

# Psychopathy: Philosophical and Empirical Challenges

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## INTRODUCTION

### PSYCHOPATHY: PHILOSOPHICAL AND EMPIRICAL CHALLENGES

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For the last twenty years philosophers of an analytic bent have been fascinated by psychopathy and new empirical findings about it. This is a syndrome that is often characterised by egocentrism, shallow emotions, impulsivity, lack of remorse and antisocial behaviour that involves manipulating others and criminal versatility. Scientific studies of psychopaths have been used to argue in favour of philosophical positions or theories about the nature of moral judgment, motivation, and moral psychology more generally. Some authors have argued that psychopaths' lack of empathy and guilt support moral sentimentalism, the position that normal moral judgment is grounded in human emotions and affective capacities (Aaltola 2014; Nichols 2004; Prinz 2006). However, this view has been challenged on empirical grounds by supporters of rationalism, the position that rational capacities are the essential prerequisites for moral understanding and motivation (Kennett 2010; Maibom 2005; cf. Malatesti 2009).

Philosophical investigations have drawn upon scientific research to frame responses to the social problems created by criminal psychopaths (Malatesti and McMillan 2010). Some philosophers have argued that neuropsychological studies indicate that psychopaths have serious deficits in capacities underlying moral and/or legal responsibility and thus should not be held accountable or completely accountable for their wrong doing (for a review, see Litton 2010). Psychopathy has recently also been investigated from a bioethical perspective (Jurjako, Malatesti, and Brazil 2018c), where the debate is ongoing about the justifiability and prospects for moral bioenhancement or modification of psychopaths (Baccarini and Malatesti 2017; Hübner and White 2016).

Philosophers have also weighed in on debates about the status of the construct of psychopathy. In particular, some have started investigating the mental illness status of psychopathy (Malatesti 2014; Nadelhoffer and Sinnott-Armstrong 2013; Reimer 2008) and ventured into investigating what type of category psychopathy is and how best to explain it (Brzović, Jurjako, and Šustar 2017; Hirstein and Sifferd 2014; Malatesti and McMillan 2014).<sup>1</sup>

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<sup>1</sup> For a bibliography of the literature covering these issues, see the entry "Psychopathy" on Philpapers at: <http://philpapers.org/browse/psychopathy>, edited by Malatesti et al.

This special issue of the *European Journal of Analytic Philosophy* aims to exemplify and promote advancements in several of these philosophical discussions. The selection of contributions was guided by the need to document how the landscape of the philosophical debates on psychopathy has changed in recent years. Many previously taken for granted assumptions are now being reconsidered and challenged from theoretical, conceptual and empirical angles. In what follows we will consider the principal dimensions of this change. However, before undertaking this task, we will say something about how psychopathy is commonly conceptualized in these discussions.

Although there are various measures of psychopathy, the Psychopathy Checklist Revised (PCL-R), a diagnostic tool devised by Robert Hare (2003), has contributed significantly to crystalize the contemporary scientifically informed picture of psychopathy (Skeem et al. 2011). The PCL-R has contributed to the flourishing of a vigorous scientific research on psychopathy that is focussed on its measure, its behavioural and functional correlates, and its neuropsychological, neural and even genetic explanations (see the new edition of Patrick 2018). Given such a prominence of the PCL-R in the scientific study of psychopathy, and most papers in this special issue presuppose familiarity with it, let us consider it in more details.

The PCL-R consists of 20 items (see figure 1). On each item, a person can score 0, 1, or 2 points, indicating that the trait does not apply to her, somewhat applies to her, or fully applies to her, respectively. Thus, the maximum score is 40. The PCL-R is often used as a categorical measure, where the pragmatic cut-off score line is placed at 30 in North America and at 25 points in many European countries.

<p><b>Factor 1</b></p> <p><b>Facet 1: Interpersonal traits</b></p> <ol style="list-style-type: none"> <li>1. Glibness/Superficial charm</li> <li>2. Grandiose sense of self-worth</li> <li>4. Pathological lying</li> <li>5. Conning/Manipulative</li> </ol> <p><b>Facet 2: Affective traits</b></p> <ol style="list-style-type: none"> <li>6. Lack of remorse or guilt</li> <li>7. Shallow affect</li> <li>8. Callous/Lack of empathy</li> <li>16. Failure to accept responsibility</li> </ol> <p><b>Items not belonging to any of the facets:</b></p> <ol style="list-style-type: none"> <li>11. Promiscuous sexual behaviour, 17. Many short-term marital relationships</li> </ol>	<p><b>Factor 2</b></p> <p><b>Facet 3: Lifestyle traits</b></p> <ol style="list-style-type: none"> <li>3. Need for stimulation</li> <li>9. Parasitic lifestyle</li> <li>13. Lack of realistic, long-term goals</li> <li>14. Impulsivity</li> <li>15. Irresponsibility</li> </ol> <p><b>Facet 4: Antisocial traits</b></p> <ol style="list-style-type: none"> <li>10. Poor behavioural controls</li> <li>12. Early behavioural problems</li> <li>18. Juvenile delinquency</li> <li>19. Revocation of conditional release</li> <li>20. Criminal versatility</li> </ol>
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**Figure 1:** (Hare 2003)

