The Significance of Psychopathic Wrongdoing¹

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12.1 Introduction

I argue below that psychopaths are sometimes open to moral blame on account of their wrongdoing. Thus, on my view, psychopaths are sometimes appropriate targets for negative reactive attitudes like resentment that characterize moral blame.

On the approach to moral responsibility that I pursue, blame is fundamentally a response to a certain characteristic significance that other agents’ actions can have for us. The argument of this chapter depends, therefore, on the claim that despite their impairments, psychopaths possess rational and agential capacities that endow their behavior with a significance that makes blaming responses appropriate. As a kind of shorthand, I will often simply say that psychopaths are capable of acting in ways that express disregard, contempt, or ill will of a sort that reasonably grounds emotional responses like resentment.²

¹ I am grateful to Thomas Schramme, Zac Cogley, David Shoemaker, Gary Watson, and Kyle Adams for their thoughtful comments on drafts of this chapter. A West Virginia University Faculty Senate Research Grant made part of this research possible.
² My view is, of course, indebted to P. F. Strawson’s “Freedom and Resentment,” reprinted in Gary Watson (ed.), Free Will, 2nd edition (New York: Oxford University Press, 2003), 72–93. For Strawson, to regard individuals as morally responsible is to see them as open to positive and negative reactive attitudes. I find Strawson’s approach instructive, particularly his account of blaming attitudes like resentment as “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” (83). However, in the next
My defense of this proposal begins with a brief account of the approach to moral responsibility that I favor and a discussion of how psychopaths, with their various capacities and incapacities, fit into this approach. Next, I consider recent arguments by Neil Levy and David Shoemaker that psychopaths’ incapacities entail that their actions cannot convey the type of malicious ill will to which blame responds. Finally, I consider Gary Watson’s recent discussion of psychopathy. Watson grants that psychopaths express morally significant malice through their behavior, but he argues that their moral impairments still render them unfit for an important range of reactions involved in holding agents morally accountable for their behavior.

12.2 Attributionism and Psychopathy

The approach to moral responsibility that I favor is sometimes called “attributionism,” though critics of the view most often use this term. The following account of attributionism from Neil Levy, who is one such critic, brings out some important features of the view:

On attributionist accounts, an agent is responsible for an action just in case that action is appropriately reflective of who she most deeply is. If it is appropriately reflective of who she is, it is attributable to her, and that is

section, instead of characterizing moral responsibility simply in terms of openness to reactive attitudes, I characterize it in terms of attributability. I claim that agents are morally responsible for behavior that is attributable to them (in the right way), and that agents are blameworthy for morally objectionable behavior that is attributable to them (in the right way). At this point, I return to Strawson insofar as the objectionable behavior that I attribute to psychopaths is behavior that expresses ill will and thus grounds resentment. I should note that Strawson himself apparently did not view agents like psychopaths as open to resentment; I will say something about the “objective attitude” that Strawson encouraged toward the “morally undeveloped” in my conclusion (79).
sufficient for us to hold her responsible.... It simply does not matter, on this account, whether the agent knows that her action is wrong. All that matters is that the action expresses the agent's attitudes toward others.

The agent who intentionally harms another thereby expresses her contempt of that person, whether or not she is capable of appreciating the moral reasons that condemn such actions.\(^3\)

David Shoemaker, another critic of attributionism, offers a related assessment of T. M. Scanlon’s and Angela Smith’s accounts of moral responsibility.\(^4\) According to Shoemaker, “[b]oth Smith and Scanlon believe responsibility is fundamentally about attributability; that is, about actions or attitudes being properly attributable to—reflective of—the agent’s self.”\(^5\) Thus, “[w]hat it means for A to be morally responsible for \(\Phi\) is just that \(\Phi\) is properly attributable to A in a way that renders A open to moral appraisal for \(\Phi\),” and “[w]hat it means for A to be blameworthy for \(\Phi\) is just that (1) A is morally responsible for \(\Phi\) and (2) A has violated some normative standard(s) via \(\Phi\).”\(^6\) And when is \(\Phi\) attributable to an agent in such a way that it is relevant to our moral appraisal of the

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\(^6\) Ibid.
agent? As Shoemaker notes, what is required on the views in question is that “Φ must bear a rational connection to the agent’s evaluative judgments.”

Shoemaker’s mention of evaluative judgments relates to Levy’s point about the importance (for the views under discussion) of the way wrongdoers’ behavior can express objectionable, blame-grounding attitudes toward the people they wrong. Whether wrongdoers’ behavior expresses such attitudes depends on whether they guide their behavior by judgments about reasons. For example, if I know that my action will injure you and I still judge that I have reason to perform the action in order to achieve some trivial aim, then my action plausibly reflects a judgment that is contemptuous of your welfare: The judgment that your welfare is less important than whether I achieve my trivial aim. This offensive judgment is a reason to regard my action as wrong and unjustifiable, rather than merely injurious, and it makes it natural (though not obligatory) for you to target me with blaming attitudes like resentment.

As the quotation from Levy also suggests, a signal feature of attributionist accounts of moral responsibility is that wrongdoers’ blameworthiness, and their openness to negative reactive attitudes, does not depend on whether they are able to recognize and respond to moral considerations. This is because even wrongdoers who lack this ability—who lack, as I will say, moral competence—may still guide their behavior by judgments that manifest contempt or ill will for those they mistreat, at least if they possess general powers of rationality and self-government. As Scanlon notes, a generally

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7 Ibid., 605.
rational creature who fails to see the force of moral reasons—who fails, for example, to see any reason for being concerned with moral requirements at all … can nonetheless understand that a given action will injure others and can judge that this constitutes no reason against so acting.\textsuperscript{8}

The point here is that—just as with a morally competent wrongdoer—a morally blind (but otherwise rational) agent may willingly and (by our lights) unjustifiably do something that he or she knows will injure you. Like a morally competent agent, such an individual thereby expresses the offensive judgment that your welfare matters little in comparison with whether his or her ends are achieved. This account of an agent’s behavior will make sense if the agent is aware of the consequences of his or her behavior and if the agent has the ability to judge (by his or her own lights) whether these consequences count in favor of acting or refraining from action.\textsuperscript{9} Insensitivity to specifically moral reasons is compatible with fulfillment of these conditions.

