

This article appeared in *The Monist*, 85 (2002).

## How Psychopaths Threaten Moral Rationalism, or Is it Irrational to Be Amoral?\*

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Over the last 20 years, a number of central figures in moral philosophy have defended some version of moral rationalism, the idea that morality is based on reason or rationality (e.g., Gewirth 1978, Darwall 1983, Nagel 1970, 1986, Korsgaard 1986, Singer 1995; Smith 1994, 1997). According to rationalism, morality is based on reason or rationality rather than the emotions or cultural idiosyncrasies, and this has seemed to many to be the best way of securing a kind of objectivism about moral claims. Consider the following representative statements:

Just as there are rational requirements on thought, there are rational requirements on action, and altruism is one of them. . . . If the requirements of ethics are rational requirements, it follows that the motive for submitting to them must be one which it would be contrary to reason to ignore (Nagel 1970, p. 3).

The Kantian approach to moral philosophy is to try to show that ethics is based on practical reason: that is, that our ethical judgments can be explained in terms of rational standards that apply directly to conduct or to deliberation. Part of the appeal of this approach lies in the way that it avoids certain sources of skepticism that some other approaches meet with inevitably. If ethically good action is simply rational action, we do

not need to postulate special ethical properties in the world or faculties in the mind in order to provide ethics with a foundation (Korsgaard 1986, p. 311).

If our concept of rightness is the concept of what we would desire ourselves to do if we were fully rational, where this is a desire for something of the appropriate substantive kind, then it does indeed follow that our moral judgements are expressions of our beliefs about an objective matter of fact (Smith 1994, p. 185).

As these passages indicate, the consequences are profound and reassuring if moral rationalism is true. So it's no wonder that the view has drawn such a distinguished following.

Despite the appealing consequences promised by rationalism, I'll argue that the view is implausible. There are, I maintain, two quite different kinds of claims available to the rationalist, a conceptual claim and an empirical claim. I'll argue that each of these claims is threatened by considerations about psychopaths, but in radically different ways. Conceptual Rationalism claims that it is part of our concept of morality that moral requirements are requirements of reason. The problem with this proposal is that common views about psychopaths suggest that Conceptual Rationalism does not capture our *concept* of moral requirements. Empirical Rationalism is immune to these criticisms, for it claims only that it is an empirical fact about human psychology that moral judgment derives from our rational capacities. However, Empirical Rationalism is seriously threatened by empirical evidence on the *psychology* of psychopathy. For recent evidence indicates that the capacity for moral judgment is in fact seriously disrupted in psychopaths, but this seems to be the result of an emotional deficit rather than any rational shortcomings.

## **I. Conceptual Rationalism**

The basic idea of Conceptual Rationalism is that it is a conceptual truth that a moral requirement is a reason for action (Nagel 1970, Korsgaard 1986, Smith 1994). For instance, Michael Smith writes that the rationalist's conceptual claim is that "our concept of a moral requirement is the concept of a reason for action; a requirement of rationality or reason" (1994, p. 64). He goes on to say, "according to the rationalist, it is a conceptual truth that claims about what we are morally required to do are claims about our reasons" (1994, p. 84). I will focus on Smith's version of this position, since it is largely insulated from empirical problems raised against classical conceptual analysis (e.g., Stich 1992). Smith adopts David Lewis' view that the terms of commonsense theories are defined by the set of platitudes in which they occur (Lewis 1970, 1972). So, as Smith envisions the project of conceptual analysis, "an analysis of a concept is successful just in case it gives us knowledge of all and only the platitudes which are such that, by coming to treat those platitudes as platitudinous, we come to have mastery of that concept" (1994, p. 31). This approach elegantly sidesteps empirical problems about the way that concepts are mentally represented. It is clearly the case that lay people know a number of platitudes about morality (e.g., "It's wrong to hit a person without a good reason"). The project of charting those platitudes is both practicable and interesting.

For current purposes (viz., exploring the importance of psychopaths for moral rationalism), the crucial feature of Conceptual Rationalism is its account of the link between moral judgment and motivation. Smith maintains that Conceptual Rationalism entails the Practicality Requirement, according to which "It is supposed to be a conceptual truth that agents who make moral judgments are motivated accordingly, at least absent weakness of the will and

the like” (Smith 1994, p. 66). Thus, Conceptual Rationalism is committed to the claim that it’s a conceptual truth that people who make moral judgments are motivated by them.<sup>1</sup> It is at this point that considerations about psychopaths start to raise trouble.