The prevalent opinion amongst philosophers was that psychopaths, due to their lack of remorse, empathy and inability to understand and conform to moral and social norms, should not be considered accountable for their pervasive antisocial behaviour. Besides philosophical arguments that were based on psychological and behavioural descriptions of typical psychopaths (see, e.g. Cleckley 1976), these opinions were reinforced by early empirical studies on how psychopaths fail to distinguish between moral and conventional violations, indicating that they do not possess adequate moral understanding (Blair 1995, 1997).

These arguments seemed to support the claim that psychopaths should not be held morally and/or legally responsible since they lack proper moral understanding and the capacities underlying receptivity to social and legally mandated norms of conduct (Levy 2007; Malatesti and McMillan 2010; Morse 2008; cf. Shoemaker 2011). This prompted some authors to go so far as to argue that psychopaths might lack the prerequisite psychological capacities and moral capacities for participating in cooperative societies as full members with equal rights and duties (see, e.g. Gaus 2011, 210).

Recently these views have been disputed on empirical and conceptual grounds. More recent empirical studies have not replicated the finding that psychopaths cannot make a distinction between moral and conventional violations (Aharoni, Sinnott-Armstrong, and Kiehl 2012, 2014). Currently available evidence indicates that psychopaths might have relatively preserved capacities for producing normal patterns of moral judgment (Borg and Sinnott-Armstrong 2013). These results led to a change in perspective, where some authors, far from thinking that psychopaths are not capable of grasping human morality, investigate the specific variations in the content of moral and personal values that psychopathic individuals might be prone to endorse (Glenn et al. 2017). On the more philosophical side, research indicates that psychopaths might well possess the relevant moral psychological judgments and volitional abilities and thus we cannot so easily exclude the option that psychopaths should be held morally and criminally responsible for their wrong doings (Jalava and Griffiths 2017; Jurjako and Malatesti 2018a; see also Maibom 2008).

Psychopathy has traditionally been conceptualized as a personality disorder (Cooke et al. 2012). In addition to behavioural and personality characteristics, neuroscientific observations of aberrant brain activation patterns have been correlated with psychopathy and these have been taken as further evidence that psychopathic individuals suffer from neurodevelopmental deficits that can justify considering psychopathy a mental disorder (Leedom and Almas 2012; Nadelhoffer and Sinnott-Armstrong 2013). Viewing psychopathy as a mental disorder justifies investigating behavioural, cognitive or pharmacological treatments for psychopathy (Blair, Mitchell, and Blair 2005).

This default view has been challenged from multiple perspectives. Some authors argue that psychopathic personality traits are socially or even evolutionary adaptive and therefore should not be seen as symptoms of a disorder (Krupp et al. 2012, 2013; see also Reimer 2008). In fact, unlike other major mental disorders, such as autism, depression, and schizophrenia, there are indications that some psychopathic traits under certain conditions might be positively correlated with evolutionary fitness (Mededović et al. 2017). In addition, it has long been recognized that psychopaths do not experience subjective distress for being psychopaths (Hare 2003).

This might prompt questions regarding the legitimacy or feasibility of curing psychopathic individuals. For instance, if psychopathy is not what we would standardly consider to be a mental illness then we might wonder about the prospects for finding a treatment for reducing psychopathic traits (Maibom 2014). Or what would be a justification for finding such a procedure and applying it to psychopathic individuals (Hübner and White 2016; see also Baccarini and Malatesti 2017). Moreover, we might wonder how the mental disorder status of psychopathy affects questions of their moral and criminal responsibility (Reimer 2008).