This discussion of moral blindness brings us to psychopathy. Psychopaths are persistent wrongdoers who have a variety of negative personality characteristics such as egocentricity, aggression, callousness, lack of empathy or remorse, and impulsivity. From

\textsuperscript{8} Scanlon, \textit{What We Owe to Each Other}, 288. Scanlon speaks of a mere failure to see the force of moral considerations, but it is clear from the context that he has in mind an agent who \textit{cannot} see the force of these considerations. It is important to note that Scanlon is thinking here of an agent who judges that there is no reason to refrain from action rather than an agent who makes no judgment about reasons. Thanks to Thomas Schramme for encouraging greater clarity here.

\textsuperscript{9} In “Expressing Who We Are: Moral Responsibility and Awareness of Our Reasons for Action,” \textit{Analytic Philosophy} 52 (2011): 243–261, Levy argues that the conditions under which actions express attitudes is more demanding than many suspect. I agree with parts of Levy’s argument even though his conclusion would restrict moral responsibility on an account like mine. This concession is compatible with the claim that moral blindness is not a bar to moral responsibility and that \textit{some} actions of morally blind agents express blame-grounding attitudes.
the standpoint of assessing moral responsibility, the interesting thing about psychopaths is that their persistent wrongdoing appears to stem from a deeply rooted difficulty apprehending and responding to moral considerations. The etiology of this difficulty is not entirely clear, but James Blair, Derek Mitchell, and Karina Blair have recently advanced a compelling “neurocognitive” account of psychopathy and its development. According to this account, partial dysfunction of the amygdala is at the heart of the disorder. The amygdala dysfunction itself likely results from genetic anomalies and gives rise, in turn,

to impairments in aversive conditioning, instrumental learning, and the processing of fearful and sad experiences. These impairments interfere with socialization such that the individual does not learn to avoid actions that cause harm to other individuals. If such an individual has a reason to offend, because their other opportunities for financial resources or respect are limited, they will be more likely to offend than healthy developing individuals.10

While the psychopath’s moral impairments are profound, they should not be overstated. As Walter Glannon notes, psychopaths appear to have “at least a shallow understanding of right and wrong” since they correctly answer questions about whether proposed actions are conventionally regarded as “right” or “wrong.”11 On Glannon’s view, this is sufficient for attributing a limited form of moral responsibility to

10 James Blair et al., The Psychopath: Emotion and the Brain (Malden, MA: Blackwell Publishing, 2005), 139.
psychopaths. However, many theorists are unimpressed by the psychopath’s ability to, as R. Jay Wallace puts it, “parrot moral discourse” since this is compatible with the absence of a “participant understanding” of that discourse.\textsuperscript{12} Evidence that psychopaths lack a participant understanding of moral discourse is found, among other places, in their limited ability (as compared to nonpsychopaths) to distinguish authority-dependent conventional norms and non-authority-dependent moral norms.\textsuperscript{13}

What is important for my purposes is that, despite their moral impairments and as the quotation from Blair and his coauthors suggests, psychopaths are capable of evaluating reasons and guiding their behavior on this basis. Psychopaths often do wrong because they judge something to count in favor of acting that way: Their use of violence, for example, is often instrumental rather than merely reactive.\textsuperscript{14} According to the account I pursue here, psychopaths may thus be open to moral blame because it is possible for their wrongdoing to reflect the judgment that the consequences of their behavior do not give them reason to refrain from that behavior. Indeed, as Gary Watson notes, psychopaths are capable of seeing the prospect of another’s harm and suffering as a


\textsuperscript{14} Blair et al., \textit{The Psychopath}, 12–13 and 17.
reason to act: “They frequently enjoy forcing others into painful submission”; “they often intentionally or willingly oppose what matters most to us.”

However, there is evidence that the psychopath’s rational impairments extend beyond their impaired moral understanding. This raises the possibility that psychopaths are too rationally impaired for the attributionist approach to moral responsibility to be applied to them. For one thing, psychopaths have deficits in fear and empathy. Not only do they not have the same fear responses as nonpsychopaths, they are also deficient with respect to recognizing fear or sadness in others. Cordelia Fine and Jeanette Kennett appeal to this feature of psychopathy to argue that psychopaths lack deep moral understanding; it may also mean that psychopaths are sometimes nonculpably unaware of the consequences of their behavior. As Paul Litton points out, “If psychopaths’ experience of fear is limited compared to ours, then we can reasonably conclude that they do not fully comprehend the unpleasant nature of our experience with fear.” This suggests that it may not be plausible to attribute to psychopaths the judgment that others’ fear or sadness is not a reason to refrain from a certain bit of behavior.

Furthermore, psychopaths are famously imprudent. Their response to threatening stimuli is reduced as compared to nonpsychopathic individuals, and they have difficulty changing behavior that has proven contrary to their interests. We might think, then, that

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16 Blair et al., 54–56 and 126.
19 Blair et al., The Psychopath, 48–53 and 68–69.
psychopaths are impaired not just for moral reasoning, but for practical reasoning more generally.\textsuperscript{20}

On the other hand, there may be psychopaths who are not so seriously impaired for keeping track of their own interests. Perhaps so-called successful psychopaths are like this. A recent study defines members of this group as “individuals who fit the criteria of a psychopath, having certain fundamental traits (e.g., callousness), but [who] largely succeed in their exploitation.”\textsuperscript{21} The authors of this study found that “successful psychopaths were rated high in assertiveness, excitement-seeking, and activity, and especially low in agreeableness traits like straightforwardness, altruism, compliance, and modesty.”\textsuperscript{22} Additionally, the “successful psychopaths were high in competence, order, achievement-striving, and self-discipline” and thus were better able to act in their own interests than unsuccessful psychopaths.\textsuperscript{23} In a related study, Babiak, Neumann, and Hare administered Hare’s Revised Psychopathy Checklist (PCL–R) to 203 managers from seven U.S. and international companies.\textsuperscript{24} Nine of the participants scored above 25 on the PCL–R and eight had a score above 30, which is “the common research threshold for psychopathy.”\textsuperscript{25} (Of the nine, seven held management positions, two were vice-


\textsuperscript{22} Sweatt et al., “The Search for the Successful Psychopath,” 556.

\textsuperscript{23} Ibid.


\textsuperscript{25} Ibid., 183.
presidents, and two were directors. These results not only “provide evidence that a high level of psychopathic traits does not necessarily impede progress and advancement in corporate organizations,” they also suggest that at least some psychopaths are not grossly impaired for prudential reasoning.