## II. Conceptual Rationalism and Platitudes about Psychopathy

It was almost as if he [I] said it was wrong for all these things to happen. ‘It is wrong for me to jaywalk. It is wrong to rob a bank. It is wrong to break into other people’s houses. It is wrong for me to drive without a driver's license. It is wrong not to pay your parking tickets. It is wrong not to vote in elections. It is wrong to intentionally embarrass people’

Presumed psychopath Ted Bundy (Michaud & Aynesworth 1989, p. 116).<sup>2</sup>

Psychopaths pose a familiar problem for Conceptual Rationalism because, contrary to the Practicality Requirement, it seems possible that a psychopath can be fully rational and judge that some action is morally required without being motivated to do it. This sort of worry is typically traced back to Hume’s “sensible knave” thought experiment. Hume sets up the case as follows:

according to the imperfect way in which human affairs are conducted, a sensible knave, in particular incidents, may think that an act of iniquity or infidelity will make a considerable addition to his fortune, without causing any considerable breach in the social union and confederacy. That *honesty is the best policy*, may be a good general rule, but is liable to many exceptions; and he, it may perhaps be thought, conducts himself

with most wisdom, who observes the general rule, and takes advantage of all the exceptions.

I must confess that, if a man think that this reasoning much requires an answer, it will be a little difficult to find any which will to him appear satisfactory and convincing. If his heart rebel not against such pernicious maxims, if he feel no reluctance to the thoughts of villainy or baseness, he has indeed lost a considerable motive to virtue; and we may expect that his practice will be answerable to his speculation (Hume 1777/1966, pp. 282-283).

In the contemporary literature, David Brink develops Hume's example and argues that these sorts of cases show that it is conceptually possible for a rational amoralist to make moral judgments without being appropriately motivated by them (e.g., Brink 1989). Although he ultimately tries to defend Conceptual Rationalism against Brink, Smith himself suggests that such apparent cases of rational amoralists aren't "confined to the world of make-believe. There are, after all, real-life sociopaths" (1994, p. 67).

The standard Conceptual Rationalist response to this problem is to maintain that sociopaths or psychopaths do not "*really* make moral judgments at all" (Smith 1994, p. 67). When psychopaths say that it's wrong to hurt people, they are not expressing the same thing that normals do with the same sentence, since psychopaths are not motivated in the right way and thus their words mean something else. Rather, psychopaths use moral terms in an "inverted-commas" sense (Hare 1952). This inverted-commas response has been defended most vigorously by Smith, and it has generated a spirited debate (e.g., Brink 1997, Miller 1996, Smith 1994, 1996, 1997). I want to skirt most of the debate to consider a point at which the inverted-commas response joins an empirical issue.

It is important to be clear about exactly what the inverted-commas claim comes to. If the inverted-commas response is to insulate Conceptual Rationalism from the rational amoralist, then the claim cannot be that it is an empirical fact about psychopaths that they use moral terms in an inverted-commas sense. Rather, the claim must be that it is part of our *concept* of moral judgment that psychopaths do not really make moral judgments, but only ‘moral’ judgments. Conceptual Rationalism is, after all, supposed to characterize our ordinary moral concepts and intuitions. Indeed, as Smith develops it, Conceptual Rationalism is supposed to be a systematized set of platitudes that characterize the folk concept of morality. Although the project of systematizing the platitudes will presumably require serious analytic resources, the project also has substantive *empirical* checks since the platitudes themselves are supposed to be claims that most people would accept. Hence, an important initial question is, what *do* people think about moral judgment in psychopaths? Since both Conceptual Rationalists and their opponents are heavily invested in the debate, we should be wary of relying on their intuitions about what people think about psychopathic moral judgment. A less loaded alternative is to simply ask people who haven’t been trained in the debate. In light of this, I carried out a preliminary study in which I presented philosophically unsophisticated undergraduates with questions about whether a given person really understands moral claims. Subjects were given the following probes:

John is a psychopathic criminal. He is an adult of normal intelligence, but he has no emotional reaction to hurting other people. John has hurt and indeed killed other people when he has wanted to steal their money. He says that he knows that hurting others is wrong, but that he just doesn’t care if he does things that are wrong. Does John really understand that hurting others is morally wrong?

