

# Meta-ethics: On Emotions, Responsibility and Determinism

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This paper will discuss the role of emotions in moral judgments. It will be argued that emotions form the fundamental basis of morality. This distinctive approach comes from David Hume and has been elaborated in important ways by Peter Strawson. Recent results from cognitive, clinical, social, developmental and neuroscience providing converging empirical support for this perspective on morality will be presented. Moreover, both philosophers employ a kind of emotion based defense of moral responsibility. Therefore issues concerning moral responsibility and determinism will be addressed.

*“The hypothesis which we embrace is plain. It maintains that morality is determined by sentiment. It defines virtue to be whatever mental action or quality gives to a spectator the pleasing sentiment of approbation.... If you call this metaphysics, and find anything abstruse here, you need only conclude that your turn of mind is not suited to the moral sciences.”*

~ David Hume, EPM, Appendix I ~

The thesis of the Scottish philosopher David Hume (1711-1776) is that our moral judgments are based on our emotional reactions (but see Sutherland, 1976). Contrary to Hume, many philosophers (i.e., Emanuel Kant) followed a normative approach to ethics. Normative ethics is concerned with questions about “how should we live” and “what are the principles we should live by”. Hume, on the other hand, follows another branch of ethics or moral philosophy that tries to figure out the nature of morality itself: “What makes something right or wrong”. This approach is focused on the fundamental nature of morality and moral judgment and it is called meta-ethics (see Garner & Rosen, 1967). One central tradition within meta-ethics holds that ultimately morality is based in the emotions (Ayer, 1936; Stevenson, 1944). Hume is probably the best known advocate of this approach to morality which is sometimes called sentimentalism (Slote, 2003). On his view we have the moral convictions that we do because of the emotional responses that we have. If we had really different emotional responses we would have really different moral convictions. Part of Hume’s sentimentalist view of morality is that our emotions drive our judgments about right and wrong and that emotions provide the foundations for our moral capacities. Hume only offered philosophical arguments for this, but recently there has been a wave of research that looks like it supports at least some parts of Hume’s view that emotions play a critical role in moral judgment (see appendix A for some results from neuro-imaging studies).

### Emotions and moral judgment

A famous experimental paradigm used to investigate moral decision making is the trolley dilemma (Thomson, 1976, 1985; Greene et al., 2009). The trolley dilemma is a thought experiment in which participants are asked to give their judgement with regard to two scenarios. In the first scenario (see Figure 1) the trolley is running out of control down a track. Unfortunately five people are tied to the track and the trolley is about to overrun them. However, participants are told that they can flip a switch, which will redirect the trolley down a different track. Only a single person is tied to that track. The question is: Should you flip the switch?

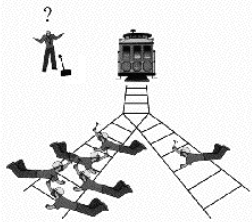


Figure 1. The question is: Should you flip the switch in order to save the five people?

In the second scenario (see Figure 2), as before, the trolley is about to overrun five people. In this version of the thought experiment participants have to imagine themselves standing on a bridge under which the trolley will pass. Moreover, a tall and heavy man is standing on the bridge as well and the only way to stop the trolley in order to save the live of the five people is to push that man over the bridge onto the track. The question is: Should you push the man?



Figure 2. The question is: Should you push the man in order to save the five people?

In a formal mathematical sense these are absolutely equivalent choices (you kill one in order to save five). However, in the first case you do nothing more emotionally soiling than pull a lever. In the second case you use your own hands to push the person onto the track. Even though from an economic standpoint both scenarios are absolutely equivalent people are three times more likely to pull the lever than to push with their own hands. These findings have been cross-validated by investigating over 200000 individuals from more than 100 countries (Miller, 2008). Typically individuals find it hard to come up with a compelling justification for the incongruent decisions they make. It has been argued that this indicates a dissociation between judgments and justifications (Cushman et al., 2006; Hauser et al., 2007; Mikhail, 2007). The judgments people make conform in different ways to utilitarianism and deontology. Utilitarian’s say what you should do in both cases is save the people. But deontologists do not agree. In the case where you would have to push the guy you should not do so because that’s wrong (Greene & Haidt, 2002).