However, despite the example of successful psychopaths, I admit that there is reason to worry that psychopaths do not possess the general rational capacities that are important for attributionist approaches to moral responsibility. However, I set this concern aside below and assume that psychopaths possess sufficient general powers of rational agency that it makes sense to describe them as conducting themselves on the basis of judgments about the weight of reasons. This is a licit assumption because the critics I engage below are largely willing to allow it—they are mainly concerned with psychopaths’ specifically moral impairments, with their inability to see moral norms as anything more than external conventions with no independent, overriding normative authority. Gary Watson nicely sums up the deficiencies these critics take to undermine the psychopath’s blameworthiness:

Psychopaths appear to know what morality “requires” of them in the same way that they know that one must pay income taxes and that smoking in commercial airplanes is against the rules. What they cannot understand is that those requirements have any kind of nonstrategic normative force for

26 Ibid., 185.
27 Ibid., 192.
28 Paul Litton suggests a related problem for the account I gave in “Blame and Responsiveness to Moral Reasons.” Perhaps psychopaths, “or an extreme subset of psychopaths,” are “wantons” (agents who are unconcerned with which of their competing desires will ultimately move them in action), in which case “their antisocial conduct does not reflect normative commitments,” “Psychopathy and Responsibility Theory,” 681.
anyone; that is, they cannot regard moral demands as anything more than coercive pressures. They can know that what they aim to do might hurt someone, but not that there is any sort of (noninstrumental) reason against doing or having done it.\textsuperscript{29}

I assume below that psychopaths are impaired in the way Watson describes.

### 12.3 Are Psychopaths Capable of Contempt?

In “The Responsibility of the Psychopath Revisited,” Neil Levy takes on the attributionist perspective directly and offers several considerations in favor of the claim that psychopaths are not open to moral blame for their bad behavior. Levy’s approach to moral responsibility emphasizes agents’ histories, particularly the factors that explain how they came to be the way they are. For example, Levy believes that “[a]gents are morally responsible for an action if (roughly) they are capable of appreciating and responding to moral reasons,” and when they lack these capacities, “their responsibility hinges on whether they are responsible \textit{for} this fact.”\textsuperscript{30} Since “psychopathy \textit{is} a developmental disorder, for which there is no known cure, psychopaths lacks [sic] control over their coming to be bad.”\textsuperscript{31} “Hence,” concludes Levy, “they ought to be excused from moral responsibility.”\textsuperscript{32} This means that we should refrain from blaming psychopaths, exempting them both from reactive attitudes like resentment and from “those aspects of the criminal justice system which are expressive of blame.”\textsuperscript{33}

\textsuperscript{29} Watson, “The Trouble with Psychopaths,” 309.
\textsuperscript{31} Ibid., 135.
\textsuperscript{32} Ibid.
\textsuperscript{33} Ibid., 136.
However, for the attributionist, whether psychopaths are morally responsible and blameworthy is not settled by noting that they cannot respond to moral considerations or that they are not responsible for this fact about themselves. This is because these considerations don’t necessarily bear on whether psychopaths are capable of contempt and ill will.

Levy addresses this rejoinder by arguing that psychopaths’ moral impairments do, in fact, mean that they cannot express contempt or ill will through their behavior. According to Levy,

it is simply false that expressing contempt, ill-will, or moral indifference is independent of moral knowledge. For an action to express contempt for others or for morality, the agent must be capable of appreciating moral facts. Contempt is a thoroughly moralized attitude; only a moral agent is capable of it.\(^{34}\)

I agree with Levy that contempt is a moralized attitude, but we disagree about what this point comes to. I take Levy’s view to be that contempt is a moralized attitude in the sense that only \textit{moral agents}—those who can make use of moral concepts—can express contempt through their actions. But why should we believe this? One

\(^{34}\)Ibid., 135. Note that Levy says, “…express contempt for others or for morality.” In this section, I am concerned with whether psychopaths can express contempt for others. Expressing contempt for morality is, I think, something very different; I discuss it briefly at the end of section 12.5. \textit{In Hard Luck}, Levy raises the objection considered here against my argument in “Blame and Responsiveness to Moral Reasons.” He says there that contempt is an “expression of the perceived worthlessness of another where the worth is measured against some evaluative standard…. The psychopath might judge himself superior to others, but does not have the evaluative resources for contempt” (208 note 18). I take this to mean that for an agent’s behavior to express contempt, the agent must be able to assign less \textit{moral} value to one person than another. As I explain in the text, I think that if a psychopath takes pleasure in injuring someone, and counts the injury in favor of acting a certain way, then he or she takes a morally significant, contemptuous stance toward the other even if he or she can’t use a concept like moral value.
possibility—which would explain why psychopaths are not capable of contempt—is that expressing contempt requires an agent to make judgments with explicit moral content. If psychopaths cannot deploy moral concepts in the way required for their judgments to have explicit moral content, then, according to this view, their actions cannot express moralized attitudes like contempt.

I propose, however, that in order for an agent’s actions to express contempt or ill will, the agent does not need to be able to form judgments with moral content. Contempt is certainly a moralized attitude, but this just means that contempt is an attitude with a certain sort of moral significance—something in which we take a certain sort of moral interest. When we speak of “contempt,” then, we are squarely within the moral domain, but, as I shall argue, this need not entail that for an agent to be capable of contempt he or she must be able to use moral concepts.

Suppose, for example, that psychopaths cannot deploy concepts like “moral standing” (at least not in the way that nonpsychopaths do), and that their behavior is therefore not informed by judgments like, “You don’t have moral standing, so I can disregard your objections to my treatment of you.” What is important for my account is that this is still compatible with psychopaths guiding their behavior by judgments like, “The fact that this action will injure you is no reason to refrain from it.” I suggested in the last section that insofar as psychopaths have the ability to make, and to guide their actions by, judgments about reasons, it will sometimes be reasonable to attribute this sort of judgment to psychopaths.
A judgment like “The fact that this action of mine will injure you is no reason to refrain from it” can reasonably have moral significance for us even though it does not have explicit moral content. For one thing, this judgment is in stark contrast with the judgment by which a good-willed agent would be moved. The judgment in question also conflicts with the injured party’s view about the importance of his or her welfare; it is, therefore, a judgment to which the injured party has reason to object. This judgment has moral significance for the injured party, then, not because it involves moral concepts, but because it involves denying the significance of factors that are morally salient for the injured party.\(^{35}\) Thus, psychopaths may be capable of behavior that has moral significance (for us) despite their impaired ability to recognize and find motivation in moral considerations.

