nichols does not argue for and one that is disputed. Heidi Maibom challenges Nichols in this regard.

Maibom, a rationalist about moral judgment, argues that the ability to draw the moral/conventional distinction is, at best, not sufficient for moral understanding and, at worst, irrelevant to the moral law (2005). First, she suggests that the distinction is really between affect-backed norms from other (non-affect-based) ones, noting that (non-moral) judgments about what is disgusting are nonetheless serious and similar to judgments that give rise to moral norms in that regard. Then, she argues that the ability to connect norms with affect is not a sufficient or necessary condition for moral competence. The sufficiency thesis is undermined by the fact that making the moral/conventional distinction is not connected with being able to offer the right kinds of justifications, something that is said to distinguish a moral judgment. Neither

children nor psychopaths have access to the right sort of justifications on the basis of their limited or deficient cognitive faculties. Maibom notes that even philosophers who are not rationalists deny that children have what it takes for moral understanding, e.g., virtue ethicists (Hursthouse, 1999). It has also been argued that psychopaths' (rational) deficits in semantic processing explain why they do not (or cannot) justify norms on the basis of abstract concepts like fairness, justice, rights, and general social cohesion (D. Murray, 2009). Regarding the claim that the ability to make the moral/conventional distinction is *necessary* for moral competence, Maibom argues that the necessity of this ability should not be taken as a given. The fact that children can make the distinction is not sufficient to show that this ability is necessary for moral competence. It is true that psychopaths make fewer welfare justifications than controls and this suggests that they have a different understanding of morality (Blair, 1995); however, it does not mean that they do not have *any* understanding (Maibom, 2005).[16]

In this section, I have reviewed Nichols' argument against any explanation that implicates rational impairments as a way to account for the psychopath's inability to make moral judgments. I have challenged this claim by pointing out that (1) the connection between the ability to make the moral/conventional distinction and the ability to make moral judgment must be very tight if a single explanation can be deployed to account for both failures and that (2) the ability to make the moral/conventional distinction might be unrelated to moral competence. Together these claims undermine Nichols' argument and, more importantly, suggest that

[16] Maibom also presents a counterargument claiming that the empirical evidence on psychopathy, while it does support sentimentalism, does not speak against rationalism. The psychopath has rational deficits that significantly impair his decision-making and explain, at least in part, why he fails to be motivated. She suggests that psychopaths' limited attention span, a rational deficit, results in problems universalizing maxims, comprehending duty, and applying any moral understanding that they might possess (2005). Others have pointed out that psychopaths fail to adopt the necessary means to their ends, to adequately weigh the pros and cons of their actions, to forgo short-term wants for more important longer-term needs, to evaluate and resolve conflicts among their desires, and to find solutions (Kennett, 2006). These rational capacities, it is argued, are essential to moral agency, and that psychopaths fail to exhibit them explains, at least in part, why they fail to be motivated by their judgments.

pursuing the moral/conventional distinction might not be the best way to approach finding an explanation of the psychopath's motivational failures.

2.4.2 The positive argument

In this section, I examine the positive claim in which the sentimentalist argues that psychopaths' deficits in *affective* response explain both their failure to make moral judgments and their failure to make the moral/conventional distinction. I discuss my objections to this suggestion. These objections will motivate a return to the open question argument and support my central claim—namely, that the sentimentalist does not have the whole story; it is essential to include *rational* impairments in an explanation for why psychopaths fail to be motivated by their judgments.

The sentimentalist holds that emotion is both a necessary and sufficient condition for moral judgment (Prinz, 2006). So, the sentimentalist has a good explanation for the distinction between moral and conventional rules.

> Children and adults consider moral transgressions more serious and less dependent on authorities. If the teacher says it's okay to talk without raising your hand, then that's fine. If the teacher says it's okay to hit the child next to you, that does not make it okay. How do we draw this distinction? Why is it available to such young children? The answer may be that moral rules are directly grounded in the emotions. When we think about hitting, it makes us feel bad, and we cannot simply turn that feeling off. Hitting seems phenomenologically wrong regardless of what authorities say. We are less emotional about conventional rules (Prinz, 2006, pp. 36-37)

Despite psychopaths' apparent verbal acknowledgement of harm-based normative violations, their inability to experience the appropriate affective response to harm in others explains why they do not treat moral norms as distinctive (Nichols, 2002a, 2001, 2002b). The view sentimentalists want to defend is that what best explains why the psychopath cannot make the

moral/conventional distinction and, hence, moral judgments is his emotional deficits. Therefore, psychopaths fail to be motivated by moral judgments due to lack of particular emotional capacities required to make them. Psychopathy does not challenge MI; it supports it.

Sentimentalists use neurological and psychological research to support their claim. Psychopaths lack the requisite affective mechanisms that normal people possess. Brain images of psychopathic individuals show less neural activity in areas associated with emotion when they respond to emotionally-charged words, i.e., the amygdala/hippocampal formation, parahippocampal gyrus, ventral striatum, and in the anterior and posterior cingulate gyri, (Greene & Haidt, 2002; Kiehl et al., 2001). Psychopaths seldom experience fear and sadness and do not appear to recognize such emotions in the faces or speech of others (Blair, Colledge, L. Murray, & Mitchell, 2001; Blair et al., 2002). Not only do they fail to recognize distress cues in others (while normals, autistics, and non-psychopathic criminals do), they also experience pain less intensely than others and resist fear conditioning (Blair, 1997 as cited in Prinz, 2006; Blair, Jones, Clark, & M. Smith, 1997 as cited in Nichols, 2002a).