One of the really interesting things that has happened just in the last several years is that researchers began to examine whether the emotion are involved in these kinds of judgments. These investigations are based on the idea of modifying the emotional responses. The underlying logic is that when people say that it is wrong to push the guy it is because their emotions are telling them that. That’s the part that fits with Hume’s view that the emotions are at the core of morality (see also Haidt, 2001, 2002, 2003, 2008). In a recent clever fun study conducted by Valdesolo & DeSteno (2006) the researchers induced emotions

to investigate this hypothesis experimentally. In this study one group of participants saw a clip from Saturday Night Live that was apparently very funny and another group saw a clip of a Spanish fishing village that was not funny at all. What the investigators found was that participants that saw the Saturday Night Live clip were more likely to say that it is okay to push the guy of the footbridge relative to those that saw the clip of the Spanish village. So it looks like by changing the emotions people have one can change the kinds of moral judgments that they make.

There is even more compelling evidence for Hume's view that emotions lie at the heart of morality. Researchers found that people who have diminished emotional capacities also showed different patterns of moral judgment. One patient population that has been studied in this context has natural occurring damage to an area of the brain known as the ventral-medial-prefrontal cortex<sup>1</sup> (another population are people diagnosed as psychopaths, but see appendix B). We already know from previous work (A. Damasio et al., 1990; Anderson et al., 1999) that damage to that area is associated with diminished emotional responses. They gave these kinds of tasks like the footbridge dilemma to patients that have damage to this area of the brain (Koenigs et al., 2007). What the researchers found was that they were more likely to say it is okay to push the guy of the footbridge relative to controls. So they basically gave more utilitarian judgments.

What is important from a Humeian perspective is that it looks like not having the emotions that normal people have has an effect on how they make their moral judgments. The fact that they have damage to emotional regions of the brain affects their judgments about what the right thing to do is (see Moll et al., 2005, 2008, for comprehensive reviews). So this gives some evidence that suggests that Hume was right about how moral judgment actually works. It looks like the emotions do play an important role in moral judgment and it is likely that we would have radically different views about right and wrong if we had radically different emotions. Hume also holds that there is no further deeper justification for moral beliefs. In contrast to many other philosophers before and after Hume he maintains that moral beliefs don't have any rational basis. He argues that there is no objective morality that stands apart from our emotions. Our moral understanding does not come from logic or reason. Moreover he thinks that any attempt to ground it in logic or reason or proof is just hopeless and that we will never have a proof of morality. Nonetheless, Hume still thinks that it is appropriate to follow our moral beliefs since that's the fundamental basis of morality (Nichols, 2004). There will be no replacement of morality that does not depend on the emotions. A nicely fitting analogy is aesthetics. If you come to think that your judgments

about beauty are guided by your emotional reactions does that make you think "*Oh, I guess I shouldn't have those judgments of beauty*"? If somebody convinces me that the reasons why I like classical music is because that music has an emotional effect on me I would never say "*I guess then that music must not be any good*". I wouldn't stop regarding something highly aesthetically just because I found out that emotions have a lot to do with it. Neither, according to Hume, should I give up those kinds of emotion based aesthetic judgments and the same goes for morality. Coming to appreciate that morality has an emotional basis shouldn't make you think that "*Oh, then I give up morality*", according to Hume's view (Nichols, 2004). That naturally extends to the case of moral responsibility. Our ideas of moral responsibility, Hume suggests, also depend on the particular emotions we have (Nichols, 2007a). If we had different emotions we would not have the same notions of moral responsibility. So how do the emotions play in to moral responsibility? According to Hume, if a person performs a vicious act that will naturally lead others to feel emotions of blame and resentment towards him (Nichols, 2004).

Taken together, that's a really quick picture of Hume on the sentimental basis of morality including the sentimental basis of moral responsibility. How does this play in the debate over determinism and responsibility?