In a way, of course, it is beside the point whether psychopathic behavior is properly described as expressing “contempt” or “ill will.” What really matters is whether the expressive content of a psychopath’s action is such that it is appropriate to respond to his or her behavior with characteristic blaming attitudes like resentment. Even if psychopaths are not capable of contempt because, as a matter of terminology, contempt involves an ability to use moral concepts, I would argue that blaming attitudes are still an appropriate response to psychopaths because of the type of disregard for others’ interests of which they are capable. Suppose that a psychopath judges that my welfare doesn’t have any significance as a reason to refrain from an action. Such a psychopath dismisses

\(^{35}\) By contrast, when a wild animal injures us, this is not morally significant in the same way because it is much less plausible to interpret the animal as guiding its behavior by the judgment that our injuries don't count as reasons.
a consideration that by my lights ought not to be dismissed by someone who is—unlike a machine or a nonhuman animal—in the business of guiding his or her behavior by judgments about reasons. From my point of view, the psychopath’s judgment involves a serious error about my standing, and this error is a proper basis for resentment regardless of whether the psychopath’s attitude toward me is properly described as contempt.

### 12.4 Psychopaths as Unwitting Wrongdoers

To conclude his discussion of contempt, Levy introduces an example that is supposed to help us see that psychopaths’ moral incapacity means that they do not express blame-grounding attitudes and qualities of will through their behavior. Levy asks us to imagine that

there is a kind of harm that is objectively morally relevant, but of which we are ignorant. Suppose, for instance, that plants can be harmed, and that this harm is a moral reason against killing or treading on them. In that case, many of us are (causally) responsible for a great many moral harms. But it is false that we express contempt, ill-will, or even moral indifference to these plants. Nor do we flout their standing as objects to whom moral consideration is owed. These attitudes all require a background of normative beliefs for their expression, in the relevant sense. Absence of moral regard does not entail, indeed it is incompatible with, presence of moral disregard. But just as we fail to express any moral
attitudes toward plants, so psychopaths fail to express the relevant attitudes toward their victims.\(^{36}\)

David Shoemaker offers a similar example to make the same point. “Suppose,” says Shoemaker, that

a race of alien beings comes to live amongst us, and while in general they share our moral sensibilities, they find additional sources of moral reasons around them. In particular, they think it immoral to walk on the grass, precisely because of what it does to the grass: it bends and breaks it. It is intrinsically bad, they claim, for this sort of organism to be bent or broken, and they purport to ground this claim on their understanding of what it is like to be a blade of broken or bent grass. When it is pointed out to them that blades of grass do not feel or have consciousness, that there is nothing it is like to be a blade of grass, they reply that understanding what it is like to be something need not have anything to do with consciousness; sometimes, it can simply consist in projectively entering into the entity’s being-space. Indeed, claim the aliens, they have the special capacity for doing just that, and they have come to recognize the grass’s moral status thereby. We, of course, simply do not get what they are talking about.\(^{37}\)

Now what should we say if a human fails to respect the moral status of grass?

Suppose, for instance, that as I am walking through the park, I see an interesting rock formation I would like to see up close but to do so involves tramping on some grass. I cannot “empathize” with the grass, and


what the aliens deem immoral about grass-tramping I merely see as stupid: I am just incapable of viewing the grass’s bending and breaking as giving me reasons of any kind. So as I chortle about the aliens’ ridiculous moral beliefs, I tramp across the grass. I am spotted by an alien, however, who rails at me with indignation, hell-bent on publicly shaming me. Is this an appropriate reaction?38

Shoemaker says that these blaming responses would not be appropriate because when he walks on grass, he is not disrespecting the grass in a way that justifies moral indignation. As Shoemaker sees it, “while it is true that I fail to express respect for the grass, I am incapable of disrespecting it.”39 This inability to disrespect grass is supposed to stem from an inability to see any reason in favor of refraining from walking on grass: Such “an incapacity undermines the possibility of my expressing ill will in the sense warranting accountability-blame, namely, active disregard.”40

I agree that the people in the above examples are not blameworthy for walking on plants because they do not express blame-grounding disrespect for plants. However, neither Shoemaker’s nor Levy’s example supports the conclusion that psychopaths are not fit targets for negative reactive attitudes. This is because psychopaths are importantly different from the people who harm plants in their examples.

The reason the people in these examples do not express disrespect is that they are unaware of the consequences of their actions. In Shoemaker’s example, the humans know that walking on grass causes it to bend and break, and they know that the aliens say that

38 Ibid., 626.
39 Ibid.
40 Ibid., 627.
this has a morally significant effect on grass’s “being-space.” However, in the context of the example, the aliens’ claims are supposed to be bizarre; they are claims that it would be reasonable for the humans to reject.41 Since the humans reasonably do not believe that there is any sense to talk of grass’s being-space, they reasonably fail to be aware that walking on grass harms it. Similarly, in Levy’s example, people may know that uprooting a plant harms it insofar as this disrupts its normal plant-like functioning, but they reasonably do not know that plants can be harmed in a way that turns out to be morally relevant—for example, that uprooting a plant causes it pain.

If the humans in these examples are wrongdoers, then they are unwitting wrongdoers, and they are unwitting in a way that is often not compatible with blame: Through no fault of their own, they don’t know that their actions have certain consequences.42 The psychopath, on the other hand, is an unwitting wrongdoer in a way that is compatible with blame: Psychopaths may not know that they do something wrong when they harm you, but they may well know that an action of theirs harms you. This is compatible with blame because someone who does not believe that it is wrong to harm you (but who knows that he or she harms you) treats you with contempt. As I have argued, the judgment that the possibility of harming you doesn’t matter, or that your objections to being harmed can be overlooked, is a contemptuous judgment.

Levy’s and Shoemaker’s examples can be altered so that they have a better chance of supporting their claims about psychopaths. What is required is for the

41 I assume that Shoemaker would agree: If we thought it was unreasonable for the humans to reject the aliens’ claims, then it would be more difficult to accept Shoemaker’s conclusion that they are not blameworthy.