The role of emotion in moral judgment in has been studied extensively and it is clear that emotions often co-occur with and influence moral judgments (Prinz, 2008). It is also noteworthy that there is a correlation between failure to make the moral/conventional distinction and the sorts of affective deficits seen in psychopaths. Nonetheless, I do not support moving from the empirical evidence on psychopathy, including their failure to make the moral/conventional distinction, to a claim about why psychopaths cannot make moral judgments. On my view, it could be that the best explanation for a psychopath's failure to make the moral/conventional distinction includes *both* rational deficits, implicated in problems with understanding and applying "his" stock of norm violations, and emotional deficits of the sort Nichols and Prinz

indicate. Further, as was pointed out above, there may be other capacities that are needed to be able to *make moral judgments* that motivate—capacities that are distinct from or overlap the capacities needed to make the moral/conventional distinction. As the legless and blind non-bicycler showed, an explanation for the failure to make a category distinction need not be identical with an explanation for a failure to make a moral judgment. Still, even if the explanations are somehow related (which seems reasonable), what carries the explanatory power in the case of the psychopath's failure to make the moral/conventional distinction need not be the same as what best explains his failure to make genuine moral judgments. The line of argument I will take in Chapter 3 is that there are number of rational capacities absent in the psychopath which are relevant to his moral judgment (and motivation) failures.

To sum up: certain parties do not consider the psychopath, our would-be MI counterexample, to count against conceptual MI. Moral judgments necessarily motivate, but psychopaths do not really make moral judgments. Why? They cannot. Particular emotions are necessary (and sufficient) for moral judgment. Psychopaths do not have those emotions.

In Chapter 3, I argue that such explanations that implicate emotional deficits alone for the psychopath's failures in moral judgment are incomplete. I do not hang my hat, as does Nichols, on the moral/conventional distinction for the reason that I think it complicates matters unnecessarily and leaves him open for an attack of the sorts Maibom and I put forward. Instead, I approach the question directly: what is needed to be true of someone who can make the kinds of judgments that motivate with conceptual necessity—*moral* judgments? The open question argument suggests a way to explore this question, one that does not carry unnecessary theoretical baggage and one that points to a more complicated answer than the one offered by sentimentalists.

CHAPTER 3: RATIONAL IMPAIRMENTS IN THE PSYCHOPATH

Bill Badger, the septuagenarian who wrestled Jared Laughlin to the ground after his shooting spree, told WNEP television in Moosic, Pennsylvania: "I asked him when we were holding him down, 'Why in the world would you do something like this?' and he wouldn't answer. He was only 22-years-old. He looked like a young kid to me when I saw him and just why would he do something like this? There's no reason and the concern of mine was to shoot a 9-year-old girl and to shoot innocent people, something has to be wrong" (Baranauckas, 2011). It will likely turn out that there was no coherent "reason" to explain Laughlin's actions and that he has profound rational deficits.

We saw in Chapter 2 that, for the psychopath, an explanation in terms of rational deficits was not so ready at hand. We learned that images of psychopaths' brains reveal "lethargic" affective areas. These findings and other neuroscientific and psychological research lent credence to the philosophical claim that moral judgment has a fundamentally affective basis, that emotion is necessary and sufficient for moral appraisal. Emotional deficits, it was argued, account for psychopaths' judgments and motivational lapses. For some, learning that the psychopath behaves badly because he is "emotionally insane" is cold comfort. That good behavior is based in something as fragile as human sentiment might concern us.[17] Plus, many would like to think that something so seemingly uniquely human, the moral law, is grounded in that which distinguishes us from other beasts, our rationality. Moral judgments may be merely

[17] Many point out that an emotional basis of morality is quite robust. Behaving well, it is claimed, has its roots in our ancestors needing a way to know who would reciprocate and who would cheat, an ability that dates back to humans' knuckle-dragging days (Joyce, 2006). Righteous indignation might be "baked in" via innate emotional responses to "moral" transgressions like moving in on another's mate, say, or stealing their bananas (or the modern equivalents). Behaving "morally" has been selected; cheaters are punished. Interestingly, laws mandating chemical castration of sex offenders have been enacted in several states and, while this process does not actually render offenders sterile, it seems that reducing libido would decrease the likelihood of such individuals procreating (Spalding, 1997).

expressions of sentiments, underlying emotional dispositions (Prinz, 2006) or, worse yet, they may be nothing more than verbal utterances used to express emotion—"Boo, murder!" (Ayer, 1952).[18] So much for the role of rationality in the moral law, as Kant suggested.

In this chapter, I beg to differ—sort of. I return to the MI thesis stated in terms of an open question, the claim that, "The question, 'Is *Φ*-ing in circumstances *c*, which is right, also something I am motivated to do?' is closed." Instead of asking, as does Nichols, "What might make the psychopath fail to make the moral/conventional distinction?" I ask directly, "What might make the psychopath see the MI question as open?" If we take conceptual MI to be true and the sentimentalist to have the correct notion of the nature of moral judgment, the answer should be: there is something *emotionally* wrong with him. This is not the conclusion I draw. I argue for a more complex story.