### Moral responsibility

Hume has a defense of moral responsibility that draws on the idea that the emotions are really important in judging responsibility. He thinks when we recognize the role of emotions in moral responsibility we can see that questions about determinism are just beside the point. A modified example of this view goes like this: Imagine you get slandered by a colleague. Will your emotions be tempered by theoretical reflections on determinism? Hume puts the question in the following way: "A man who is robbed of a considerable sum; does he find his vexation for the loss anywise diminished by these sublime reflections (about necessity)?" (Hume, 1743/1955, content in brackets added). Hume doesn't even bother to answer the question because he thinks it is so obvious. The obvious answer is "No". The emotions are a natural response to vicious acts like slander or theft. No sophisticated philosophical theory about determinism is going to get in the way, Hume argues (Nichols, 2004). The big question is whether a victim in this case

<sup>1</sup> The ventral-medial-prefrontal cortex is a frontal region of the brain just above the eyes. Phineas Gage had damage to this brain area (but see H. Damasio et al., 1994; Sanfey, Hastie, et al., 2003). To put it a bit oversimplified, these patients behave like "Vulcans" they cannot bring their emotions into play (but see Charland, 1998; Cohen, 2005).

should find his vexation diminished by thinking about the necessity of all things. So that the question becomes: Should thinking about determinism diminish our vexation? Hume puts the burden on his opponent. If the victim doesn't find his vexation diminished why should he stop resenting the person? Why should you think that resentment is incompatible with necessity? Given that reflecting on determinism won't effect our emotions of blame, Hume says, we should see that the emotional reactions are really compatible with determinism (Nichols, 2007a). From this point of view, the doctrine of determinism is irrelevant to these emotional responses. Since emotional responses are the basis for morality there is no other authority for moral right and wrong. That provides a strong presumptive case for sustaining our resentment (Nichols, 2007a).

In the early 1960 the English philosopher Peter Strawson (1919-2006) developed a similar view and this view has been very influential over the last several decades (Nichols, 2007a). He defends the propriety of holding people morally responsible (P. Strawson, 1962). He focuses on cases where morality most directly influences our lives. Every single day we interact with people. We encounter our friends, neighbors, colleagues, et cetera. Every single day we have emotional reactions to people we interact with. We feel gratitude, resentment, moral outrage, forgiveness, love, and so forth. Strawson calls this "reactive attitudes" (P. Strawson, 1962, p.18). They are natural reactions, as he says, to the good will or ill will or indifference of others towards us (P. Strawson, 1962). We react with resentment if we feel that a person's action reveals that they don't respect us and with gratitude if we think that they have shown a positive attitude towards us. Strawson argues that the attitudes of resentment and gratitude reflect the fact that we hold the individuals morally responsible for their actions (Nichols, 2004). For example, if another student insults me I will feel resentment. Strawson argues that this emotional reaction carries with it the implication that I regard him as responsible for his action. The notion of responsibility is built into this reaction of resentment. When I feel grateful for a friend's kindness it is because I think he is morally responsible for his kindness. In short, he says, that these kinds of attitudes like resentment and gratitude presuppose the responsibility of the person toward whom we are reacting. Strawson says that these kinds of attitudes are sensitive to some qualification (McKenna & Russell, 2007). Sometimes we will excuse an individual because we think his offending action was accidental. Suppose that someone hits you in the face with his elbow but he didn't mean to. You would excuse him; you wouldn't blame or resent him. But one feature of excuses, Strawson declares, is that you do not give the guy a "carte blanche". He is still an appropriate target for resentment but in this particular case he has a free card. Sometimes though, Strawson argues, we will ex-