42 Paul Litton suggests a similar response to Levy’s example, “Psychopathy and Responsibility Theory,” 681.
wrongdoing in the examples to more closely resemble psychopathic wrongdoing. We could imagine, for instance, that plants are caused great pain by being walked on and that humans know this, but that some humans are incapable of caring about this fact. If we think that these impaired humans do not express contempt for plants when they knowingly harm them, then we would have an example that supports Levy’s and Shoemaker’s conclusion. However, I would say that if an impaired human knows that walking on a plant seriously harms it, then walking on the plant expresses the contemptuous judgment that the harm doesn’t matter. This would, I suggest, be a suitable basis for blame on the part of someone who takes the welfare of plants seriously.\footnote{I give a more detailed response to Shoemaker’s example in “Aliens, Accountability, and Psychopaths: A Reply to Shoemaker,” \textit{Ethics}, 122 (2012): 562–574.}

\section*{12.5 Can the Mere Possibility of Moral Understanding Contribute to Ill Will?}

Another way to approach the issue of the psychopath’s capacity for ill will is to ask whether, when we stipulate that a normal (i.e., nonpsychopathic) wrongdoer is capable of appreciating moral facts, we have added anything to the account of his or her wrongdoing that is necessary for the expression of ill will. What, in other words, do we learn about an instance of wrongdoing when we learn that the wrongdoer is morally competent? One thing we learn is that it was possible (at least at a suitably general level of psychological description) for the wrongdoer to have responded appropriately to moral considerations to which the wrongdoer in fact did not respond appropriately. But what does the presence
of this unexercised ability have to do with whether the wrongdoer’s behavior expresses ill will?

Consider a recent example of hypothetical psychopathic wrongdoing from David Shoemaker. Shoemaker argues that psychopaths are not open to blame in a way that licenses attitudes like resentment—they are not, in his words, “accountability-responsible.” However, psychopaths can be morally responsible for their behavior in more limited ways. For example, psychopaths can be “answerability-responsible” because it makes sense to ask them what considerations motivated their behavior. As Shoemaker suggests, we can reasonably ask a psychopath, “‘Why did you cheat that old lady out of her life savings?,’” and the psychopath may truthfully “cite various judgments of worth: ‘It’s funny to see the look of panic on an old lady’s face,’ or ‘Old people don’t deserve to have any money.’”

According to Shoemaker’s and Levy’s positions, a psychopath is not an apt target for resentment even if he or she acts on the judgments just mentioned, and this is because of the psychopath’s inability to form appropriate moral judgments. However, suppose that we have two wrongdoers (A and B) who both cheat an old woman out of money and who both truthfully report that they did so because they wanted to see “the look of panic on an old lady’s face.” Next, suppose we find out that wrongdoer A, but not B, could have formed a morally preferable judgment about the normative status of the consequences of her action. A could have judged—though she did not—that the prospect of the old lady’s suffering was a sufficient reason to not cheat her. While both wrongdoers failed to

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respond appropriately to moral considerations, the general facts about A’s psychology, but not B’s, were such that A could have responded appropriately to the moral considerations relevant to the situation. But as things actually transpired, neither A nor B responded appropriately to moral considerations. They both intentionally cheated the old lady for the reason mentioned above, so why should we think that only wrongdoer A expresses a quality of will that makes negative reactive attitudes appropriate? How does the fact that A had psychological access to a morally preferable, but entirely counterfactual, instance of moral awareness make the quality of her action, or the quality of her will, more malicious, or more morally significant than B’s? Why, to put it differently, shouldn’t we focus on the actual features of A’s and B’s behavior—which happen to be quite similar—when we come to assess their blameworthiness?

There may well be satisfactory answers to these questions, and if there are, then perhaps psychopaths are not open to blame. My point is that before we accept the conclusion that the actions of psychopaths do not express attitudes to which blame properly responds, we need an account of how a normal wrongdoer’s possession of the capacities that the psychopath lacks makes him or her capable of such attitudes. Without

46 One might say that A’s capacity for morally preferable judgments doesn’t make her action worse than B’s, but it does make her a more appropriate target for blame because it is fair to blame wrongdoers only if they could have avoided wrongdoing. R. Jay Wallace develops this sort of point in Responsibility and the Moral Sentiments (196–207), and I respond to it in “Moral Competence, Moral Blame, and Protest”; my response draws on Pamela Hieronymi, “The Force and Fairness of Blame,” Philosophical Perspectives 18, (2004): 115–148. Here, I will just point out that concerns about the avoidability of blame are most intuitive in cases like that of a compulsive wrongdoer who cannot do otherwise and whose behavior is independent of his or her judgments about how to behave. The behavior of the psychopath, however, is often dependent on his or her judgments about how to behave. This means that psychopaths can avoid committing particular wrong acts if they judge themselves to have reason to do so (though they can’t avoid these acts for moral reasons).

47 As we have seen, Levy has one proposal about why moral competence matters for blameworthiness, which I have rejected. In the next two sections, I’ll consider Gary Watson’s recent answer to these questions.
such an account, I suggest that if a psychopath unjustifiably, intentionally, and knowingly injures someone, then (prima facie and other things being equal) the psychopath’s action expresses an attitude toward the injured party that makes the psychopath an apt target for the attitudes that characterize moral blame.

I don’t mean to claim that there can never be a difference in the moral quality of a wrong committed by a psychopath and one committed by a nonpsychopathic wrongdoer. Morally competent wrongdoers can have a moral participant’s understanding of the fact that they do wrong. Indeed, they can take a general stand against morality. Like Milton’s Satan, the morally competent wrongdoer can say, “Evil, be thou my good.” This is something the psychopath cannot do (at least not in the way a nonpsychopath can). There are, then, certain forms of moral badness of which the psychopath is not capable. However, this does not mean that the forms of badness of which the psychopath is capable are not sufficient for blameworthiness.

We might think that only knowing wrongdoing of the sort mentioned above can express blame-grounding ill will because only this sort of wrongdoing involves an explicit choice against some moral value. However, we should keep in mind that many normal wrongdoers are not knowing wrongdoers in this sense. Many people motivated by bias against a race, gender, or sexual orientation know that others regard their behavior as wrong, but they do not see their behavior as conflicting with values that they themselves take to be morally decisive. If we think that these bad actors are open to blame even though their actions don’t involve a knowing choice against morality, then the fact that
psychopaths are not capable of this sort of wrongdoing does not mean that they are not open to blame.

