Abstract: Many philosophers believe that people who are not capable of grasping the significance of moral considerations are not open to moral blame when they fail to respond appropriately to these considerations. I contend, however, that some morally blind, or ‘psychopathic,’ agents are proper targets for moral blame, at least on some occasions. I argue that moral blame is a response to the normative commitments and attitudes of a wrongdoer and that the actions of morally blind agents can express the relevant blame-grounding attitudes insofar as these agents possess the capacity to make judgments about non-moral reasons.

Introduction

Imagine that tragedy strikes your life, that a loved one—a child, parent, or partner—is murdered. In most cases, it would be appropriate to direct a variety of negative emotions at the perpetrator of this crime. In short, it would be appropriate for you to blame this person. Of course, you might discover facts that would (or should) undermine the disposition to blame, even though knowledge of these facts would not assuage your grief. If, for instance, you discovered that the murderer’s actions were the result of forced hypnosis, then moral blame would be inappropriate because the agent’s actions would not be a product of her will in the right way to support such a response.¹

Suppose you learn, on the other hand, that the person who took your loved one’s life was not acting under the effects of hypnosis, coercion, or delusion. Imagine, rather, that the murderer acted with cool deliberation and for reasons of her own, but that it was impossible for her to feel
the force of the moral considerations that speak against murder. Imagine, that is, that the person who murdered your loved one is a psychopath. If you discovered this fact, your continued blame might be *understandable* (given the distorting effects of grief), but your blame might be strictly speaking *unreasonable* because psychopaths are not appropriate targets of blame. In this paper, I argue against this last claim and in favor of the conclusion that it is often reasonable to blame psychopaths.

Several prominent accounts of moral responsibility imply that psychopaths are not open to moral blame; these theories hold that blame is appropriate only in the case of wrongdoers who could have responded to the moral reasons to which they were, in fact, inappropriately responsive. Possession of the capacity for responsiveness to moral reasons is taken by these theories to be among the factors that distinguish moral wrongdoing from the inattentiveness to moral reasons that is displayed by nonhuman animals and other creatures not open to serious moral assessment.²

However, it is also common for contemporary accounts of responsibility to interpret blame as at least partly a response to the blamed agent’s *quality of will*, as this is expressed through his actions. The popularity of this conception of blame reflects the influence of Peter Strawson’s paper “Freedom and Resentment” on current conceptions of moral responsibility.³

The central theme of Strawson’s paper is the “importance that we attach to the attitudes and intentions towards us of other human beings.”⁴ On Strawson’s view (or at least on a “Strawsonian” view), our actions reveal morally significant attitudes and commitments insofar as they issue from our judgments about reasons for acting and refraining from action. For instance, when someone acts in a way that unjustifiably injures me, the offending agent expresses a criticizable quality of will through his failure to take the effect of his action on me as a reason to
refrain from so acting. By contrast, ignorance of the effects of one’s action sometimes counts as an excuse because it undermines the assumed connection between an action’s consequences and the actor’s will. Accordingly, ignorance of the effects of one’s action sometimes counts as an excuse because it undermines the assumed connection between an action’s consequences and the actor’s will.\(^5\) According to Strawson, when ill will or lack of appropriate concern is displayed in an action, that action is more than an unwelcome event—it is also objectionable in a way that justifies the negative reactive attitudes associated with moral blame.

In what follows, I take for granted Strawson’s perspective as fundamentally correct: the responses that characterize moral blame “are essentially reactions to the quality of others’ wills towards us, as manifested in their behaviour: to their good or ill will or indifference or lack of concern.”\(^6\) However, and without specific reference to Strawson, I will argue that it is consistent with this influential picture of blame to reject the widespread view—held by Strawson and most theorists about responsibility—that moral blameworthiness requires sensitivity to specifically moral reasons. I propose that even agents who are constitutionally unreceptive to moral reasons sometimes guide their behavior in accordance with judgments and attitudes that make appropriate the emotional reactions that constitute blame.\(^7\)

**1. Psychopathy**

Psychopathy is a personality disorder characterized by extreme egocentricity and impulsivity, by a pronounced lack of remorse and empathy, and by a persistent tendency to disregard the effects of one’s actions on others. There is disagreement about the proper extensions of, and the relations between, the diagnoses of Psychopathy and Sociopathy. In fact, neither diagnosis appears in the current (fourth) edition of the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders*, both having been supplanted by the diagnosis of Antisocial Personality Disorder. Whether the earlier diagnoses should have been deleted from
the DSM is also a matter of some contention.⁸ I will not take up the dispute about how to divide the terrain of personality disorders. Thus, my usage of the term ‘psychopath’ will be stipulative and my characterization of the disorder will be very brief. If a reader finds that my account of psychopathy does not fit her understanding of the disorder, she may wish to substitute ‘morally blind agent’ for ‘psychopath’ in what follows. I hope that such a reader will still accept the conceptual point I make about moral blame, even if what I say turns out to be inapplicable to real-life psychopaths.

For my purposes, the significant fact about the psychopath is his persistent failure to conform to publicized moral norms. There is, however, a question about how to account for this failure: is it due primarily to motivational or cognitive defects? I wish to focus here on moral blindness as a cognitive deficiency, so I shall assume that this deficiency is fundamental in the case of the psychopath. To put the matter in terms favored by John Fischer and Mark Ravizza: the psychopath’s responsiveness to moral reasons is impaired at the level of receptivity to these reasons and not mainly at the level of reactivity.⁹ Psychopaths, as I shall conceive them, are morally blind agents, unable to grasp, for instance, the difference between moral requirements and requirements generated by social conventions. This failure of moral understanding explains why psychopaths are unmotivated by moral considerations that are so salient to other people.¹⁰

It may seem obvious that psychopaths are not appropriate targets for moral blame. After all, psychopaths not only fail to take proper account of how their actions affect others, they apparently must fail to do so. For many, the unfairness of blaming psychopaths when they fail to respond to moral reasons will follow directly from the fact that they cannot respond to these reasons.¹¹

Contrary to this presumption, I contend that there are good reasons to respond to the
hurtful, intentional actions of psychopaths in the same way that we respond to the hurtful, intentional actions of more psychologically normal wrongdoers. My argument begins with the assumption that psychopaths, despite their limitations, are rational actors who can guide their behavior on the basis of judgments about reasons.