All of these issues about psychopathy become additionally complicated when we take into account the heterogeneity of the construct of psychopathy (Brzović, Jurjako, and Šustar 2017). The literature on psychopathy tends to distinguish between primary and

secondary, successful and unsuccessful psychopathy, sociopathy and psychopathy, etc. (for a review, see Skeem et al. 2011). The first distinction is often explicated in terms of anxiety levels, where primary psychopaths are low anxious while secondary are high anxious. Successful psychopaths, unlike the unsuccessful ones, are supposed to have superior rational and volitional capacities which might protect them from maladaptive behaviour or enable them to escape institutionalisation (Ishikawa et al. 2001). The difference between sociopathy and psychopathy is based on a difference in the aetiology of the two conditions (the first is sociologically determined while the second is genetically based) even though they may be characterized by the same behavioural and cognitive impairments (for a review, see Brazil et al. 2018).

The heterogeneity of psychopathy is also exhibited in the fact that psychopathic personality and behavioural traits are not necessarily co-instantiated (Lilienfeld 2013). Moreover, they can differentially correlate with different neuropsychological tasks and measures. For instance, it seems that Factor 1 and Factor 2 traits of the PCL-R can be present to a different degree indicating that a person might score high on Factor 1 but low on Factor 2 and vice versa (Lilienfeld, Watts, and Smith 2015). In addition, different measurements of psychopathy correlate differently with neuropsychological tasks. In particular, Baskin-Sommers et al. (2015) showed that the interpersonal-affective traits measured by the PCL-R and fearless-dominance traits (which are taken to capture the same interpersonal-affective traits) from a self-report measure exhibit opposite correlations on a battery of tasks that measure different aspects of executive function within the same population of incarcerated offenders.

All these issues have spilled over to philosophical or legal debates about the responsibility of psychopaths and foundational issues about the concept of psychopathy itself and how to measure it. For instance, some research indicates that there might be a difference between successful and unsuccessful psychopaths, where the first, as opposed to the latter group, are supposed to be characterized by better than average rational and volitional capacities which might enable them to stay below radar and not being caught (Ishikawa et al. 2001; see also Maes and Brazil 2013). If this is the case, then some authors argue that we should separately judge the responsibility status of psychopaths, where the idea is that while unsuccessful psychopaths might not be accountable for their behaviour, the successful ones still might be given their superior rational and volitional capacities (Ramirez 2015; Sifferd and Hirstein 2013; see also Jurjako and Malatesti 2018b).

Regarding the foundational problems related to the heterogeneity of psychopathy, some researchers advocate turning to a more bottom-up approach to classifying psychopathy and more generally individuals exhibiting antisocial behaviour (Brazil et al. 2018). There is a wealth of genetic and neurobiological studies regarding the biological underpinnings and correlates of psychopathy and antisocial personality disorder (for a recent review, see Brazil and Cima 2016). Following the guidelines of the Research Domain Criteria (RDoC, Insel and Cuthbert 2015), the idea is to rebuild the classificatory systems of people exhibiting severe forms of antisocial behaviour by forming groups based on their genetic, neurobiological, cognitive, and behavioural phenotypes to enhance diagnostic procedures and devising appropriate treatments that might reduce maladaptive behaviour related to psychopathy (Brazil et al. 2018). Recently, investigations into ethical problems and benefits of such an approach have been undertaken (Jurjako, Malatesti, and Brazil 2018c). Other researchers advocate adopting a more conceptual task to re-examine the concept of psychopathy and by doing a rigorous conceptual and explicative analysis to capture the essential features of psychopathy and provide proper grounds for building a valid measure of it (see, e.g. Cooke et al. 2012).

This special issue presents an interdisciplinary effort to address some of these central recent challenges for the philosophical investigation of psychopathy. In the first three articles the authors address the foundational issues on the concept of psychopathy and its measurement. In the other three articles, the authors discuss the philosophical and practical implications of scientific study of psychopathy.

David Cooke in his paper “Psychopathic personality disorder: Capturing an elusive concept” reflects on the problem of how to define and measure “psychopathy”. Describing someone as a psychopath can have important legal, social, and clinical consequences for that person. Given the social relevance of this concept, it is important to be clear about what the defining features of psychopathy are and how to properly operationalize it in scientific research. Cooke emphasizes that this problem has not been resolved because of the various conceptualizations and operationalisations of psychopathy in the literature. More importantly, the lack of clarity on the concept of psychopathy has, according to Cooke, often led to the confusion between the concept and measures of psychopathy. Cooke emphasizes that these two things must be kept distinct, and that a path towards developing reliable and valid operationalisations of psychopathy is to develop a clear concept of it. The solution that Cooke proposes is to go back to the basics, so to say, and develop a concept map of psychopathy. Cooke and colleagues named this concept map the Comprehensive Assessment of Psychopathic Personality (CAPP). Cooke provides an overview of considerations supporting the content validity of CAPP and discusses how it can be operationalized in scientific research.