12.6 Gary Watson’s View

In “The Trouble with Psychopaths,” Gary Watson takes an approach to assessing the moral responsibility of psychopaths that is importantly different from Levy’s and Shoemaker’s. For one thing, Watson allows the plausibility of attributing morally significant, malicious behavior and ill will to psychopaths.\[^{48}\] Psychopaths pass what Watson calls the malice test: They “are often not just dangerous but cruel. They frequently enjoy forcing others into painful submission…. That psychopaths are in this way ‘into’ or ‘behind’ the mischief and pain is what constitutes their malice.”\[^{49}\] This interpretation of psychopathic behavior is plausible because psychopaths possess the rational capacities I discussed in section 12.2. In virtue of these capacities, Watson says, “[p]sychopaths are capable of a complex mode of reflective agency that is ethically significant in ways that the activities of less complex creatures cannot be.”\[^{50}\]

The “trouble” with psychopaths is that while they pass the malice test, they do not meet the moral competence requirement.\[^{51}\] On the one hand (and insofar as they pass the malice test), Watson says that we “rightly predicate viciousness of the attitudes and conduct of psychopaths” and that these attributions constitute a form of moral responsibility.\[^{52}\] However, since psychopaths lack moral competence, they are not

\[^{48}\] Watson, “The Trouble with Psychopaths,” 308.
\[^{49}\] Ibid., 316.
\[^{50}\] Ibid.
\[^{51}\] Ibid., 308.
\[^{52}\] Ibid.
morally responsible in the crucial sense of being morally accountable for their behavior.\(^{53}\) Because of their inability to recognize the normative significance of others’ interests, Watson says, psychopaths “lack the capacity for moral reciprocity or mutual recognition that is necessary for intelligibly holding someone accountable to basic moral demands and expectations.”\(^{54}\)

For Watson, what makes it inappropriate to impose the moral demands and expectations associated with accountability on psychopaths is that they cannot enter into the context of mutual recognition in which these demands are at home. Thus, there is an important sense in which psychopaths’ disorder “disqualifies them as members of the moral community.”\(^{55}\) We are, and must be, morally alienated from the psychopath because “[m]oral objections and other forms of moral address [e.g., our demands for moral recognition] presume or appeal to an authority that psychopaths cannot recognize.”\(^{56}\)

Unsurprisingly, Watson is critical of approaches that deny that moral competence is a requirement for moral responsibility. For example, Watson objects to T. M. Scanlon’s claim that even in the absence of moral understanding, a generally rational wrongdoer is open to moral criticism that “‘supports demands for acknowledgment’” of wrongdoing, as well as demands “‘for apology, or for justification or explanation.’”\(^{57}\) These demands for acknowledgment and apology look, says Watson, “like instances of


\(^{54}\) Watson, “The Trouble with Psychopaths,” 308.

\(^{55}\) Ibid., 309.

\(^{56}\) Ibid.

\(^{57}\) Ibid., 313. Watson is quoting Scanlon, What We Owe to Each Other, 272; the italics is Watson’s.
holding accountable, like calls for avowal of responsibility.” However, this is “plainly not warranted by [Scanlon’s] general rational competence view” because general (but nonmoral) rational competence is not sufficient for an agent to stand with us in a moral relationship characterized by reciprocity. For Watson, because psychopaths are “incapable of the reciprocity that demanding and owing justification presumes, moral criticism [of the sort conveyed by the demands Scanlon mentions] is not only futile but senseless,” for “[n]othing they could do could be intelligibly construed as an apology or acknowledgment.”

As the preceding hopefully makes clear, Watson’s central reservation about the moral responsibility of psychopaths has to do with “the conceptual aptness of making a ‘demand’ of a creature that is incapable of recognizing one’s standing to make demands.” Now it is certainly plausible to say with Watson that a condition on reasonably imposing a demand for apology or moral recognition on another agent is that the agent can recognize the legitimacy of the demand and the authority of the one who issues it. I admit, then, that Watson identifies an important sense in which psychopaths are not morally responsible for their behavior. Psychopaths are not morally responsible in the sense of being members of our moral community with whom we can engage in genuine moral dialogue or from whom we can reasonably demand an apology in the hope of restoring (or creating) a moral relationship.

58 Ibid.
59 Ibid.
60 Ibid., 314.
61 Ibid.
It’s important to note, however, that the sort of moral responsibility just identified is largely prospective. In his conclusion, Watson says,

Holding one another morally accountable honors the value of mutual recognition and expresses a basic form of respect. The *telos* of this practice is the prospect of codeliberation and reconciliation. In the case of psychopathy, I have argued, this hope is forlorn. Psychopaths are, in this sense, irredeemably alien.\(^{62}\)

If holding another accountable involves the prospect of reconciliation, then psychopaths are not properly held accountable for their behavior. But holding accountable, so understood, is a relatively narrow slice of what is involved in judgments of moral responsibility and in holding others responsible for their behavior. Even if psychopaths are not reasonably open to demands for sincere apology or for moral reform, perhaps they are open to the emotional responses that are plausibly at the center of our blaming practices: the negative reactive attitudes.

However, Watson, like Shoemaker and Levy, does not mean to leave this option open. While there is little explicit discussion of the negative reactive attitudes in “The Trouble with Psychopaths,” it is clear both that Watson means to include them in the range of responses that are involved in *holding accountable* and that he views these responses as inappropriate if a wrongdoer does not meet the moral competence requirement.\(^{63}\) While Watson believes that psychopaths are “capable of acting in morally

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\(^{62}\) Ibid., 322. In a note attached to this passage, Watson adds that “[t]he rationale of moral and legal accountability is therefore prospective, without being consequentialist” (331, note 71).

\(^{63}\) This aspect of Watson’s view comes out more clearly in “Two Faces of Responsibility” and “Responsibility and the Limits of Evil: Variations on a Strawsonian Theme,” in Watson, *Agency and Answerability*, 219–259.
horrible ways, of exhibiting a kind of evil to which we respond accordingly,” and that “[t]heir conduct *is* morally significant in this way,” he does not see this as justifying our resentment:

what is a proper object of moral horror and hard feelings does not necessarily warrant resentment and indignation proper. These latter responses must fall short of their erstwhile targets [in the case of psychopaths]. Some agents of evil, therefore, are beyond moral accountability.64

In another brief reflection on the reactive attitudes, Watson clarifies his claim in earlier work that these “attitudes are ‘incipiently forms of communication.’”65 He says now that resentment is “‘incipiently communicative’ in that it involves a commitment, not to the communication of moral demands, but to the appropriateness of an inherently communicative stance.”66 And, of course, one must have some capacity for genuine moral conversation before it is appropriate to take up this communicative stance.