Many accounts testify to the psychopath’s potential for high intelligence and his ability to manipulate others skillfully in order to achieve certain ends. One can also find references to ‘successful’ psychopaths who are able to fit more or less seamlessly into society, avoiding problematic encounters with the legal and medical systems. These psychopaths are represented as sophisticated and effective practical reasoners.\(^{12}\) On the other hand, psychopaths are also depicted as having difficulty avoiding impulsive acts, in planning their future behavior, and in learning from their mistakes. Patricia Greenspan suggests that this may be because psychopaths “lack even first-person empathy” and are thus “unable to keep track of their own interests over time.”\(^{13}\)

No doubt, psychopaths often face important obstacles in practical reasoning, but these difficulties should not call into question their status as beings who possess characteristically human powers of rationality. The psychopath is successful in performing the ends-means reasoning necessary to get around in the world: to graduate from high school, obtain a driver’s license, find a job, and to perform a wide variety of tasks that would (to say the least) confound a non-human animal. I shall assume, then, that it is not conceptually problematic to discuss morally blind agents who are nonetheless capable of characteristically human, rational behavior.
II. Psychopathic Judgments

I believe that the crucial difference between beings who are not open to moral blame and those who are is not that the latter can respond to prudential and moral reasons, while the former can respond (at most) to prudential reasons. Rather, the divide between blamable and non-blamable creatures is marked by the distinction between beings who are assessors of reasons in a very general way (but not necessarily responders to specifically moral reasons) and beings that lack rationality to such a degree that we would not describe them as making decisions on the basis of judgments about reasons.

Now if the distinction that I have proposed marks the point of cleavage between those who are open to blame and those who are not, then even psychopaths may be within the realm of beings who can reasonably be blamed for some of their actions. What reason do we have to draw the line between creatures who are open to moral blame and those who are not where I have suggested? On a Strawsonian quality-of-will account, we would have reason to do this if we have reason to suppose that the actions of rational, but constitutionally amoral, agents can express commitments or judgments to which resentment is an appropriate response.

What justification do we have for interpreting the psychopath’s actions this way? T. M. Scanlon offers one basis for such an interpretation when he observes that “[a] person who is unable to see why the fact that his action would injure me should count against it still holds that this doesn’t count against it.” Even if the psychopath lacks the conceptual tools to form appropriate judgments about the permissibility of his actions, we have no reason to deny that he can judge that the effects of his actions on others are not reasons to refrain from so acting. It may be that this latter judgment, of which the psychopath is apparently capable, is enough to make
resentment and blame appropriate responses to some psychopathic actions.

It is important to note that this proposal does not depend just on the fact that psychopaths fail to respond appropriately to moral reasons. Since the psychopath’s failures in this regard are a function of his psychological limitations, these failures may appear very like the failure to respond to moral reasons that we find in non-rational animals. Neither a lion nor a psychopath is likely to take your potential injury as a reason to refrain from an action, and this is just a predictable outcome of the constitutions of the creatures in question. In neither case, it may seem, is the failure to respond appropriately to moral reasons a moral failure. Rather, both failures may seem morally uninteresting just because they arise out of psychological incapacities, in which case—it may be thought—they tell us nothing significant about the normative commitments and wills of the creatures involved.

But this response is off the mark for, as I said, the point of the proposal under consideration is not to draw our attention to a mere failure to respond to moral reasons on the part of the psychopath. The point is, rather, that some of the psychopath’s failures to judge that certain considerations are reasons—for instance, his failure to judge that my moral standing counts as a reason to refrain from injuring me—count as judgments that those considerations are not reasons. By contrast, blame is unreasonable in the case of non-rational animals because their actions do not plausibly express condemnable judgments about the standing of those their actions affect.

Of course, one may doubt that the sorts of judgments the psychopath can form are relevant to blameworthiness in the way the above proposal suggests. It is fair to suppose, after all, that the psychopath’s inability to make appropriate judgments about the weight of moral reasons is associated with an inability to grasp, in the normal way, a concept like ‘moral
standing.’ Yet if this is so, then perhaps we cannot plausibly speak of the psychopath forming judgments about another’s moral standing and about whether this standing counts as a reason. A related criticism may imagine that since the psychopath has an impoverished conception of moral permissibility and impermissibility, the above proposal is off base because it involves attributing to the psychopath a judgment such as “this action, which will injure another, is permissible.” Both of these objections suggest that the psychopath’s peculiar psychological limitations would rule out the attribution to him of the judgments upon which his blameworthiness is supposed to depend. However, these criticisms misunderstand the sort of judgment I am attributing to the psychopath.

Suppose we have before us a normal person whom we regard as having a certain standing that counts against injuring her. In addition, suppose that there is no reason to think that the presumption against injuring this person is overridden by other considerations. By hypothesis, the psychopath cannot respond appropriately to the considerations that should count against injuring this person. However, on my stipulative account at least, the psychopath can reason in the complex and reflective way characteristic of human beings. Not only can the psychopath act in accord with reasons, he can also form judgments about reasons.