Bill is a mathematician. He is an adult of normal intelligence, but he has no emotional reaction to hurting other people. Nonetheless, Bill never hurts other people simply because he thinks that it is irrational to hurt others. He thinks that any rational person would be like him and not hurt other people. Does Bill really understand that hurting others is morally wrong?

The responses to these questions were striking – and they ran in exactly the opposite pattern that Conceptual Rationalism would suggest. Most subjects (nearly 85%) maintained that the psychopath *did* really understand that hurting others is morally wrong, despite the absence of motivation. Neither was this due to an insipid reluctance to deny genuine moral judgment, for, surprisingly, a majority of subjects denied that the mathematician really understood that hurting others is morally wrong.<sup>3</sup> These responses suggest that, at least in some populations, the common conception of psychopaths is precisely that they *really* know the difference between right and wrong, but they don't care about doing what's right. Prima facie, this counts as evidence against the Conceptual Rationalist's inverted-commas gambit. For it seems to be a *platitude* that psychopaths really make moral judgments. And if it's a platitude that psychopaths really make moral judgments, it will be difficult to prove that Conceptual Rationalism captures the folk platitudes surrounding moral judgment. This is not to say that there are no responses available to the inverted-commas enthusiast. One might, for instance, maintain that a process of reflective equilibrium would lead people to reject the platitude about psychopathic moral judgment. However, it's important to note that this sort of response is yet another substantive empirical claim, which will not be persuasive without empirical evidence.

There is a more far reaching empirical threat to Conceptual Rationalism from recent work

on philosophical intuitions. Jonathan Weinberg, Steve Stich, and I explored epistemic intuitions in different cultures and socioeconomic groups. We found that there is considerable and surprising variation (both within and across cultures) in folk intuitions about standard epistemological thought experiments (Weinberg et al. forthcoming). For instance, on a Gettier case, there was a significant difference between the responses of Western students and East Asian students. Although we do not yet have any cross-cultural data on intuitions about meta-ethics, the findings on epistemic intuitions obviously raise the possibility that there might also be considerable variation in intuitions about moral requirements. Thus, not only is it a substantive empirical assumption that the folk platitudes, when systematized, will exclude the platitude about psychopathic moral judgment, it is also a substantive empirical assumption that there is a stable and cross-culturally uniform set of intuitions or platitudes that comprise *the* folk concept of morality.

Thus, it is empirically dubious that there is a single, universal folk concept of morality according to which psychopaths do not make genuine moral judgment. As we will see, there is empirical evidence that indicates that the capacity for moral judgment is seriously disturbed in psychopaths, and they are plausibly regarded as using moral terms in an inverted-commas sense. However, this empirical evidence is of no help to the Conceptual Rationalist. For the problem psychopaths pose for Conceptual Rationalism concerns only the facts about our *concept* of psychopaths, not the facts about psychopaths themselves.

### **III. Empirical Rationalism**

In addition to rationalist claims about our moral concepts, there is another kind of rationalist claim, what I'll call *Empirical Rationalism*. The basic idea of Empirical Rationalism

might be put as follows:

It is an empirical fact that moral judgment in humans is a kind of rational judgment; i.e., our moral judgments derive from our rational faculties or capacities.

In contrast to Conceptual Rationalism, Empirical Rationalism adverts to our actual rational capacities as the basis for our moral judgment, rather than anything about our concept of what a moral judgment is.

In recent years, Peter Singer has developed a version of Empirical Rationalism in the context of the evolutionary problem of how to explain the sense of responsibility:

How can evolutionary theory explain a sense of responsibility to make the entire world a better place? How could those who have such a sense avoid leaving fewer descendants, and thus, over time, being eliminated by the normal workings of the evolutionary process?

Here is one possible answer. Human beings lack the strength of the gorilla, the sharp teeth of the lion, the speed of the cheetah. Brain power is our specialty. The brain is a tool for reasoning, and a capacity to reason helps us to survive, to feed ourselves, and to safeguard our children... the ability to reason is a peculiar ability... it can take us to conclusions that we had no desire to reach. For reason is like an escalator, leading upwards and out of sight.... (Singer 1995, pp. 226-7).