Returning to the open question will open up two routes for conversation about what might explain the psychopath's behavior. First, I suggest that the question is open for psychopaths because they might not realize that they are in the relevant circumstances. In practice, psychopaths fail to see that the particular concrete situation in which they find themselves is one in which the abstract moral maxim, "*Φ*-ing in circumstances *c* is right," holds. This occurs at least in part because they cannot recognize the concrete circumstances in which their moral transgressions transpire as instances of the abstract classes of the circumstances which are described in the rules they articulate. Second, MI is a thesis about what *I* judge and whether *I* am motivated and, while the psychopath might see the open question as closed *for you*, it is open *for him*. He sees himself as outside the domain for which conventional and moral norms hold. Making these claims clear is my aim in Chapter 3.

[18] There are, of course, many theses, and many flavors of each of them, that assert a foundational role of emotion in morality. I leave these distinctions largely unexamined. I do not dispute that affect has a role in moral judgment. My concern is with any explanation of psychopathy that leaves out the role of *rationality*.

The upshot will be that the ability to do these two things—to recognize oneself as part of a community of individuals who are equally held to particular norms and to see the relationship between particulars and abstract classes—requires certain *rational* capacities. This undercuts the sentimentalist move from empirical evidence on psychopathy to the conjunction of (1) MI and (2) their notion of the nature of moral judgment. Recall, they argue from empirical evidence on the psychopath's *affective* deficits to conceptual MI and a sentimentalist notion of moral judgment by way of an inference to the best explanation. One or both of (1) and (2) must be reconsidered in light of the fact that the empirical evidence shows that psychopaths also have *rational* deficits which, in part, explain their judgment failures.

3.1 UNDERSTANDING AND ACTING IN PRESENT CIRCUMSTANCES

Hare relates the story of a psychopathic man who set off to buy some beer. In lieu of returning to his home to retrieve a forgotten wallet so he could pay for the beer, he struck the gas station attendant with a piece of wood, leaving his victim seriously injured (1993, pp. 58-59 as referenced in Maibom, 2005). What can be said of an individual such as this man who may be able (as psychopaths have been shown) to articulate a moral maxim, e.g., "It is wrong to hurt an innocent person to get what you want," yet, commits an act in direct conflict with his statement? Is it that his affective impairments prevent him from seeing his "moral" maxim as, say, serious, general, authority-independent, and justified on the basis of a gas station employee's right to safely exchange goods for currency? Is it that he cannot recognize fear in the face of the attendant and feel empathy since the regions of the psychopath's brain responsible for emotion

and "fellow-feeling"[19] are abnormal? Perhaps. I will argue, however, that there is good reason to believe that an explanation of his behavior that appeals to emotion alone is incomplete.

In this section, I argue that the psychopath can genuinely wonder, "Is *Φ*-ing in circumstances *c*, which is right, also something I am motivated to do?" because he does not connect his present circumstances with the action called for by the relevant moral rule. Specifically, the psychopath has rational impairments related to language processing that may inhibit him from recognizing that the maxim that he can in fact articulate applies to the particular situation in which he finds himself. As I will explain, connecting present, concrete circumstances with the abstract circumstances described in most moral rules requires the ability to process abstract language and, specifically, to be able to classify words or phrases into abstract classes. I turn to psychological and neuroscientific research on language processing to support my claim that rational deficits are partially responsible for the psychopath's inability to realize that he is "in circumstances *c*."

While it has been noted that psychopaths are unique amongst the mentally ill in that they appear intellectually intact and have a command of language that is at least mechanically correct, there are noteworthy differences between them and "normals" regarding how they process language. Hare relates interesting instances of what he has found is common amongst psychopaths, namely, their articulation first of a general, abstract (sometimes moral) statement followed by a statement that stands in direct contrast with the former. For instance, one psychopath said of his mother, "She works too hard. I really care for that woman, and I'm going to make things easier for her" yet, when asked about the money he stole from her, said, "I've still got some stashed away, and when I get out it's party time!" (Hare, 1993, p. 138). In this case,

[19] In The Theory of Moral Sentiments, Adam Smith uses this term to describe the innate feelings of sympathy we have for others (Lehrer, 2009).

the man does seem to be aware of the general notion that sons ought to care for their mothers (and, in fact, that *he* should do so), yet does not seem to see that this prohibits him from stealing her money. I suggest that he may not have recognized the particular circumstances he found himself in—needing money and in a position to get it—as related to the general moral mandate that forbids him from doing something that hurts his mother.

Now, one could argue that this individual, in claiming to care for his mother, was simply being deceitful; he was telling the interviewer what he thought a good son ought to do. After all, as the quotation indicates, the man interviewed was incarcerated and had a manifest interest in appearing to be a caring individual. However, other statements made by psychopathic criminals suggest that they *do* fail to see relationships between abstract (moral) statements and the concrete instances which directly relate to them. Consider the following statements made by criminal psychopaths also interviewed by Hare (1993):

> When asked if he experienced remorse over a murder he'd committed, one young inmate told us, "Yeah, sure I feel remorse." Pressed further, he said that he didn't "feel bad inside about it" (p. 41).
>
> When asked if he had ever committed a violent offense, a man serving time for theft answered, "No, but I once had to kill someone" (p. 125).

