T.C.
MARMARA ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
FELSEFE ANABİLİM DALI
FELSEFE BİLİM DALI

MORAL RESPONSIBILITY: COMPETENCE AND THE CASE OF PSYCHOPATHY

MASTER OF ARTS

Hilal NİSA ÇAP

İstanbul, 2022

T.C.
MARMARA ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
FELSEFE ANABİLİM DALI
FELSEFE BİLİM DALI

MORAL RESPONSIBILITY: COMPETENCE AND THE CASE OF PSYCHOPATHY

MASTER OF ARTS

Hilal NİSA ÇAP

Danışman: Dr. Öğr. Gör. Erdal YILMAZ

İstanbul, 2022

ACKNOWLEDGMENTS

I would like to thank my thesis advisor Erdal Yılmaz for his help, support, and assistance during this process, along with Sinem Elkatip Hatipoğlu and İshak Arslan for their contributions. I would like to thank my beloved husband Furkan for his trust in me and his immense support. I would also like to express my sincere gratitude to my parents, Bülent and Sevinç, and my siblings, Muhammed İhsan and Günay, for their encouragement and support throughout this process. Finally, I would like to express my endless gratitude to my dear friends Gülay, Hülya, and İkra, who are always a source of inspiration for me.

Hilal Nisa ÇAP

İstanbul, 2022

ÖZET

AHLAKİ SORUMLULUK: AHLAKİ YETKİNLİK VE PSİKOPATİ ÖRNEĞİ

Bu çalışmada ahlaki sorumluluk sorununu ele alacağım. Ahlaki sorumluluk sorununun bir parçası olarak, ahlaki yetkinlik bağlamında psikopati örneğine odaklanacağım. Uyumluluk görüşünü savunanlar, psikopatların davranışlarından ahlaki olarak sorumlu tutulmadığını öne sürerler. Bunun nedeni, psikopatların ahlaki açıdan yetkin olmamaları yani; ahlaki değerleri tanıyamadıklarına ve uygun bir şekilde karşılık veremediklerine olan inançtır. Bu anlayıştan yola çıkarak, tezimin odak noktasını psikopatların ahlaki olarak davranışlarından sorumlu tutulup tutulamayacağı sorusu üzerine yoğunlaştıracağım. Bunu yaparken, sorumluluğun akıl sağlığı sorununu ve psikopatların akıl sağlığı açısından deli mi ya da kötü bireyler mi olduğunu tartışacağım. Psikopatların deli olduğunu, ancak hastalıklarının onların kötü oldukları gerçeğini değiştirmediğini savunacağım. Sonuç olarak, ahlaki açıdan psikopatların sorumlu olabilecekleri gibi, eylemlerinin sonuçlarından da yükümlü oldukları sonucuna varacağım.

Anahtar Kelimeler: Ahlaki Sorumluluk, Psikopati, Uyumluluk Görüşü

ABSTRACT

MORAL RESPONSIBILITY: COMPETENCE AND THE CASE OF PSYCHOPATHY

In this thesis, I will examine the problem of moral responsibility. Within this problem, I will focus on moral competence and the case of psychopathy. From the compatibilist point of view, psychopaths are not considered morally responsible for their behavior. Because it is assumed that psychopaths are morally incompetent; that they are unable to recognize and respond to moral considerations. This thesis will therefore examine whether or not psychopaths are morally responsible for their behavior. In doing so, I will discuss the sanity problem of responsibility and whether psychopaths are mad or whether they are bad. I will try to argue that psychopaths are mad, but their disorder does not diminish the fact that they are evil. I will conclude that while they can be responsible, they are also accountable for their actions.

Keywords: Moral Responsibility, Psychopathy, Compatibilism

TABLE OF CONTENTS

ACKNOWLEDGMENTS ..... **i**
ÖZET ..... **ii**
ABSTRACT ..... **iii**
TABLE OF CONTENTS ..... **iv**
LIST OF ABBREVIATION ..... **v**
INTRODUCTION **1**

CHAPTER 1
THE PROBLEM OF MORAL RESPONSIBILITY

1.1. Free will, Determinism, and Responsibility 6
1.1.1. Incompatibilist Views of Determinism 7
1.2. Compatibilism: Classical Compatibilists and New Compatibilists 8
1.2.1. Classical Compatibilists on Moral Responsibility 8
1.2.2. New Compatibilist Approaches on Moral Responsibility 10

CHAPTER 2
MORAL COMPETENCE AND PSYCHOPATHY

2.1. Moral Competence Requirement of Responsibility 15
2.2. The Case of Psychopathy 16
2.3. Responsible Psychopaths 19
2.4. The Sanity Problem of Responsibility 21
2.4.1. Susan Wolf and the "Sane" Deep-self View of Responsibility 21
2.4.2. Heidi Maibom and the "Badness" of Psychopaths 24
2.5. Evil or Ill 29
2.5.1. The Concept of Mental Illness/Disorder and Psychopathy 29
2.5.1.1. The Hare Psychopathy Checklist-Revised (PCL-R) 32
2.5.2. The Concept of Evil 35
2.5.3. Evil Psychopaths: Can they be excused? 38

CONCLUSION **42**
REFERENCES **46**

LIST OF ABBREVIATION

APA	American Psychological Association
APD/ASPD	Anti-social Personality Disorder
DSM	Diagnostic and Statistical Manual of Mental Disorders
DSM-5	Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition
PCL	Psychopathy Checklist
PCL-R	Psychopathy Checklist-Revised

INTRODUCTION

We often establish mutual relationships with others in our daily life since individuals are social creatures. Since we act in a certain way, this action or behavior toward others makes us "responsible" agents. This situation of responsibility also comes with a consequence: for our good behavior, we become praiseworthy, and for our bad behavior, we become blameworthy.

There are many debates on what makes a person responsible, and there are also questions such as, "Do we have free will to be responsible and thus blameworthy?" These debates pose a problem known as "the problem of moral responsibility." This problem is related to the problem of free will and determinism. Free will means a capacity to choose among alternatives or to act independently of natural, social, or divine restraints (The Editors of Britannica 2017: Free will, para. 1). On the other hand, determinism assumes that events, including moral choices, are entirely determined by natural laws. Thus, when we consider the claim of free will, we can be morally responsible for an action. However, if we take into account the determinism argument, we cannot be responsible for action because there is no other way to act against it. Thus, at the heart of the debate over free will and determinism argues whether these two debates are compatible.

Philosophers who argue that determinism is compatible with moral responsibility believe that people cannot be responsible and thus are blameworthy for their actions in certain circumstances. The case of "psychopathy" is one of the circumstances that make it challenging to be responsible. Accordingly, because of their inability to respond appropriately to moral considerations, as non-psychopathic individuals do, psychopaths cannot be held accountable for their actions, even if they act badly on purpose (Talbert 2016; Wolf 1987; Levy 2003). This belief is based on the claim that to consider a person to be responsible through blameworthiness, such a person must have the psychological, emotional, and motivational resources to respond to moral considerations that count against the behavior. As a result, only those who are entitled to respond to moral considerations can be charged in relation to this *requirement of moral competence*. This moral competence requirement demonstrates that if an agent is unable to recognize and respond to moral considerations for blame, such a person lacks competence and thus cannot be morally responsible. When this is considered, some compatibilists claim that psychopaths are not held responsible within the moral competence requirement of responsibility (Talbert 2016; Wolf 1987; Levy 2003).

On the other hand, there are also other compatibilist philosophers who maintain that psychopaths can be held responsible for their behaviors. Some compatibilist philosophers believe that psychopaths are morally aware and understand the difference between right and wrong. This understanding, however, does not motivate them to refrain from bad behavior. Besides that, compatibilist philosophers believe that psychopaths are responsible for their actions, even though many of them appear to lack the competence to be responsible in a "secondary sense," which is used in the sense of "being blameful." In this context, it is essential to note the distinction between being responsible and being accountable for an action. The term "responsible" is typically used in the sense of attribution of responsibility, as opposed to the accountability of responsibility, which is commonly referred to as "blameworthiness" (Watson 1996: 240-41). As a result, unlike those who refer to psychopaths as non-responsible agents,

some compatibilists believe that while responsibility can be attributed to psychopaths, they cannot be held accountable for their actions in such a way that they are blameworthy for their actions (Wolf 1987; Levy 2003; Watson 1996).

In this thesis, I will argue not only that psychopaths are morally *responsible*, but also, they can be held *accountable* for their actions. In doing so, I will concentrate on the "moral competence" requirement of moral responsibility, and within the competence requirement, I will present three perspectives on psychopaths' competence. While the first denies any kind of competence because they are incapable of understanding and responding appropriately to moral considerations for the purposes of blaming and thus being responsible, the second suggests that they are responsible in the sense that their bad behaviors can be attributed to them, but this is insufficient for them to be blamed for their actions and to be competent. The third, on the other hand, contends that psychopaths are competent in the sense that they can be both responsible and accountable for their actions. The third point of view addresses psychopaths' competence by arguing about moral understanding, specifically the ability to grasp moral norms and values and distinguish right from wrong. I will discuss psychopaths' moral competence by characterizing the first view as Susan Wolf and her *sane deep-self* argument, and the third view as Heidi Maibom and her *moral badness* assertion.

In the first chapter of the thesis, I will provide a brief overview of the moral responsibility issue, its scope, and its nature. I will demonstrate the source of the problem, which is the conflict between free will and determinism and whether determinism is compatible with free will and responsibility. I will focus on two deterministic viewpoints that emerge from the conflict: *compatibilism* and *incompatibilism*, as well as two divided views: *hard incompatibilism* and *libertarianism* within incompatibilism. After explaining why incompatibilist views hold that determinism is incompatible with free will and thus problematic for responsibility, as opposed to compatibilism holding that free will and determinism are compatible with moral responsibility, I will look at compatibilist perspectives on moral responsibility.

I will investigate compatibilist views of moral responsibility from classical and new compatibilist perspectives. The main difference between classical compatibilists and new compatibilists are that the former deals with the problem of moral responsibility by focusing on free will within the framework of physical restraints, whereas the latter deals with the problem by also focusing on internal restraints such as addictions, obsessions, or phobias, as initially indicated by Harry Frankfurt (Frankfurt 1988; Kane 2005). With this shift in compatibilism, philosophers who are new compatibilists focus on the control mechanism that the agent holds, the attitudes that the agent practices within the social relation, and the motives, beliefs, and values that the agent has while engaging in an action. By addressing internal constraints, new compatibilists investigate the moral responsibility problem by asking under what circumstances an agent is not held responsible for engaging in action, and assert that there is a moral competence requirement for an agent to be responsible (Frankfurt 1988; Talbert 2016).

In the second chapter, I will analyze the moral responsibility problem by means of the *requirement of moral competence* on whether the agent should be held accountable for the agent's behaviors by means of blameworthiness. Within the scope of responsibility, I will briefly explain the moral competence requirement of responsibility and maintain that philosophers such as Neil Levy argue that it is unreasonable and unfair to be held responsible and to blame someone in certain circumstances, such as if the agent's culture or society is affecting the agent for following certain moral norms (Levy

2003; Talbert 2016). I will point out the dispute on whether a person can be open to blame even if that person lacks the capacity to respond appropriately to the moral considerations. I will point out "psychopaths" as one of the groups who are thought to lack the ability to understand moral considerations. Further, I will explain that psychopaths are not morally competent and thus not morally responsible for their actions due to their inability to comprehend moral requirements. Despite the view that psychopaths are not competent to be responsible, I will distinguish between two types of arguments on their responsibility: "attributability of responsibility" and "accountability of responsibility."

After addressing the moral competence requirement, I will highlight the case of psychopathy and examine the competence of psychopaths on responsibility and blame. I will focus on the psychopathy discussion which consists of questions regarding whether the agent has a "lack of sanity," "lack of moral understanding," "lack of self-control" or the agent is "accountable" for the responsible behavior. In response to these questions, I will show how the discussion leads to the conclusion that psychopaths are not responsible for their actions, or if they are, they are not responsible in the sense that leads to blame, namely "accountability," as philosophers such as Gary Watson and David Shoemaker assume (Watson 2011; Shoemaker 2011).

Regarding the discussion on whether psychopaths are responsible, I will point out philosophers such as T. M. Scanlon and Matthew Talbert who deal with the issue by claiming that psychopaths can also be held *responsible* and *accountable* for their behaviors. Within this frame, I will explain the given assertions that the non-relevance of understanding moral reasons for holding accountable, the underlying fact about judgments that psychopaths make about the reasons, and their ability to gain a "deep moral understanding" to engage with moral norms for being held accountable (Scanlon 1998; Talbert 2008; Maibom 2008).

After explaining both understandings of psychopathy on being morally responsible, I will focus on two opposing viewpoints. In these opposing views, while Susan Wolf's "insanity" argument of *deep-self view* asserts that psychopaths cannot be held responsible for their behaviors because of "lack of sanity," Heidi Maibom's "moral disorder" argument maintains that psychopaths are morally responsible hence they are not simply *mentally disordered* but *morally disordered* (Wolf 1987; Maibom 2008). In contrast to Wolf's assertion that psychopaths are insane, I will examine whether Maibom's argument on responsibility, which asserts that psychopaths are morally responsible for their actions because they are bad more than insane is correct or not. Besides this argument, I will also try to explain why Susan Wolf's deep-self view is insufficient for holding psychopaths not responsible from their behaviors by pointing out the weakness of the *self-correction* claim.

To further support the arguments given in this thesis, I will examine the nature of evilness and illness. I will firstly highlight the concept of mental disorder/illness, and what it means. After explaining the mental disorder concept, I will assert that it is generally defined as "harmful dysfunction," "disunity," "disability," and "distress" (Bolton 2009; Radden 2019). Following this definition, I will further elaborate this definition as it is explained in the Diagnostic and Statistical Manual of Mental Disorders Fifth Edition, the *DSM-5*. According to DSM-5, a mental disorder is "a clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or developmental processes that underpin mental functioning" (Diagnostic and Statistical Manual of Mental Disorders Fifth Edition [DSM-5] 2013: 20).

With this given explanation, I will focus on *antisocial personality disorder* (APD), which is both associated with and also distinguished from psychopathy. After explaining the APD, I will explain the common specifications of the disorder such as "lack of empathy," "callous," "superficial charm," and "arrogance" which are both similar and common specifications of psychopathy (DSM-5 2013: 659-61). Since some of the psychopathic specifications are related to having a moral understanding, I will highlight the *Hare Psychopathy Checklist-Revised* (PCL-R), which is a test used for determining psychopathy. I will give a detailed definition of the test which consists of 20 items such as "lack of empathy," "anxiety," "lack of guilt or remorse," "glibness," "egocentricity," and "impulsivity." Regarding the nature of the mental disorder and the specifications of psychopaths, I will underline that psychopathy differs from other mental disorders in patients, such as schizophrenics and people suffering from psychoses, which include hallucination and delusion (Hart, Hare, Harpur 1992; Hare 1999).

Following that, I will discuss the concept of badness, which I will refer to as evilness. I will introduce the three definitions of evil for providing a detailed explanation of psychopathy so within the context of moral badness. In terms of the definition of evil, I will explain what an evil action is, which is defined as "a horribly wrong act committed with an evil motive," and I will explain that there are six degrees of evil, with psychopathy included in the criminal evil. I will point out that evildoers are classified as "banal," "non-banal," and "evil people who commit evil." I will emphasize that psychopaths are included in the category of evil people who commit evil since they commit evil not because they are in an evil-encouraging situation, but because they have motives for acting evil in all circumstances (Singer 2004; Formosa 2020).

At this point, I will underline that psychopaths are both evil and ill. Regarding to consequence, I will focus on whether an evil psychopath can be held responsible. Accordingly, I will investigate the nature of excuses, and why psychopaths and mentally ill people are excused of their evil actions (Reznek 1997: 10). On the other hand, I will show that psychopath's mental disorder is not an excuse for their evil actions, they know what they are doing, they know why they are doing, they have a desire and motive to act in an evil way, and yet, they have the *ability to act* otherwise even though they *do not want to act* otherwise.

In the conclusion, I will discuss the psychopaths' moral competence by means of moral responsibility according to Susan Wolf's *deep-self view* and "the sanity claim" by underlying Heidi Maibom's assertion of "moral disorder." I will explain that psychopaths can be labeled as evil despite the fact that psychopathy is a mental disorder. Thus, this indicates that psychopathy is not simply a mental disorder, rather it is a *moral disorder* just as Heidi Maibom underlines (Maibom 2008: 177-78). Therefore, I claim that psychopaths have moral responsibility competence. I believe that Susan Wolf's sanity argument is insufficient for not holding psychopaths responsible and that psychopaths are both morally responsible and accountable for their actions. This is because they do not have a typical mental disorder that indicates they are insane. Accordingly, their insanity is not in the same way with a schizophrenic person. They are not disassociated with reality, nor do they have hallucinations or delusions; rather, they have desires that drive them to engage in bad behavior. Such people clearly

have a disorder, but these people are also evil, so neither their disorder nor labeling them insane emancipates them from responsibility. Consequently, I will assert that psychopaths are essentially evil people who act selfishly to maximize profit and, this does not vindicate them of responsibility for their evil actions.

CHAPTER 1
THE PROBLEM OF MORAL RESPONSIBILITY

What is called *moral responsibility*? Moral responsibility is an understanding of *being morally responsible for an action* or behavior. Consequently, "praise" or "blame" should be attributed to a response for this to be evaluated under the term responsible behavior. While blame is the response to the "bad" or "wrong" action, praise is the response to the "good" or "right" action. It is possible to ask what it takes to be morally responsible and wonder if there is any power or capacity which we can exercise over our actions. Moreover, the question of whether a person has the ability to do otherwise also falls under being morally responsible. Furthermore, it is possible to wonder if there are any circumstances that could affect our ability to be responsible. These questions lead us to handle moral responsibility as a problem, and it is based on the problem of *free will* and *determinism*.