One implication of the psychopath’s capacity to form judgments about, and act in accord with, reasons is that in some cases of psychopathic wrongdoing we can tell a plausible counterfactual story in which the psychopath is sensitive to a reason to refrain from the wrong action. Of course, if we keep the agent’s pathology fixed, then this counterfactual scenario cannot be one in which the psychopath responds to a moral reason, but this does not preclude a counterfactual scenario in which the psychopath responds to a prudential reason. For example, it may be that a psychopath who injures the innocent person mentioned above would not have done
so had he believed that doing so would have led immediately to consequences that he desired strongly to avoid.

The possibility of refraining from wrongdoing is important because it suggests that the psychopath’s antisocial actions are not compulsive or out of control, but are in some ways sensitive to judgments about the weight of reasons. Ayer, among others, has noted that the compulsive behavior of the kleptomaniac does not issue from his judgments about what he ought to do. The kleptomaniac “does not go through any process of deciding whether or not to steal. Or rather, if he does go through such a process, it is irrelevant to his behaviour. Whatever he resolved to do, he would steal all the same.” This distinguishes the kleptomaniac’s compulsive behavior from both the actions of an ordinary thief and the actions of a psychopath. Both the ordinary thief and the psychopath (but not the kleptomaniac) can avoid committing blameworthy actions, at least in some cases. This means, importantly, that the psychopath has at least some possibility of avoiding the unwelcome attitudes and repercussions associated with blame.

For my purposes, however, a more important consequence of the psychopath’s ability to respond to non-moral reasons is that possession of this ability implies that the psychopath understands what reasons are—at least in the unsophisticated way true of most people. The psychopath can understand what we mean when we say that someone has a reason to do something or that there is good reason to believe some proposition. He may not have a detailed account of what reasons are, but the psychopath will often know when he has reason to do something and he can tell us what reasons he has.

Given the psychopath’s familiarity with the way in which considerations can count in favor of actions, we often learn what the psychopath regards as a sufficient reason to act a certain way from how he actually conducts himself. More to the point, we can also learn when the
psychopath judges that there is no reason to refrain from doing something. The psychopath can count the pleasure of having a possession of yours as a reason to take it from you and he can form the judgment that nothing about the effect of this action on you is a reason to refrain from performing it. If the psychopath is successful in stealing your property, we may cite the considerations just mentioned as an explanation of his behavior, and the fact that the psychopath is not capable of responding appropriately to the considerations that would count for most of us against taking your property does not undermine the ascription to him of the judgments in question.

However, perhaps I have not yet been sufficiently attentive to the implications of the psychopath’s psychological deficiencies. Suppose, again, that we have before us a normal person whom most of us would regard as having a standing that counts against injuring her (and that this standing is not overridden by other considerations). It must be admitted that if this agent objects to a psychopath that there are moral reasons to refrain from injuring her and the psychopath denies this, then there is a sense in which these two are failing to have a substantive disagreement.

The reasons to which the victim refers are, let us assume, considerations that flow from her status as a certain kind of being. In her own opinion, the victim has a kind of standing that makes certain ways of treating her impermissible. However, when the psychopath denies that there is any reason to refrain from the injurious action, this denial does not issue from a judgment with the content “this agent’s moral standing is not a reason to refrain from φ-ing” or “this agent does not have the standing she imagines herself to possess, so it is permissible to φ.” The psychopath cannot deploy the concepts of standing and permissibility in the way required by these judgments.
Since there is a relevant sense in which the psychopath does not grasp the concepts of moral standing or moral permissibility, his actions cannot express a precise denial of an agent’s moral standing or a precise affirmation of the permissibility of his action. These limitations on the judgments a psychopath can form are a function of his limited receptivity to reasons and these limitations may indeed imply that the psychopath cannot have certain faults, or commit certain moral errors. For instance, suppose that to be a racist is to believe that certain people lack moral standing (or that their standing is diminished) in virtue of their membership in a racial group. Presumably, part of what makes it possible for the racist to hold that members of a group do not have standing because they are members of that group is the racist’s sense of what moral standing comes to and his belief that he can differentiate between groups in terms of whether their members possess such standing. Because the psychopath cannot judge that any person has moral standing, he cannot hold that members of a certain group lack moral standing in a way that is untrue of other groups. So perhaps his peculiar limitation means that the psychopath cannot be a racist, or have similar failings.

However, and granting all the above, my claim is that certain judgments about reasons are attributable to the psychopath and that these judgments are significantly opposed to the judgments that would be formed by an agent who is properly receptive to moral reasons. For instance, while the psychopath cannot judge “this agent does not possess moral standing, so it is permissible that I φ,” he may still judge “there is nothing about the effects of my proposed action that count against performing it.” Therefore, even though the psychopath and his victim may speak past one another in one way, the psychopath’s judgment is still in conflict with the victim’s own judgment that she has a kind of standing that the psychopath’s action fails to acknowledge. The victim in this case has reason to reject the judgment expressed in the
psychopath’s action, and the victim’s standing up for herself in opposition to the psychopath’s judgment is a large part of the function of blame. (I return to the idea that blame is a way of standing up for oneself in this paper’s Conclusion.)

More generally, the psychopath can be characterized as holding that there is nothing to claims about moral status. The psychopath may not have a grip on moral reasons, in which case he cannot say whether a consideration is a moral reason or not, but he can meaningfully claim that what others call a moral reason is no reason at all. The psychopath can do this because he knows what reasons are and because he has experience with how reasons count in favor of, or against, undertaking actions.