Singer suggests that this natural capacity for reason enables us to “distance ourselves from our own point of view and take on, instead, a wider perspective, ultimately even the point of view of the universe” (Singer 1995, p. 229).

Although few other writers develop Empirical Rationalism in an evolutionary framework, there is reason to think that other rationalists also find Empirical Rationalism attractive. For

instance, Thomas Nagel is concerned to dispel subjectivism, which he regards as an empirical hypothesis (1997, pp. 110-1). And Smith tries to explain the behavior of actual miscreants, like the successful criminal, by appealing to failures in the criminal's rational processes (1994, pp. 194-6). In effect, Smith suggests that those who actually exhibit persistent failings in moral judgment suffer from rational failings.

More broadly, rationalists often remark on the amount of actual agreement that is found in moral discourse, and they take this to support a rationalist claim. In discussing values, Nagel writes that "the degree to which agreement can be achieved and social prejudices transcended in the face of strong pressures suggests that something real is being investigated" (1986, p. 148). Similarly, Smith writes, "the empirical fact that moral argument tends to elicit the agreement of our fellows gives us reason to believe that there will be a convergence in our desires under conditions of full rationality. For the best explanation of that tendency is our convergence upon a set of extremely unobvious *a priori* moral truths" (1994, p. 187). These observations about actual agreement on moral issues are not about our *concept* of moral requirements; rather, they are claims about our actual and predicted moral judgments. Coming to agreement about moral issues is supposed to count as evidence that we arrive at our moral judgments through rational means. In this context, the analogy with mathematics is especially appealing. Smith exploits this analogy:

Why not think. . . that if such a convergence emerged in moral practice then that would itself suggest that these particular moral beliefs, and the corresponding desires, do enjoy a privileged rational status? After all, something like such a convergence in mathematical practice lies behind our conviction that mathematical claims enjoy a privileged rational status. So why not think that a like convergence in moral practice would show that moral

judgements enjoy the same privileged rational status? . . . . It remains to be seen whether sustained moral argument can elicit the requisite convergence in our moral beliefs, and corresponding desires to make the idea of a moral fact look plausible. . . . Only time will tell (Smith 1993, pp. 408-9).

By exploiting this analogy between moral judgment and mathematical judgment, we can offer a somewhat sharper characterization of Empirical Rationalism:

The psychological capacities underlying moral judgment are, like the psychological capacities underlying mathematical judgment, rational mechanisms.

If this is right, then all rational creatures should eventually reach agreement about moral claims, as they do about mathematical claims.

According to Empirical Rationalism, then, human moral judgment is a product of reason, just as logic and mathematics are products of reason. That would provide ample justification for thinking that human morality is in fact objective. Because if human moral judgment derives from our rational faculties, then creatures who have all of the rational faculties that we do (including aliens) should arrive at the same moral views that we do. It's worth emphasizing that this might be true quite independently of whether Conceptual Rationalism is true. It might turn out that our actual moral psychology really is akin in the relevant respects to our actual mathematical psychology, and this might be the case even if it's not part of our *concept* of moral requirement that moral requirements are requirements of rationality. Indeed, platitudes about psychopaths do not pose the slightest objection to the Empirical Rationalist claim that human morality derives from rational cognitive mechanisms. Rather, Empirical Rationalism is, I think, the most promising contender for securing moral objectivism.

#### IV. Empirical Rationalism and the Psychology of Psychopathy

Contrary to the Conceptual Rationalist claim, it is apparently a folk platitude that psychopaths understand that it is morally wrong to hurt others but don't care. However, recent evidence suggests that psychopaths really do have a defective understanding of moral violations. I'll argue that, ironically, this evidence poses a serious problem for the Empirical Rationalist. For psychopaths' moral judgment making is deeply disturbed, but this seems not to be the result of a defect in their rational capacities. So, while Conceptual Rationalism is at odds with our concept of psychopathy, Empirical Rationalism is at odds with the *psychology* of psychopathy.