In these cases, it is less obvious that the kind of explanation offered for the caring yet thieving son works. The first man said, in effect, that he both did and did not experience remorse; the second uttered, in a single sentence, that he both had and had not committed a violent offense. This is odd to say the least. It is true that, as Hare states, "criminals in prison quickly learn that *remorse* is an important word" (1993, p. 41) and lacking it might keep them incarcerated longer; however, the first man did not seem to connect "remorse" with "feeling bad." The other man likely knew that violent offenses land a person in jail yet failed to deny murdering someone, an instance of a "violent offense." I suggest that it is possible that the one did not recognize the

relationship between the abstract concept of "violent offense" and the concrete instance of his killing someone, and that perhaps the other man failed to see that his actual state of not feeling bad is an instance of a failure to be remorseful.[20] I use these quotations to motivate what neuroscientific evidence supports—namely, that there are marked impairments in the language processing abilities of psychopaths that hinder their ability to understand the meaning of abstract concepts and classify them properly.

3.1.1 Language processing

Clinical observations of behavior that was so radically out of sync with psychopaths' verbal reports first led researchers to speculate that they have abnormalities in how they process language (Kiehl et al., 2004). Abnormalities are most apparent when they are required to perform tasks that require semantic processing (Flor-Henry, 1972; Hare, 1979; Hare & Forth, 1985; Hare & McPherson, 1984 as cited in Kiehl et al., 2004). Williamson et al. (1991) reported differences between psychopaths and nonpsychopathic criminals in the speed and accuracy in a lexical decision making task involving emotional and neutral (positive and negative) words.[21] Interestingly, they found that psychopaths processed all word types (positive, negative, and neutral words) differently than nonpsychopaths. This fact, combined with clinical observations that psychopaths have difficulties comprehending conceptually abstract information (Williamson

[20] Hare discusses several examples of cases where psychopaths' "actions belie their words" including the case of Diane Downs, the mother accused of shooting her three children presumably because the man whose affection she sought did not want to be around her when the children were present. While she claimed to love her children (whose ages ranged from fifteen months to six years), she was a remarkably negligent mother, starving her children physically and emotionally. Hare also relates the story of parents who left their one-month old child with an alcoholic. He passed out drunk and after he woke up left the baby alone, apparently because he forgot he was babysitting. Though the baby was severely malnourished, the mother was outraged that her baby was taken from her claiming that authorities were "depriving the child of her love and affection" (1999, p. 63).

[21] Both psychopaths and nonpsychopaths were more accurate in identifying emotional words, as compared with neutral ones; however, nonpsychopaths responded faster and the morphology of their event-related potentials (ERPs) when making decisions regarding emotional versus neutral words was different. Psychopaths neither processed emotional words faster nor did their brains show the ERP differences between processing of emotional versus neutral word types (Williamson et al., 1991).

et al., 1991 as cited in Kiehl, Hare, McDonald, & J. Brink, 1999) lead researchers to investigate general differences in processing concrete and abstract words within groups (psychopaths and nonpsychopaths) and inter-group differences with these tasks. It had been known that when psychopaths are asked to perform tasks involving the processing of *abstract* terms, they do not perform as well as nonpsychopaths (Hare & Jutai, 1988).

It appears that in normal individuals the brain processes abstract word representations in a special way and that there is a unique neural pathway active in normals when presented with tasks involving semantic processing of abstract (versus concrete) words (Kiehl et al., 1999).[22] This difference in how the brain processes abstract terms is not evident in the brains of psychopaths. They do not evince the normal hemispheric lateralization when it comes to the processing of abstract words, which causes them to process such words differently *and worse* than other people (Hare & Jutai, 1988; Kiehl et al., 1999; Kiehl et al., 2004). Research suggests that the reason psychopaths might use different strategies when performing tasks with abstract words than normal people is, in general, that psychopaths may have insufficient resources to perform tasks that place heavy demands on semantic processes and memory (Hare & Jutai, 1988; Jutai & Hare, 1983; Jutai, Hare, & Connolly, 1987) and, in particular, the right anterior superior temporal gyrus is impaired (Kiehl, 2006).

The details of the research are important in light of the task required of an individual who is to see the MI question as closed. Studies indicate that (1) in tasks requiring subjects to classify a word[23] as "abstract" or "concrete," the most common mistake psychopaths made was to

[22] This has been confirmed through various empirical methods including electroencephalography (Kiehl et al., 1999), functional Magnetic Resonance Imaging (fMRI) (Kiehl et al., 1999, 2004), and positron emission tomography (PET) (Beauregard et al., 1997).

[23] In the studies I cite to support my claim (that psychopaths have rational deficits), researchers show psychopaths *neutral* words, e.g. chair or justice, and observe their responses in various ways. This is important since showing that psychopaths process abstract, affect-laden words differently complicates what might be happening. It is well known that psychopaths have problems processing emotional language (e.g., Williamson, Harpur, & Robert D.

incorrectly identify an abstract word as concrete (Kiehl et al., 1999; 2004), and (2) in tasks requiring subjects to determine if the word presented was an exemplar of a particular category, psychopaths made significantly more errors than controls on the abstract categorization tasks but not the specific concrete ones (Hare & Jutai, 1988). So, in the first case, the psychopath might indicate that both "table" and "justice" are concrete words instead of concrete and abstract, respectively. In the second case, the psychopath might be able to recognize "sparrow" as an examplar in the category "bird" ("specific or concrete category") but not see it as an example of "living thing" (abstract category).[24] The research indicates that the psychopath lacks the cognitive resources that nonpsychopathic individuals recruit to perform tasks that place "heavy demands on semantic processes and memory" (Jutai et al., 1987; see also Hare & Jutai, 1988; Jutai & Hare, 1983).