empt someone. We will think that a given person can never be resented because they don't have the right faculties to be an appropriate target for resentment (but see McKenna & Russell, 2007, p.6). Young children are a good example for such a case. Sometimes we see adults get indignant at very young children and it can seem really inappropriate. Imagine a situation where a 2 year old intentionally spills his orange juice over your laptop. It is easy to imagine the almost reflective resentment you experience. But then you would step back from the heat of the moment thinking that the kid is not old enough to be someone you can resent. But even with adults we might conclude that a particular person is exempt from being held responsible. Someone can be exempt because he is psychologically deranged or because he has severely limited mental capacities (McKenna & Russell, 2007). In that case, Strawson argues, one takes an objective attitude toward the individual (for example, he is a subject for treatment). Under these circumstances I can fear the person or maybe I can be disgusted by his actions but I can't resent him because he doesn't meet a minimal standard. It is not appropriate to resent him because of his limitations. Following Strawson, these are the kinds of things that do effect whether we resent someone. We either can exempt an individual because they have severe mental limitations or we can excuse some particular action they perform as an accident. Those are the kinds of reasons that lead us to check our resentment. By contrast, he writes, our resentment is not sensitive whether determinism is true (P. Strawson, 1962). He says determinism is not the right thing to temper resentment at all because it does not fit into either category (excuses or exemptions). Obviously it is not an excuse because excuses only apply to particular actions and determinism is a global thesis. So it would be silly to say every particular bad action gets excused like it is an accident. So then, Strawson argues, the only possibility is that determinism would provide a general exemption (everybody gets a free pass). Strawson says that this doesn't even make sense. The whole point of exemptions is that they are special cases. He writes, "it cannot be a consequence of any thesis which is not itself self-contradictory that abnormality is the universal condition" (as cited in McKenna & Russell, 2007, p.26). The idea is that exemptions are unusual special cases. To say that determinism makes every case a special case doesn't make any sense. Furthermore, Strawson explores the general issue of determinism and responsibility and he considers two questions. First, he says, if we came to believe in determinism would we give up the reactive attitudes? Second, if we came to believe in determinism should we give it up? For the first question he says that it is "practically inconceivable" (P. Strawson, 1962, p.12). It is inconceivable that we put this into practice. He is echoing Hume here when he argues that the reactive attitudes are just too central to what

we care about to be displaced by some theoretical believe like determinism. He says that the human commitment to participation in ordinary interpersonal relationships is too deeply rooted for us to take seriously the thought that a general theoretical conviction might change our world. So here Strawson is making an empirical prediction that people wouldn't give up their emotions because of determinism (see also Haji, 2010). Is Strawson right about that? Well, it is hard to get clean evidence on this. In Calvinistic societies, for example, it was assumed that predestination was true. In their view everything was predetermined but they had no trouble blaming people. They continued to blame people even though they believed in determinism (Nichols, 2007a). The essential question is whether we should give up the reactive attitudes if we believed in determinism? Strawson says, the only way to make this decision would be "in the light of an assessment of the gains and losses to human life" (P. Strawson, 1962, p.14). Would it diminish or enrich human life to give up the reactive attitudes? Would it diminish or enrich human life to suppress them or should we let them continue as they are? Those are the questions that face us. Strawson doesn't say that these are bad questions; he says only that when we try to answer these questions the status of determinism is irrelevant (Nichols, 2007a). This gives a very different way to defend compatibilism. He is saying is that determinism is irrelevant to whether a person is responsible. If the action was an accident that's relevant. If the person is very young, that's also relevant to whether they are responsible. Determinism, on the other hand, doesn't matter. That means that determinism would be no obstacle to a person being morally responsible. That is of course the central element of compatibilism (McKenna, 2009).

Perhaps the best known response to Peter Strawson comes from his son Galen Strawson (G. Strawson, 1994). He agrees that the reactive attitudes like resentment are central to our lives (Nichols, 2007a). He also agrees that they presuppose moral responsibility. So, Galen Strawson thinks that feelings like resentment and gratitude are core to our emotional lives and that when we feel resentment that feeling of resentment presupposes that the person we resent is morally responsible (Nichols, 2004). On all that he is in agreement with Strawson the elderly. But Galen Strawson claims that when I resent someone under the presumption that he is morally responsible I also presume that he is not determined. He says that the idea that responsibility is incompatible with determinism is enshrined in the reactive attitudes themselves (Nichols, 2007a). So just as Peter Strawson says that reactive attitudes like resentment have the notion of responsibility built in Galen Strawson says that the reactive attitudes have incompatibilism built in (Nichols, 2004). He writes "What is more, the roots of the incompatibilist intuition lie deep in the very reac-

tive attitudes that are invoked in order to undercut it. The reactive attitudes enshrine the incompatibilist intuition. . ." (G. Strawson, 1986, p.89). His view is that these emotions really are sensitive to whether determinism is true. Our resentment is affected when we start to think that people's actions are determined.

One example that suggest that our emotions are sensitive to concerns about determinism comes from the life of a ruthless murderer named Robert Alton Harris (Nichols, 2007a) who was executed in San Quentin's gas chamber in 1992 (California Department of Corrections and Rehabilitations, 2007). In 1978 Harris abducted two sixteen year old boys from a fast food restaurant and he made them drive to a secluded area where he killed them. After killing them Robert Harris ate the rest of the boys' half-eaten cheeseburgers. He bragged about how he had killed them and laughed at what it would be like for the police telling the families of the victims that the boys are dead. This story triggers a feeling of moral disgust and outrage. At first glance "Harris is an archtypal candidate for blame" (McKenna & Russell, 2007, p.128). One subsequently discovers some details about Harris bad childhood and that he had been neglected by his mother and regularly beaten by his father.