I take it that it is plausible to suppose that actions guided by the judgments I have attributed to the psychopath can express contempt and ground negative reactive attitudes like resentment. If the normal wrongdoer’s action, expressive of a judgment like “P does not possess moral standing, so I may φ,” is offensive in a way that legitimates negative reactive attitudes, then so too may be a psychopathic action that expresses the judgment “nothing about P counts against φ-ing.” Both judgments express assessments that are in conflict with a morally significant aspect of P’s view of himself. Thus, the absence of moral value as a dimension of the psychopath’s life does not necessarily make his judgments morally insubstantial. Where the psychopath claims that there is nothing, we see our own status as moral beings who can reasonably demand to be treated in certain ways.

There is, of course, the problem that the psychopath will not always consciously form the judgment “nothing about P counts as a consideration against φ-ing” before φ-ing and unjustifiably injuring P. However, this is just a particular instance of a general problem for accounts that see blameworthy actions as expressive of morally offensive judgments and ill will.
Even non-psychopathic wrongdoers will often fail to form the judgment “\(P\) does not possess moral standing, thus I may \(\varphi\)” before \(\varphi\)-ing and unjustifiably injuring \(P\).

Relevant to this concern, Robert Audi has argued that we can count \(R\) as a reason for an agent’s action if that agent would cite \(R\) as a reason after the fact, and even if conscious reflection on \(R\) did not occur prior to this action.\(^{17}\) Similarly, Michael Smith says that from “the deliberative perspective . . . we explain an intentional action in terms of the pattern of rational deliberation that either did, or could have, produced it.”\(^{18}\) Even in thinking about our own deliberations, says Smith, we must often “reconstruct the pattern of reasoning that could have been explicit in our deciding to do what we did”; that is, we must give an “ex post facto justification” of our action.\(^{19}\) I assume that something like this can be said about the judgments attributable to both psychopathic wrongdoers and more psychologically normal wrongdoers. We can say that the psychopath’s \(\varphi\)-ing in full awareness that \(\varphi\)-ing will injure \(P\) expresses the judgment that there is no reason to refrain from \(\varphi\)-ing if the psychopath would affirm, after the action, that there was no reason not to \(\varphi\)—that nothing about \(P\) spoke against \(\varphi\)-ing.

Many other very general complications arise when we consider what judgments are attributable to agents and the impact of these attributions on agents’ blameworthiness. For example, agents often act in ways that they have reason not to, but in many of these cases, it is not appropriate to interpret these agents as rejecting the reason-giving status of the considerations in question. For example, if there is a cat under the wheel of my car, then I have a reason not to back up my car. If I back up my car, it may be plausible to attribute to me the judgment that there is no reason to refrain from backing up my car, yet if I were blamelessly ignorant of the presence of the cat, then this judgment would not ground moral criticism. This is because, in virtue of my blameless ignorance of the cat’s presence, it is not plausible to say that
my backing up my car expresses my judgment that the cat’s presence is not a reason to refrain from backing up.

The case of the psychopath is, however, different from the case in which I back up my car in blameless ignorance about the effects of doing so. I assume that in many cases of psychopathic action, the psychopath knows what the effects of his actions will be: he knows that if he does φ, this will injure someone. We may attribute to the psychopath, then, not just the general judgment that there is no reason to refrain from φ-ing but also the more specific judgment that the fact that φ-ing will injure another is no reason to refrain from φ-ing.

Similar considerations provide a response to an objection inspired by a supposed similarity between morally blind psychopaths and physically blind persons. If a blind person were to cross a street against the light, we would not necessarily attribute to that person the judgment that there is no reason not to cross the street—she is, after all, unable to see the light. We might think that this tells us something important about the sorts of judgments that can be reasonably attributed to morally blind agents. However, these cases are disanalogous in a crucial respect. The sightless person does not have access (through the relevant sensory modality) to the facts that constitute the reason not to cross the street (e.g., that the ‘Don’t Walk’ sign is flashing). However, the sightless person can conceive of this state of affairs as a reason. The psychopath’s moral blindness, by contrast, does not deny him access to the facts (about the effects of his action) that constitute a reason for not acting a certain way. It is, then, consistent with the psychopath’s moral blindness that he judges that the facts in question do not constitute a reason not to act as he does.

This last set of observations suggest that something besides the psychopath’s general rational capacity is necessary before his judgments can be said to express the sort of disregard for
others that properly provokes blame. Before the psychopath’s failure to recognize a state of affairs as a reason can imply the presence of a judgment on his part that this state of affairs is not a reason, there must be a context in which the contrary judgment is asserted. Perhaps the psychopath must act in a social context in which certain norms of behavior are publicly accepted and in which there is a general expectation of compliance with these norms. In our society, these norms will include requirements to refrain from treating others in certain ways and to count certain considerations as reasons. In a context in which such norms are in place, someone who fails to count the relevant considerations as reasons can be construed as claiming that these are not genuine reasons. In such a context, we can imagine that others make claims contrary to the judgment I am attributing to the psychopath and that he is forced, therefore, to deny these claims either explicitly or implicitly. We will see something of how this condition works in the next section.

### III. A Reply to Watson

Gary Watson has recently suggested that a position like the one defended here depends on construing as ‘unreasonable’ the psychopath’s failure to constrain himself in the face of moral reasons in favor of doing so. However, according to Watson, “not all failures to respond to reasons support a charge of unreasonableness.” In fact, according to Watson, a criticizable, unreasonable, failure to respond to certain reasons requires the capacity to respond correctly to those reasons. Since the psychopath cannot respond appropriately to moral reasons, his failures to do so are not unreasonable and blame is therefore not an appropriate response to those failures.