1.1. Free will, Determinism, and Responsibility

To understand the problem of moral responsibility, we should first understand the problem of free will and determinism and how they relate to responsibility. First, if the meaning of having free will is considered, the answer should reveal that having free will is having the capacity to choose among alternatives or acting independently of natural, social, or divine restraints (The Editors of Britannica 2017: Free will, para. 1). There are some discussions on what free will requires. These discussions suggest that free will is "having the ability to do otherwise" or the "ability to reach alternate sources of our free actions" (Fischer, Kane, Pereboom, Vargas 2007: 1). Besides these discussions, supporters of the idea that we have free will, generally assert that we can choose the way of our actions are since these actions are not pre-determined. In addition to this, free will not only give us the ability to act freely but also the ability to avoid committing those actions (Haji, Caouette 2013: 1-2). From this aspect, the idea is that having free will should be a desirable trait by all. However, the idea of free will might lead to certain drawbacks.

Free will is more than a person's ability to choose one's own actions or choices. If we accept the assertion that we have free will, accepting this assertion will suggest that we are *morally responsible* for our actions in our relations with others. Therefore, we can be *praiseworthy* or *blameworthy* for those actions since we acted freely, and have the ability to perform or avoid such actions (Haji, Caouette 2013; Kane 2005). However, in some circumstances, expressions such as "It was not up to me. I had no choice" can be uttered by a person. In such situations, accepting the existence of free will also makes us responsible for our actions. So, how are we going to deal with the problem of free will by means of being responsible for our actions? Are we all responsible for all the actions we commit even though it is not up to us? Or are there some conditions for not being morally responsible as the consequence of our behaviors? In this way, indeterminacy leads to a problem with responsibility.

To find a solution to this problem, we turn to determinism. Determinism is the assumption that all events, including moral choices, are completely determined by the laws of nature (Talbert 2019: section 1, para, 2). Those who believe that everything is determined, claim that we have no ability to

choose our actions due to this determinacy. This indicates that, if determinism is correct, we cannot choose between staying at home and going outside; therefore, believing that we have the ability to choose between two options is a delusion (Talbert 2016: section 1.2, para. 4). In terms of the deterministic claim, we cannot be morally responsible for an action since all the actions we commit are predetermined and thus are not committed by us. Yet again, this understanding also causes a problem. For instance, when we think about robbers and murderers, if they cannot control their actions, then they should not be punished for the consequences of their actions. Thus, the main problem of free will and determinism focuses on and argues the compatibility of these two notions.

1.1.1. Incompatibilist Views of Determinism

There are two kinds of views on determinism about its compatibility with free will. These views are called *incompatibilism* and *compatibilism*. According to the view of incompatibilism, if determinism does exist; then free will does not exist, but if free will exists, then it cannot be compatible with determinism (Fischer et al. 2007; Kane 2005). Accordingly, incompatibilism mainly claims that free will is incompatible with the world being deterministic. Thus, from the standpoint of incompatibilism, there are two issues regarding responsibility: they will either not be held morally responsible because responsibility requires the ability to act otherwise, or they will be held responsible for every action they perform, resulting in nothing being determined (O'Connor, Franklin 2002; Fischer et al. 2007; Kane 2005).

The distinction between incompatibilists relies on two different points of view which are *hard determinism* and *libertarianism*.[1] According to hard determinism, determinism is correct, that free will does not exist in the sense that is required for "true" responsibility, blameworthiness, and desert for our actions and achievements (Kane 2005: 69). The main claim of hard determinism consists of the belief that if we dig deeper into the psychological and other streams of action, we will find that we are all determined to do what we do, whether it is good or bad and therefore none of us is ultimately responsible (Kane 2005: 68). This version of incompatibilism relies on the "consequence argument" by Peter van Inwagen, which maintains that; "If determinism is correct, then our actions are the result of natural laws and events in the distant past. But since it is not up to us to know what happened before we were born and what the laws of nature are, therefore; we are not responsible for the consequences of these events, including our actions" (Kane 2005: 23). Robert Kane explains this argument as; "If determinism is true, no one can ever do otherwise; and if free will necessitates the ability to do otherwise, no one has free will" (Kane 2005: 24). However, this denial of both free will and responsibility comes with problems by means of moral responsibility. If one cannot be held responsible for their wrong actions because such actions are predetermined, then concepts such as praise, blame, guilt, or rules and laws become redundant and unnecessary.

[1] Although there is an uncertainty on the *hard incompatibilism* view which is provided by Derk Preeboom. Robert Kane asserts that hence incompatibilism believes that free will and determinism are incompatible; they can either deny free will and affirm determinism or deny determinism and affirm free will (Kane 2005: 69). However, there are also hard determinists who are *skeptics* about free will and reject both compatibilism and libertarianism. As one of the skeptics, Derk Pereboom's hard incompatibilism indicates a view which provides both that free will and determinism are incompatible and that free will does not exist (Fischer et al. 2007: 3). Thus, the view remains "incompatibilist" in the sense that *true* free will is not compatible with determinism, and "hard" in the sense that the "true" free will does not exist (Kane 2005: 71).

On the other hand, Libertarianism denies the deterministic universe that free will and determinism are incompatible (Kane 2005: 32). They assert that free will exists and therefore, determinism is false (Kane 2005: 32). Libertarians who believe in free will see themselves as defenders of the "deeper" freedom of the will, which they believe is incompatible with determinism. According to libertarians' view, before the apprehensions about determinism, this deeper freedom is the "true" free will that most people have traditionally believed (Kane 2005: 32). However, they believe "true" free will that is incompatible with determinism is required for us to be genuinely morally responsible for our actions, so both genuine moral responsibility and free will are incompatible with determinism. They claim that genuine free will cannot exist in a world that is completely determined by external factors such as God, fate, laws of physics, or the environment (Fischer et al. 2007: 7). Thus, even though some incompatibilists assert that free will does exist; they believe that "true" free will is required for being morally responsible in a determined universe. Thus, compatibilism tries to find a solution for a world where determinism, free will, and moral responsibility coexist.

1.2. Compatibilism: Classical Compatibilists and New Compatibilists

Unlike incompatibilist views, compatibilism, which is also known as soft determinism, asserts that there is no conflict between determinism and free will; that these two notions are compatible and can coexist (Kane 2005: 12). In other words, compatibilists believe that determinism is not an obstacle to hold an agent responsible. Thus, they believe that moral responsibility is also compatible with free will and determinism.

1.2.1. Classical Compatibilists on Moral Responsibility

There are some compatibilist approaches on moral responsibility. For instance, in *Nicomachean Ethics*, Aristotle argued that human beings are responsible for the actions they freely choose to do which are their voluntary actions (Eddon, Singer 2018: Ancient and medieval compatibilism, para. 2). Despite the fact that "our dispositions are not voluntary in the same sense that our actions are," Aristotle believed that humans have free will because they are free to choose their actions within the confines of their natures (Eddon, Singer 2018: Ancient and medieval compatibilism, para. 2). In other words, humans have the ability to choose among the limited options presented to them by their dispositions. Besides, human beings have the unrivaled ability to shape their dispositions and moral characters. Thus, humans have freedom in two senses: they may select between the options presented to them by their dispositions, and they can change or develop the dispositions that present those options to them (Eddon, Singer 2018: Ancient and medieval compatibilism, para, 2).

The problem of whether the free will was compatible with determinism was a theological issue for medieval scholastic philosophers (Eddon, Singer 2018: Ancient and medieval compatibilism, para 3). They examined that if God is the first cause of all things and events in the universe including human actions, and the universe is deterministic, how can humans act freely; therefore, how can they be held morally responsible for their actions? For them, the problem relied on God's omnipotent nature. The question for the Medieval scholastic philosophers was if God is omnipotent, and therefore knows every choice that humans make, then how can human beings choose anything other than what God knows they will choose? (Eddon, Singer 2018: Ancient and medieval compatibilism, para. 3).

Within this framework, St. Augustine, who played a key role in fusing Greek philosophy and Christianity, claimed that it is irrational to assign foreknowledge of human choices to God, as God exists outside the sphere of time and does not have the same directionality of time as humans (Eddon, Singer 2018: Ancient and medieval compatibilism, para. 4). In addition to St. Augustine, St. Thomas Aquinas stated that if humans lacked free will, all "counsels, exhortations, commands, prohibitions, rewards, and punishments would be in vain," and so this would be incomprehensible (Eddon, Singer 2018: Ancient and medieval compatibilism, para. 5). According to Aquinas, the God is the wellspring of human freedom and there is no conflict between freedom and God's function as the prime mover of human will. As a result, God moves humans "in conformity with our voluntary natures" (Eddon, Singer 2018: Ancient and medieval compatibilism, para. 5).

Alongside the ancients and medieval scholastic philosophers, Thomas Hobbes, David Hume, John Locke, and John Stuart Mill were some of the philosophers who are known as "classical compatibilists" (Kane 2005: 12). To explain free will, these philosophers first defined the meaning of "free." For them, freedom was the *power or ability to do something* (Kane 2005: 13). As a requirement of this power, there can be no restrictions or constraints that prevent a person from what to do. Therefore, their understanding of freedom was "having the power or ability to do what we want to do or desire within the absence of restrictions or constraints" (Kane 2005: 13). What these philosophers regarded as restrictions were physical restrictions, such as being in jail or being tied up. Within the frame of this understanding, Thomas Hobbes asserted that "a man is free when he finds; no stop in doing what he has the will, desire or inclination to do" (Kane 2005: 13). Thus, he believed in the compatibility of freedom with determinism.

Even though classical compatibilists provided an explanation for the meaning of free will, new compatibilists believe that classical compatibilism only provided an explanation for the *freedom of action* rather than the *freedom of will*. Harry G. Frankfurt, one of the new compatibilists, criticized classical compatibilists for the fact that they saw restrictions of will on a physical level. Thus, they are only concerned with the restrictions that prevent our actions. However, Frankfurt and some other new compatibilists claim that there are also internal restrictions of will, which is underlined by Frankfurt by asserting that *higher-order desires* or volitions, such as addictions, obsessions, and phobias (Kane 2005: 94).

In his writing *Freedom of the Will and the Concept of a Person*, Harry G. Frankfurt underlines the difference between humans and animals in terms of having a *will* (Frankfurt 1988: 128). Frankfurt introduces a distinction between *first-order* and *second-order desires* to address internal constraints on the will. Frankfurt asserts that while all animals have *first-order desires*, that are simply desires to do or not to do something, only human beings have *second-order desires*, which are desires about *other* desires (Frankfurt 1988: 128-29). He gave an example of both "willing" and "unwilling" drug addicts and said that; while the unwilling addict does not take the drug of his own free will because his will conflicts with what he desires it to be on a higher level, the willing addict takes the drug of his own free will because his will aligns with what he desires (Frankfurt 1988; Kane 2005). In the case of the unwilling drug addict, his desire to take the drug is the "first-order" desire, while his willingness to overcome the addiction is the "second-order" desire. This second-order desire is thus a desire about another desire, which Frankfurt also refers to as the second-order volition (Frankfurt 1988; Kane 2005).

According to Frankfurt, the unwilling drug addict has a compulsive or addictive behavior, which is not motivated by free will. The unwilling addict lacks freedom of the will because this addict is unable to bring his will which is his "first-order" desire for the drug, into line with his "second-order" volition to resist taking the drug. Thus, the unwilling addict lacks the will, the "first-order" desire that he desires, which is the "second-order" volition (Frankfurt 1988; Kane 2005). On the other hand, the willing addict has a "second-order" volition to use that drug and does so freely despite not having that kind of freedom (Frankfurt 1988; Kane 2005). Since the addict wants to take the drug with the "second-order" desire, the addict's will, the "first-order" desire to take that drug is become his own, even if his will is not controlled by him (Frankfurt 1988; Kane 2005). Thus, Frankfurt claims that the willing addict has the kind of freedom required for moral responsibility because the will that drives his action is the one he desires, and he emphasizes that only the one whose actions are motivated by the will he desires can act with his own free will (Frankfurt 1988; Kane 2005).

1.2.2. New Compatibilist Approaches on Moral Responsibility

We have seen that responsibility is not just about freedom of action. Rather, there are apparently other elements, such as our wills and our desires. Therefore, new compatibilists examine the problem from different aspects. One of these aspects discusses the problem of moral responsibility by means of the purposes of our praising and blaming practices (Talbert 2016: section 2.1, para. 1). According to these *Forward-Looking Accounts*, they focus on whether our acts of praise and blame are likely to bring about certain consequences and justify responsible practices by focusing on the beneficial consequences, thus, they are also known as the *consequentialists*. The consequentialists explain responsibility by means of encouraging people with praise and blame to make certain choices and thus to secure positive behavioral outcomes (Talbert 2016: section 2.1, para. 2).

In this context, Moritz Schlick in his book *Problems of Ethics* claims that "the problem of freedom of the will" is a "pseudo-problem" (Schlick 1939: 143). Schlick makes a distinction between *descriptive* laws and *prescriptive* laws (Schlick 1939: 147). According to Schlick, prescriptive laws, by threatening us with punishment, force us to obey the law under "compulsion" regardless of whether we want to. But with respect to descriptive laws, on the other hand, they only show how something does, in fact, behave and, there can be no mention of compulsion in their descriptions of what happens (Schlick 1939: 147). Schlick explains those descriptive laws as *natural* laws. He asserts that "freedom is the direct opposite of compulsion; a man is free if he does not act under compulsion, and he is unfree when he is prevented from acting on his natural desires from without" (Schlick 1939: 150). According to Schlick, a person does not have any freedom only if he is "locked up, chained, or forced to do something he would not do otherwise at the point of a gun" (Schlick 1939: 150).

Schlick underlines that since the truth of determinism does not imply that people are compelled in this way, freedom is compatible with determinism. Determinism may make our actions inevitable, but unlike external coercive pressures, it does not compel us to act in opposition to, or independently of, our own motives and desires (Schlick 1939; Talbert 2016). Schlick claims that responsibility comes with "punishment" and "reward," and asserts that "to be a responsible agent is to be an agent whose motives, choices, and behavior can be shaped in this way" (Schlick 1939; Talbert 2016). Schlick also believes that punishment as an educative measure and supports the idea that "laws based on reward and punishment, both produce the good and prevent evil actions" (Schlick 1939; Talbert 2016).

Besides Moritz Schlick, J.J.C. Smart also develops a similar idea and makes a distinction between *blame* and *dispraise*. He asserts that "to praise or dispraise people is to grade their behavior or their attributes positively or negatively, in comparison to a relevant standard" (Talbert 2016: section 2.1, para. 7). Hence, praise and dispraise merely assess behavior in positive or negative terms; these notions do not imply that people are responsible for their actions. However, Smart claims that blame does imply responsibility. He continues that blame is just grading or dispraising responsibility additively and that people are responsible for their behavior if they would have omitted that behavior under appropriate circumstances such as if they were given motives to avoid that behavior. Smart exemplifies that if a student, Thomas, does not do his homework because he is stupid, then his teacher cannot blame him for the fact that he is stupid. But if Thomas is not doing his homework because he is lazy, then his teacher can both grade his lazy behavior negatively and also blame him (Talbert 2016: section 2.1, para. 10-11). Thus, according to Smart, a blameworthy agent is "someone who commits a dispraise-worthy action that the person could have avoided, in the sense that the person would have avoided the action if that person had believed there were good reasons to do so" (Talbert 2016: section 2.1, para. 9).

Despite the view of Forward-Looking Accounts on free will, determinism, and responsibility, *The Reactive Attitudes* which is another approach deals with our interpersonal relationships and how these relationships shape our practices of holding one another morally responsible (Talbert 2016: section 2.2, para. 1). According to Peter Strawson, who is concerned with this approach, there are "reactive attitudes" which we take and display towards each other in our ordinary interpersonal relationships (Strawson 2008: 4-6). With this approach, he tries to establish a connection between "optimists" and "pessimists" by means of reconciling moral responsibility and determinism (Talbert 2016: section 2.2, para. 2). His understanding of the optimist is basically a compatibilist in the shape of Schlick and Smart who justifies our moral responsibility practices by citing their utility as tools of social control and moral education. On the other hand, his understanding of the pessimist regards the consequentialist approach as incomplete, constrained, and shallow, and believes that a truer and richer account of moral responsibility must appeal to a type of free will that is incompatible with determinism (Talbert 2016: section 2.2, para. 2).

Strawson agrees with the pessimist views such as Smart and Schlick are incomplete and there is much more to be said in favor of our responsible practices than that they help us achieve certain goals. However, he does not believe that we need to appeal to a specific conception of free will to compensate for the deficiencies in the optimist's account. Instead, he believes that we only need to understand the function and internal logic of attitudes like *resentment*, because "it is just these attitudes themselves that fill the gap in the optimist's account" (Talbert 2016: section 2.2, para. 3). So, according to Strawson, if we understand the importance of these attitudes and how they are inherently elicited and inhibited, we can see how behaviors like praise, blame, and forgiveness can work perfectly without appealing to the kind of free will that the pessimist anticipates (Talbert 2016: section 2.2, para. 3).

Thus, to understand the nature of these reactive attitudes, Strawson makes a distinction between *reactive* and *objective* attitudes and asserts that, reactive attitudes consist of feelings such as love, fear, resentment, gratitude, anger, forgiveness, hurt, and so on. For Strawson, relevant on purpose action deserves a certain reactive attitude, such as praise or blame. For example, when a person pushes and

hurts you, you may feel angry and may be offended, or resentful at the same time. Thus, these feelings lead you to tie into an attitude in which you hold this person responsible. On the other hand, objective attitudes include accidental actions. Situations such as schizophrenia and other mental illnesses or the praises like 'couldn't help it,' 'didn't know,' 'didn't mean to;' 'wasn't himself,' include objective attitudes (Strawson 2008: 7-8). For example, when a banker empties the safe to avoid being killed by the robber, the banker is not holding morally responsible for what she did since she could not have done otherwise.

It is worth noting that incompatibilism criticizes compatibilism for saying to someone that "she could not have done otherwise" and therefore, "she is not responsible." Incompatibilists believe that moral responsibility requires "the ability to do otherwise." Some compatibilists, try to show that even if determinism is true, we can have the ability to do otherwise. However, Harry Frankfurt asserts that a person is morally responsible for an action even though that person could not have avoided performing it (Talbert 2016: section 1.4, para. 2). Thus, Frankfurt rejects the incompatibilist view in the *Principle of Alternative Possibilities*, which claims that a person is morally responsible for what she does only if she could have done otherwise. To explain how responsibility does not require the ability to do otherwise, Frankfurt gives a series of examples known as the Frankfurt cases. The main characteristic of these examples shows that access to alternatives is irrelevant for moral responsibility (Talbert 2016: section 1.4, para. 3).