How does this relate to the tasks required of someone who is to be motivated by a moral judgment or even to see a moral rule as relevant? The statement of MI is, "The question, 'Is *Φ*-ing in circumstances *c*, which is right, also something I am motivated to do?' is closed." Being motivated to *Φ* in circumstances *c* requires that a person see his current circumstances as related to the circumstances articulated in his moral maxim in a particular way. The way those sets of circumstances relate is often that the present circumstances are concrete exemplars of the abstract categories of the types of circumstances described in the moral maxim. For someone to be motivated to *Φ* in circumstances *c*, he must recognize that the concrete circumstances *c* in

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Hare, 1991). So, a sentimentalist might chalk up their language problems to the fact that the words were emotional (citing psychopaths' affective deficits), rather than abstract (which would support rational deficits). By using neutral words, researchers control for that possibility.

[24] It should be noted that "bird" and "table" *are* abstract words (E. Nahmias, personal communication, April 4, 2011). Hare and Jutai's language is somewhat loose in this regard. In what they call the "specific categorization task", the cue word (say, "sparrow") is an example of a "relatively specific or concrete semantic category" (say, "bird"). In the "abstract categorization task", the cue word is an example of a "more abstract semantic category" (Hare & Jutai, 1988, p. 330). The point is that as tasks become *more* abstract and more complex, psychopaths' performance decreases as compared to the control group.

which he finds himself relate to the (abstract) circumstances described in "*Φ*-ing in *C*-type circumstances is right [wrong]." For example, Hernandez recognized that the situation in which he found himself—surrounded by innocent injured people who were in need of first aid—was relevant to a moral rule he later articulated. He said, "you just kind of have to do what you can… people needed help" (Rose & Pitzl, 2011) or "In circumstances where people need help and you are able to do something, you are morally obligated to do so."[25] The research on psychopaths' failures in categorization tasks, especially involving abstract terms, suggests that they might not be able to that, i.e., to recognize that a current circumstance *c* is an *instance* of *C*-type circumstances described in a moral rule.

Consider statements that specify moral maxims, statements that the psychopath is said to be able to articulate, for example, "Harming an innocent person is wrong" or "Taking care of someone you love is right." In practice, we do not encounter "innocent person" or "someone we love" in the abstract; we encounter Gabrielle Giffords and Gabe Zimmerman, the gas station attendant selling us beer, our children and our mothers—concrete people in concrete circumstances. The beer-seeking psychopath needs to be able to recognize that the convenience store attendant *is* an innocent person who he should not harm, i.e., that the circumstance in which he finds himself *is* a concrete case to which "Harming an innocent person is wrong" applies. While the psychopathic mother can say, "Taking care of someone who you love is right," she might not be motivated to bathe, clothe, or tend to the emotional needs of her children if she does not recognize she is *in* the circumstances which would call for those particular actions. So, connecting moral judgment with motivation to act, even if you can verbally articulate moral rules, involves recognizing that one's current circumstances are morally relevant. Specifically,

[25] Was Hernandez *consciously* aware of the metal operations involved in making this category assignment? Likely not. However, what is needed to instantiate MI is simply that he *recognized* (consciously or not) that his current circumstance *c* was an instance of *C*-type circumstances and that Hernandez was motivated.

what this means is that the question that is open for the psychopath is actually of the form "*Φ*-ing in *C*-type circumstances is right [wrong] and I am in circumstances *c*, but is *Φ*-ing something I am motivated to do [or refrain from doing]?" For example, "Hurting an innocent person is wrong and I am considering striking the gas station attendant so I can take this beer, but am I motivated to refrain from striking the attendant?" To see this question as closed, one must recognize that "striking the gas station attendant so I can take this beer" is an instance of "Hurting an innocent person."

In this section, I have suggested that the explanation for why psychopaths can genuinely ask, "Is *Φ*-ing in circumstances *c*, which is right, also something I am motivated to do?" is not merely that their emotional deficits fail to infuse a moral mandate with the special status that somehow guarantees motivation, as the sentimentalist might suggest (Nichols, 2002a). Another way one could fail to be motivated to *Φ* while believing *Φ*-ing is morally right is if the person cannot recognize that his current circumstance *c* is an instance of *C*-type circumstances described in the moral rule he utters. In order to recognize the MI question as closed, the psychopath must have the cognitive faculties to see that the present situation is an example of the circumstances described in the moral mandate. Psychopaths' failures in tasks that involve categorization and the understanding of abstract terms suggest they might not be able to do this. If this is the case, then psychopaths will not get to the point where sentimentalists say their (emotional) deficits play a part. That is, if psychopaths do not recognize a particular moral rule as relevant in their present circumstance, that moral rule (given a "special status" or not) will not serve to motivate. Regardless of whether or not "*Φ*-ing in *C*-type circumstances is right" is emotionally-infused, psychopaths find themselves in "circumstances *c*" which, because of rational deficits, is not seen

as an instance of *C*-type circumstances. So, the empirical research suggests a complex answer to "What's wrong with the psychopath?"—an answer which includes rational deficits.