In support of his claim that “not all failures to respond to reasons support a charge of
unreasonableness” Watson says, “You might have a reason to avoid drinking a specific toxic liquid, even though you do not have access to knowledge of its toxicity. Your failure to respond to this reason is not unreasonable.”25 This observation is supposed to be relevant to the case of the morally blind agent. However, I believe that when Watson’s observation is fleshed out, so that it is more fully analogous to the case of the psychopath, we see that it can be appropriate to judge that a person acts unreasonably even in the circumstances Watson describes.

For example, an agent’s failure to respond to a reason not to drink a toxic liquid may be unreasonable, even if he cannot recognize that reason, if he is exposed to the facts that constitute that reason (i.e., he knows the facts about the liquid) and he is generally rational agent (i.e., he can count states of affairs as reasons and he can guide his actions accordingly). When these conditions are met, we can count the agent’s failure to respond to reasons as unreasonable if he is motivated by his judgment that what others claim (accurately, as it turns out) to be a reason is no reason at all. Through similar argumentation, we can reach the conclusion that the psychopath’s failure to respond to moral reasons is sometimes an instance of unreasonableness.

Consider some examples in which drinking a toxic liquid is clearly unreasonable. Suppose that someone drinks a toxic liquid because of a failure of what Fischer and Ravizza call reactivity to reasons.26 This would be a case in which a person recognizes the sufficiency of reasons for not drinking a toxic liquid, but she drinks it anyway. Perhaps the agent in this case is severely dehydrated and cannot help drinking an appealing looking liquid, even though she knows that it is toxic. Perhaps she has been ‘dared’ to drink the liquid, and she drinks it because she cannot stand the thought of backing down from a dare even though she understands that she has reason not to drink, given the liquid’s toxicity. Surely, these are cases of unreasonable behavior.27
On the other hand, suppose there is an agent who drinks a toxic liquid because of a failure of what Fischer and Ravizza call *receptivity* to reasons. Such an agent might incorrectly judge that he has a stronger reason to drink the toxic liquid—because he was dared to, for instance—than he has to refrain from drinking on account of the liquid’s toxicity. The agent in this case also seems to behave unreasonably. Unreasonable behavior presumably does not just include failures to act in accordance with one’s judgments about reasons—an agent’s failure to make the right judgments about reasons, and their relative weight, can also be unreasonable.

Of course, neither of the foregoing possibilities can be quite what Watson has in mind because he says the liquid drinker does “not have access to knowledge of the drink’s toxicity.” We must consider, therefore, the different ways in which an agent may lack access to knowledge. The idea might be that the agent has not been informed of the liquid’s toxicity, and perhaps that he cannot find out about it through normal means. It is true that an agent in these circumstances should not be regarded as unreasonable for his failure to respond appropriately to reasons. (This case is similar to the one imagined above in which I blamelessly fail to respond to a good reason to not back up my car.)

However, the case of the agent who lacks access to knowledge in the sense just described does not support Watson’s overall claim that a person’s failure to comply with a reason counts as unreasonable only if she is able to recognize the relevant reasons for compliance. After all, the agent who simply lacks factual knowledge about his drink’s toxicity may still have the general ability to recognize reasons generated by considerations about toxicity. Perhaps, then, the case we ought to consider is one in which an agent has knowledge of his drink’s toxicity in the sense that he is aware of certain facts—like the facts about how his drink will interact with his physical organism—but the agent cannot appropriately grasp the reason-giving status of these
considerations. In this case, the agent would be unable to see that he has a reason to refrain from drinking a liquid even if others were to insist that the liquid has the property of toxicity and that this counts as a good reason not to drink it. This possibility is hard to imagine, but it should be assumed operative in Watson’s example because this is the situation that mirrors the case of the psychopath. The psychopath is not simply unaware of certain empirical facts; he cannot conceive of certain states of affairs as reasons even though he can have awareness of the relevant states of affairs.

So the kind of case we need to consider is one of an agent who is inappropriately receptive to the reasons to refrain from drinking because he is literally incapable of seeing how the property of toxicity bears on possible courses of action. Let us call an agent who is blind to the reason-giving status of considerations about toxicity a ‘toxicity-blind’ agent. It seems to me that if such an agent drinks a toxic liquid (in a certain context), then he is unreasonable in pretty much the same way as a more normal agent who is simply inappropriately receptive on a given occasion to the reason that a liquid’s toxicity provides not to drink it.

Imagine a roughly normal agent who, just on this occasion, fails to see that her reasons not to drink a toxic liquid outweigh her reasons to do so. If she is a roughly normal person, then this agent has a general capacity to be appropriately receptive to the reasons to which she is in fact not appropriately receptive. Now consider the case of this liquid drinker—who experiences a one-time failure of receptivity to the reason-giving status of toxicity—along side the case of a liquid drinker who is toxicity-blind and suppose that in both cases it is publicly known that their respective liquids are toxic. In both cases, the agents will fail to see that toxicity counts as a sufficient reason to refrain from drinking. Indeed, we may imagine that they both drink their liquids because they take identical considerations to count in favor of so doing.
While the two cases may be similar in many respects, it is still true that one of the agents is, in a general way, capable of understanding that a liquid’s toxicity is a good reason not to drink it—she just fails, on this occasion, to make the right judgment about the relative weight of various considerations. In this agent’s case, we can tell a plausible counterfactual story in which she is appropriately receptive to the weight of the reasons in favor of not drinking. In the case of the toxicity-blind agent, however, no similar counterfactual story can be told.