Frankfurt gives an example of a situation in which a person named Black has secretly implanted a chip in Jones's brain, allowing Black to monitor and control Jones's actions for him to vote for Obama (Talbert 2016: section 1.4, para. 4-5). However, Black does not need to intervene to get what he wants because Jones decides to act in the way Black wants him to act for reasons of his own. Frankfurt, on the other hand, claims that even though Jones has no choice but to vote for Obama since he is controlled by Black, he is morally responsible for his actions because he acted normally for his own reasons (Talbert 2016: section 1.4, para. 5). Thus, Frankfurt claims that a person is responsible for a behavior even if that person could not have avoided the action.

Frankfurt also admits that people who claim they could not have done anything else are frequently not morally responsible for their actions hence "we assume that what they tell us serves to explain why they did what they did" (Talbert 2016: section 1.5, para. 1). He explains that when someone says that she was forced to do something because of an irresistible compulsion or coercive threat, the circumstances that led to that decision are crucial in illuminating why she made the decision she did (Talbert 2016: section 1.5, para. 2). For instance, if a person helps someone to rob a bank because she is threatened by the one who she helps, then she can be responsible for what she did but not regarded as blameworthy, hence the responsible action does not reflect her (Talbert 2016: section 1.5, para. 4).

According to Frankfurt, when compulsion or coercion explains a person's behavior, she is excused because her behavior is out of her control in the way that the anticipated connection between the agent's actions and her desires and judgments has been severed; therefore, rather than acting as she wanted to act, she acted compulsively (Talbert 2016: section 1.5, para. 3). In such a case, the agent's behavior may not belong to her, it may not represent who she is, and where she stands, by means of responsibility (Talbert 2016: section 1.5, para. 3). Thus, Frankfurt points out the importance of *acting for one's own reasons* for moral responsibility.

Harry Frankfurt has discussed compatibilism as it is concerned with the actual causes of an agent's behavior (Talbert 2019: section 2.3, para. 1). He especially focused on whether an agent is behaving for her own reasons, even if she is causally determined. Alongside with Harry G. Frankfurt, John Martin Fischer, and Mark Ravizza also developed a theory which constitutes a view based on the *Reasons-Responsiveness*. The reasons-responsiveness is based on actors' abilities to be adequately sensitive to the rational considerations that impact their acts (Talbert 2019: section 2.3, para. 1). Within this frame, responsibility is also explained by means of an agent's sensitivity to reasons. Fischer and Ravizza make a distinction between "regulative" and "guidance" control (Talbert 2019: section 2.3, para. 2). While regulative control composes the power freely to act in a way and the power freely to do something else instead, guidance control shows no alternatives. For example, for a person to freely play the piano, that person should have options, such as the ability to choose between playing the piano and playing the guitar. As a result, he must have regulative control over his piano playing rather than just guidance control, according to reasons-responsiveness (Talbert 2019: section 2.3, para. 3).

However, just like Frankfurt, Fischer and Ravizza believe that for moral responsibility there is no need for accessing behavioral alternatives, and they claim that moral responsibility requires guidance control rather than regulative control. Thus, for guidance control, an agent's actions must derive from a "psychological mechanism" that is appropriately responsive to reasons (Fischer 1988; Talbert 2019). As far as the mechanism that results in the action is reason-responsive, an agent is morally responsible for performing it. When an unresponsive mechanism operates, the agent is not free to act otherwise; however, an agent who is unable to act otherwise may act from a responsive mechanism in the "actual-sequence" without needing "alternate-sequence," and thus be held morally responsible for his actions. (Fischer 1988; Talbert 2019). On the other hand, under certain cases such as hypnosis, brainwashing, and irresistible urges such as addictions the guidance control can be undermined. Under these circumstances an agent is not responsible; since he is not responsive to reasons (Fischer 1988: 82).

Susan Wolf and Gary Watson deal with the problem of moral responsibility from the aspect of *attribution*. Susan Wolf criticizes the "Real Self" view, which claims that "a person is responsible for behavior that is attributable to her real self and is able to form her actions based on her values" (Wolf 1990: 32-35). Thus, a responsible agent is not only motivated by her strongest desires; but also stands behind those desires in some way; hence they are governed by her values (Wolf 1990; Talbert 2019). For Wolf, this explains why people who are hypnotized or have compulsive desires are usually not held responsible. Because these agents are often unable to manage their acts based on their valuational systems, they are alienated from their acts in a way that undermines responsibility under these situations. The sanity of a person has a crucial role in attributing responsibility and blaming a person in this sense. According to Wolf, since insanity means lacking the ability to know the difference between right and wrong, we cannot attribute responsibility to that person and make that person blameworthy. Thus, Wolf modifies the "real self" view by saying that; "one is responsible if; one can govern one's actions with one's desires, one can govern one's desires with one's deep self, and one's deep self is sane" (Wolf 1987: 56-59).

Gary Watson agrees with Susan Wolf that focusing on the nature of a person's behavior and whether the behavior is really one's own is important for dealing with the problem of moral responsibility (Watson 1996; Talbert 2019). Thus, he considers the "real self" view by means of "self-disclosure."

He explains “self-disclosure” as “a responsible agent’s behavior discloses interpersonally and morally significant features of the agent’s self” (Watson 1996: 228-39). However, he believes that this is insufficient for holding an agent responsible. He examines whether the behavior is attributable to an agent and concludes that there are different kinds of responsibilities. Watson continues that a person might be morally responsible in one sense but not in another. Thus, he makes a distinction between “responsibility as attributability” which behavior is attributed to the features of the self, and “responsibility as accountability” which a behavior holds a person accountable for moral blame (Watson 1996: 240-41).

As a result, the problem of free will that lies behind determinism and responsibility leads to a crucial debate on moral responsibility. Accordingly, if determinism is true and is compatible with free will, then we should be responsible for the actions we commit. But this state of being responsible also requires us to know in which circumstances we are not morally responsible. Thus, compatibilist philosophers focus on the circumstances of being morally responsible for actions - mainly on whether the responsible action can be attributable to the agent in terms of blameworthiness. In this way, the debate on the attributability of responsibility brings a questioning of what conditions a person is morally blameful for. It is claimed by some compatibilists that moral responsibility requires a kind of “moral competence” (Talbert 2016: section 4, para. 1). This competence requirement implies that if an agent lacks the resources for acquiring desires and motives and, as a result, is unable to recognize and respond to moral considerations for blame, that person lacks competence, thus cannot be held responsible for one’s actions. Within the frame of lack of competence, there is also a discussion about the case of “psychopathy.” This discussion asserts that since psychopaths are incapable of responding appropriately to moral considerations, they cannot be blameworthy for their behaviors and thus, cannot be responsible (Talbert 2016; 2019). In the next section, I will discuss moral competence and the psychopath’s competence on blame and responsibility by pointing out and supporting the view that argues that psychopaths can be both responsible and accountable for their behaviors. Further, I will provide a discussion by using two opposing arguments asserted by Susan Wolf and Heidi Maibom.

CHAPTER 2
MORAL COMPETENCE AND PSYCHOPATHY

Regardless of the significance of the compatibility of determinism and free will, moral responsibility necessitates a type of moral assessment, namely praise or blame. An agent must have access to resources of desires and motives that allow that person to be morally responsible to be praiseworthy or blameworthy for an action. When considering moral responsibility, philosophers typically focus on an agent's blameworthiness (Talbert 2011; 89). In this sense, it is believed that those who lack these resources are unable to understand and respond to what morality requires, and thus are unable to be competent in the manner required for responsibility and blame. Thus, to be held morally responsible for behavior, an agent must have *moral competence* (Talbert 2011; Talbert 2016). In this context, compatibilist philosophers debate one of the most contentious cases of moral responsibility: whether psychopaths, who are unable to understand and respond appropriately to moral considerations, are not morally competent agents or whether they have moral competence for being held responsible and blameworthy for a behavior.

2.1. Moral Competence Requirement of Responsibility

Many fundamental views of moral responsibility hold that wrongdoers are only morally responsible if they can understand and respond adequately to the moral considerations that count against their bad behavior. In this sense, to be blameful, a person must have psychological, emotional, and motivational resources for responding to moral considerations which count against that person's behavior (Talbert 2011: 89). This assumption is known as the *moral competence requirement*, which is also referred as "normative competence" by some other philosophers such as Gary Watson and Neil Levy (Talbert 2012a: 90). With regard to this "moral competence" requirement on blame, only those who are competent to respond to moral considerations can be morally responsible and be blameworthy.

To understand what makes a person morally responsible and thus morally competent, the discussions focus on whether "it is fair to blame a person under some circumstances in which the person cannot respond to moral considerations," or whether "a person can be blameworthy in a situation where she cannot avoid wrongdoing" (Talbert 2016: section 4.1, para. 1-23). Neil Levy, who also examines a person's capacity to have moral competence, discusses whether the victim of a morally impaired wrongdoer is blameworthy or not (Talbert 2016: section 4.1, para. 24-25). He asks the question that "can cultural membership excuse us from responsibility" (Levy 2003: 145). In order to explain his claim, Levy gives an example from a member of a slave-owning society. Levy asserts that this member of society has been taught respect to every member of society except the slaves. Because of the creeds, that person has been taught that slaves are subhuman. Levy continues that because of that person's beliefs and upbringing, there is no reason for that person to believe that slaves must be respected even if a slave tells otherwise. Because the moral education which is related to the society to which we belong can prevent us from understanding essential moral facts (Levy 2003: 160). Thus, Levy asserts that it is excusable for a wrongdoer to ignore what is right; hence the wrongdoer's moral

considerations are impaired by one's values and beliefs. As a result, Levy believes that expecting the wrongdoer to respond appropriately to the relevant moral considerations is unreasonable and that blaming the wrongdoer and holding the wrongdoer responsible for failing to do so is unfair (Levy 2003; Talbert 2016).

Besides the discussions on those who fail to respond appropriately to moral considerations are not morally competent for being responsible, there are some disputes on whether those who lack the capacity to respond to moral considerations *can be open* to blame. Psychopaths are one of those groups who are considered to lack the ability to understand moral considerations. According to this, the inability of the psychopaths to grasp moral requirements made them morally incompetent and therefore; not morally responsible for their behaviors (Talbert 2016: section 4.2, para. 2-5). Within the context of this debate, there are two assertions about moral competence among philosophers who deal with the issue of moral responsibility of psychopaths. While one contends that psychopaths have a moral competence for being held responsible in the sense that the behavior can be attributed to them, the other contends that psychopaths have a moral competence for being morally responsible in the sense that they can be accountable for their behaviors; that is, they can be blameworthy. As a result, the issue of moral competence for being held responsible has been addressed in multiple ways.

2.2. The Case of Psychopathy

Compatibilists who defend the requirement of moral competence suggest that situations such as bad upbringings, inability to avoid wrongdoing, and impaired values or beliefs, imply that the agent should not be held morally blameful. One of the main important discussions that focus on moral competence is whether it is fair to blame a person who has no competence on moral considerations. With respect to this, Susan Wolf points out that we should not blame a person who cannot respond appropriately to moral considerations, because it is unfair to blame someone who could not have avoided it. To make her idea clear, Wolf gives an example of what she calls an insane person, "JoJo," who is raised by his evil father. When JoJo becomes an adult, he does similar things to his father. Because of his upbringing, he lacks sanity and is, consequently, unable to differentiate between right and wrong. Thus, Wolf claims that it is not fair to blame JoJo for his behaviors (Wolf 1987: 53-56). In addition to this, Susan Wolf's "lack of sanity" argument for blame underlines that the reason it is unfair to hold JoJo responsible for his actions is that he has an inability to distinguish right from wrong; that is, he *lacks* sanity. Thus, having an insane mind is expected as one of the excusable conditions for moral blame and therefore responsibility. Thus, Wolf's claim leads us to a problem about the competence of *psychopaths.*

First, the definition of psychopathy is challenging since psychopathy is confused with other mental illnesses and there is no consensus about what psychopathy is (Schramme 2014; Talbert 2016). However, according to research, there are still certain identifying traits of psychopathy, such as egocentrism, impulsivity, lack of empathy, aggression, and lack of remorse, which I will discuss in the following sections (Talbert 2016: section 4.2, para. 1). With respect to these features, there are also disagreements on whether psychopaths have a moral motivation and a form of moral understanding by means of moral concepts (Talbert 2016: section 4.2, para. 1). Hence moral responsibility and competence require first to know that understanding moral norms and responding properly to moral

considerations, psychopaths are easy to categorize as not having the competence and therefore not responsible.

According to some philosophers such as Neil Levy, psychopaths know that certain things are wrong to do and have a form of moral understanding. However, the reason they are not able to avoid bad behavior is because they are *not motivated* by this moral understanding (Levy 2014; Talbert 2016; Greenspan 2016). For Neil Levy, psychopaths are capable of understanding that certain actions are prohibited, but they may not understand the specific type of harm involved in causing someone distress. Nonetheless, this may be sufficient to attribute to them some degree of responsibility for their behaviors (Levy 2014: 352). In addition to this, Levy points out the "slave-owning" example and asserts that the slave-owner's attitude toward slaves would be "contemptuous" because of her beliefs. But Levy asserts that since contempt is a "moralized attitude," only moral agents who are "capable of appreciating moral facts" can express such contempt through their behavior. Thus, this is something a psychopath cannot express (Levy 2007: 135).

Since moral contempt, according to Levy, demands more than failing to follow to moral norms, it also necessitates "the rejection or flouting of such rules," which can only be performed by someone who understands the significance of moral norms in a manner that the psychopath does not (Talbert 2016: section 4.2, para. 9). As a result, Levy portrays the psychopath as blameless in the same manner that a normal person would be blameless if she committed something wrong and had no way of knowing it was wrong (Talbert 2016: section 4.2, para. 10). He exemplifies that in a world where we unknowingly harm plants, we can be morally responsible because the fact that they can be harmed is a moral reason to avoid stepping on them (Levy 2007: 135). However, it is not correct to say that we regard these plants with "contempt," "ill intent," or even "moral ignorance." We also do not dismiss their status as moral objects; thus, all of these attitudes must be expressed against a background of normative beliefs. Therefore, just as we do not express any moral attitudes toward plants, psychopaths do not express relevant attitudes toward their victims (Levy 2007: 135). The difference is that individuals in this imaginary world are not aware that they are damaging the plants. According to Levy, psychopaths, on the other hand, are aware of the harm they cause, but they are unable to prevent their harmful behavior (Talbert 2016: section 4.2, para. 13).

In his work *The Two Faces of Responsibility*, Gary Watson deals with the moral competence of psychopaths by means of asserting the "two faces of responsibility." Watson believes that a person can be morally responsible in one sense but not in another. He distinguishes between "responsibility as attributability," in which behavior is attributed to characteristics of the self, and "responsibility as accountability," in which behavior holds a person accountable for moral blame (Watson 1996: 240-41). To explain psychopaths' responsibility within this frame, Watson presents two arguments: the *negative argument* and the *affirmative argument* (Watson 2011: 309). The negative argument is what Watson refers to as a moral competence requirement, which Watson defines as anyone who is unable to see others' interests as legitimate demands on her is unable to comprehend and respond to moral requirements (Watson 2011: 309). Thus, the argument implies that a morally incompetent person is not qualified for being held morally responsible. Hence, psychopaths are born with an inability to understand and respond to moral imperatives and they are unqualified to be held morally responsible (Watson 2011: 309). On the other hand, the affirmative argument follows what Watson calls the "malice test." According to Watson, the malice test requires that one willingly or callously harm or

manipulate others without coercion or psychosis to be a proper object of moral blame and penal sanctions (Watson 2011: 308). Since psychopaths are capable of voluntarily cheating, harming, and manipulating others, they are capable of acting in morally reprehensible ways that justify relevant blaming responses, such as indignation or resentment. Thus, responding to anyone in this way requires responding to them as morally responsible agents (Watson 2011: 309).

Watson maintains that unlike what negative argument asserts, psychopaths can grasp what morality requires in certain ways, however, they are incapable of "understanding moral demands as normatively relevant" (Watson 2011: 309). As a result, moral considerations are irrelevant to their decision-making, which is a crucial restriction of practical thought, which is also crucial for psychopaths' malicious behavior according to the affirmative argument (Watson 2011: 309-10). Thus, Watson points out that even psychopaths behave in a malicious way, this does not imply that they are accountable. According to Watson, psychopaths lack the capacity to grasp and respond to moral requirements in a way which morality requires, therefore they are not morally accountable for their behaviors (Watson 2011: 309-10).

Even though psychopaths can recognize that their behaviors are wrong in some way besides their lack of moral motivation, there is still reason to be concerned that their moral understanding is insufficient to sustain true moral blameworthiness (Talbert 2016: section 4.2, para. 4-5). Within this perspective, R. Jay Wallace examines the conditions of what makes a responsible action fair; that to have the capacity for reflective self-control (Wallace 1998: 156-57). He explains the accountability of a psychopath, with respect to an agent's disabled capacities for reflective self-control. According to Wallace, having the capacity for reflective self-control requires the ability to grasp and apply our moral obligations, and this involves a participant's understanding of the moral reasons that support the obligations (Wallace 1998: 178). Thus, an agent can apply moral principles to different cases. However, psychopaths do not have the capacity for reflective self-control. They "lack the imagination and practical understanding required to bring common moral principles to bear in new cases" (Wallace 1998: 177). Therefore, Wallace continues that psychopaths cannot be treated as morally accountable agents because of their impairment on the capacity for reflective self-control.