##### *1. Moral Judgment in Psychopaths.*

In order to explain the nature of the psychopath's deficit in moral judgment, we will need to review some recent work in moral psychology. In the empirical literature, the capacity for moral judgment has perhaps been most directly approached by exploring the basic capacity to distinguish moral violations (e.g., hitting another person) from conventional violations (e.g., playing with your food). This tradition in psychology began with the work of Elliot Turiel and has flourished over the last two decades (e.g., Turiel et al. 1987, Dunn & Munn 1987, Smetana & Braeges 1990, Nucci 1986). The easiest way to see the import of the data on moral judgment is to consider how subjects distinguish between prototypical examples of moral violations and prototypical examples of conventional violations. Prototypical moral violations include pulling hair, pushing, and hitting. The examples of conventional violations that have been studied are much more varied. They include violations of school rules (e.g., talking out of turn), violations of etiquette (e.g., drinking soup out of a bowl), violations of family rules (e.g., not clearing one's dishes). What is striking about this literature is that, from a young age, children distinguish the

cases of moral violations from the conventional violations on a number of dimensions. For instance, children tend to think that moral transgressions are generally less permissible and more serious than conventional transgressions. And the explanations for why moral transgressions are wrong are given in terms of fairness and harm to victims, whereas the explanation for why conventional transgressions are wrong is given in terms of social acceptability. Further, conventional rules, unlike moral rules, are viewed as dependent on authority. For instance, if the teacher at another school has no rule against chewing gum, children will judge that it's not wrong for a person to chew gum at that school; but even if the teacher at another school has no rule against hitting, children claim that it's still wrong for a person to hit at that school. Indeed, a fascinating study on Amish teenagers indicates that moral wrongs are not even regarded as dependent on *God's* authority. Nucci (1986) found that 100% of a group of Amish teenagers said that if God had made no rule against working on Sunday, it would not be wrong to work on Sunday. However, more than 80% of these subjects said that even if God had made no rule about hitting, it would still be wrong to hit.

R. James Blair has recently tested psychopaths and control criminals on this basic capacity to distinguish moral and conventional violations (Blair 1995; see also Blair 1997). All the subjects were in prison at the time of the testing. To test the subjects' understanding of permissibility, they were asked,

“Was it O.K. for X to do Y?”.

To test the subjects' judgment of seriousness, they were asked,

“Was it bad for X to do [the transgression]?” and

“On a scale of one to ten, how bad was it for X to do [the transgression]?”.

The subjects were also asked

“Why was it bad for X to do [the transgression]?”

to examine the subjects’ justification categories. Finally, the subjects were told: “Now what if the teacher said before the lesson, before X did [the transgression], that ‘At this school anybody can Y if they want to. Anybody can Y.’” They were then asked,

“Would it be O.K. for X to do Y if the teacher says X can?”.

This question tested whether the subjects viewed the rule as authority dependent (Blair 1995, pp. 16-17). Blair found that control criminals, like normal adults and children, made a significant moral/conventional distinction on permissibility, seriousness, and authority contingency; psychopaths, on the other hand, didn’t make a significant moral/conventional distinction on any of these dimensions. Furthermore, psychopaths were much less likely than the control criminals to justify rules with reference to the victim’s welfare. Rather, psychopaths typically gave conventional-type justifications for all transgressions (e.g., “it’s not the done thing” [the subjects were British]). This failure to distinguish moral and conventional violations is illustrated in the remark taken from Ted Bundy at the beginning of section II, when he notes that it is wrong to jaywalk, wrong to rob a bank, wrong to break into other people’s houses, and wrong to drive without a license (Michaud & Aynesworth 1989, p. 116). Bundy doesn't seem to distinguish between the radically different kinds of wrongs involved here, mixing moral and conventional violations indiscriminately. It seems then, that although there is a sense in which psychopaths do know right from wrong, they don’t know (conventional) wrong from (moral) wrong. We would, in fact, have some justification in maintaining that they use moral terms only in an inverted-commas sense.

*2. What’s wrong with psychopaths?*

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. It is at that point that we begin to see the problem posed for the Empirical Rationalist. For there is no easy way for Empirical Rationalists to explain the psychopath's deficit, but there is a non-rationalist explanation that has some independent support.

#### Rationalist accounts of the psychopath's deficit in moral judgment

One simple rationalist explanation of the problem with psychopaths would be that although psychopaths have the relevant psychological faculties, they haven't been exposed to the right reasoning patterns. They just need to be convinced, presumably by argument, of the claims of morality. However, this option looks particularly unpromising, for it turns out that psychopathy is remarkably recalcitrant. Robert Hare, who devised the standard diagnostic measure for psychopathy, notes that

many writers on the subject have commented that the shortest chapter in any book on psychopathy should be the one on treatment. A one-sentence conclusion such as, "No effective treatment has been found," or, "Nothing works," is the common wrap-up to scholarly reviews of the literature (Hare 1993, p. 194).