Harris sister reported that his mother hated him and that Robert never experienced any affection from his mother: "*He wanted love so bad he would beg for any kind of physical contact . . . he would come up to my mother and just try to rub his little hands on her leg or her arm. He just never got touched at all. She'd just push him away or kick him. One time she bloodied his nose when he was trying to get closer to her*" (as cited in Watson, 1987, p.273).

Despite the efforts of psychologists to prevent the execution the California governor Pete Wilson concluded, "As great as is my compassion for Robert Harris the child, I cannot excuse or forgive the choice made by Robert Harris the man . . . we must insist on the exercise of personal responsibility and restraint by those capable of exercising it. If we excuse those whose traumatic life experiences have injured them—but not deprived them of the capacity to exercise responsibility and restraint—we leave society dangerously at risk" (as cited in Golden, 1999, p.270).

Some claim that after hearing about the terrible childhood of Robert Harris the resentment diminishes (Nichols, 2007a). This, they claim, occurs because we lose confidence that Harris really deserves to be blamed. Once we have some idea about what let him to be the way he is we start to regard him as being less responsible. Before we learned about his upbringing we suppose that he really deserved the resentment that we felt towards him (Nichols, 2007a). But once we get the picture about how he ended up that way it changes our sense that he really deserves our reactive attitude. This sensitivity to the causal history might just be a particular vivid example that illustrates a

more general point. Namely, once we get a glimpse of a deterministic story it undercuts our resentment (but see Pereboom, 2007). So if we came to think about every person they were always inevitably let to their actions we would likely feel less resentment towards everyone. That is the view that is promoted by Galen Strawson. It is plausible that our anger and resentment would be muted if we came to view someone's criminal behavior as entirely a product of their genes and environment. But it is possible that this emotional muting is a sophisticated response. Peter Strawson might still be correct that we have a strong gut reaction to wrongful behavior and that this gut reaction itself doesn't care about determinism. That is, it might be that we feel moral outrage and resentment at a base level and this base level is entirely insensitive to lofty thoughts about determinism. This is actually a common feature of emotions. An emotion like fear can be triggered by simple stimuli like a big picture of a hairy spider. The fear system naturally produces a response. But then the smart reflective system can say to the fear system "it is just a picture dummy". That modulates the emotional reaction by dampening the fear response. Similarly it might be that reflections on determinism dampen the natural automatic outrage we feel when we hear about Harris (for further considerations on dual-process approaches see for example Zajonc, 1980; Greene et al., 2004, 2008; Saunders, 2009; Evans, 2009). We still get the initial feeling of outrage but then we convince ourselves that this gut-level feeling is inappropriate. If this is the right story about how determinism deflates our moral anger towards Harris there remain very interesting questions about which emotional reactions should be embraced. Is our gut reaction of anger better or is our reflective muting of that emotion better? According to Strawson the elder, to answer this we might once again have to answer the question: What would the gains and losses be for human life if we favor our immediate reaction over the reflective one? What would the gains and losses be if we favor the reflective reaction? To me it is not obvious that the gains and losses would favor the more reflective one.

## Conclusion

To sum up, this paper discussed the big question where our sense of moral right and wrong ultimately comes from. A multitude of findings from different research areas give credit to the notion that morality is based on the emotions. In addition, this paper presented a philosophical perspective on moral responsibility that comes from Hume and Peter Strawson. It is an ambitious approach to defend moral responsibility and it is far from established. I would like to end by remarking on something particularly interesting and important about this kind of emotion based defense of moral responsibility. Hume and Strawson

are not arguing that we should redefine our notion of free will. They argue that we should retain our notion of responsibility. We should keep blaming people the way we do because it is so deeply infused to our emotional lives and our attitudes that are central to our everyday lives. That is why we should keep them around and why determinism provides no basis for undercutting them.