David Shoemaker also argues the responsibility of psychopaths in terms of the discussion on *attributability* and *accountability* like Gary Watson. According to Shoemaker, if one's actions can be attributed to them, one is *answerable* and is responsible for her actions since they are rationally linked to her evaluative judgments (Shoemaker 2011: 606). In this sense, being answerable involves being subject to inspection and response to the justifications used to explain one's behavior (Shoemaker 2011: 623). Thus, he differentiates different kinds of responsibility as attributability, accountability, and answerability. According to this, "attributability-responsibility" assessments are based on facts about an agent's character, "accountability-responsibility" assessments are based on an agent's regard for others, and "answerability-responsibility" assessments are based on an agent's evaluative judgments (Talbert 2019: Stanford). Shoemaker points out that a psychopath's partial capacity for distinguishing between right and wrong is sufficient for a degree of moral responsibility by means of *attributability* and *answerability*. However, Shoemaker asserts that the psychopath's capacity for moral understanding is insufficient for moral blameworthiness by means of *accountability* (Shoemaker 2011: 627-30).

2.3. Responsible Psychopaths

Even if psychopaths are seen as being incompetent for being responsible, or responsible in one sense but not the other, there are also philosophers who believe that psychopaths are *accountable* for their actions. At this point, we have to recall the distinction between being *responsible* and being *blameworthy*. The term being responsible is generally used by means of *attributability* of responsibility, as it is mentioned by both Watson and Shoemaker, rather than the *accountability* of blame (Watson 2011; Shoemaker 2011). We have seen that the main reason psychopaths are not seen as blameworthy by means of accountability is that either they lack the capacity to recognize or understand moral considerations or their capacity for understanding moral norms and values are insufficient to hold them accountable.

However, some philosophers such as T. M. Scanlon assert that this lack of capacity to understand the force of moral reasons is *not an obstacle* for an agent to be blamed. In his book *What We Owe Each Other*, Scanlon examines responsibility by asking the question of whether some actions can be attributed to a person in the way that is required for it to be a basis for a moral appraisal or a criticism of that person (Talbert 2016; Scanlon 1998). Accordingly, he differentiates two kinds of responsibility as "responsibility as attributability" and "substantive responsibility" (Scanlon 1998: 248-49). According to Scanlon, *responsibility as attributability* refers to situations in which whether a person is responsible for a given action by means of subjecting to praise or blame (Scanlon 1998: 248-90). On the other hand, Scanlon explains *substantive responsibility* as the judgments of responsibility that express substantive claims about what people are required or not required to do for each other - namely, a person's obligations to others which depend on the choices and decisions of the person (Scanlon 1998: 248). In this context, substantive responsibility refers to the reasons that we want on what happens to us and is determined by how we respond when given with relevant alternatives (Scanlon 1998: 290).

Within this perspective, Scanlon explains his understanding of moral criticism or blame in the sense of one's *faulty self-governance* - namely, the cases in which a person has "governed herself in a way that cannot be justified in the way morality requires" (Scanlon 1998: 268-69). According to Scanlon, a person is open to moral criticism if she can make judgments about reasons, govern her actions in accord with her, and has the ability to understand moral reasons (Scanlon 1998: 287). To be a basis for moral criticism, a person's failure to recognize a course of action that causes serious harm to others must be the result of faulty self-governance, such as indifference of the reason, rather than a conscious choice, such as sleepwalking (Scanlon 1998: 269). Despite the faulty self-governance, for moral criticism to be applied, one's attitudes must also be *judgment-sensitive*, i.e., "under the control of her reason" (Scanlon 1998: 272). Thus, a person's eye color is not "judgment-sensitive" in this sense, hence it is not responsive to the agent's judgments about what reasons she has. Therefore, it is not something that she is asked to defend or modify in the way that responsibility requires (Talbert 2016; Scanlon 1998).

With regard to this, Scanlon argues under which conditions it is fair to blame a person, even though he does not directly point out the psychopaths. Scanlon explains that "If a creature cannot make judgments about reasons at all, then its actions, while they may injure us, cannot
reject judgment-sensitive attitudes of the kind that challenge our moral standing and make resentment

an appropriate reaction" (Scanlon 1998: 288). However, he continues that a rational creature who fails to see the force of moral reasons can also understand that a given action will harm others and can judge that this constitutes no reason against so acting (Scanlon 1998: 288). He adds 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 does not count against it" (Scanlon 1998: 288). He explains that the inability of a person to see the force of reasons for changing a particular attitude does not always make it inappropriate for us to criticize her for holding that attitude. Therefore, a lack of understanding moral reasons is not preventing a person from moral blame. So, from the point of view of Scanlon, a psychopath can also be *blameworthy*.

With agreeing with the idea of Scanlon, Matthew Talbert also claims that psychopaths can be blameful for their actions. In *Blame and Responsiveness to Moral Reasons*, Talbert asserts that there are significant reasons for understanding the hurtful and the intentional actions of psychopaths, whom he defines *blind agents*, in the same manner, we understand psychologically normal wrongdoers (Talbert 2008: 518-19). With respect to this, he explains blame as a reaction to a wrongdoer's *normative commitments* and *attitudes*; therefore, the actions of psychopaths can reflect "the appropriate blame-grounding attitudes to the extent that these agents are capable of making judgments on non-moral grounds" (Talbert 2008: 516). Talbert argues that the difference between those who open moral blame and who do not open moral blame is not about responding to moral reasons properly. Rather, the difference is that while the blamable ones are the general assessors of reasons rather than the responders, the non-blamable ones lack rationality in such a way that they cannot be classified as decision-making based on their judgments about reasons (Talbert 2008: 519). His argument consists of the claim that apart from their limitations, psychopaths are rational agents who can guide their behavior based on judgments about reasons that they can evaluate.

According to Talbert, psychopaths' capability to make judgments on the consequences of their actions on others is insufficient for them to avoid those actions (Talbert 2008: 520). Talbert continues that this judgment itself is sufficient for showing that psychopaths are open to moral blame. The idea is that some of the psychopath's failures to judge those certain considerations are reasons, such as his failure to judge that our moral standing is a cause to avoid hurting us, are judgments that those considerations are not reasons (Talbert 2008: 520). In this way, psychopaths can not only act in accordance with reasons, but they can also make judgments about those reasons. Hence, they are capable of reasoning in the complex and reflective manner that is characteristic of humans (Talbert 2008: 521).

This ability to form judgments about and behave in accordance with reasons is important for cases where psychopaths are sensitive to a reason for avoiding the wrong action. For example, a psychopath who harms an innocent person may not have done so if he believes that hurting someone would have resulted in immediate consequences that he intended to avoid (Talbert 2008: 521). Talbert asserts that the ability to avoid an action is crucial, hence it illustrates that "the psychopath's actions are not compulsive or out of control, rather they are sensitive to judgments about the weight of reasons" (Talbert 2008: 521). In this respect, psychopaths differ from kleptomaniacs and normal wrongdoers such as thieves; whereas a kleptomaniac behaves compulsively, and cannot decide whether to steal, both the thief and the psychopath can refrain from acting in a blameworthy manner in some ways. Thus, psychopaths are sufficiently capable to elicit resentment and blame as appropriate responses to some psychopathic actions (Talbert 2008: 520).

Despite this, Talbert gives another example regarding the moral blame of psychopaths. He exemplifies a normal wrongdoer who acts in a self-serving way, without reflection but knowing that she may hurt someone (Talbert 2008: 530). In such a situation, Talbert suggests that she is blameworthy for her wrongdoing since she can appropriately respond to moral consideration. Thus, the only difference between the normal wrongdoer and the psychopath is the psychopath's inability to understand and respond appropriately to reasons against while acting (Talbert 2008: 531). Talbert maintains that if we assume a normal wrongdoer and a psychopath do the same action for the same reason, there can only be a difference by means of the normal wrongdoer "could have" recognized or responded to the reasons which counted against her behavior. However, Talbert believes that this small difference is not enough for blaming only the wrongdoer but not the psychopath (Talbert 2012b: 574).

Heidi L. Maibom also defends the idea that psychopaths can be morally responsible and blameworthy. Maibom is against the idea that psychopaths may know what we label as "wrong," however, they lack "deep" moral knowledge because they cannot appreciate why certain conduct is wrong since they are not emotionally engaged with moral norms through *empathy* (Litton 2010; Maibom 2008). For her, some psychopaths are incapable of empathy; however, there are other ways that are open to psychopaths, leading them to "deep moral understanding." Maibom explains that psychopaths' rationality may be impaired, but their deficits are relatively circumscribed. So, even though we might be agreeing with psychopaths' lack of values, we cannot conclude that they lack the "ability to *acquire*" them (Maibom 2008: 175).

2.4. The Sanity Problem of Responsibility

As the discussions above show, whether psychopaths have the competence for being morally responsible for their behaviors is a problematic issue. There are different approaches to why psychopaths should be held responsible or not responsible. Among these discussions of psychopaths' competence and responsibility, Susan Wolf claimed that responsibility requires the "sanity" condition. Wolf simply claims that since psychopaths are not sane because they do not have the ability to distinguish between right and wrong, they should not be held morally responsible. Even if Wolf claims otherwise, it is debatable whether this state of sanity is sufficient to absolve psychopaths of responsibility, as Heidi Maibom claims.

2.4.1. Susan Wolf and the "Sane" Deep-self View of Responsibility

In her writing *Sanity and the Metaphysics of Responsibility,* Susan Wolf explains that the responsibility problem can be solved with the assistance of the determinant conditions of responsibility (Wolf 1987: 372-73). Thus, Wolf discusses the conditions of responsibility by pointing out the understandings of Harry Frankfurt, Gary Watson, and Charles Taylor on what makes a person responsible. However, Wolf believes that their attempt to solve the problem is at the end a failure and that this failure appears to lead to the problem in a metaphysical way (Wolf 1987: 373). According to Wolf, the three of them have a common ground which constitutes the idea that responsibility requires not only actions within the control of one's will but also that one's will must be within the control of one's *self* in some deeper sense.

Wolf explains that they all agree that responsible agency entails more than the intentional agency. They assert that if we are responsible agents, our actions are not only under our control but also our wills are not simply psychological states and that expressions of characters that come from us or are acknowledged and affirmed by us (Wolf 1987: 375). Frankfurt explains by stating that "*our wills must be governed by our second-order desires*," Watson clarifies that "*our wills must be governed by our value system*," and Taylor explains that "*our wills must emanate from selves that are subject to self-assessment and redefinition in terms of a vocabulary of worth*" (Wolf 1987: 375). Thus, an agent is responsible only for those actions that are under the control of one's deep self, which identifies a fundamental requirement for responsibility. Wolf calls this understanding of the condition of responsibility the *deep-self view* (Wolf 1987: 373-76).

According to Susan Wolf, this "deep-self" view offers a condition for being responsible and explains why kleptomaniacs or people who are brainwashed are not responsible for their actions. It also explains the problem of determinism in one aspect by stating that just as one's behavior is determined by one's desires, one's desires are determined by something else and that something else is our deeper selves (Wolf 1987: 376-77). With this aspect, the deep-self view can also help to distinguish the acts of normal agents and kleptomaniacs in the sense that whether the agent's desires are determined by one's deep-self or not (Wolf 1987: 377). However, even though our actions are controlled by our desires, and our desires are controlled by our own deeper selves, the question of who or what is responsible for this deeper self remains unanswered. Therefore, Wolf maintains that this "deep-self" view is not a sufficient view to support since there are some problems and gaps within it (Wolf 1987: 377).

To explain how the deep-self view is insufficient for some cases to be held responsible, Wolf gives an example of the case of a psychopath, JoJo, who is raised by his evil and dictator father. Because of his upbringing, when JoJo becomes an adult, he acts in a way that is taught by his father and does the similar things his father did (Wolf 1987: 379). Wolf points out that through his upbringing, JoJo has no control over what is taught to him, but as an adult man, his actions come willingly. However, JoJo's actions are controlled by desires that are controlled by and expressive of his deepest self. Therefore, his willing actions are the result of his deep self, but not of him (Wolf 1987: 379-80).

Consequently, one may claim that JoJo is not responsible for his behaviors according to the deep-self view. However, one should note that the deep-self view is based on the cases such as kleptomaniacs, victims of hypnosis, and brainwashing whose deep selves are not what they want to be. On the other hand, besides his upbringing, JoJo's deep self is the self he wants it to be (Wolf 1987: 380). Therefore, in this case, if JoJo is not responsible, then no one could be held responsible since every human being's actions are governed by their deepest self. Thus, Wolf asserts that the deep-self view is not enough for explaining how to hold people responsible and not responsible.

Susan Wolf explains that there should be a condition of *sanity* to hold people responsible since it is not under our control to be sane. She explains that being sane does not entail having any type of power or control that an insane person does not. For instance, some politicians who are insane, such as JoJo, may have complete control over their actions, and even their acting selves (Wolf 1987: 381). Therefore, the desire to be sane is not a desire or another form of control, instead, it is a desire that one's self is capable of connecting to the world in a certain way, a desire that one's self is controlled by the world in certain ways but not in others (Wolf 1987: 381). Thus, with this understanding, Wolf

modifies the deep-self view as the *sane deep-self view* (Wolf 1987: 382). According to Wolf, this modification of the condition of sanity on the deep-self view both has a sufficiency for filling the gap on the view and is necessarily needed for responsibility. Besides, the sane deep-self view agrees with the requirements of responsibility which consist of the idea that a responsible agent is able to control one's actions by one's desires and control one's desires by one's deep self (Wolf 1987: 382). In addition to these requirements, Wolf emphasizes that an agent's deep self must be *sane* for one to be responsible.

Susan Wolf explains that the deep-self view treats the cases such as JoJo and connects cases of deprived childhood victims in a way that corresponds to our intuitions about the distinction in status among both characters like JoJo and ourselves (Wolf 1987: 382-83). Unlike this "plain" deep-self view, the sane deep-self view provides an explanation for why JoJo is not responsible for his actions without calling our own responsibility into question. As a result, Wolf clarifies that, while JoJo's actions are motivated by desires similar to ours, his deep self, unlike ours, is insane (Wolf 1987: 382).

According to Wolf, sanity is the ability to know the difference between right and wrong. Thus, people who are sane have the ability to understand and appreciate the world for what it is cognitively and normatively (Wolf 1987: 381-87). Wolf explains that since JoJo cannot understand that his behavior of torturing people "for not saluting him" is wrong, he lacks the ability and thus cannot be held responsible (Wolf 1987, 382). There are also other examples which are given by Wolf to clarify the requirement of sanity for distinguishing the responsible agency from the non-responsible one, such as slave-owner societies and the Nazis. Wolf explains that both slave-owners and Nazis *falsely believe* that their behaviors are morally acceptable. Hence their wrong behaviors are not an expression of their deepest self but the social environment in which they are, they cannot be blamed for their actions and false beliefs (Wolf 1987: 382).

Wolf justifies her argument by pointing out that calling the slave-owner or the Nazi even partially or locally insane would misrepresent our ordinary linguistic usage (Wolf 1987: 383). The reason why they are not blameworthy is the same reason why JoJo is not blameworthy. They, just as JoJo, are cognitively and normatively incapable of recognizing and appreciating the world for what it is. Therefore, their deepest selves are not completely sane in our sense of the term (Wolf 1987: 383). Still, Wolf underlines that the assumption on whether JoJo, the Nazis, and the slave-owners are unable to avoid having values and whether they are capable of recognizing their society's flaws are questionable. But she maintains that if they are, then they cannot be held responsible (Wolf 1987: 384).

In addition to the above-mentioned examples stating that JoJo, the Nazis, and the slave-owners cannot be held responsible, Susan Wolf underlines the importance of the *unavoidability* of actions. She points out the question that why sanity should make such a difference in determining whether someone's values or beliefs are unavoidably mistaken have any impact on their position as responsible agents (Wolf 1987: 383). She explains that the reason JoJo is not responsible for his actions is that, while the behaviors are governed by his deep self, his deep self is not up to him and this has nothing to do with his deep self being mistaken or not, evil or good, insane or sane (Wolf 1987: 383). Therefore, if JoJo's beliefs are unavoidably misleading, our values and beliefs, appear to be equally so, even if they are not mistaken. According to Wolf, even though our deep selves are seeming to be unavoidable, our characters are not.

With this respect, Susan Wolf points out that in the case of JoJo and the others, certain aspects of their characters are unavoidable, even if these aspects are gravely flawed, misguided, or harmful. This is because these characters are less than completely sane (Wolf 1987: 384). Hence, they lack the ability to distinguish between right and wrong, they are also unable to reevaluate their characters based on right and wrong. Thus, their deep selves lack the resources and reasons that could have served as a basis for "self-correction" (Wolf 1987: 384). However, unlike JoJo and the others, since we unavoidably have sane deep selves which provide us with the ability to know right from wrong, we also unavoidably have the resources and reasons to have the basis for self-correction. This indicates that, while we do not have control over our deepest selves in the same way that JoJo and others do, it does not follow that we would be the way we are, even if it is a bad or wrong way (Wolf 1987: 384).

According to Susan Wolf, we must be able to evaluate ourselves sensibly and accurately to be responsible for ourselves and we must be able to transform ourselves if our evaluation tells us to do so (Wolf 1987: 385). Therefore, the difference between the plain deep-self view and the sane deep-self view is the requirement of the capacity for "self-revision" and the requirement of the capacity for "self-correction" (Wolf 1987: 386). Anyone with the first capacity can aim to take responsibility for oneself. However, only those with a sane deep self can see and appreciate the world for what it is and conduct self-evaluation sensibly and accurately. As a result, while insane selves may try to take responsibility for themselves, only sane selves will be given full responsibility according to Wolf (Wolf 1987: 386).

Susan Wolf's sane deep-self view discusses why people who are wrongly raised and who have misguided beliefs may not be responsible for their behaviors. The view also points out that people who have no mistaken conceptions and values are responsible for their actions (Wolf 1987: 383). However, just as with the plain deep-self view, there seem to be some gaps with the sane deep-self view. It assumes that bad behavior should be excused if it is caused by a misguided belief. It asserts that psychopaths cannot make a self-correction since they are not sane and therefore, cannot distinguish between right and wrong. But in this case, anyone who acts in a bad way except the "sane" minds who can differ right and wrong, became not responsible for their behaviors. Because those who act badly with "sane" minds, without having any disorder, also may have different rights and wrongs. It does not show that they are unable to distinguish it, rather, it shows that they have different beliefs and values which Wolf sees as misguided. In this case, the question would be, is it sufficient to label psychopaths as "insane" for not recognizing right and wrong for them to be not responsible?