I take Watson’s view to be, then, that psychopaths are not appropriate targets for resentment because it is part of the logic of resentment that it is apt only in the case of wrongdoers who possess moral competence. This is because resentment presumes that its target is, at least in a general way, a candidate for moral dialogue—one to whom we can reasonably express a demand for apology or a wish for moral reconciliation, and these demands and wishes are reasonable only in the case of morally competent,

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65 Ibid., 328, note 35. The earlier characterization of resentment occurs in “Responsibility and the Limits of Evil,” 230.
66 Ibid.
nonpsychopathic agents. To my mind, however, characterizing resentment in this largely prospective way obscures an important aspect of resentment: namely, the way in which it is a manifestation of moral offense at past acts, and the way it marks certain actions as offensive because of their moral character and the quality of will that informs them.

Consider, as an alternative, Justin D’Arms and Daniel Jacobson’s account of resentment. D’Arms and Jacobson propose that certain emotions are “cognitive sharpenings” of more basic “natural emotion kinds.” Cognitive sharpenings are “constructed by specifying a subclass of instances of an emotion, or other affective state, in terms of some thought that they happen to share.” For example, we “could take all the episodes of anger—that-one-was-denied-tenure together and treat them as a type of anger.” This “tenure rage” would be a cognitive sharpening of anger insofar as it is a form of anger that involves the belief that one was denied tenure. Similarly, resentment is a sort of moralized anger, a cognitive sharpening of a more basic natural emotion kind, the “constitutive thought” of which “is that one has not merely been slighted but wronged.” Thus, as D’Arms and Jacobson have it, if “you believe that because you deserve tenure, you were wronged by not getting it,” then “[i]t is resentment, not merely anger, you feel.” On the other hand, if you come to think that you in fact did not

68 Ibid., 137.
69 Ibid.
70 Ibid., 143. This sentence should not be read as implying that the natural emotion kind of anger has a constitutive thought along the lines of “I was slighted.” For D’Arms and Jacobson, natural emotion kinds have no constitutive thoughts. Thanks to Zac Cogley for encouraging me to clarify this. It’s also worth noting D’Arms and Jacobson’s acknowledgment that “resentment” can refer to a sort of moralized envy, in which case it would not be associated with the constitutive thought mentioned in the text.
71 Ibid.
deserve tenure, then while “[y]ou may still be disposed to anger,” it would not be appropriate to describe this as resentment: “the more you judge that you have not been wronged, the more difficult it will be to understand yourself as resenting those who made the decision.”

Presumably, Watson regards resentment as having to do with more than just the belief that one was wronged. If we were to put his view in D’Arms and Jacobson’s terms, perhaps we would say that resentment is a cognitive sharpening of anger characterized by the thought that another wronged me and that other is a potential moral interlocutor. Alternatively, or in addition, the constitutive thought might be that the person who wronged me could have responded appropriately to moral considerations and refrained from wronging me on that basis. Characterized in either way, resentment would be off target if it were aimed at a psychopath—or at least the emotional responses we might feel toward psychopaths would not be resentment, properly so called.

However, I don’t think we have much reason to regard resentment as quintessentially involving the thoughts just mentioned. Certainly, it often does occur to us either that the one who wronged us could have been appropriately responsive to our moral standing, or that he or she might be inspired by our moral criticism to offer an apology. But it is also possible for emotional responses to wrongdoing to involve just the thought that others have treated us in a way that we did not deserve to be treated, that they did so on purpose and for reasons of their own that we do not view as justifying their behavior. A psychopath is capable of committing actions that have all these properties, so

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72 Ibid.
if judging that an action has these properties is the “constitutive thought” involved in resentment, then psychopaths are open to resentment, so defined.

As D’Arms and Jacobson suggest, emotions can be “sharpened out” in different ways by different constitutive thoughts. The point of the last paragraph is that there are at least two different, but related, ways of sharpening the emotion of anger that might plausibly be called “resentment” (or perhaps one of these forms of resentment is primary, and the other is a further refinement, or sharpening, of this primary sort). If this is so, then there may be a kind of resentment that is not appropriate in the case of the psychopath: the sort of resentment that involves the thought that the one who wronged us is a potential moral interlocutor. However, there will also be another sort of resentment, which is plausibly the more basic form, that involves a thought that can reasonably be had of a psychopath: the thought that, for no good reason, another has knowingly and intentionally treated us in a way that, by your lights, we did not deserve to be treated. Therefore, even if Watson is right about the importance of moral competence for (one kind of) resentment, psychopaths may still be open to a form of blame that involves negative reactive attitudes and that goes beyond the relatively shallow sort of blame that Watson (and Shoemaker) are willing to allow in the psychopath’s case.

I grant the following to Watson (and Shoemaker). Psychopaths are not morally responsible for their behavior in the sense of being properly subject to certain demands, such as the demand for apology, or to the form of resentment that involves the thought that the one who is resented could have responded appropriately to moral reasons. I am comfortable with this concession because it leaves it open that psychopathic wrongdoing
is expressive of ill will and that psychopaths can be morally responsible for their wrongdoing in the sense of being properly targeted with a form of resentment that involves the thought that one has been wronged rather than merely harmed.

As Watson shows, psychopaths are not members of our moral community in the sense of being moral interlocutors. Since moral accountability (in Watson’s sense) involves demands that are reasonably imposed only on moral interlocutors, it addresses agents insofar as they are members of our moral community in this sense. However, psychopaths are members of our moral community in the sense of being capable of wronging us (rather than merely injuring us) and of treating us with contempt and disregard. An important role that (one form of) resentment plays is to respond to agents insofar as they are members of our moral community in this limited sense.

12.7 Psychopaths and Other Incorrigibles

Several points from the preceding sections can be brought into sharper focus by considering Watson’s response to an earlier discussion of mine about the relation between psychopaths and other wrongdoers. Watson believes that the sort of view defended here is too inclusive because “[i]t accepts too many into the circle of moral accountability,” but he notes that his own view faces the converse objection that it shrinks the circle of moral accountability too much because it can provide “no principled way to distinguish the psychopath’s unreachability from that of the incorrigibly hardened and vicious nonpsychopathic criminal.”