It is important to note that in some instances—such as those in which the two agents are motivated to drink by the same reasons—the only thing that distinguishes the two cases is the plausibility of the counterfactual story in the case of the one-time unreasonable agent. Yet it is unclear why the presence of this counterfactual scenario should be a necessary component of the one-time unreasonable agent’s unreasonableness. After all, whether this counterfactual scenario obtained may have been entirely out of the drinker’s hands. Perhaps the drinker would have responded appropriately to the reasons not to drink only if she had gotten a better night’s sleep the night before, and perhaps she had no control over whether that circumstance obtained. In this case, the presence of the counterfactual scenario (in which the drinker behaves reasonably) does not seem to contribute to the explanation of why the drinker’s actual behavior is unreasonable. A more plausible explanation of the one-time unreasonable drinker’s unreasonableness is found in the fact that she drinks because of reasons she takes to count in favor of drinking and that she does so in awareness of the advice of others that she has reason not to drink: a reason constituted by the drink’s toxicity. The fact that the unreasonable drinker might have behaved reasonably, however, does not seem to play an essential role in her unreasonableness.

Of course, we can give a similar account of the toxicity-blind agent’s failure to be appropriately receptive to reasons. This drinker, who cannot respond appropriately to
considerations about toxicity, can judge that what the rest of us refer to as the liquid’s toxicity is not a real reason not to drink, despite what we all say. I think this means that the toxicity-blind agent’s failure is an instance of unreasonableness insofar as it is the failure of a generally rational agent to respond to reasons and insofar as it is distinct from the failure of an agent who simply does not know about the toxicity of his beverage. A merely uninformed drinker’s failure would not be unreasonable because it cannot be plausibly interpreted as a rejection of the claim that there is reason not to drink the toxic liquid; the toxicity-blind agent’s failure, however, can be interpreted as just this sort of rejection.

When Watson’s case of the toxic-liquid drinker is fleshed out so that it is relevantly similar to the case of the psychopath, it does not provide evidence for his claim that instances of genuine unreasonableness must be associated with counterfactual instances of reasonableness. Thus, we have reason to deny Watson’s premise: “Compliance with moral requirements cannot be reasonable, or noncompliance cannot be unreasonable, unless the individual is able to recognize the relevant reasons for compliance.”28 Noncompliance with moral requirements can be unreasonable—hence objectionable and blameworthy—even if an agent is not able to recognize the sufficiency of the reasons for compliance.

IV. A Related Consideration

I have argued that the psychopath is appropriately blamed for those of his actions that express certain objectionable judgments. Another line of thought—suggested in the last section—leads to a related conclusion. I noted above that some instances in which an agent behaves unreasonably contrast with a plausible counterfactual story in which the agent behaves reasonably. I suggested that other instances of unreasonable behavior might not share this “contrastive” element. If so,
then, while some unreasonable behavior contrasts with reasonable behavior in the way just described, possession of this feature is not a necessary condition on unreasonable behavior.

Below, I sketch an argument that uses similar reasoning to reach the conclusion that while many instances of blameworthy action contrast with moral successes, this fact often does not contribute to an explanation of why these actions are blameworthy. This conclusion conflicts with the assumption that the possibility of appropriate response to a given moral reason is a necessary condition on being properly blamed for failing to respond to that reason. But giving up this assumption would mean giving up a central reason for thinking that the psychopath is not an appropriate target for moral blame.

The salient difference between a psychopath and a psychologically normal wrongdoer is that the psychopath’s failure to respond to a moral reason cannot be contrasted with a plausible story in which he responds appropriately to the moral reason in question. The moral failures of a normal wrongdoer, on the other hand, can be contrasted with such an alternative. This difference may be thought to explain why psychopaths, unlike normal agents, are not open to blame. I shall briefly suggest reasons for thinking that this difference is not relevant to the supposed differential appropriateness of blame in the two cases.

I have assumed throughout that blame is an appropriate response to the contempt expressed in a wrongdoer’s failure to be appropriately sensitive to the moral reasons generated by other people’s needs and interests. It may seem natural to suppose that the contrastive nature of most normal moral wrongdoing is what makes it expressive of contempt. It may seem, for instance, that it is only when a wrongdoer could have responded appropriately to some moral value that the wrongdoer’s failure to do so counts as a significant rejection of that value. Perhaps the associated alternate possibility in which the wrongdoer ‘gets it right’ makes it seem that her
actual failure to recognize another agent’s moral standing is a choice against that standing.

But what if there are normal blameworthy acts in which the fact that the agent could have responded appropriately to a given moral incentive does not explain why her failure to do so expresses blame-grounding contempt? This would go some way toward undermining the thesis that the possibility of appropriate response to moral reasons is a condition on blameworthiness and we would thus have some reason to reject the claim that psychopaths are not blameworthy (since their putative lack of blameworthiness is based largely on their inability to respond appropriately to moral considerations).

Consider a psychologically normal agent who formed an intention, based on some self-serving consideration, to act in a way that she knew would injure another person. Assume that this agent acted on this consideration just as it occurred to her and without reflection. However, since we are speaking of a psychologically normal agent, it was possible for her to engage in moral reflection before she acted. This means that, given the general facts about this agent’s psychology, had circumstances been appropriately different from what they were, she would have engaged in moral reflection. Moreover, in some of the counterfactual scenarios in which this agent engages in moral reflection, her reflection would have issued in an appropriate response to the moral reasons in favor of refraining from the action in question.

Because the agent in this example knowingly acted in a way that injured another, it is quite likely that she acted in a way that is morally criticizable and that the person she injured may appropriately respond with blame. Some might disagree with this assertion because they suppose that the only agents who are subject to blame are those that are aware that they act wrongly. There is room for debate here, but this strikes me as putting an implausibly high standard on blameworthiness, a standard that many instances of intuitively culpable wrongdoing
would not meet. Wrongdoers may act without thinking, or they may reflectively reach the wrong conclusion about what is permissible because corrupt values inform their reflections. It seems too much to say that none of these sorts of behavior can be an appropriate basis for resentment and blame when they lead to the injury of the innocent.