2.4.2. Heidi Maibom and the "Badness" of Psychopaths

In contrast to Susan Wolf and her "condition of sanity," Heidi L. Maibom in her article *The Mad, the Bad, and the Psychopath* claims that psychopaths can be held responsible for their behaviors. She underlines that psychopaths are often not seen as responsible for their actions since they lack some of the necessary capacities, both in a criminal and moral sense. Therefore, they are known as "criminally insane," according to the law (Maibom 2008: 167). However, they do not usually have the *insanity defense* given under the "M'Naghten Rules." M'Naghten Rules or M'Naghten Test is used by the legal system for distinguishing whether the wrongdoer is sane to be held responsible (De Fabrique 2011: M'Naghten Rule). According to M'Naghten Rules, "a person may be insane if, at the time of committing the crime, he was under the influence of mental illness and was unaware of the nature and

quality of the act he was committing. The M'Naghten Test determines whether the accused knew what he was doing would be wrong if he did know what he was doing" (De Fabrique 2011: M'Naghten Rule). The reason for the insanity defense is not being open to psychopaths is that they appear to possess the knowledge and comprehension required by the M'Naghten Rules according to Maibom (Maibom 2008: 167). Maibom explains that psychopaths are capable of correctly identifying their activities, determining whether they are correct or incorrect, and controlling their actions. They also lack the delusions and hallucinations that would ordinarily clear other mentally ill defendants such as schizophrenia and other psychotic disorders. Thus, they do not appear to be cognitively or volitionally impaired to the extent where they may be held criminally responsible. As a result, they can be held responsible for their actions and punished properly (Maibom 2008: 167-68).

Alongside this, philosophers often assume psychopaths as morally non-responsible, or not completely responsible agents, according to Maibom. That is because there is an important specification asserted under the M'Naghten Rules on what makes a person non-responsible for both moral and criminal conduct (Maibom 2008: 167). It is known as the requirement of *deep moral understanding*, something that psychopaths do not have either by virtue of their lacking empathy or practical reason (Maibom 2008: 167). According to Maibom, those who claim that psychopaths are not morally responsible for their behaviors argue that the moral agency of an agent is extremely important in determining one's sanity, thus, one's legal responsibility. An agent who lacks genuine moral understanding is unable to recognize the wrongfulness of one's actions. Despite knowing that what they are doing is both illegal and immoral, psychopaths are often considered to lack of that kind understanding (Maibom 2008: 168).

With respect to this, Heidi L. Maibom argues that psychopaths can be held responsible for their actions, especially by means of criminal responsibility. Maibom underlines that insanity is not sufficient for psychopaths to be held not responsible (Maibom 2008: 168). According to her account, psychopaths who are known as lacking moral understanding by means of beliefs and values, unlike normal people, can gain a *deep moral understanding.* Moreover, she also examines the essence of the concepts of "madness" and "badness" and claims that psychopathy is a *moral disorder* rather than a mental one, and therefore, psychopaths cannot be excused for their actions under the label of insanity (Maibom 2008: 168).

To justify her account, Maibom firstly discusses the distinction between *malum in se* and *malum prohibitum.* While actions that are bad in themselves are *malum in se,* actions that are bad because prohibited by law are *malum prohibitum*. She exemplifies that rape and murder are both *mala in se and mala prohibita* and are seen as immoral actions whereas, parking illegally is only *mala prohibita,* and its badness comes from the violation of the convention (Maibom 2008: 168). Even though the M'Naghten Rules and US legal practice show that knowing that an act is *malum prohibitum* is sufficient for sanity, some philosophers and legal theorists argue for a more complex view of knowledge of wrong, one that includes some grasp of *malum in se* (Maibom 2008: 169). Maibom underlines that when it comes to psychopaths, it is clear that they have an understanding of *malum prohibitum*; however, it is not clear whether they have a *mens rea*, a guilty mind for understanding that their action of murdering is a *malum in se* (Maibom 2008: 169).

Maibom points out the fact that philosophers often think psychopaths' moral understanding is impaired; therefore, their bad actions are not sufficient to hold them responsible both morally and legally. According to Maibom, there are two kinds of considerations in terms of psychopaths' moral

understanding: deficient practical reason, and deficient emotions (Maibom 2008: 169). Psychopaths are incapable of, or seriously hindered in, prudential reasoning, according to those who favor the former considerations in excusing them of responsibility (Maibom 2008: 169). The latter consideration, on the other hand, focuses on psychopaths' emotional and volitionally capacities rather than only focusing on their practical reasoning, and draws a long-standing criticism of several insanity statement forms, namely that they overemphasize cognitive capacities and ignore emotional abnormalities as crucial to an agent's sanity and, thus, criminal responsibility (Maibom 2008: 169).

According to some philosophers who support this second consideration, such as Walter Glannon, one of the important emotional capacities which psychopaths lack is *empathy* (Maibom 2008: 170). Maibom points out the claim given by Glannon that psychopaths have a deficiency of empathy with others which has a crucial role to have a moral understanding. However, for Maibom, accepting psychopathy as a lack of the ability to have empathy is problematic. According to Maibom, empathy can be attained in various ways. The ability to perceive emotions via facial and body expressions, the ability to creatively take on another's perspective, and the ability to create opinions about others' feelings are all involved in distinct routes. What connects them is that the empathizer feels a comparable experience because she represents the other person who is experiencing it. The goal of empathy is to reflect the feelings of the other person (Maibom 2008: 170).

With this respect, Maibom gives a couple of examples from different studies on empathy. For instance, she cites James Blair's theory of psychopathy, which is based on a faulty "Violence Inhibition Mechanism," which suggests a nonverbal cognitive mechanism activated by observing someone's distress or facial expression that prevents responses that can lead to violent behavior (Maibom 2008; R.J.R. Blair 1995). Maibom underlines that for Blair, this type of empathy is necessary for the development of other moral emotions such as remorse and shame, however, psychopaths have an impaired that kind of mechanism (Maibom 2008: 171). According to Maibom, this theory relies on the belief that psychopaths should be absolved of moral and criminal responsibility, or at the very least, full criminal responsibility, because of their lack of empathy is based on the idea that empathy is necessary for deep moral understanding. By pointing out the "harm norms" that are used for moral and legal prohibitions, she explains that it is prohibited harm to others through violence, abuse, exploitation, theft, and other means, and it is the basis of prohibitions that are *mala in se* (Maibom 2008: 171). Maibom explains that knowing why it is wrong to harm others necessitates not only cognitive access to the material but also emotional connection through empathy. Only through empathizing with others' pain and suffering can one completely see why harming them is wrong. Psychopaths are generally cruel and lacking in empathy, and they are known to present either abnormal or poor excuses for their wrongdoings. However, it seems not accurate to refer to these deficiencies as "lacks" according to Maibom (Maibom 2008: 171).

According to research conducted by James Blair on psychopaths' moral understanding, psychopaths are considerably less likely than controls to justify moral prohibitions by emphasizing the wellbeing of others, such as that the behavior will hurt the victim. Instead, they use more "normative justifications," or justifications based on a rule or a standard (Maibom 2008: 171). Since half of the moral standards are harm norms, potential psychopaths are less likely to utilize wellbeing as a justification for harm norms. What jumps out in psychopaths' reasoning is their emphasis on the existence of rules or norms. Even though these psychopaths must be aware that human suffering supports a considerable set of

moral prohibitions because they supply some harmful explanations, it does not have the same impact on them as it does on others (Maibom 2008: 171).

One of the study results on psychopaths' empathic ability inclines that in experimental settings with physiological investigations such as skin conductance reactions to photos of distressed people, psychopaths are less empathic than non-psychopaths (Maibom 2008: 172). According to this, when viewing pictures of people in distress, psychopaths' palmar sweating is much reduced compared to the control group, suggesting that psychopaths are less sensitive to pictures showing people in distress than the control group (Maibom 2008: 171-72). However, they are still more receptive to such visuals rather than to neutral ones. This result only shows that their response to others' suffering is deficient but not non-existent (Maibom 2008: 172).

According to Heidi Maibom, empathy is not the only way to gain a moral understanding for psychopaths to comprehend why harming others is wrong regardless of lack of empathy (Maibom 2008: 173). Maibom exemplifies that a religious person who harms people cannot be excused for responsibility by virtue of the belief that harming others is only wrong because God prohibits it (Maibom 2008: 174). For Maibom, obeying or disobeying God's commands is not related to empathy. A religious person avoids killing another person because of one's beliefs rather than empathizing with the victim. This also underlines the sufficiency to understand the difference between *malum prohibitum* and *malum in se*, which is required for moral understanding. The religious person does not commit a crime because one does not understand the badness of his action; rather, one acts in that manner regardless of the action's badness, because one has a belief. In this sense, if the religious person is not excused for committing a crime because believing, psychopaths also cannot be excused of their actions for the reason that they lack empathy (Maibom 2008: 175). Maibom points out the study which explains that even though psychopaths' practical reasoning is impaired, their deficits are relatively circumscribed. Even if they cannot fulfill their ends in life, they have the success to manipulate others. They can avoid punishable actions when there is a reward. They also have the ability to some degree, to understand other people's caring about certain things or people (Maibom 2008: 175-76). According to Maibom, these results show that psychopaths have an impairment but not a lack of reasoning and lacking abilities associated with deep moral understanding. Thus, they also do not lack the ability to understand *mala in se* (Maibom 2008: 176).

Even though it is claimed that psychopaths do not lack deep moral understanding, and they can gain it, therefore; be responsible for their behaviors, there is also another law on what makes a person responsible for one's behaviors. According to this law, a lack of *substantial* capacity is required for not being held responsible. American Law Institute's Model Penal Code indicates that "*(A) person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity to appreciate the criminality (wrongfulness) of his conduct […]*" (US Dept. of Justice 2020: section 636, para. 2). Therefore, psychopaths who fail to qualify as insane under the M'Naghten Rules may count under the Model Penal Code since insanity is seen as a substantial capacity which is important to understand the wrong behavior. Thus, this explains psychopaths' harm to others as a lack of "substantial capacity," or the ability to recognize that what they are doing is wrong because of their "insanity" (Maibom 2008: 177). However, for Maibom, the problem relies on the fact that psychopathy is seen as merely a "mental disease." She asserts that psychopaths' bad actions come not through their insanity or "madness," but rather their "badness."

They may have a substantial impairment, but it does not change the fact that their disorder is *moral* rather than *mental* (Maibom 2008: 177-78). So, this insanity defense is not sufficient for not holding psychopaths responsible.

By highlighting the *PCL-R* test, which is a tool used for diagnosing psychopathy, Maibom explains that most of the items in PCL-R deal with psychopaths' failure to meet moral and social expectations (Maibom 2008: 177-78). These tests show that psychopaths have essentially moral deficiencies: they are manipulative, pathological liars, self-important and pompous, sexually promiscuous, and so forth. However, psychopaths have a life strategy that of a cheater, defector, or free rider in social enterprises. While the psychopath expects others to obey a set of moral and social conventions, the psychopath refuses to do so. The other flaws, such as a lack of long-term life goals and an emotional commitment to people, things, or activities that could bind one and limit one's options appear to be secondary or indirect aids in the pursuit of this dishonest method (Maibom 2008: 178). Psychopaths' problem is not that they have an illness that hinders their ability to understand and reason about moral issues, rather they are amoral to the core. Thus, psychopathy is an antisocial and morally repugnant condition according to Maibom (Maibom 2008: 178).

To make a differentiation, Maibom investigates the nature of mental disease and discusses both the examples of criminally insane people who commit a crime and a psychopath. When these people are considered, it is seen that they are suffering from delusions or hallucinations (Maibom 2008: 179). However, for Maibom, these features are not the features of psychopathy. The psychopath *may* have delusions, but not because of the psychopathy (Maibom 2008: 179). There is also a difference between psychopaths and typical criminally insane people, which is the nature of their deficient moral understanding. Maibom explains that in the most cases of insanity, if the beliefs of the defendant are correct, then defendant can be justified in, or at least not culpable for, one's action (Maibom 2008: 179). However, for psychopaths, this is not the case. A psychopath generally murders for instrumental purposes such as taking revenge or getting money. For psychopaths, human suffering is of little or no importance, and they are unconcerned with the interests of others. The psychopaths' impaired moral understanding indicates the faulty belief that only that person has an intrinsic value and that everyone else should act to improve her advantage (Maibom 2008: 180).

Maibom underlines that if faulty moral beliefs are allowed to serve as excusing circumstances, then anyone behaving with a sense of morality is excused if their moral convictions are incorrect or contradictory to ours (Maibom 2008: 180). If this is the case, Hitler for instance, should have been excused if he was right that the Jews ought to be exterminated for the good of mankind. However, this usage of the "as-if" rule is ineffective as an excusing condition in this form hence it reduces all responsibility to a kind of moral incontinence, and that only the one who acts contrary to one's own beliefs is guilty (Maibom 2008: 180). But according to Maibom, this is not how the law operates, and there is no reason to believe it should. Indeed, moral beliefs are a big part of what makes bad individuals bad. Further, this is what makes Hitler and the Nazis responsible about their beliefs about the moral value of Jews (Maibom 2008: 180). Besides, believing that God commands one to murder someone is also not enough to demonstrate that one's understanding of reality is significantly impaired by mental illness according to Maibom (Maibom 2008: 181).

With this respect, Maibom indicates that under the insanity claim, psychopathy is not a condition that can be used as an excuse. According to her, psychopathy is a moral disease. To absolve psychopaths

of moral responsibility is to absolve them of their harmful behavior. However, this does not appear to be a valid excuse, for Maibom (Maibom 2008: 181). Psychopaths do not engage in delusions or hallucinate. It is not true that their faulty moral beliefs would absolve their actions if they were true. Therefore, these are not the actions of people who are badly misguided about reality, especially the part of reality that is not even straightforwardly moral (Maibom 2008: 181). Psychopaths have deficits, but their complete rejection of norms and rules of action appears to be driven not only by their deficits but also by a life strategy based on the exploitation of others. As a result, psychopaths' badness is their madness; hence, it would be bizarre to excuse a person by means of responsibility for being bad; therefore, Maibom suggests that psychopaths also cannot be excused for their bad actions (Maibom 2008: 181-82).

2.5. Evil or Ill

From this standpoint, it is clear that there are two kinds of assertions on the responsibility of psychopaths. While one asserts that psychopaths are not morally responsible for their actions due to their *insanity*, the other suggests that psychopaths are morally responsible for their actions; thus, they have a *moral disorder* rather than a mental disorder, and they are bad more than mad. Susan Wolf believes that psychopaths are simply insane because they cannot distinguish between right and wrong and, as a result, do not have a moral understanding to be held morally responsible for their actions. On the contrary, Heidi L. Maibom claims that psychopaths are bad rather than mad, and also explains that psychopaths do not lack the capacity to gain deep moral understanding, therefore, they can also be morally responsible for what they did. While doing so, Maibom gives attention to both the specific features of psychopathy hence some of the features such as lack of empathy is crucial for moral understanding, and also underlines the difference between a normal mentally disordered person and a psychopath. However, is she correct about her claim? What is the difference between being mad and bad? How can psychopaths be differentiated whether as being bad or mad? In other words, are psychopaths evil or insane? Or can they be both evil and insane and still be responsible for their behaviors?

2.5.1. The Concept of Mental Illness/Disorder and Psychopathy

What exactly is a mental disorder? And what is the best way to define it? According to a definition, a mental disorder or illness is the deviations from normal thoughts, reasoning, feelings, attitudes, and actions that are deemed socially or personally dysfunctional and warrant treatment by their subjects or others (Radden 2019: Mental Disorder, para. 1). Also, American Psychiatric Association (APA) explains mental illnesses as emotional, cognitive, or behavioral changes or a combination of these which characterize medical conditions. According to APA, mental illnesses are associated with distress and difficulties functioning in social, occupational, or family activities (APA 2018: para. 1). Schizophrenia, obsessive-compulsive disorder, substance abuse, depression, and mania are some examples of mental disorders (APA 2018; WHO 2019).

There is also an important term shift that is worth noticing when discussing mental illness and mental disorder. According to this, the term "illness" in "mental illness" is replaced with the term "disorder" (Radden 2019: section 1, para. 1). This replacement is influenced by cognitive psychology that needs

to introduce the terms "cognitive" and "cognition" as equivalents or replacements for the term "mental" (Radden 2019: section 1, para. 2). Thus, this understanding of cognition suggests that emotions are also cognitive. Subsequently, the term "behavioral" as in behavioral health is also used for measurable symptoms such as addictions and compulsions. In this way, the expression "mental disorder," replaces "mental illness" and mental disorder refers to not only the "mental" conditions such as psychoses and affective disorders but also to "behavioral" conditions such as addictions and character disorders (Radden 2019: section 1, para. 2).

Yet, where can one place the disorder in this approach? Mental and physical components of the disorder can be stated as the disrupted organic processes within the individual manifesting themselves with more observable signs and symptoms (Radden 2019: section 1, para. 2). In this context, the term "mental" is used when treating mental diseases by referring to categories of faculty psychology such as; hallucinations which represent impaired perceptual abilities, mania and depression, which disrupt affect regulation, and delusions which impair cognitive processing (Radden 2019: section 1, para. 3). Thus, if the internal elements of a disorder involve psychological faculties such as perception, cognition, or affection, it is classified as "mental" as opposed to "physical" (Radden 2019: section 1, para. 3). Within this frame, a mental disorder can be explained as "a syndrome characterized by clinically significant disruptions in a person's cognition, emotion regulation, or behavior, indicating a malfunction in the psychological, biological, or developmental processes underlying mental functioning" (WHO 2019: Mental disorders, para. 1). This definition of mental disorder both includes internal and observable features.