3.1.2 Attention and impulse control

At this point it may be useful to point out a distinction that I have not yet drawn. Judgments and motivations can be understood as occurent or dispositional states.[26] When interviewed, a psychopath may express the judgment that, "It is wrong to hurt an innocent person." This judgment is occurrent. As he entertains the repercussions of assault, he might even have an occurrent motivation to refrain from doing so. At the time he hits the gas station attendant, there are several possibilities: (1) the specific judgment "*Φ*-ing in circumstances *c* is wrong" is not occurrent; (2) the particular motivation to refrain from *Φ* -ing in circumstances *c* is not occurrent (3) the general judgment "*Φ* -ing in C-type circumstances is wrong" is not occurrent; (4) the general motivation to refrain from *Φ*-ing in *C*-type circumstances is not occurrent. The discussion above suggests that (1) and (2) are likely. Psychopaths might not recognize that their present circumstance *c* is related to the general moral rule. So, even if they have a disposition to make the general judgment, (1) might be true—they will not likely make the relevant judgment, "*Φ*-ing in circumstances *c* is wrong"—as well as (2), i.e., they would not be motivated to refrain from *Φ*-ing at that moment. So, the language deficits might rule out the occurrent, *specific* judgment and motivation to *Φ* in the particular, concrete circumstances *c*.

Now, suppose that, in the moment of action, psychopaths do not attend to the general, moral rule, "*Φ*-ing in *C*-type circumstances is wrong." If, say, psychopaths are so drawn into the present circumstances that they do not have the chance to even call to (or hold in) attention the applicable moral rule (3), then failure to have occurrent, specific judgment (1) and motivation (2)

[26] I am grateful to Stephen Jacobson for pointing this out (personal communication, March 26, 2011).

would be attributable to something upstream relative to the categorization task. So, (1) and (2) might not even come into play. Psychopaths have impairments related to attention and impulse control which suggest this is possible.

Psychopaths evince particular deficits in the breadth of their focus and in their ability to attend to multiple stimuli. It is not that the psychopath has a shorter attention span; it is that he has a *narrower* one, so much so that he overlooks other relevant stimuli where such neglect undermines his ultimate aim. For example, Hare (1993, p. 77 as cited by Maibom, 2005, p. 244) describes psychopathic World War II fighter pilots who had reputations for their fearlessness, "staying on their targets like terriers on an ankle," yet who also neglected to pay attention to their fuel supply, altitude, location, and the position of other planes. Psychopaths' narrow attention span has been confirmed in laboratory experiments of performance on dual-task tests wherein the subject must pay attention to several stimuli of different types (Kosson, 1996; Maibom, 2005).

The psychopath also often exhibits extreme impulsivity. Hare describes one inmate who was foolish enough to participate in a television game show in the city where his victims lived, presumably in direct violation of his parole—"five minutes of stardom and two years in prison" (Hare, 1993, p.88 as cited in Kennett, 2006). Gary Gilmore, a convicted psychopath (who had a very high IQ), explained that his failure to get away with his crimes was due to his impulsivity. In his own words, Gilmore says he does not "think".

> I got away with a couple of things. I ain't a great thief. I'm impulsive. Don't plan, don't think. You don't have to be super intelligent to get away with that shit, you just have to think. But I don't. I'm impatient. Not greedy enough. I could have gotten away with lots of things that I got caught for. I don't, ah, really understand it. Maybe I quit caring a long time ago (Hare, 1993).

Kennett (2006) describes the psychopath as "completely rooted in the present", citing Hare's observations that the psychopath acts on a present desire like an infant overcome by "immediate

satisfaction, pleasure, or relief" (Hare, 1993, p. 58). The psychopath does not consider his act's relation to past acts or longer-term projects (Maibom, 2005), as well as, I argue, how it relates to the general circumstances described in the moral rule that he, theoretically, knows. The above suggests that cognitive deficits in attention and impulse control may be responsible for psychopaths' failure to make the occurrent judgment regarding *C*-type circumstances. So, even if psychopaths have a dispositional motivation to follow the moral rule, it will not be manifested since they are too caught up in their present circumstances.

What is the explanation offered by the sentimentalist for why psychopaths do not make the judgment "*Φ*-ing in *C*-type circumstances is wrong" at the time of action? And, is an explanation that implicates cognitive deficits better? The sentimentalist would have to say that emotion alone accounts for the absence of the occurent judgment. For the psychopath, perhaps the present circumstance does not trigger the relevant emotion which, for normal people, is associated with a moral rule; the moral rule, infused with a special status, would then motivate. On the other hand, I have suggested that cognitive capacities are also required. However, I have not said that these capacities are sufficient. Making moral judgments might require some combination of emotional and rational capacities. The comment from Gilmore above is suggestive: "I'm *impulsive*. Don't plan, don't think… Maybe I quit *caring* a long time ago" (Hare, 1993; emphasis added). What it takes to make moral judgments and the process involved might not be as simple as that suggested by the sentimentalist (or the rationalist, for that matter). Being able to hold multiple things in attention and to refrain from acting impulsively in combination with having particular emotions triggered when a circumstance "registers", for example, is one way rational and emotional facilities might pair to direct a person to make the relevant judgment.