As a result, it would seem unduly optimistic to think that a course in moral philosophy would do the trick.

A more interesting line of rationalist response is that psychopaths really do lack some crucial faculty of reason that is intact in those who perform normally on the moral judgment task. In order for the Empirical Rationalist to make this option plausible, he would need some principled account of what kind of rational abilities underlie the capacity for making the moral/conventional distinction, then show that those rational abilities are missing in the psychopath. The rationalist would also need to show that this rational defect is not present in groups that can make the moral/conventional distinction. This makes the rationalist's project particularly challenging, for the moral/conventional distinction is made by individuals with a wide range of cognitive abilities and disabilities. For instance, from a surprisingly young age, children are able to distinguish between moral and conventional violations. Smetana and Braeges (1990) claim that children appreciate the distinction around the 3<sup>rd</sup> birthday. Recent research indicates that children with autism and children with Downs Syndrome also make the moral/conventional distinction (Blair 1996). Further, as noted earlier, non-psychopathic criminals do make the moral/conventional distinction (Blair 1995).

The project of characterizing a rational deficit in psychopaths that might underlie a moral deficit has seldom been addressed directly, and there are few detailed proposals for a rational defect in psychopaths. However, there are some suggestions in the literature that might be interpreted as rationalist hypotheses. I'll consider three possibilities.

#### *Perspective taking abilities*

One possibility is that moral understanding depends on perspective taking abilities, which are commonly construed as rational cognitive abilities (e.g., Piaget 1966). Nagel seems to

suggest something along these lines: “The principle of altruism. . . is connected with the conception of oneself as merely one person among others. It arises from the capacity to view oneself simultaneously as ‘I’ and as *someone* - an impersonally specifiable individual” (1970, p. 19). Elsewhere, he writes, “once the objective step is taken, the possibility is also open for the recognition of values and reasons that are independent of one’s personal perspective and have force for anyone who can view the world impersonally, as a place that contains him” (1986, p. 140). So, perhaps the rationalist can maintain that the problem with psychopaths is that they have a defect in their ability to take a perspective that is not their own. However, there is no reason to think that psychopaths have such a deficit. Indeed, psychopaths seem to be quite capable of taking the perspective of others (e.g., Blair et al. 1996). That’s presumably part of what makes them so successful at manipulating others. Furthermore, the fact that autistic children can make the moral/conventional distinction poses a further obstacle for the perspective-taking proposal. It’s well known that autistic children have an impaired capacity for perspective taking. The most direct evidence for this comes from Baron-Cohen and colleagues (1985), who found that most autistic children have difficulty understanding that other people can have beliefs that differ from their own. Yet autistic children do *not* have the deficit in moral understanding found in psychopaths. So it seems that appealing to the capacity for perspective taking does not provide a good explanation for the psychopath’s deficit in moral judgment.

### *General rational abilities*

Another possible account of the problem with psychopaths is that they suffer from some general deficit in rationality. It is notoriously difficult to characterize rationality adequately, but in the literature in ethics, several writers have appealed to the idealization of a fully rational

individual. Smith largely adopts Williams' (1981) account, according to which a fully rational agent must have no false beliefs, all relevant true beliefs and the agent must deliberate correctly (1994, p. 156). Smith adds that correct deliberation must include the capacity to determine "whether our desires are *systematically justifiable*. . . . we can try to decide whether or not some particular underived desire that we have or might have is a desire to do something that is itself non-derivatively desirable" (1994, pp. 158-9). So, perhaps the rationalist might say that psychopaths deviate too far from the fully rational agent to understand morality.

Although it's *possible* that psychopaths have a general deficit in reasoning, to make this proposal plausible, one would need to characterize the general deficit in psychopathy and explain how this general deficit in reasoning is responsible for psychopaths' deficiencies in moral judgment. Again, this would have to be shown to be a general rational deficit in psychopaths that is not present in the groups that can draw the moral/conventional distinction. And it seems quite unlikely that psychopaths diverge from the ideal of the fully rational individual more than 3 year old children, children with autism, and children with Downs syndrome.