Alongside this, there is also a broad picture for understanding the meaning of mental disorder. In his article "*What is mental disorder?*" Derek Bolton explains that the issue of mental disorder pervades many contexts, raises numerous issues, and is multifaceted and complex (Bolton 2009: 468). As a result, it is addressed in a variety of literature, not only within psychiatry but also in different fields such as criminal law. Thus, Bolton explains that there are different approaches to discuss the mental disorder such as medical, psychological, and sociological approaches (Bolton 2009: 468). According to this, the medical and psychological approaches discuss the frame of mental disorders that whether psychiatric conditions are meaningful and understandable, and whether the abnormal is clearly distinguished from the normal. However, the sociological approach criticized the medical approach with the support of thinkers such as Michel Foucault and claimed that "mental disorder or what is labeled as mental disorder is a social deviance, deviance from social/moral norms of the dominant group, and that psychiatry mistakes these social/moral norms for medical norms, social disorder for the medical disorder" (Bolton 2009: 468).

According to Bolton, this criticism of medical psychiatry is frequently combined with the distinctively psychological view that the psychiatrically pathologized problems seem to be meaningful. The reason mainstream psychiatry and its medical model are mainly criticized is that they medicalize and pathologize what are essentially socially-defined and meaningful problems. As a result, the debate over the concept of mental disorder has centered on whether mental disorder attributions are based on hard, natural, medical facts or whether they are merely an expression of social norms and values (Bolton 2009: 468).

In the light of this discussion of mental disorder, Christopher Boorse explained his biostatistical theory of mental disorder as biological part-dysfunction, which he defines as "the failure of an internal

mechanism to perform its biological function, which it has been designed to do in evolution" (Bolton 2009: 468-69). However, Jerome Wakefield partially criticized this definition of mental disorder and explained the mental disorder as "a *harmful dysfunction* of a natural function, where 'natural function' is defined as functioning in the way that evolution designed." According to this viewpoint, negative social evaluations are required for a condition to be classified as a disorder. As a result, depending on the prevailing social norms, conditions can shift from being considered disorders to being considered normal and vice versa (Bolton 2009: 469). Wakefield emphasizes that his method places a specific challenge on what genuinely counts as an intellectual disorder, and that it must include a failure of an herbal psychological/behavioral function as an important condition (Bolton 2009: 469).

Although there are many criticisms of these two different approaches to the evolutionary theory of mental disorder according to Bolton, there are other explanations for understanding the nature of a mental disorder besides its definition of *dysfunction* (Radden 2019: section 4.1, para. 1). For example, in ancient philosophy, Aristotle asserts that *unity* of soul, *psyche*, is important for it to be healthy, or its *eudaimonia*, by means of its rationality and virtuousness. In *Nicomachean Ethics*, he offers a harmonious soul which is combined both rational and non-rational elements. Thus, a fully unified soul is virtuous and rational while the *dis-unified* soul is vicious and *irrational* for Aristotle (Radden 2019: section 4.1, para. 1). He gives examples of delusion-motivated actions, such as the slave who ate the liver of his friend, and the man who sacrificed and ate his mother (Nicomachean Ethics, 7.5, 1149a). This unhealthy position of the soul which is associated with *disunity* and *irrationality* is crucial in defining a mental disorder. Besides disunity and irrationality, *suffering*, *disability*, or *distress* are also seen important when defining a mental disorder (Radden 2019: section 4.2, para. 1).

When diagnosing a disorder, professionals on that area consider *The Diagnostic and Statistical Manual of Mental Disorders* (DSM) of the APA which is a classification of mental disorders with associated criteria and is considered a standard reference for clinical practice in the mental health profession (DSM-5 2013: 5). The main objective of DSM is to guide trained clinicians in diagnosing mental disorders in their patients as part of a case formulation assessment that results in appropriate treatment for every participant (DSM-5 2013: 5). It aims to diagnose the disorder, and not provides any treatment for the related diagnosis (DSM-5 2013: 5-6).

According to the DSM, mental disorders are usually associated with significant *distress or disability* in social, occupational, or other important activities. The recently published *Diagnostic and Statistical Manual of Mental Disorders Fifth* Edition (DSM-5), explains mental disorder:

> *a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or developmental processes underlying mental functioning. Mental disorders are usually associated with significant distress or disability in social, occupational, or other important activities. An expectable or culturally approved response to a common stressor or loss, such as the death of a loved one, is not a mental disorder. Socially deviant behavior (e.g., political, religious, or sexual) and conflicts that are primarily between the individual and society are not mental disorders unless the deviance or conflict results from a dysfunction in the individual, as described above* (DSM-5 2013: 20).

In the DSM-5, one of the known *antisocial personality disorders, APD/ASPD,* is referred as *psychopathy* (DSM-5 2013: 659). According to the DSM-5, a personality disorder is defined as "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, which is pervasive and inflexible, begins in adolescence or early adulthood, persists over time, and causes distress or impairment." (DSM-5 2013: 645) APD is categorized under the *Cluster B personality disorder* and differs from other personality disorders in that it begins in childhood or early adolescence and continues into adulthood with a pervasive pattern of disregard for and violation of the rights of others. This pattern is also known as psychopathy, sociopathy, or dissocial personality disorder (DSM-5 2013: 659).

According to the description given by DSM, individuals suffering from APD fail to conform to social norms regarding lawful behavior. They may commit acts that are grounds for arrest on a regular basis, such as destroying property, harassing others, stealing, or engaging in illegal occupations (DSM-5 2013: 660). These people disregard the wishes, rights, or feelings of others. They frequently deceive and manipulate others to gain personal gain or pleasure such as obtaining money or power. They also act and decide without forethought or regard for the consequences to themselves or others (DSM-5 2013: 660). Individuals with APD are irritable and aggressive, and they may engage in physical fights or commit acts of physical assault on a regular basis. These people also are irresponsible, they show a reckless disregard for their own or others' safety and fail to compensate for their behavior (DSM-5 2013: 660).

Other associated features of APD according to DSM are that they frequently lack empathy and are callous, cynical, and dismissive of others' feelings, rights, and suffering (DSM-5 2013: 660). They may have exaggerated and arrogant self-esteem and be overly opinionated, and self-assured. They can be quite voluble and verbally facile, with superficial charm. The DSM states that the common specifications of psychopathy, which are known as lack of empathy, inflated self-appraisal, and superficial charm, may also be particularly distinguishing the disorder (DSM-5 2013: 660).

As it is seen, mental disorder or mental illness is generally associated with harmful dysfunction as well as disability and distress. According to the DSM-5, one of the mental disorders that are relevant to psychopathy is the APD. This is because the common specifications of psychopathy are compatible with the specifications of APD. However, psychopathy is itself not simply an APD, rather it differs from APD in terms of certain specifications. Besides, people who are suffering from specific mental disorders generally display symptoms such as delusions or hallucinations and these symptoms are non-existent in psychopaths. In fact, none of the APD symptoms include neither delusion or hallucinations. As it is indicated in the above discussions, psychopathy is different from disorders that suffer from such symptoms. That is because psychopaths have a belief on what they are doing is the right thing to do. This belief may be a faulty belief but not a delusion nor a hallucination. On contrary to a mentally disordered person, psychopaths do not have a disability regarding their conditions.

2.5.1.1. The Hare Psychopathy Checklist-Revised (PCL-R)

One of the main reasons psychopaths are not morally responsible for their behaviors is related to their specifications. This is because some of these specifications are linked to grasp moral norms and

having a moral understanding. These specifications are used for distinguishing a psychopath from other people. With respect to this, Doctor Robert D. Hare and his colleagues investigate the specific and definitive features of psychopaths. In the *Hare Psychopathy Checklist-Revised,* they make a definition of psychopathy. According to this checklist, psychopathy is defined as a *personality disorder* (Hart, Hare, Harpur 1992: 104). As a result, like all personality disorders, psychopathy has an early onset and characterizes the individual's long-term functioning, resulting in social and interpersonal dysfunction (Hart, Hare, Harpur 1992: 104). According to the research, psychopathy symptoms are usually visible by middle to late childhood and can be reliably assessed in adolescence. It is understood as a chronic disorder and associated with unstable interpersonal relations, poor occupational functioning, and increased risk of involvement in criminal activity (Hart, Hare, Harpur 1992: 105). However, psychopathy has also distinct features when comparing with other personality disorders.

According to Dr. Hare and his colleagues, psychopathy can be distinguished from other personality disorders by its distinctive pattern of interpersonal, affective, and behavioral symptoms (Hart, Hare, Harpur 1992: 105-06). They explain psychopaths as "grandiose, ego-centric, manipulative, dominant, forceful, and cold-hearted in interpersonal relationships. They have shallow and labile emotions, are unable to form long-term bonds with people, principles, or goals, and lack empathy, anxiety, and genuine guilt or remorse." According to Dr. Hare and his colleagues, psychopaths are impulsive and sensation-seeking and often tend to violate social norms; these tendencies are often show up through criminality, substance abuse, and a failure to fulfill social obligations and responsibilities (Hart, Hare, Harpur 1992: 106).

Dr. Hare and his colleagues also underline the difference between psychopathy, sociopathy, and APD. Even though they are frequently used for referring to the same underlying concept, these terms occasionally refer to significantly different criteria sets. They explained that APD and sociopathy criteria, which are used interchangeably, have increasingly emphasized antisocial and criminal behaviors, whereas definitions of psychopathy typically include explicit reference to affective and interpersonal characteristics. The current APD criteria exclude affective and interpersonal characteristics that have traditionally been considered central to psychopathy. As a result, the APD criteria fail to distinguish between the callous, remorseless, and manipulative psychopaths and other antisocial people according to them (Hart, Hare, Harpur 1992: 106).

To identify psychopathy, they first used global ratings and compared their results and Harvey Cleckley's definition of the psychopath, who originally defined psychopaths with 16 criteria. However, there were certain difficulties to determine such as how raters arrived at their decisions, identifying the source of disagreements among raters, or specifying how raters should be trained (Hart, Hare, Harpur 1992: 107). For this reason, they needed to use a new scale *PCL, the psychopathy checklist,* for identifying the psychopath. The original version of PCL is composed of 22 criteria, which are derived from over 100 specifications. The specifications are obtained from experience with criminals and a survey of the literature, that might differentiate psychopathic and non-psychopathic inmates (Hart, Hare, Harpur 1992: 107). The list was reduced by removing items that were partially overlapping. Following that, two subject groups consisting of psychopaths and non-psychopaths are formed based on global ratings. The subjects are then reassessed and rated by independent raters on each of the

preliminary items. The items with too strong correlation or low correlations with global ratings, low interrater reliability, or extreme base rates were removed from the list (Hart, Hare, Harpur 1992: 107).

The following revisions of the PCL included the removal of two items with unsatisfactory psychometric properties and problematic scoring criteria, the modification of item descriptions to clarify their scoring, and the rewording of several items. Thus, the 20-item *PCL-R* is composed. The list includes a detailed description of each item as well as a section on the information sources that are typically used to score the item. Each item is scored on a three-point scale, with "0" indicating that the symptom does not apply to the individual, "1" indicating that the item applies somewhat or only in a limited sense, and "2" indicating that the item applies definitely. The raters can also omit items that they believe cannot be scored correctly due to missing or incomplete data (Hart, Hare, Harpur 1992: 109-10). If more than five items are missing, the assessment should be deemed invalid. The total score for PCL-R ranges from 0 to 40. In the PCL derivation samples, a score of 33 or higher is used as an indication for psychopathy. This provides the best balance of sensitivity and specificity with respect to global ratings of psychopathy (Hart, Hare, Harpur 1992: 110).

To determine the PCL-R scores, an interview and a review of collateral information are used. A semi-structured interview is used in the study to obtain the necessary historical information and to observe the individual's interactional style. The interview encompasses education, employment, family, marital, and criminal history. The test consists of two factors - the first one focuses on personal traits such as glibness, egocentricity, lack of guilt or remorse, and lack of empathy while the second one focuses on social deviance such as impulsivity and lack of responsibility. The correlation between the factors is roughly the same in prison inmate samples as it is in forensic patient samples. The factors are psychologically significant aspects of the "higher-order" construct of psychopathy (Hart, Hare, Harpur 1992:110).

According to the PCL-R, the items which comprise factor 1 reflect interpersonal and affective specifications that are considered fundamental to clinical conceptions of psychopathy, such as egocentricity, lack of remorse, callousness, and so on. PCL-R shows that factor 1 scores, which are obtained by adding individual item scores, are most closely related to classic clinical descriptions of psychopathy, narcissistic personality disorder prototypical ratings, and self-report measures of Machiavellianism, narcissism, empathy, and anxiety (Hart, Hare, Harpur 1992: 111). On the other hand, factor 2 and the items it represents reflect psychopathy traits associated with an impulsive, antisocial, and unstable lifestyle. According to the findings, factor 2 scores have the strongest correlations with APD diagnoses, criminal behaviors, socioeconomic background, and self-report measures of psychopathy (Hart, Hare, Harpur 1992: 111).

Undoubtedly, the PCL-R is a crucial tool for measuring psychopathy. It aims to characterize the specific and common features of psychopaths to understand their nature. However, there are some complications within it, especially by means of moral philosophy. First, this test does not include any moral norms or any other legal judgments and does not examine psychopaths as moral beings. It simply and generally categorizes them as criminal individuals. Secondly, as is seen above, there are namely two kinds of psychopaths according to the results of the test. Thus, these "two faces" of psychopathy are also problematic by means of stereotyping a psychopath. Thus, when someone claims that psychopaths are not responsible for their behaviors because they lack the substantial capacity for understanding the consequences of their behaviors, one might ask the type of the psychopath.

Naturally, the results also do not include anything about responsibility or non-responsibility of the psychopath and do not evaluate whether they can understand moral considerations.

Apart from the PCL-R, Robert Hare, in *Without Conscience*, explains psychopathy while questioning its definition, claiming that most clinicians and researchers do not use the term psychopathy to mean *insane* or *crazy* (Hare 1999: 22). He emphasizes their understanding that psychopathy cannot be understood in terms of traditional views of mental illness. Thus, psychopaths are not disoriented or out of touch with reality, and they do not experience the delusions, hallucinations, or intense subjective distress that distinguish most other mental disorders. If a person with schizophrenia violates society's rules by murdering the next bystander in response to orders "received from Martian," that person is held not responsible due to "insanity." But according to Hare, when a psychopath violates the same rules, he is deemed "sane" and imprisoned (Hare 1999: 22). The reason is psychopaths, unlike psychotic people, are *rational* and *understand* what they are doing and why. Their *actions* are the *result* of freely exercised *choice* (Hare 1999: 22).

2.5.2. The Concept of Evil

In addition to examining the nature of the mental disorder, it must also be understood what it means to be bad to understand the claim which asserts that psychopaths are bad rather than mad. To describe the psychopath's state of mind, the term bad is used within the frame of "moral badness." Therefore, it is better to use the term "evil" while talking about a psychopath's moral badness. According to the dictionary, the term "evil" has three meanings: first, it means *morally bad*, such as a person who is an evil Villain or has an evil spirit or evil deeds (Merriam-Webster, Evil, def. 1). Second, it means *causing harm or injury to someone* (Merriam-Webster, Evil, def. 2). Third, it refers to *bad luck* or *bad events* (Merriam-Webster, Evil, def. 3). However, while claiming that psychopaths are evil rather than ill, the term evil refers to the first meaning of evil, which is *moral badness,* since it considers the moral significance of actions.

The term "evil" is also divided into two; *broad* and *narrow* senses. The broad concept of evil takes out any bad state of affairs, wrongful action, or character flaw. Suffering from a toothache, for example, is evil in the broad sense, just as is a white lie. Evil in the broad sense also has been divided into two categories: *natural evil* and *moral evil* (Calder 2020: The Concept of Evil, para. 1-2). Natural evils are bad states of affairs that do not result from the intentions or negligence of moral agents. This can be exemplified by hurricanes and toothaches. On the contrary, moral evils do result from the intentions or negligence of moral agents. Murder and lying are examples of moral evils (Calder 2020: The Concept of Evil, para. 2). In this broad sense, evil is also related to the problem of evil, which is discussed within the context of theological contexts, including the problem of accounting for evil in a world created by an all-powerful, all-knowing, all-good God (Calder 2020: The Concept of Evil, para. 3).

Unlike the broad concept of evil, the narrow concept of evil concerns only the most morally repugnant types of actions, people and their characters, institutions, and ideologies, viewing evil acts and those who commit them as having specific motives or causing terrible harm, or both. Because the narrow definition of evil entails moral condemnation, it is properly ascribed only to moral agents and their actions. For instance, if only humans are moral agents, then, only humans can commit evil acts. When

the term "evil" is used in contemporary moral, political, and legal contexts, this narrower sense is preferred more frequently (Calder 2020: The Concept of Evil, para. 4).

In his article *The Concept of Evil*, Marcus G. Singer also explains how the term evil is understood by different accounts. According to Singer, the term evil is used generally as the opposite of "morally good" (Singer 2004: 185). For some accounts, it is also seen as the "antithesis of good." Another view defines the term as "whatever is the reverse of good" in terms of morally good. However, Singer claims that evil itself is beyond these definitions and that his topic of evil only includes its degrees, its nature, and the reality of evil (Singer 2004: 186). He explains his goal by clarifying the definition of the term evil by defining its nature (Singer 2004: 185).

According to Singer, the concept of evil applies first to persons and organizations and second to conducts and practices (Singer 2004: 190). He also underlines that the evil actions come from evil motivations, from "*the volition to do evil*." Thus, one cannot accidentally commit an evil act. If someone acts in an evil way, that evil action comes from an evil motivation (Singer 2004: 190). He explains an evil action as "*a horrendously wrong act that causes immense suffering and is committed with an evil motive; the motive to commit a horrendously wrong act that causes immense suffering*" (Singer 2004: 193). To clarify his explanation of the evil action, Singer gives the following example: in October 1978, a man kidnaps a young girl whom he has offered to take her home, tortures and rapes her multiple times, cuts off her hands, and then abandons her to bleed to death and feels no guilt after what he did (Singer 2004: 192). For Singer, this man is evil because of the way he is. According to Singer, this explanation is also important to differentiate a bad or wrong action from the evil one. Singer states that if an action is so horrendously bad that it is impossible to imagine oneself or any reasonably decent person performing it and the action is done deliberately and intentionally with knowledge of what one is doing, then that action is evil (Singer 2004: 196).