Now assume that a psychopathic agent—who is in circumstances exactly similar to those of the psychologically normal agent above—chooses to act just as the normal agent acted. Assume, further, that the psychopathic agent acts on the same self-serving considerations that motivated the normal agent. Up to a point, the two agents’ actions are the same. On the other hand, the two actions are different because only the normal agent’s action is associated with a psychologically plausible counterfactual story in which she recognizes and responds appropriately to reasons against so acting.

One can admit this difference between the two actions without agreeing that it grounds a corresponding difference in blameworthiness. I suggested above that the relevance of a counterfactual scenario in which an actual wrongdoer omits her wrongdoing might be that this possibility allows us to characterize the wrongdoer’s action as the rejection of some moral value—and this characterization may make blame seem particularly appropriate. But it is unclear that the normal (but unreflective) wrongdoer’s action in my example involves a choice against a moral value. After all, the normal agent did not reflect on how to act prior to her action, so whatever moral value she failed to recognize was not apparent to her during any prior-to-action deliberations. Since the path of appropriate moral response was not something that the unreflective agent considered and rejected, we should not interpret her action as an explicit rejection of the value to which she failed to be attentive. So perhaps the unreflective agent’s wrongdoing does not involve the taking of a stand against some moral value, even though her
wrongdoing does contrast with a counterfactual scenario in which she omits her wrongdoing. But then the normal agent’s moral failure does not seem to be made more egregious by the fact that she may have omitted this failure—she did not, after all, maliciously choose to omit the failure, she just acted in a self-serving way without recognizing that she was failing morally.

More would need to be said to make the above line of reasoning persuasive. However, I hope to have indicated one way of arguing that it is often not a normal agent’s capacity to respond to moral reasons that makes her failure to do so morally offensive. If this is true, then the psychopath’s inability to respond appropriately to moral reasons will not by itself indicate that he is not open to blame.  

**Conclusion**

The literature on moral responsibility typically assumes that an agent must be potentially receptive to moral reasons before he is open to blame. I have offered some considerations against this conclusion; at least insofar as one interprets blame as a response to subjective attitudes expressed by a wrongdoer’s actions.

It may be that the psychopath cannot meaningfully deny that a particular state of affairs counts as a *moral* reason, but it does not follow that he cannot hold that what others call a moral reason is in fact no reason at all. Similarly, while a psychopath may not deny that I have moral standing, he can hold that nothing about me, or the effect of his action on me, counts as a reason to refrain from harming me. What makes this conclusion plausible is the psychopath’s understanding of what it is for one consideration to count as a reason, for another to fail to count this way, and his ability to make judgments about the relative weight of reasons.
Since the psychopath can form the judgments just mentioned, his actions can express a morally significant perspective on the status of others. In this case, we may say that some of a psychopath’s actions are more than simply unwelcome events; some of his actions also make him an appropriate target of the judgments and attitudes that constitute moral blame. Additionally, I have argued that it may not be particularly significant that a psychopath’s moral failures do not contrast with moral successes in the way normal agents’ failures do. There is reason to think it is not the contrastive nature of normal moral failures that accounts for their expression of blame-grounding ill will.

It is worth noting that all the above points can be accepted by one who denies my overall conclusion about the blameworthiness of psychopaths. For example, one might agree with what I say but also hold that the point of expressing blame is to demand sincere contrition from the blamed party. Since the psychopath cannot respond appropriately to this demand, perhaps blame is illegitimate in his case.

I do not believe that blame always loses its point if it is directed at an agent who cannot display contrition and acknowledgment of wrongdoing. Blame may not essentially be a move in this sort of conversational give-and-take with a wrongdoer. Imagine the way prisoners in a Nazi concentration camp surely blamed and condemned their murderers. Certainly, the prisoners’ condemnation expressed the conviction that their treatment was impermissible and the demand for recognition of their moral standing as human beings. However, I do not think that these demands and claims lost their point when they failed to move hardened concentration camp executioners. Of course, it may be true that the executioners in question could have been brought to recognize their crimes for what they were, but it is strange to suppose that it is only the psychologically improbable possibility of a last-moment conversion that makes blame
appropriate here. I conclude that the possibility of an agent responding appropriately to blame is not a condition on his being properly targeted with blame.

Of course, if I do not believe that the person I blame will ever assent to the moral claims expressed by my blaming him, then it cannot be my aim in blaming him to bring about such assent. However, there are other reasons to publicize these moral claims, some of which may still be genuinely communicative. We may suppose, for instance, that the protestations and affirmations of the concentration camp victims mentioned above were meant as much, or more, for one another as they were for their tormentors. An expression of one’s belief in her moral standing can also serve a cathartic function, though one might think that blame in this case is impermissible. Piers Benn, for instance, argues that if “psychopaths are largely immune from fear, remorse, guilt, or shame, then we achieve little more than the cathartic satisfaction of venting spleen. . . . we might as well get angry with menacing Rottweilers.”30 However, an expression of blame that achieves nothing more than catharsis may still be legitimate if it is a response to the judgment that nothing about one counts as a reason to refrain from certain actions—which would not be the case with a menacing Rottweiler.

Many readers may feel that the position in this paper is too severe. Some might worry that if even psychopaths, with their attenuated capacity to recognize reasons, are blameworthy, then surely any agent who can respond to both prudential and moral reasons must also be open to blame. But this will not always be so. For instance, my account would not indicate that a person like Andrea Yates is blameworthy for her actions, even though she is, in general, a responder to both prudential and moral reasons.