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## Appendix A

Empirical evidence from neuro imaging studies supports the notion that emotions are involved in moral judgements. For instance, in a study by Singer et al. (2006) participants observed how people who had either played fair or unfair in a prisoner's dilemma game got punished with electric shocks.<sup>2</sup> The researchers found that brain regions associated with negative emotion were highly activated when fair players were punished and less active when unfair player were punished. Another study by Sanfey, Rilling, et al. (2003) investigated the emotional responses of participants in an ultimatum game.<sup>3</sup> The investigators reported an increase in neuronal metabolism in brain areas associated with emotions when unfair behaviour was perceived. In an interesting study by Heekeren et al. (2003) participants had to evaluate whether sentences were semantically or morally correct. When participants judged the moral content the emotional structures of the brain (i.e., ventromedial prefrontal cortex, posterior superior temporal sulcus) showed an increase in activity. Moreover, Moll, Oliveira-Souza, Bramati, & Grafman (2002) found increased metabolic activity in brain areas associated with emotions when participants heard emotional offensive sentences relative to neutral sentences. In a related study using fMRI Moll, Oliveira-Souza, Eslinger, et al. (2002) scanned participants while they were viewing pictures of emotionally charged scenes with and without moral content as well as emotionally neutral pictures. The researchers reported that the orbital and medial prefrontal cortex and the superior temporal sulcus are recruited by viewing scenes evocative of moral emotions. In another interesting study, Moll et al. (2003) instructed participants to indicate whether a moral sentence or factual sentence was right. An example of a incorrect moral sentence would be "They electrocuted an innocent person", whereas an example of an factual incorrect sentence would be "Trees are made of plastic". The data confirmed the predictions of the researchers. Emotional areas were more active when participants had to make moral judgements relative to non-moral judgements.

Recently, Prehn et al. (2008) investigated individual differences in moral judgment competence. They found that participants moral judgment competence

<sup>2</sup> The shocked persons were of course confederates of the experimenter and no real electric shocks were delivered to them.

<sup>3</sup> The ultimatum game (Güth & Yaari, 1992) is often used in economic experiments. Two players have to decide how to divide a sum of money that is given to them. The first player proposes how to divide the sum between the two players, and the second player can either accept or reject this proposal. If the second player rejects, neither player receives anything. If the second player accepts, the money is split according to the proposal.

was related to the left ventromedial prefrontal cortex and the left posterior superior temporal sulcus when participants had to judge social norm violations. A conceptually related study by Berthoz et al. (2006) examined whether the amygdala is activated when participants are judging their own moral violation of social norms. The researchers asked participants to evaluate the inappropriateness of social behaviours. Participants had to judge situations in which they themselves, or someone else, transgressed social norms either intentionally or accidentally. Increased amygdala activity was found when participants judged their own intentional transgression of social norms. The investigators concluded that the amygdala is associated with affective responses to moral transgressions.

Bechara et al., 2000 focus on the role of the orbitofrontal cortex in decision making and emotional processing. After reviewing the literature the researchers concluded that the orbitofrontal cortex plays an essential role in a neural networks responsible for decision making and emotional processing. Using meta-analytic methods Phan et al. (2002) concluded that there are certain structures which are regularly associated with emotions. These structures include the orbitofrontal cortex, the temporal pole, the insula and the anterior cingulate cortex. In other words, emotions coincide with moral judgments.

Recently Harenski et al. (2010) hypothesized a differential activation in medial prefrontal areas for implicit and explicit moral tasks. In their study participants viewed unpleasant pictures, half of which depicted moral violations. Half of the participants were instructed to judge moral violation severity (explicit task) while the other half had to indicate whether the picture was taken indoors or outdoors (implicit task). The results confirmed the hypothesis of the researchers. Increased ventromedial prefrontal activity was observed when participants performed the explicit task compared to the implicit task. However, both groups showed an increase in temporoparietal junction activity when presented with pictures of moral violations.

However, it has been remarked that the data is inconclusive and that the conclusion that emotion is necessary for making moral judgments is not justified due to the correlational nature of the data (i.e., Huebner et al., 2009).