Singer points out that there are at least six degrees of evil to be distinguished among those who do something evil or horribly wrong (Singer 2004: 205). However, Singer broadly focuses on four of them. According to Singer, *pure and malignant evil* is defined first as being aware that it is evil, and *because* it is evil, and second, knowing it to be evil but not caring. For Singer, the former is *ultimate, pure, unalloyed, extreme evil, eviller* than the latter (Singer 2004: 205-06). On the other hand, the latter can also be defined as *ruthless and criminal evil*. Singer defines *fanatical evil* as judging something to be evil if it is inflicted on them or people they care about, such as those who worship the same God or belong to the same tribal group, but not as evil if it is inflicted on others or inflicted by themselves (Singer 2004: 205-06). Here, Singer exemplifies fanatical evil as practiced by the Taliban in Afghanistan or other religious or racist fanatics. What he calls *egoistic evil* is defined as knowing it is evil but doing it for other reasons, such as their own convenience (Singer 2004: 205-06).

As can be seen, Singer defines an evil action as something horribly wrong that causes immense suffering and is done with an evil intention or motive. For him, an evil action is one that is perceived as wrong or bad in such a way that one cannot imagine oneself or any reasonable person performing it (Singer 2004: 205). When it comes to psychopaths' actions, if this kind of action is defined as "evil" and hence the agent and the action cannot be separated from each other, then psychopaths are also seeming to be categorized as *evil*. If they are just as claimed, know what they are doing but do not care about it because of their "lack" of empathy or deficient moral understanding, then it is still an evil action by means of "criminal evil" in Singer's words.

In another article called *Moral Responsibility and Evil*, Paul Formosa questions the nature of perpetrators and explains evil actions and evil people. He begins his article by examining how a perpetrator of evil can be both blameworthy for an evil action and yet not responsible for what one does (Formosa 2020: 244). He points out the distinction of Gary Watson's two faces of responsibility - namely attributability and accountability - then explains that there are degrees of moral responsibility in determining whether some perpetrators are more or less responsible than others, rather than indicating whether people are ever responsible at all (Formosa 2020: 243). According to Formosa, an agent who commits an evil act is referred to as a perpetrator of evil (Formosa 2020: 244). However, while one cannot be the perpetrator of a good action without also being the perpetrator of evil, one can be the perpetrator of a bad or wrongful action without also being the perpetrator of evil. Formosa underlines that the kind of evil action which he deals with is a subcategory of moral wrongs since some wrongs appear to be of a different moral kind than lesser wrongs due to their extreme moral gravity. He exemplifies that telling an unjustified minor lie is wrong, it appears to be of a different moral order than horrifyingly torturing children for fun (Formosa 2020: 244).

To clarify the nature of this moral difference, Formosa explains that there are four major types of evil theories. These theories differ on whether the perpetrator's heinous motives, the reactions of others in response to such acts, the horrific harm inflicted on victims, or some combination of these three factors transform a mere wrong into an evil action (Formosa 2020: 244). According to Formosa, whichever theory is correct, these three factors can explain why, for example, telling a minor lie to a friend without justification is wrong but not evil, whereas sadistic torture of children for fun is evil and not just wrong (Formosa 2020: 244). The moral difference for Formosa is that torturing children for fun inexplicably inflicts a great deal of harm for a heinous motive, whereas telling unjustified minor lies does not. This explains why the former is evil while the latter is simply incorrect (Formosa 2020: 244).

Despite the difficulty of understanding why people commit evil acts, Formosa believes that not every evildoer is also an evil person. To explain the reason, he presents two major perspectives argued by Luke Russell. According to this, *aggregate views* hold that an evil person is someone who commits many evil acts, whereas *dispositional views* hold that an evil person is someone who is predisposed to commit evil acts (Formosa 2020: 244-45). The difference between an evil person and a perpetrator of evil who is not also an evil person, on aggregate views, is that the former has committed more evil acts than the latter, and on dispositional views, the former is more motivated to commit evil acts than the latter (Formosa 2020: 244-45). When in autonomy-favoring conditions where a person is free to do what one wants, an evil person is strongly and permanently predisposed to commit evil acts, according to Russell's favored dispositional view (Formosa 2020: 245). Under relatively extreme conditions, such as during warfare or when influenced by powerful figures of authority, many people are motivated to commit evil, however, only evil people have the disposition to commit evil when they can do what they truly desire. For example, a person in Nazi Germany who commits evil acts is considered an evildoer according to aggregate views, but not by dispositional views since he would not act in such a way in a state of peace (Formosa 2020: 245).

According to Formosa, since not all evildoers are the same, they come in degrees as *banal*, *non-banal*, and *evil people who perpetrate evil*. Banal perpetrators of evil are motivated to perpetrate evil by banal everyday concerns, such as avoiding trouble, doing one's job well, seeking promotion, and so on

(Formosa 2020: 245). This type of evildoer can be exemplified by Adolf Eichmann who is involved in the Nazi genocide (Formosa 2020: 245). Banal evildoers are not predisposed to commit evil in most situations since acting on banal concerns does not generally lead to evildoing. Nevertheless, acting on banal motives can lead to evildoing under highly evil-encouraging conditions, such as in Nazi Germany (Formosa 2020: 245).

Non-banal evil perpetrators are motivated to commit evil by non-banal concerns, such as racial hatred or extreme greed, without even being evil in a predisposed way to commit evil in autonomy-favoring situations. Banal motives only lead to evil in evil encouraging situations, whereas non-banal motives can lead to evil in different situations (Formosa 2020: 246). For example, a person who is not racist may act with racial hatred under autonomy-favoring circumstances after being harmed by a specific type of race. The person may commit an evil act even though that person is not an evil one. However, Formosa states that this act is motivated by non-banal racial hatred (Formosa 2020: 246).

On the contrary, evil people are predisposed to commit evil even when the circumstances favor doing what they really want to do. Because evil people are predisposed to commit evil even when they are not in evil-encouraging situations, they must have motives that lead them to act evil in all circumstances. In the absence of evil-promoting situational forces, these motives must be morally damaging, such as hatred or a desire for power (Formosa 2020: 246). To be considered evil, one must not only act on racial hatred motives after a particularly bad day but also must be motivated to act on such horrific motives even under autonomy-favoring conditions that allow him to do what he truly desires (Formosa 2020: 246).

When one considers a psychopath's situation through the perspective of these three levels of evildoers, there is no doubt that psychopaths commit evil not because they are in an evil-encouraging situation, but because they have motives for acting evil in all circumstances, whether they are in Nazi Germany or not. Formosa himself also discusses the responsibility of psychopaths by pointing out David Shoemaker, who maintains his view on moral responsibility as to whether an agent is answerable or accountable for being responsible. In terms of answerability, despite his *opposition to Susan Wolf's sanity argument* which leads to psychopaths' being non-responsible agents, Formosa believes that psychopaths are *evil* but cannot be accountable for being held responsible for their behaviors (Formosa 2020: 250-51). However, the main reason Formosa himself indicates that psychopaths cannot be held accountable for their behaviors due to their specific features and state of minds, which includes a lack of moral understanding (Formosa 2020: 250-51). But if psychopaths are "evil," just as Formosa asserts, shouldn't they be held accountable for their behaviors? Furthermore, it should be noted that, in addition to their evilness, psychopaths seem to have a disorder, even if it is not the one described by Susan Wolf. So, can psychopaths be both evil and ill? If this is the case, can they still be blamed for being evil or be excused for their disorder even though they are evil?

2.5.3. Evil Psychopaths: Can they be excused?

In his book, *Evil or Ill*?, Lawrie Reznek examines the concept of "excuse" by means of understanding why some people are excused by law from certain actions (Reznek 1997: 2-3). By referencing Aristotle, Reznek underlines there are two types of excuses: cognitive and volitional, or "ignorance" and "compulsion." A person deserves to be excused when he is unaware that he is doing wrong by the

effect of ignorance, or when he is unable to control himself by the effect of compulsion (Reznek 1997: 10). But Reznek claims a third excuse: "character change" (Reznek 1997: 10). According to Lawrie Reznek, the third excuse demonstrates the "need to punish evil characters and protect society from them," the cases that best exemplify the character change excuse are those in which a guilty mind suffers from a mental disorder (Reznek 1997: 10).

Reznek refers to the findings of Cleckley's and Hare's research and states that psychopaths have a low automatic reactivity which determines their behaviors (Reznek 1997: 137-39). This prevents psychopaths from developing a sense of morality, as well as implies that they have evil biology just as the ones who commit crimes (Reznek 1997: 144). However, according to Reznek, this does not imply that they are not evil, or that they have a disorder that excuses their evil doings unless they could not do otherwise, which they can. This only means that, whether good or bad, "any consistent pattern of behavior will have a cause in the neurological basis underlying that person's character" (Reznek 1997: 144). For instance, a good person who constantly does good things cannot be unsympathetic or desire to cause harm to other people" (Reznek 1997: 144). But it does not imply that she cannot do otherwise. She may desire to act in a good way, but still, she has the ability to act in a bad way. Thus, even though psychopaths do not want to act otherwise, they still have *the ability to* act otherwise (Reznek 1997: 144). This indicates that they are responsible for their actions, and are evil as well, even though their evil has a biological, characteristic basis.

According to Reznek, the mental disorder must be the reason for the behavior, that there should be a causal connection between the illness and the behavior for the mental disorder to be excused (Reznek 1997: 145). For example, there is a woman who is psychotic in the sense that she believes her neighbor is torturing her. She also wants to marry someone, but she has a child from a previous relationship that her groom-to-be does not like. So, she murders her child. According to Reznek, there is no reason to excuse her because her psychosis had nothing to do with her crime (Reznek 1997: 145). On the other hand, an illness such as epilepsy differs from the diseases like schizophrenia or other psychoses hence when the person has a seizure, no other causal factor is required to explain the behavior. But schizophrenia alone is not enough to cause behavior because it causes only delusional belief, which is insufficient to explain the behavior, according to Reznek (Reznek 1997: 145-46).

For a mental disorder to be sufficient to excuse the behavior, there should be an "automatism" to occur, in the behavior independent of the agent's desires and beliefs. According to Reznek, automatisms can be used as an excuse if they were not intentionally caused (Reznek 1997: 146). Thus, if the person's behavior is caused by a mental illness, he has an excuse. Reznek contends that just because our behavior is influenced by aspects of our characters such as desires and values over which we have no control, does not absolve us from responsibility. As a result, a lack of control over the factors influencing our behavior cannot be used to justify mental illness (Reznek 1997: 147).

Reznek also underlines the concepts of "rationality" and "irrationality" (Reznek 1997: 186). According to rationalist theory, someone is responsible only if the person has a fair opportunity to avoid punishment (Reznek 1997: 171). Accordingly, irrationality occurs when a person is unable to calculate the consequences of his actions and cannot infer that he will face punishment if he violates the law. Furthermore, if a person's behavior is not controlled by his rational thoughts, he does not have a fair chance to avoid punishment because he is unable to control himself. As a result, if someone is irrational, he is not responsible. Reznek makes a contrast with Herbert Fingarette claiming that

someone is insane if he is irrational, and he is irrational both because if he is unable to form rational beliefs or control his behavior rationally and motivated by irrational emotions and desires (Reznek 1997: 173). Fingarette asserts that psychopaths are irrational in this sense because they fail to be sympathetic to others (Reznek 1997: 174). Reznek discusses that psychopaths are not unaware of the feelings of others. Rather they just do not care of those feelings. Even if the psychopath is irrational and kills someone because he lacks sympathy, he cannot be excused since he knows what he is doing and is in control of his behaviors (Reznek 1997: 174).

According to Reznek, the psychopath knows that what he is doing is wrong and can control himself, but still many people regard his behaviors as excusable (Reznek 1997: 190). The reason is that he is morally ignorant, incapable of moral reasoning, and incapable of calculating the consequences of his behaviors (Reznek 1997: 190). Reznek first argues the claim of ignorance of moral norms. He emphasizes the expectation that moral understanding requires universal recognition of the same moral sentiments. However, according to Reznek, it makes determining and not excusing the evil agent impossible since, every evildoer has a different set of values, such as Nazis, who killed millions of people because they had different values (Reznek 1997: 190-91). According to Reznek, the psychopath does have a value system since he prioritizes his own immediate needs over everything else. And if having a set of values is required to comprehend wrongdoing, then the psychopath is not disqualified. He may not understand what love and friendship are, but he does understand that they are desired objects and sources of pleasure for others, as well as he is aware of what it is to desire and enjoy things, which is sufficient for him to be held responsible.

Reznek secondly discusses the claim of defective moral reasoning, which asserts that psychopaths' moral development is impaired which causes faulty moral reasoning that prevents them from distinguishing between right and wrong. Reznek underlines the unlikeliness of determining impaired moral reasoning by asserting that the psychopath did not reach the preferred moral position, since the psychopath may also assert the opposite that what he is doing is right and thinking otherwise means to being failed to acquire the proper moral stage and therefore suggest the defected moral reasoning (Reznek 1997: 193).

Reznek thirdly argues the claim of psychopaths' incapability to calculate the consequences of their behaviors. Reznek asserts that there is only small evidence that psychopaths are unaware of the implications of their actions for their own benefit since they commit crimes in private and take steps to minimize the attention (Reznek 1997: 193). According to Reznek, this demonstrates the fact that they care about their futures. Furthermore, Reznek also claims that imprudence cannot be used as an excuse for wrong behavior. A person is responsible for his actions and should be punished if, for example, he steals from his wealthy but ill uncle without waiting to inherit legally even though he acts reckless (Reznek 1997: 193).

Lawrie Reznek widely investigates the reasons people who have a mental disorder are excusable, even though those actions are evil actions. Reznek examines most of the elements on the reasoning of excuses, such as the character or the biology which the agent has, the irrationality of the agent, the ability to act otherwise, the causality link between the actor and the action, the moral ignorance of the agent, the impaired moral understanding of the agent, and so on. He explains that someone can be evil and mentally ill at the same time. If they have the ability to do otherwise and the standard motivators discourage them from breaking the law, then they are responsible, even if they have a disorder that

naturally leads them to that wrong action (Reznek 1997: 213). According to Reznek, the reason psychopaths are evil is because they have a disease that causes them to want to harm others, and they choose to act on those desires (Reznek 1997: 213). Thus, their illness does not disqualify their evilness. The fact that abnormal behavior is caused by disease does not change the fact that these people are evil. Reznek claims that a psychopath can be both evil and ill, and this illness of evil psychopaths does not undermine the fact that they are responsible for their evildoers (Reznek 1997: 218).

CONCLUSION

In this thesis, I discussed the problem of moral responsibility. Because moral responsibility necessitates competence to be held responsible for an action, I focused on the moral competence requirement of responsibility. As a result, the moral competence requirement maintains that only those who are able to understand and respond appropriately to moral considerations can be held responsible. Further, I examined psychopathy as a specific case within the moral competence requirement of responsibility. Concerning the requirement of moral competence of psychopaths, I compared two opposing viewpoints which were, on the one hand, Susan Wolf and the "sanity" argument of responsibility, and on the other, Heidi Maibom and the "moral badness" of psychopaths. I underlined the main assertion of Susan Wolf's argument which is that psychopaths are not morally responsible for their behaviors since they are unable to distinguish what is right and what is wrong, and this is because they are not *sane*. Further, I highlighted the main claim of Heidi Maibom is that the argument on psychopaths' sanity provides they have a mental disorder but their disorder is *moral* rather than *mental* and that this does not absolve them of responsibility. I supported Heidi Maibom's moral badness argument by highlighting that psychopaths are both evil and ill and that evil psychopaths cannot be excused for their evildoings and that their disorder does not undermine their evilness.

To emphasize my perspective, I first discuss the "sane" deep-self view of Susan Wolf. When considering the sane deep-self view of Susan Wolf, it is seen that there are two important elements in which Wolf uses to establish her arguments. One of them is "lack of moral understanding." Wolf asserts that psychopaths like JoJo are not held responsible for their behaviors because they are lacking moral understanding. The main reason is that understanding moral norms is essential for responsibility because responsibility is about understanding the reason for one's actions, distinguishing between right and wrong, and acting within this framework. And this lack of moral understanding is linked with certain specifications of psychopaths, which are also considered by Wolf while establishing the arguments in favor of the sane deep-self view. These specifications are commonly known as lack of guilt or remorse, lack of empathy, impulsivity, and egocentricity. Within this context, psychopaths cannot face a proper response to the consequences of their actions because they lack a sense of guilt for that action according to Susan Wolf's approach. They may harm or injure someone, but because they have limited access to empathy, they do not understand what it is like to be the injured one.

However, I argue that psychopaths' specifications are insufficient for them to be non-responsible. Because even though PCL-R provides and determines specific features such as lack of empathy, it does not provide the claim that psychopaths do not have a moral understanding. The fact that psychopaths' moral understanding is lacking simply because they are unable to empathize and are lacking guilt is questionable. Here, I point out Heidi Maibom, who examined the psychopath's moral responsibility challenges whether psychopaths have an inability to understand moral norms and if it so, whether they can gain somehow it. According to Maibom, empathy is one of the most important emotional capacities, and it is also one of the PCL-R items that psychopaths lack. Maibom emphasizes the claim that psychopaths lack empathy for others, which is required for moral understanding because only by empathizing with the pain or suffering of others can one fully grasp why harming them is

wrong. However, even if psychopaths have irregular or poor justifications for their misbehavior, Maibom believes that accepting that psychopaths lack empathy is problematic. Empathy, according to Maibom, can be obtained in various ways. The ability to recognize emotions through the body and facial expression, the ability to embrace another's perspective, and the ability to establish points of view about other people's feelings all play a role in developing empathy.

Nevertheless, I indicate Maibom's assertion on that empathy is not the only way for psychopaths to comprehend why causing harm to others is false by providing an example over how a religious person who harms others cannot be excused from responsibility by the belief that harming others is only wrong because God forbids it. As Maibom underlines, empathy has nothing to do with obeying or disobeying God's command, and if a religious person refrains from killing someone, one does so because one believes one should not, not because one sympathizes with one's victim. This also refers to Susan Wolf's example of Nazis and slave owners holding "false beliefs" or values, which she distinguishes from psychopaths. Slave owners and Nazis both believe their actions are morally acceptable. Both slave owners and Nazis believe that their actions are morally acceptable. They cannot be held accountable for their actions and false beliefs because their wrongdoings are an expression of their social environment rather than their deepest selves because, like JoJo, they are cognitively and normatively incapable of recognizing and appreciating the world for what it is, and thus their deepest selves are not completely sane. However, just as a religious person cannot be excused from committing a crime because of one's faith, Nazis, slave-owners, and psychopaths like JoJo cannot be excused from their actions because they believe so and lack empathy for others as a result of their wrongdoing.