I pause briefly and take stock of where we are. We saw that there are two judgments that are under consideration: the general judgment (expressing a "moral rule") that "*Φ*-ing in *C*-type circumstances is wrong" and the particular moral judgment that "*Φ*-ing in circumstances *c* is wrong." The open question became quite complex when we considered that both judgments and motivations can be considered as occurent or dispositional states. If particular circumstances are tokens of the circumstances described in general moral rules and (assuming) psychopaths are motivated to follow those general rules, then for a psychopath to have the occurrent motivation to *Φ* in present circumstances *c* that person must have the capacity to (1) make the general, occurrent judgment "*Φ*-ing in *C*-type circumstances is wrong" and (2) recognize that their present circumstance *c* is an instance of a *C*-type circumstance. In this section, I have suggested that deficits in attention and impulse control may explain, at least in part, why psychopaths may not have the capacity to do (1). In the previous section, I suggested that deficits in particular categorization tasks might explain why psychopaths do not have the capacity to do (2) and that explanation is better than the one offered by the sentimentalist.

The evidence presented in this section suggests that the empirical research on psychopathy does not support the sentimentalist's move. Their argument is that the psychopath's motivational failures are best explained by his emotional impairments. So, psychopaths never make a moral judgment because they cannot; they do not have the right emotional stuff, says the sentimentalist. However, I have argued that having the motivation specific to one's present circumstance requires calling to attention moral rules and recognizing that they are relevant—two things that are made difficult by psychopaths' *rational* deficits in attention, impulse control, and language processing.

3.2 THE (IR)RELEVANCE OF MORAL NORMS

One might object that, while the above has shown that rational deficits play a part in why the psychopath may not make the relevant moral judgment and be motivated in the heat of the moment, this seems to apply only to split-second decisions. After all, in the empirical studies described, subjects face the pressure of time. Attentional deficits and impulsivity are irrelevant when it comes to criminal psychopaths, for example, whose crimes are premeditated. And, it just does not seem likely that the psychopath's language processing deficits are so pronounced that he makes such obvious mistakes and makes them *repeatedly*. "The psychopath doesn't see the gas station attendant as an instance of an 'innocent person' at the time he thwacks him with a stick? Can you be serious?" Further, my objector might add, the repercussions of his mistakes, in the case of criminal psychopaths, are huge—significant jail time and, in some cases, execution. I suggest that psychopaths have additional rational deficits which may also play a part in why they are not motivated.

In this section, I will argue, again, that psychopaths do not make the relevant moral judgment and fail to do so because of a rational impairment; however, I will argue that they do not even make the relevant *dispositional* moral judgment—from the "comforts" of the penitentiary where they are interviewed by a psychologist, far from the heat of the moment where their other cognitive impairments might have had more significant a role.

Recall, the sentimentalist has argued that when psychopaths utter moral rules, they use "right" in an inverted commas sense. They do not mean what you and I do. Why? Because particular emotions are needed to make moral judgments, emotions that the psychopath lacks. I agree that when psychopaths state moral rules, they do not mean what you and I do; however, it is not (only) because they do not possess the requisite emotions. When they say, "It is right to Φ

in circumstances *c*," it is possible that they do *not* mean "It is right *for me* to *Φ* in circumstances *c*." Psychopaths do not see moral requirements as applying to them; they see themselves as somehow different from the people around him or, indeed, from the rest of the world in what they consider is a relevant way. In this section, I will argue that empirical research on psychopaths' self-understanding and appraisal supports this claim and that their erroneous assessments evince their irrationality.

3.2.1 Others as rule-followers

Psychopaths do seem to regard rules as applicable to others. Or they may see others like sheep, blindly following mandates that work against their interests. Perhaps they may just think others are not clever enough to work around them. In any case, the psychopath capitalizes on the fact that others do behave morally and, hence, predictably. When writing about Ted Bundy, the serial killer who brutally murdered dozens of young women, Hare asks, "[h]ow do you get people to do what you want them to do [when that] goes against every inclination in their own personalities and everything they grew up knowing was wrong, dangerous, unthinkable—for example, getting into a car with a man you've never seen before, especially if you're a young, pretty woman far from home?" (1993, p. 51) Psychopaths capitalize on the fact that most people are honest, generous, and want to help others in trouble, i.e., that most people *are morally motivated.* Bundy lured his victims into his car by feigning a broken leg or arm and asking them for their assistance—sometimes his ploy failed, but as Anne Rule recounted in *The Stranger Beside Me*, often times it worked (2001).

The psychopath's job is made easier by the fact that many people have what Hare calls an "unshakable belief in the inherent goodness of man" (1993, p. 110). "White collar" psychopaths

trade on both their superficial charm as well as people's inherent tendency to trust and obey others, especially professionals (see Milgram, 1974). One woman who had a committed a long string of frauds and thefts said, "Money grows on trees… They say it doesn't but it does. I don't *want* to do it to people, it's just so *easy*!" (Hare, 1993, p. 50) Interestingly, even when a psychopath's victim is shown that he has been cheated or duped, the victim often still clings to his false beliefs about the psychopath. After a newspaper reporter in a small town uncovered that their Man of the Year, president of the Chamber of Commerce, and Republican Executive Committee member was feigning his credentials and had a long history of antisocial behavior, fraud, impersonation, and imprisonment, the public rushed to his support! (Hare, 1993, pp. 111-112) So, it seems, psychopaths believe that moral rules do apply—to others—or, at least, they trust that others accept the rules as true and act accordingly. However, it appears that psychopaths do not consider moral mandates as applying to *themselves*, though their words may suggest otherwise.