In 2002, Yates was convicted of murdering her five children. Despite her conviction, Yates’s claim that she suffered from post-partum psychosis at the time of the killings casts doubt
on her blameworthiness. One account of Yates’s actions suggests that she was motivated by the
(admittedly deranged) belief that drowning her children was the only means of saving them from
the Devil.\textsuperscript{31} If this is true, then it is far from clear that Yates’s actions were of the sort that
ground blame. It is unclear, that is, that her actions expressed the judgment that the effect of her
actions on her children’s welfare was unimportant.\textsuperscript{32} The conclusion advocated in this paper is
meant to apply only to agent’s whose actions express blame-grounding contempt or ill will.
Yates’s actions may well not have had this component; my claim is that the presence of this
component does not depend on whether it is possible for an agent to be sensitive to the force of
moral considerations.

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\textbf{NOTES}

\textsuperscript{1} The topic of this paper is moral blameworthiness, which I will refer to by using either
‘moral blame’ or simply ‘blame.’
\textsuperscript{2} Prominent accounts of responsibility that require the capacity to respond to moral
reasons include: Susan Wolf, \textit{Freedom Within Reason} (New York: Oxford University Press,
University Press, 1996); and John M. Fischer and Mark Ravizza, \textit{Responsibility and Control}
\textsuperscript{3} Of the works mentioned in the previous note, Fischer and Ravizza’s and Wallace’s
make explicit use of Strawson.
\textsuperscript{4} Strawson’s essay is reprinted in Gary Watson (ed.), \textit{Free Will} 2\textsuperscript{nd} (New York: Oxford
University Press, 2003), 72-93. The quotation in the text is on p. 75.
\textsuperscript{5} For Strawson’s account of excuses, see Strawson, pp. 77-78.
\textsuperscript{6} Strawson, p. 83.
\textsuperscript{7} I do not argue for the claim here, but I also believe that historical considerations are
largely irrelevant to moral blameworthiness. Thus, a psychopath’s blameworthiness does not
depend on how he came to be a psychopath: causal stories involving childhood deprivation or
even the overt manipulation of an agent’s psychology do not necessarily make blame
inappropriate. I argue for these conclusions in an unpublished manuscript, “Implanted Desires,
Self-Formation, and Blameworthiness.”

See, Fischer and Ravizza (especially Chapter Three) for this distinction.


For a detailed account of this sort of objection, see Wallace, Chapter Five.


T. M. Scanlon, *What We Owe to Each Other* (Cambridge, Mass.: Harvard University Press, 1998), p. 288. Scanlon holds that the ability to make judgments about reasons is crucial to blameworthiness because such judgments “challenge our moral standing and make resentment an appropriate reaction” (p. 288). However, for the reason given in the text, Scanlon denies that his account of blameworthiness “should have included, in addition to the general abilities to make judgments about reasons . . . the ability to understand moral reasons in particular” (p. 287).

The idea that the presence of counterfactual responses to reasons indicates that actual failures to respond to reasons is not compulsive derives from Fischer and Ravizza’s account of guidance control: see, Fischer and Ravizza, pp. 69-73.


Smith, p. 132.

Luke Robinson raised an objection based on an analogy between visual impairment and moral blindness when I presented an earlier version of this paper to the philosophy department at UC San Diego. Michaela Mueller also raised this issue in her comments on the earlier paper at the 2006 Inland Northwest Philosophy Conference; Neil Levy pressed related concerns at the same presentation.

However, and other things being equal, we might be inclined to attribute this judgment,
or a related one, to a visually impaired person who crossed a street over the repeated protestations of others that she had a reason not to do so.


24 To add slightly more detail: Watson says, “noncompliance [with moral requirements] cannot be unreasonable, unless the individual is able to recognize the relevant reasons for compliance” (Watson, 2002, p. 241). Thus, the morally blind agent’s failures to comply with moral requirements cannot be unreasonable. But since it is only appropriate, according to Watson, to place a demand on an agent if it is unreasonable for her to fail to comply with that demand, it is inappropriate to hold the psychopath to moral demands because it cannot be unreasonable for her to fail to comply with these demands. Since such compliance is not appropriately demanded, the psychopath is not open to moral blame for her failure to comply with these demands.


26 See Fischer and Ravizza, especially Chapter 3.

27 I take it that a person who acts on a dare is unreasonable if she is strongly motivated to take up the dare even though she believes that nothing very significant would follow from failing to do so. The following Associated Press headline from May 18, 2004 (Odessa, TX) is apropos: “A student who drank a chemical from his high school lab on a dare was recovering in a hospital, but not before a scar.”


29 One could appeal to a different account of the relation between the contrastive nature of moral failures and blameworthiness for those failures than the one against which I have argued. However, the view of contrastiveness that I have responded to is especially well-suited to quality-of-will theories of blame because it ties the significance of contrastiveness to the expressive nature of wrongdoing, which is crucially significant on quality-of-will accounts. Of course, one might simply take this as indicative of a general problem with such accounts of blame.


31 David Brink suggested Yates’s story as potentially problematic for my account when I presented an earlier version of this paper to the philosophy department at UC San Diego. For an account of Yates’s pretrial interviews with psychiatrists, see Timothy Roche, “Andrea Yates: More to the Story,” Time (online edition), March 18, 2002. Yates’s conviction was overturned in 2005 because an expert witness for the prosecution gave false testimony; in 2006, she was found not guilty by reason of insanity.

32 Many people have helped me formulate the ideas in this paper and have given me extremely helpful advice and guidance on earlier drafts. In particular, I would like to thank Gary Watson, John Martin Fischer, Andrews Reath, Pamela Hieronymi, Dana Nelkin, and Christian Miller for their many thoughtful and challenging comments.