JoJo's inability to distinguish between right and wrong also contributes to his inability to reevaluate his character based on right and wrong. As a result, his deep self lacks the resources and reasons that could have served as a basis for "self-correction," which distinguishes him from sane people. Sane people have resources and reasons for the basis of self-correction because they have sane deep selves that provide them with the ability to know right from wrong. Therefore, while sane people may not have control over their deepest selves in the same way that JoJo does, they have the ability to evaluate themselves "unavoidably" in the basis of right and wrong. To be responsible, according to Susan Wolf, a person must be able to evaluate himself sensibly and accurately and he must be able to transform his self based on the revelation of the evaluation. Therefore, Susan Wolf explains that only those with a sane deep self can see and appreciate the world as it is, as well as self-evaluate sensibly and accurately.

The sane deep-self view asserts that both psychopaths and normal people do not have control over their deeper selves. Normal people, unlike psychopaths, can reevaluate and self-correct their characters when it comes to right and wrong. The main distinction is that, whereas psychopaths are insane, normal people are sane. The argument that psychopaths may lack the "substantial capacity" to understand the outcomes of their harmful behaviors is also problematic according to Maibom, hence the problem stems from the perception of psychopathy as a "mental disorder." Maibom claims that psychopaths' bad behavior stems from their "badness," rather than their insanity or "madness." They may have significant impairment, but that does not change the fact that their disorder is moral rather than mental. As a result, the insanity claim is insufficient to excuse psychopaths from responsibility.

I argue that just as DSM shows, psychopathy is not a disorder characterized by symptoms such as delusions and hallucinations that would be present in a normally insane person. Besides, the PCL-R

test also does not refer to anything related with those symptoms that are included in mental disorders, and Robert Hare himself also indicates that psychopaths are different from those who suffer from certain disorders such as schizophrenia or any kind of psychotic disorders. Moreover, as Reznek indicates, even if it is asserted that psychopaths have an inability to distinguish right from wrong because of their impaired moral reasoning, it is impossible to detect that they are insane and therefore, they cannot differentiate the right and wrong. Just as we cannot say psychopaths are insane, therefore, they cannot make a differentiation between right and wrong, we cannot assert that we are sane therefore, we can make a differentiation between them. Thus, I believe that considering psychopaths with a lack of moral reasoning does not appear to be sufficient, especially by means of responsibility.

Susan Wolf's sanity claim, as Heidi Maibom emphasizes, refers to people who are insane. However, the question of whether psychopaths are insane, not because of mental illness but because of psychopathy itself, is problematic due to several important issues. As PCL-R and DSM-5 indicates that psychopaths' common specifications are generally known as lack of empathy, inflated self-esteem, superficial charm, egocentricity, lack of guilt or remorse. Besides, according to Doctor Robert Hare, the term psychopathy is generally not used to refer to insane or crazy, and psychopathy also cannot be understood through traditional mental illness perspectives, since psychopaths are not disoriented or out of touch with reality, nor do they suffer from the delusions, hallucinations, or distress that characterize most other mental disorders. In this regard, I argue that if referring to psychopaths as "insane" means that they have a mental disorder, that is correct; however, if referring to them as "insane" means that their beliefs are false and that they are not living in the reality in which we live, as if their judgments on their actions are hallucinating or delusory, that is problematic. This is because the DSM indicates that these specifications refer to people who have schizophrenia and other related psychotic disorders.

I argue that if psychopaths are not completely insane, in the sense that their thoughts, beliefs, or understanding of things are not disconnected from reality in the way that schizophrenics are, and if they understand what they are doing, and why they are doing with having the capacity to do otherwise, then they can partially self-correct. Furthermore, if psychopaths are capable of self-correction, they may be able to gain moral understanding in a certain way. If psychopaths lack moral understanding because of their upbringings and beliefs, they can acquire it as Heidi Maibom suggests, and reevaluate their beliefs according to their new learnings. At the end, psychopathy is not a disorder where the person acts in an unreasonable way. Just as Lawrie Reznek indicates, psychopaths have motives, desires, and reasons in their own, which can be justified by them. Those motives and reasons do not include disconnected thoughts, rather they seek their own benefits. If a psychopath wants to acquire something, then one can manipulate people, can use one's charm, or even do something bad to obtain one's wanting. But it does not apply that one is acting in that way because one is unreasonable or has false beliefs or is "insane." One can have false beliefs just as we can have false beliefs but it does not indicate that those false beliefs cannot be evaluated in a proper way. But, if moral understanding is questionable because the generalization of concepts such as "right" and "wrong" is troubling, as Reznek emphasizes, then I believe that claiming that psychopaths are not morally responsible because they lack moral understanding is problematic in the first place.

Moreover, apart from their ability to understand moral reasons and evaluate them, if the source of psychopaths' evil actions is their evilness, then this also causes a problem in the sense that whether they should be responsible for their evildoings or not. The definitions of an evil person and the evil

action lead us that psychopaths are evil people who commit evil not because they are in an evil-encouraging situation, but because they have motives to act evil in all circumstances. Having a disorder does not undermine the fact that psychopaths are motivated by their desires to act in an evil way. Besides, as emphasized by Reznek, even if psychopaths want to act in the same wrong way under all circumstances, it does not follow that they are not unable to act otherwise. Therefore, just as an evildoer or perpetrator cannot be excused for his evil actions, psychopaths cannot be excused for their evil behaviors either.

I also underline the fact that despite the attribution of the behavior of psychopaths that they are responsible agents, I argue that psychopaths are accountable agents i.e., they can be blamed for their actions. Leaving aside the fact that they are evil, it does not seem reasonable for philosophers such as Neil Levy and Gary Watson to expect them to understand moral concepts and act with accordingly. While we are acting, our reasons for our actions are justified in a way that morality requires, we do not act selfishly, we also think about others. The state of thinking of others generally comes from our ability to empathize. Since psychopaths' ability to empathize is limited, it is hard for them to act in that way. They generally have selfish motivations through behavior. Nevertheless, even if psychopaths act with selfish motives or false beliefs, I argue the fact that those motives and beliefs are different from ours does not diminish their accountability, since every evildoer has a different set of values. I indicate that psychopaths also have selfish interests and act with accordingly, but their inability to empathize does not mean that they are not aware of others' feelings. For instance, a psychopath like JoJo harms a person by being aware of the suffering of that person yet, recklessly fails to care about the suffering of the other person. Besides, JoJo has the ability to act in a way which he does not harm any people – i.e., the ability to act otherwise. However, he wants to harm people. Therefore, I point out the fact that JoJo's desires differently than ours do not diminish his accountability for the behavior.

Consequently, I suggest that, when the responsibility of psychopaths is considered, psychopaths have competence by means of moral responsibility and blame. Susan Wolf's sanity argument is insufficient for not holding responsible psychopaths and that psychopaths are both morally responsible and accountable for their behaviors. I argue that this is because they are not typical mentally disordered people. It is true that psychopaths have a disorder, but this disorder mainly seems to be a moral one, just as Heidi Maibom suggests. Therefore, neither this disorder of them nor referring to them as insane does not undermine their responsibility. I argue that psychopaths' disorder can cause them to act in a manipulative or selfish way, but this does not imply that they unknowingly act in that way. In fact, as I indicate, they are well aware of why they act in that way, but since they have different specifications and different priorities than us, they act in that way. This does not indicate that psychopaths are non-responsible agents. I indicate that this implies psychopaths are simply evil people who act self-centered way to pursue their own profits. However, this does not make them excusable for what they did, rather they are competent to be blameworthy for their evil actions.

Finally, I should note that I am aware of the possible questions that will arise due to the limits of the content of this study, such as the given definitions of good and evil, right and wrong. For this reason, in future discussions, I will examine these concepts more extensively and address possible problems that may arise related to the competence of psychopaths.

REFERENCES

American Psychiatric Association (2013), *American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition.* Arlington, VA.

Aristotle (2004), *Nicomachean Ethics*. Roger Crisp (trans. & ed.) Cambridge: Cambridge University Press. pp. 127-28.

Blair, James, Mitchell, Derek & Blair, Karina (2005), *The Psychopath: Emotion and the Brain*. Oxford: Blackwell Publishing Ltd.

Blair, R.J.R. (1995), "A cognitive developmental approach to morality: investigating the psychopath," *Cognition* 57: pp. 1-29.

Bolton, Derek (2009), "What is mental disorder?," in George Szmukler & Gareth S Owen (Eds.), *Social, Ethical and Legal Aspects of Psychiatry* 8:12, pp. 468-70.

Brink, David O. (2013), "Responsibility, Incompetence and Psychopathy," *The Lindley Lectures 53 (University of Kansas) Forthcoming*. San Diego Legal Studies: pp. 13-129.

Britannica, T. Editors of Encyclopedia (2017), "Free will," *Encyclopedia Britannica* Retrieved From https://www.britannica.com/topic/free-will

Calder, Todd, "The Concept of Evil" *Stanford Encyclopedia of Philosophy* (Summer 2020 Edition), Edward N. Zalta (Ed.), Retrieved From https://plato.stanford.edu/archives/sum2020/entries/concept-evil/

Clarke, Randolph (2003), *Libertarian Accounts of Free Will*. New York: Oxford University Press.

Coates, D. Justin., & Swenson, Philip (2013), "Reasons-Responsiveness and Degrees of Responsibility," *Philosophical Studies.* 165: pp. 629-645.

De Fabrique N. (2011). "M'Naghten Rule," in Kreutzer J.S., DeLuca J., Caplan B. (Eds.) *Encyclopedia of Clinical Neuropsychology*. Springer, New York, NY. https://doi.org/10.1007/978-0-387-79948-3_839

Eddon, M. and Singer, Peter (2018, October 16). "Problem of moral responsibility," *Encyclopedia Britannica* Retrieved From https://www.britannica.com/topic/problem-of-moral-responsibility

Frankfurt, Harry G. (1988), "Freedom of the Will and the Concept of a Person," in Michael F. Goodman (Ed.), *What Is a Person?*. New Jersey: Humana Press.

Fischer, J. M., & Ravizza, M. (1998), *Responsibility and control*. Cambridge: Cambridge University Press.

Fischer, J. M., Kane, R., Pereboom, D., & Vargas, M. (2007), *Four views on freewill. (Great Debates in Philosophy)*. Blackwell Publishing.

Formosa, Paul (2020), "Moral Responsibility and Evil," in Knittel, Susan C. Knittel & Zachary J. Goldberg (Eds.), *The Routledge International Handbook of Perpetrator Studies*. New York: Routledge.

Glannon, Walter (1997), "Psychopathy and Responsibility," *Journal of Applied Ethics* 14: pp. 263-75.

Glannon, Walter (2008), "Moral Responsibility and the Psychopath," *Neuroethics* 1:158-166.

Greenspan, Patricia (2003), "Responsible Psychopaths," *Philosophical Psychology* 16: pp. 417-429.

Hare, Robert D. (1999), *Without Conscience: The Disturbing World of the Psychopaths Among Us.* New York, NY: The Guilford Press.

Hart, Stephen D., Hare, Robert D., Harpur, Timothy J. (1992), "The Psychopathy Checklist Revised (PCL-R): An Overview for Researchers and Clinicians," in J. C. Rosen et al. (Ed.), *Advances in Psychological Assessment.* pp. 103-30.

Haji, Ishtiyaque & Caouette, Justin (Eds.), (2013), *Free Will and Moral Responsibility*. New Castle upon Tyne, UK: Cambridge Scholars Publishing.

Itzkowitz, Sheldon & Howell, Elizabeth F. (Eds.), (2020), *Psychoanalysts, Psychologists and Psychiatrists Discuss Psychopathy and Human Evil*. New York, NY: Routledge.

Johansen, Marc (2011) "Wills, Persons, and Moral Responsibility, or, No, Virginia, There Really is not a Sanity Clause," *Macalester Journal of Philosophy* 11: pp: 40-49.

Kane, Robert (2005), *A Contemporary Introduction to Free Will*. New York: Oxford University Press.

Levy, Neil (2003), "Cultural Membership and Moral Responsibility," *The Monist* 86: pp. 145–63.

Levy, Neil (2007), "Revisited," *Philosophy, Psychiatry, and Psychology* 14: pp. 129–38.

Levy, Neil (2014), "Psychopaths and Blame: The Argument from Content," *Philosophical Psychology* 27:3, pp. 351-67.

Litton, Paul (2013), "Criminal Responsibility and Psychopathy: Do Psychopaths Have a Right to Excuse?," in Kent A. Kiehl & Walter P. Sinnott-Armstrong (Eds.), *Handbook on Psychopathy and Law*. New York: Oxford University Press. pp. 275-96.

Litton, Paul (2010), "Psychopathy and Responsibility Theory," *Philosophy Compass* 5: 8, pp. 676-88.

Maibom, Heidi L. (2008), "The Mad, the Bad, the Psychopath," *Neuroethics* 1: pp. 167–84.

Maibom, Heidi L. (2005), "Moral Unreason: The Case of Psychopathy," *Mind & Language* 20: pp. 237-57.

Nys, Thomas, de Wijze, Stephan (Eds.), (2019), *The Routledge Handbook of the Philosophy of Evil*. New York: Routledge.

O'Connor, Timothy & Franklin, Christopher, "Free Will," *Stanford Encyclopedia of Philosophy* Retrieved From https://plato.stanford.edu/archives/fall2020/ entries/freewill/

Patrick, Christopher J. (Ed.), (2006), *Handbook of Psychopathy*. New York: Guilford Press.

Pillsbury, Samuel H. (2013), "Why Psychopaths Are Responsible," in Kent A. Kiehl &Walter P. Sinnott-Armstrong (Eds.), *Handbook on Psychopathy and Law*. New York: Oxford University Press. pp. 297-318.

Psychiatry (2018), "What Is Mental Illness?" *American Psychiatric Association* Retrieved From https://psychiatry.org/patients-families/what-is-mental-illness

Radden, Jennifer, "Mental Disorder (Illness)," *Stanford Encyclopedia of Philosophy* (Winter 2019 Edition), Edward N. Zalta (Ed.), Retrieved From https://plato.stanford.edu/archives/win2019/entries/mental-disorder/

Reznek, Lawrie (1997), *Evil or Ill: Justifying the Insanity Defense*. New York: Routledge.

Sehon, Scott (2016), *Free Will and Action Explanation: A Non-causal Compatibilist Account*. New York, NY: Oxford University Press.

Scanlon, T. M. (1998), *What We Owe Each Other*. Cambridge, MA: Harvard University Press.

Scanlon, T. M. (2008), *Moral Dimensions: Permissibility, Meaning, and Blame*. Cambridge, MA: Harvard University Press.

Schlick, Moritz (1939), *Problems of Ethics*. (Trans. By David Rynin), New York: Prentice-Hall.

Schoeman, Ferdinand (Ed.), (1987), *Responsibility, Character and the Emotions: New Essays in Moral Psychology*. New York, NY: Cambridge University Press.

Schramme, Thomas, (Ed.), (2014), *Being Amoral: Psychopathy and Moral Incapacity*. Cambridge, MA: The MIT Press.

Shoemaker, David (2011) "Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility," *Ethics* 121:3, pp. 602-32.

Shoemaker, David (2014) "Psychopathy, Responsibility, and the Moral/Conventional Distinction," in T. Schramme (Ed.), *Being Amoral: Psychopathy and Moral In capacity*. Cambridge, MA: MIT Press, pp. 247-74.

Smythe, Thomas W. (1999), "Moral Responsibility," *The Journal of Value Inquiry* 33: 493-506.

Singer, M. G., (2004), "The Concept of Evil," *Philosophy* 79: 185-214.

Strawson, P. F. (2008), *Freedom and Resentment and Other Essays*. New York: Routledge.

Talbert, Matthew (2012b), "Accountability, Aliens, and Psychopaths: A Reply to Shoemaker," *Ethics* 122:3, pp. 562-74.

Talbert, Matthew (2008), "Blame and Responsiveness: Are Psychopaths Blameworthy?" *Pacific Philosophical Quarterly* 89: pp. 516-35

Talbert, Matthew (2012a), "Moral Competence, Moral Blame, and Protest," *Journal of Ethics* 16: pp. 89-109.

Talbert, Matthew (2016), *Moral Responsibility*. (*Key Concepts in Philosophy*). Cambridge: Polity Press.

Talbert, Matthew (October 16, 2019) “Moral Responsibility,” *Stanford Encyclopedia of Philosophy* Retrieved From https://plato.stanford.edu/archives/win2019/entries/moral-responsibility/

The United States Department of Justice (2020), “Model Penal Code,” *Criminal Resource Manual 636: Insanity-Prior Law.* https://www.justice.gov/archives/jm/criminal-resource-manual-636-insanity-prior-law

Wallace, R. Jay (1996), *Responsibility and the Moral Sentiments*. Cambridge, MA: Harvard University Press.

Watson, Gary (1996), “Two Faces of Responsibility,” in G. Watson, *Agency and Answerability: Selected Essays*. New York: Oxford University Press, pp. 260-88.

Watson, Gary (2011), “The Trouble with Psychopaths,” in R. Wallace et al. (Ed), *Reasons and Recognition: Essays on the Philosophy of T. M. Scanlon*. New York: Oxford University Press, pp. 307-31.

World Health Organization (28 November 2019), “Mental Disorders,” Retrieved From https://www.who.int/en/news-room/fact-sheets/detail/mental-disorders

Wolf, Susan (1987), “Sanity and the Metaphysics of Responsibility,” in F. Schoeman (Ed.), *Responsibility, Character, and the Emotions: New Essays on Moral Psychology*. Cambridge: Cambridge University Press, pp. 46-62.

Wolf, Susan (1990), *Freedom Within Reason*. New York: Oxford University Press.

Young, Robert (1975), *Freedom, Responsibility and God*. London: The Macmillan Press LTD.