### *Intellectual arrogance*

Smith does offer a more specific explanation of the rational defect in the successful criminal, which might be extended into a rationalist account of psychopathy. His suggestion is that the successful criminal suffers from "intellectual arrogance". Smith writes:

the successful criminal thinks that he has a normative reason to gain wealth no matter what the cost to others, and he sticks with this opinion despite the fact that virtually everyone disagrees with him. Moreover, he does so without good reason. For he can give no account of why his own opinion about what fully rational creatures would want

should be privileged over the opinion of others; he can give no account of why his opinion should be right, others' opinions should be wrong. He can give no such account because he rejects the very idea that the folk possess between them a stock of wisdom about such matters against which each person's opinions should be tested. And yet, ultimately, this is the only court of appeal there is for claims about what we have normative reason to do. The successful criminal thus seems to me to suffer from the all too common vice of *intellectual arrogance*. He therefore does indeed suffer from a 'failure to consider or appreciate certain arguments', for he doesn't feel the force of arguments that come from *others* at all (1994, pp. 195-6).

The claim that the successful criminal suffers from intellectual arrogance is a perfectly sensible hypothesis, but if this hypothesis is supposed to explain why psychopaths don't grasp the moral/conventional distinction, one would need to provide evidence that this kind of intellectual arrogance distinguishes psychopaths from non-psychopathic criminals, who do make the moral/conventional distinction. And there's little evidence on the issue. Certainly, there's no reason to think that psychopaths are intellectually arrogant in the sense that they won't rely on the knowledge of others. Psychopaths are perfectly willing to believe from their peers that arsenic is poison, that eating too much fat will make you overweight, and so on. So to appeal to intellectual arrogance generally looks unprincipled. Furthermore, Blair's data themselves suggest that psychopaths do recognize that some things are right and some things are wrong. What psychopaths apparently fail to appreciate is that some prohibited actions (e.g., hitting another) have a different status than other prohibited actions (e.g., speaking out of turn). So, they do seem to be capable of learning from their peers, and hence don't exhibit a general intellectual arrogance that would explain their deficit in moral judgment.

#### Affect-based accounts of the psychopath's deficit in moral judgment

The point of the foregoing was not to provide a knockdown argument against the

possibility of finding a rational deficit in psychopaths that would explain their deficit in moral understanding. Rather, the point is to bring out the difficulty of such a project – the Empirical Rationalist needs to find a rational defect in psychopaths that explains their deficit in moral judgment; and this deficit should not be present in autistic individuals, young children, control criminals, and a host of other rationally idiosyncratic humans who don't share the psychopaths' deficit in moral judgment. Now I'd like to present further reason to be skeptical that Empirical Rationalism can make a compelling response to the problem. For there are *affective* deficit accounts that are supported by independent evidence. And if one of these accounts is shown to be right, then Empirical Rationalism will have been refuted.

It's difficult to find a rational defect that is present in psychopaths but absent in the groups of individuals that do draw the moral/conventional distinction. Recent research indicates that there is a salient psychological difference between psychopaths and the other groups, but it's not a difference in rational capacities. Rather, it's a difference in *affective response*. Blair and colleagues explored subjects' affective responses to cues of distress in others. They showed pictures of distressed faces and pictures of threatening faces to a wide range of subject populations. Over a series of studies, they found that normal children, autistic children and non-psychopathic criminals all show considerably heightened physiological response both to threatening stimuli and to cues that another is in distress; psychopaths, on the other hand, show considerably heightened physiological response to threatening stimuli, but show abnormally low responsiveness to distress cues (Blair et al. 1997; Blair et al. 1999, see also Yirmiya et al. 1992). This finding of a distinctive affective deficit in psychopathy might provide the basis for explaining the psychopath's difficulties with the moral/conventional task.

Blair's own explanation of the psychopath's deficit in moral judgment appeals to what he

calls a “Violence Inhibition Mechanism” or VIM (Blair 1995). The idea derives from Lorenz’ (1966) proposal that social animals have evolved mechanisms to inhibit intra-species aggression. When a conspecific displays submission cues, the attacker stops. Blair suggests that there's something analogous in our cognitive systems, the VIM, and that this mechanism underlies both our response to distress cues and our capacity to distinguish moral from conventional violations. This mechanism is damaged in psychopathy, according to Blair, and this explains the psychopath’s failure on the moral/conventional task. In normals, the VIM produces negative affect which generates moral judgment. Since psychopaths have a defective VIM, their moral judgment is correspondingly defective.