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In an earlier paper, I expressed something like this worry in the following way, as Watson quotes it,

Imagine the way prisoners in a Nazi concentration camp surely blamed and condemned their murderers…. 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 are, but it is strange to suppose that it is only the psychologically improbable possibility of radical conversion at the last moment that makes blame appropriate here.74

In response, Watson distinguishes between the incorrigibility of psychopaths and the incorrigibility of nonpsychopathic wrongdoers who are committed to their wrongdoing but for whom responsiveness to moral considerations remains at least a dim possibility. For example, as Watson notes, “[o]ccasionally a Nazi or a Mafioso or white supremacist makes a genuine return to the moral point of view.”75 Watson says “return” because moral recognition depends here “upon suppressed or partial or partitioned moral sensibilities that are somehow reengaged or extended.”76 For the psychopath, there is no similar possibility of a return to morality; this means “not just that there is no chance that

74 Ibid. Watson is quoting my “Blame and Responsiveness to Moral Reasons,” 532; the ellipsis is Watson’s.
76 Ibid.
[psychopaths] will change but (again) that it makes no sense to address moral demands to them as though these could be intelligible to them.”

All this seems right, but Watson’s observation is somewhat orthogonal to the point I was trying to make by invoking concentration camp guards. My point was not that we can’t differentiate between hardened Nazis and psychopaths, but rather that the admitted differences between these two groups does not give us reason to think that only members of the former group are open to moral blame. For one thing—along the lines I sketched in section 12.5—even if the capacity for responding to moral reasons is not entirely extinguished in hardened Nazis, it is not clear that this is what makes their actions expressive of ill will toward their victims.

Now if the entire point of blaming attitudes like resentment were to provoke a return to morality on the part of a wrongdoer, then we would have reason to think that resentment is not appropriate in the case of psychopaths. However, the concentration camp example gives us reason to think that this is not so. I take it that many people find it reasonable—as opposed to being merely understandable—for concentration camp victims to resent even the most thoroughly hardened and unrepentant Nazis. If we assume that, though it remains a possibility, hardened Nazis are not going to reform themselves on the basis of being targeted by their victim’s resentment, this suggests that we take resentment to be doing work besides aiming at eliciting apologies and moral reform. Thus,

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77 Ibid. It may be possible to provide a psychopath with incentives to refrain from some of his or her wrongdoing, but Watson means that a psychopath can't be changed into a person who see others' interests as noninstrumental reasons.
resentment seems apt even in cases where moral reform is so unlikely that any expectation of it would be unreasonable.78

Another thing I had in mind in the passage Watson quotes is that prisoners in a concentration camp, facing an evil that they cannot reasonably hope to reform or dissuade, might issue “demands and claims” (as I put it) without necessarily attempting to engage their captors in moral dialogue.79 Rather, I imagine the demands and claims as ways the prisoners have of expressing their resentment by insisting on their own moral standing. One can reasonably insist on such a thing even in the face of implacable evil because the point of this insistence need not be to convince the wrongdoer of his or her error. The point may be, rather, to defiantly express moral values as one sees them, to stand up for oneself, and to commit oneself to the claim that one has standing to object to the treatment in question, even if one cannot convince others of this fact.80 These are expressions of one’s moral commitments, but these expressions do not depend for their sense on the possibility that they will be affirmed by a wrongdoer.

As I noted in the last section, Watson views resentment as in some way tied to demands that make sense only when they are posed to morally competent wrongdoers. Watson adds that “[i]n some elusive sense, resentment is ‘meant to be expressed.’”81 Presumably, Watson believes that resentment is meant to be expressed in such a way that

78 Similarly, if ordinary conversation is a guide, many people make sense of the notion of resenting the dead and others who will never be in a position to know about our resentment or to reform themselves because of it.  
79 I should have avoided the use of the word “demands” since I think Watson is right that demands are felicitous only when directed at those who can obey them.  
80 I develop the claim that blame can sometimes be construed as a form of moral protest in “Moral Competence, Moral Blame, and Protest.”  
its expression would be infelicitous if it were directed at someone who could not respond appropriately. I agree that resentment is meant to be expressed: It seeks an outlet. Part of what it is to feel resentment is to have an urge to express it. However, as the last paragraph indicates, I don’t believe that expressions of resentment must aim at eliciting a certain response from a wrongdoer.

12.8 Conclusion

We hold wrongdoers morally responsible because of the significance of their actions for us, and the negative attitudes that characterize blame are responses to this significance. Therefore, one argument against blaming psychopaths is that it is inappropriate to find the sort of meaning in their actions that is involved in judging that someone is blameworthy. Perhaps psychopathic behavior lacks the relevant sort of significance. In this case, we might be obliged to view psychopaths with what P. F. Strawson called an “objective attitude” and to see them merely as things “to be managed or handled or cured or trained” and not as candidates for interpersonally engaged attitudes like resentment.82

There certainly are engaged responses that are out of place in the case of psychopaths. It does not make sense to expect moral acknowledgment or sincere apology from them, and if there is a form of resentment that essentially involves an attempt to elicit these responses, then it is not reasonably directed at psychopaths. There might also be a kind of moral sadness or disappointment that is not a reasonable response to psychopaths and their bad behavior. We can reasonably be disappointed that we have

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82 Strawson, “Freedom and Resentment,” 79.
crossed paths with a psychopath, but it makes little sense to be disappointed *in the psychopath* for disregarding our moral standing instead of respecting it.\(^8^3\)

The fact that the responses just mentioned are out of place gives us reason to view psychopaths as outside the bounds of the moral community. But there is at least one way in which psychopaths *are* part of the moral community: They can wrong us. Psychopaths can wrong us rather than merely injure us, and they can wrong us in ways that are deliberately contrary to our interests and that express commitments to which we are opposed and to which we have reason to object. This, I have argued, makes psychopathic wrongdoing significant for us in a way that makes it reasonable to respond to psychopaths with moral blame.

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\(^8^3\) George Sher argues that a component of blame is the desire that a wrongdoer “not have performed his past bad act or not have his current bad character,” *In Praise of Blame* (New York: Oxford University Press, 2006), 112. If this desire entails the wish that the wrongdoer had refrained from his bad act *for the right (moral) reason*, then psychopaths would not be open to blame on this interpretation.