## Appendix B

Another line of evidence comes from psychopathic individuals. The emerging evidence suggests that psychopaths have an emotional deficit.<sup>4</sup> In order to categorize a person as psychopathic clinicians often use the 20-item psychopathy checklist (Hare, 1980, 2003; Hare & Neumann, 2008). Examples from the checklist are, for example, lack of remorse or guilt, lack of empathy, failure to accept responsibility for your own actions (Harpur et al., 1988; Salekin et al., 1996; Hobson & Shine, 1998; Neumann et al., 2007). People who score high on these traits are categorized as psychopaths (see also Schroeder et al., 1983).

Psychopathy is not equivalent with diagnoses of antisocial personality disorder (American Psychiatric Association, 1994) but it represents subset of this disorders. In addition to diagnostic criteria for antisocial behaviour psychopathy is marked by emotional impairments (i.e., lack of guilt). The American Psychological Association (1994) gives the following description in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV):

“Individuals with Antisocial Personality Disorder frequently lack empathy and tend to be callous, cynical, and contemptuous of the feelings, rights, and sufferings of others. They may have an inflated and arrogant self-appraisal (e.g., feel that ordinary work is beneath them or lack a realistic concern about their current problems or their future) and may be excessively opinionated, self-assured, or cocky. They may display a glib, superficial charm and can be quite voluble and verbally facile (e.g., using technical terms or jargon that might impress someone who is unfamiliar with the topic). Lack of empathy, inflated self-appraisal, and superficial charm are features that have been commonly included in traditional conceptions of psychopathy that may be particularly distinguishing of the disorder and more predictive of recidivism in prison or forensic settings where criminal, delinquent, or aggressive acts are likely to be nonspecific” (American Psychiatric Association, 1994, p.703).

In some groundbreaking work in the 1990s James Blair (see Blair et al., 2005) showed that psychopaths respond atypically to standard kinds of questions about morality. There is a large body of work in developmental psychology (Piaget, 1932; Kohlberg, 1971; Turiel, 1983) that shows that children can distinguish between classic moral violations (i.e., hitting someone) and classic conventional violations (i.e., talking in class) (see Nichols, 2007b). In general children rate conventional violations as less serious than moral violations (Blair, 1997a). When children are asked why is

<sup>4</sup> Psychopaths have no deficit in their reasoning abilities. Their IQ scores are normal and their cognitive architecture is mainly intact (but see Cleckley, 1941; Salekin et al., 2004)

it not okay to talk during class they would normally say something like because it is against the rules. Whereas, if kids are asked why is it wrong to hit someone they would say because someone gets hurt (Nunnerwinkler & Sodian, 1988; Nichols, 2002; Nichols & Folds-Bennett, 2003). Blair (1997b) found when he did experiments with children who had psychopathic tendencies that these children responded differently relative to normal children when asked some of these questions. In particular, children with psychopathic tendencies were more likely to say well, if there is no rule against hitting than it's okay to hit.<sup>5</sup> Moreover, Blair (1995) found that adult psychopathic criminals also responded differently to these kinds of questions compared to non-psychopathic criminals. In a particular study which was conducted in England, Blair conducted experiments with psychopaths and non-psychopath murderers and he asked them the standard moral conventional kinds of questions. When he asked "why is it wrong to hurt other people" the non-psychopathic individuals gave the normal response "because you shouldn't hurt other people". In contrast, when he asked psychopaths the typical response was "it is not the done thing" which is the British equivalent to "you're not supposed to". What Blair's studies show is that psychopaths fail to appreciate the deep feeling of wrongness that we all have to certain violent actions (Spiecker, 1988). We all take these feelings as very serious and important and they are not dependent on any external rules (Nichols, 2007b).

This lack of appreciation of the difference between moral violations and conventional violations is captured in a remark by the psychopathic serial killer Ted Bundy who was sentenced to death and executed in 1989 (Federal Bureau of Investigation, 2005). In interviews from prison he listed a number of things that he said are wrong.

He said: "*It is wrong for me to jaywalk. It is wrong to rob a bank. It is wrong to break into other people's houses. It is wrong for me to drive without a driver's license. It is wrong not to pay your parking tickets. It is wrong not to vote in elections. It is wrong to intentionally embarrass people*" (Michaud & Aynesworth, 1989, p.119).