In this section, I have suggested that the psychopath relies on the fact that others see moral rules as applicable to themselves and generally act accordingly. In what follows, I suggest that psychopaths do not see moral requirements as applying to them, i.e., "It is right to Φ in circumstances *c*" does not translate to "It is right *for me* to Φ in circumstances *c*." This question is open *for him* because sees himself as significantly different from others.

3.2.2 Egocentricity, grandiosity, and the irrelevance of social rules

Hare describes how the psychopath actually views the social norms and rules which figure in their glib descriptions of their attitudes.

> Psychopaths consider the rules and expectations of society as inconvenient and unreasonable, impediments to the behavioral expression of their inclinations and wishes. They make their own rules, both as children and adults. Impulsive, deceitful children who lack empathy and see the world as their oyster will be much the same as adults. The lifelong continuity of the self-serving, antisocial behavior of psychopaths is truly amazing (Hare, 1993, p. 67).

What likely underwrites their conception of moral norms and their irrelevance is an extreme grandiosity and egocentricity. Pychopaths' self-perceptions are radically out of sync with reality. One of Hare's interviewers even remarked, "If I hadn't been so afraid of [Earl, a psychopath,] I would have laughed in his face at his blatant self-worship." Earl said, "I'm always being told by others how great I am and how there's nothing I can't do—sometimes I think they're just shitting me, but a man's got to believe in himself, right? When I check myself out, I like what I see" (1993, pp. 100-101). Another reported that on a 10-point scale he would consider himself an "all-round 10," adding, "I would have said 12, but that would be bragging" (1993, p. 38).

That their perception of their abilities reaches the point of irrationality is evinced by the fact that it causes them to make decisions and commit acts that are decidedly opposed to their purposes. And, they fail to learn better! For example, Hare cites the (not unusual) case of one psychopath who fired his "shithead lawyer" and decided to handle his own appeal, turning a two-year sentence into three (Hare, 1993). Psychopaths' stated plans and goals are radically out of sync with their abilities and background. Further, they do not make the kinds of decisions (such as pursuing education) that would help them meet their goals. For instance, a "not particularly literate" psychopath obtained a copyright to the title of his would-be autobiography which he was certain would become a bestseller (Hare, 1993, p. 39). Maibom (2005) notes that an inflated sense of self can even cause an individual to make decisions that cause him physical harm. She cites findings that persons with antisocial personality disorder are twice as likely to be hurt by accident and are more likely to die early from disease (including HIV), violence, and accidents

(Black & Larson, 1999). The tendency for psychopaths to repeat the types of behaviors that resulted in their incarceration may be in part due to their impulsivity; however, that they feel they are superior to others likely makes them simply expect that they will not get caught. In sum, psychopaths' extreme narcissism in combination with an irrational self-perception make it such that they consider that society's rules work against their purposes and that they, being supremely clever, talented, etc., need not abide by them.

In this final section, I have suggested that in order to be motivated by a moral rule, a person must see herself within the domain of persons for whom that rule applies; psychopaths do not appear to see that. It may indeed be true that emotion plays a part in how this rule is understood, as the sentimentalist claims. However, a psychopath must *first* acknowledge that moral rules have to do with *him*.

The argument I have presented in Chapter 3 suggests a more complex picture of what it would take for an individual to see as closed the question, "Is *Φ*-ing *in circumstances c*, which is right, also something *I* am motivated to do?" Examining the psychopath's open question has rendered the following:

(1) For the psychopath, "*Φ*-ing in circumstances *c* is right" might mean "*Φ*-ing in circumstances *c* is right *for you*. [I am different.]" Therefore, he is not motivated to *Φ*.

(2) Even if (1) is false (that is, he *does* in fact see the maxim as applying to him), the psychopath may not have the ability to recognize that "*Φ*-ing in *C*-type circumstances is right" describes circumstances which indicate abstract classes of things of which their present circumstances are concrete tokens. Hence, the mandate is not relevant and he is not motivated to *Φ*.

(3) Even if (1) and (2) are false (i.e., the maxim *is* personally-applicable and the psychopath's categorization problems don't affect him in the relevant way), the psychopath might not have the attentional and impulse control faculties to recognize that he is in *C*-type circumstances in the present moment. Therefore, he would not be motivated to *Φ*.

3.3 CONCLUSION

When asked what had compelled him to tackle the Tucson shooter, Roger Salzgeber said: "It oscillates between doing what I had to do, and a momentary lapse of reason. But am I glad? Certainly. I wish I could have done more" (Swaine, 2011). This is an interesting response in light of what we have seen above. Indeed, the connection between moral judgment and motivation might be more complicated than MI might have us believe, and the nature of moral judgment might not be as simple as an expression of an underlying emotional disposition or, for that matter, a reason for action. Maibom considers the possibility that "[p]erhaps reason and emotion are more intimately linked than is traditionally allowed. If they are, this might well require both rationalists and sentimentalists to modify their moral theories. And perhaps work on psychopathic irrationality might help pave the way" (2005, p. 252). In any case, it should be noted that psychopathy is a complex phenomenon defined by a cluster of features and it is possible that there is not a *single* explanation for all cases; however, any explanation that implicates affective deficits alone, while virtuous in its parsimony, is likely incomplete. And, an appeal to best explanations for the psychopath's moral failures to support a sentimentalist conception of moral judgment and conceptual MI is not flawed in principle; however, empirical evidence suggests it is unsubstantiated.

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