I think that there are a number of problems with Blair’s VIM account of moral judgment and psychopathy (Nichols forthcoming). On the model that I prefer, the capacity for drawing the moral/conventional distinction depends on two quite different mechanisms. First, there is a body of information, a normative “theory” that specifies a set of harm-based normative violations. But the data indicate that affect also plays a role in mediating performance on the moral/conventional task, and that affective response seems to infuse norms with a special status (Nichols forthcoming). Since psychopaths have a deficiency in their affective response to harm in others, this plausibly explains why they fail to treat harm norms as distinctive (Nichols 2001, forthcoming).

There are serious questions about the relative merits of these two accounts of the capacities underlying moral judgment. However, for purposes of evaluating Empirical Rationalism, these issues don’t need to be resolved. The important point is that on both of these accounts, an affective mechanism plays a critical role in the capacity for moral judgment. If anything much like these affect-based accounts is right, then it looks like we have a non-

rationalist explanation of the psychopath's deficit in moral judgment. For on these accounts, the psychopath's deficit in moral judgment depends on a deficit in an affective mechanism, not on deficits in rationality. The evidence on psychopaths thus seems not to support Empirical Rationalism at all, but rather, rationalism's rival, sentimentalism. For apparently emotional responsiveness plays a key role in moral judgment after all.

## **V. Conclusion**

Moral rationalism has seemed the most promising way to secure moral objectivism. I've suggested that rationalism can be developed in two quite different ways, as a conceptual claim or as an empirical claim, and psychopaths threaten both claims. Contrary to Conceptual Rationalist claims, psychopaths are commonly regarded as rational individuals who really make moral judgments but are not motivated by them. Recent evidence provides good reason to think that the common conception of psychopaths is wrong, for the capacity for moral judgment is apparently seriously disturbed in psychopathy. However, this provides no help to the Conceptual Rationalist and in fact seriously undermines Empirical Rationalism. For the defective capacity for moral judgment in psychopathy seems not to derive from a rational deficit, but rather from a deficit to an affective system.

There is a wicked irony in all this. The psychopath is often considered to be the epitome of evil, and now the facts about psychopaths seem to pose serious problems for the most promising avenues for securing moral objectivity. So, the very individuals whose actions elicit our strongest condemnation provide evidence against theories that would allow us to regard moral violations as objectively wrong.

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\* **Acknowledgements:** I would like to thank John Doris, Michael Gill, Gil Harman, Dan

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Haybron, Dan Jacobson, Elizabeth Meny, Aaron Meskin, Adam Morton, and Steve Stich for discussion and comments on earlier drafts of this paper. Earlier versions of this paper were presented at Hampshire College and at the Princeton/Rutgers seminar on Ethics & Cognitive Science. I am grateful to the audiences on those occasions for their useful feedback. This research was supported by NIH grant PHST32MH19975.

<sup>1</sup> One might try to defend Conceptual Rationalism without committing oneself to the Practicality Requirement. However, the most prominent and influential versions of Conceptual Rationalism are tied to the Practicality Requirement, and I will simply assume in what follows that Conceptual Rationalism is committed to the Practicality Requirement.

<sup>2</sup> A note is in order about Bundy's use of the third person at the beginning of the quotation. In his interviews with Michaud and Aynesworth (1989), Bundy initially refused to talk about the murders he was accused of committing. The interviewers suggested that, to avoid incriminating himself, Bundy use the third person to talk about the murders. Bundy agreed to this arrangement, and as a result, many of his statements are presented in the third person, even though they are presumably about Bundy himself.

<sup>3</sup> A  $\chi^2$  goodness-of-fit test shows that the proportion of subjects saying that the psychopath did understand differs significantly from what would be expected by chance ( $\chi^2(N=26, df=1) = 12.462, p < .001$ , two-tailed). In addition, there was a statistically significant difference in subjects' responses to the psychopath and mathematician cases (which were counterbalanced) (McNemar's test,  $N=26, p < .025$ , two-tailed).