Ted Bundy, presumably inadvertently, is revealing something deep about his psychology. Normal people would never equate jaywalking and bank robbery. By fusing all this together he illustrates exactly the point made by Blair's studies. Psychopaths have serious deficient understanding of moral violations. They do not appreciate the gravity of moral violations. However, it seems as if they are able to differentiate right from wrong. All the things in Bundy's list are wrong but it seems as if "Bundy does not distinguish between the radically different kinds of wrongs" (Nichols, 2004, p.76). He does not differentiate between conventional and moral violations. Psychopaths fail to appreciate the distinctive character of moral wrongness and this

is something that normal people do from a very young age (approximately 3 or 4 years) (Blair, 1997b; Knaflo et al., 2008). Blair et al. (2005) offer an emotion based explanation for why psychopaths show this pattern of response. He maintains that it results from a lack of emotional responsiveness and he investigated this by showing emotionally distressing pictures (i.e., a crying child) to psychopaths and normal adults (Blair et al., 1997). Physiological measures show that normal adults react with heightened physiological responses when shown these pictures. However, psychopaths show significantly less physical responses than non-psychopaths. That suggests that they are less sensitive to cues of suffering than the rest of us (Nichols & Vargas, 2008). Using brain monitoring instruments Blair and his colleagues found that psychopaths have abnormally low activity in the amygdala which is associated with emotional responses (Stevens et al., 2001). Blair's theory is that the problem with psychopaths' moral understanding is due to their deficient emotional reaction (Blair, Sellars, et al., 1995). This gives the basis for a scientific characterization of psychopaths having a mental disease or defect which is perhaps genetically determined (Viding et al., 2005). Recent findings suggest that there is some genetic abnormality in these individuals that leads them to have abnormal development of the amygdala (Patrick et al., 1997; Hariri et al., 2005). Consequently, these individuals show a defect in emotion processing and in particular emotion processing of suffering in other people. Following Blair's theory, our emotional responses to others suffering plays a critical role in developing a normal appreciation of the wrongfulness of violent offences (Blair et al., 2005). It is because we have these feelings that we assign such significance to hitting and killing other people. Because psychopaths have a diminished capacity for emotional processing they fail to develop a normal sense of the wrongfulness of harming and killing others (Nichols & Vargas, 2008). Recently it has been noted that it is questionable if psychopaths should be held morally and legally responsible (Shoemaker, 2007, 2009). It is arguable that they do not meet the criteria for legal sanity at all (Herpertz & Sass, 2000; Nichols & Vargas, 2008). Indeed, one term that has been used to describe psychopaths is that they are moral-insane (Ellis, 1902; Blair, Jones, et al., 1995).

To sum up, psychopaths criminally hurt people because they have a deficiency in their emotional sensitivity to others' pain. But perhaps this deficiency was never under their control because it was largely the result of genetics. Thus, it is thinkable they shouldn't be held morally or legally responsible for their crimi-

<sup>5</sup> Children with psychopathic tendencies were compared to children with other behavioral and developmental problems and the difference was still significant (see also Fisher & Blair, 1998).

nal acts of violence. One argument against this is that psychopaths only have a diminished understanding of morality. It is not completely absent. The data (i.e., Blair, 1997b) shows that children with psychopathic tendencies do distinguish the moral violations from the conventional ones. It is just diminished when compared to other children. It could be argued that having some minimal understanding of morality is sufficient to meet the test of sanity.

Another question is if psychopathy is a mental illness at all because psychopaths often view themselves as totally normal (Nichols, 2004). The psychologist Linda Mealey (1955-2002) is not a mental illness. It is not the product of brain damage or anything like that. She proposed that psychopathy should be seen as biological trait which can be advantageous (for the psychopath not for us). She draws on the idea of what is termed an "evolutionary stable strategy" (Mealey, 1995). In game theory, for example, what's best for

a given individual will depend on the other members of the population (for further considerations see Book & Quinsey, 2004). This can also be said for genetically fixed traits (Mealey, 1997). Mealey argues that if everyone is sympathetic to other people than that is an opportunity for a new group to evolve. This group can exploit the sympathetic behavior of others. This is comparable to a biological niche that is available. It might have been a natural evolutionary development for psychopaths to emerge and, if that is right, that psychopathy is not a neuropsychological disorder or a developmental disorder. It is a trait that basically works to take advantage of the rest of us (Glenn & Raine, 2009). Of course this is really speculative but it makes clear that it remains an open question whether psychopathy is a mental disease or defect or simply a different way of being.