In his contribution “False-positives in psychopathy assessment: Proposing theory-driven exclusion criteria in research sampling”, Rasmus Rosenberg Larsen addresses, from a philosophical perspective, the foundational issue of how to develop adequate procedures for measuring psychopathy. The research on psychopathy is fraught with mixed results about many issues that have been relevant for philosophical discussions. Rosenberg Larsen notes that even studies of profound deficits in moral understanding and the capacities underlying moral judgment, once thought to be defining features of psychopathy, have not been corroborated (or have even been disproved) by the latest scientific research. There is more than one explanation for these inconsistencies in the psychopathy research. Rosenberg Larsen considers the possibility that widely used measures of psychopathy contain diagnostic criteria that are too inclusive. If this is the case, then many samples would be contaminated with false-positives, i.e. people who are not psychopaths would be wrongfully categorized as such and included in research samples. Thus, the hypothesized (moral) deficits that real psychopaths supposedly have would then be difficult to detect due to the generated false-positives. To remedy this problem, Rosenberg Larsen proposes to use “theory-driven exclusion criteria” to develop more precise sampling procedures. Exclusion criteria refer to features that a subject participating in a clinical study cannot have. To develop appropriate exclusion criteria for studies on psychopaths, Rosenberg Larsen turns to foundational issues related to characterizing the essential features of psychopathy. He finds such features to be based upon deficits in the moral psychology of psychopaths. Based on these moral deficits, he discusses how sampling in scientific research on psychopathy might be improved.

Janko Međedović, Tara Bulut, Drago Savić, and Nikola Đuričić in their contribution “Delineating psychopathy from cognitive empathy: The case of Psychopathic Personality Traits Scale” weigh in on the debate regarding the concept of psychopathy. Among other things, there is an ongoing debate about whether the antisocial characteristics, as described by, for instance, Factor 2 of the PCL-R, should be thought of as capturing core features of psychopathy or just representing correlates or even some

causal consequences of other core psychopathic traits. Međedović and colleagues discuss Psychopathic Personality Traits Scale (PPTS), a new conceptualisation of psychopathy according to which antisocial traits do not represent core features of psychopathy. PPTS is built on the presupposition that only Factor 1 of the PCL-R captures the core psychopathic traits, and thus it dispenses with the behavioural traits as captured by Factor 2 of the PCL-R.

According to PPTS, psychopathy is characterized by four broad features: affective responsiveness, cognitive responsiveness, interpersonal manipulation, and egocentricity. The main aim of Međedović et al.'s study is to test the psychometric features of PPTS. They note that what is here labelled as "cognitive responsiveness" and refers to the "inability to understand the emotional states of others" is usually not conceptualized as one of the core features of psychopathy. Indeed, their psychometric study of PPTS shows that cognitive responsiveness correlates significantly less with the other three traits, than the rest of them correlate with each other. In this regard, they discuss the potential implication of their study that Cognitive responsiveness might not be a core feature of psychopathy.

Heidi Maibom, in her contribution "What can philosophers learn from psychopathy?", discusses the possible implications of scientific research on psychopathy for moral philosophy. She challenges some common assumptions that have so far underpinned philosophical reflection on the significance of psychopathy for moral psychology by focussing on the following key domains: empathy, decision-making, the proper conceptualization of impairments correlated with psychopathy, and whether psychopathy presents a unified kind. She argues that although empathy is often viewed as the core deficit explaining immoral behaviour of psychopaths that grounds judgments of moral non-accountability, scientific research is rather mixed and ambiguous regarding these connections. She argues that there are no conclusive reasons for thinking that psychopaths completely lack empathy or that they completely lack affective responses underlying our notion of empathy. Similar nuanced conclusions ensue regarding the decision-making impairments and other disabilities correlated with psychopathy. Scientific studies indicate that psychopaths exhibit affective and decision-making deficits, but it is rarely warranted to claim that psychopaths in general lack altogether these psychological capacities. Some of the incongruities in the studies might result from the fact that the category of psychopathy is heterogeneous, comprising individuals with different personality, behavioural and biological traits. In this respect, Maibom draws on the scientific literature that distinguishes between primary (low anxious) and secondary (high anxious) psychopaths. She then investigates what are the philosophical, clinical and practical implications of this distinction.

Anneli Jefferson and Katrina Sifferd in their paper "Are psychopaths legally insane?" discuss the legal accountability of psychopaths within the more general problem of the impact of psychiatric diagnosis on the legal defence by the reason of insanity. They argue that whether psychopathy is or is not a mental illness might be orthogonal for settling the question whether they should be excused from criminal responsibility. Moreover, they argue that given the heterogeneity in the construct of psychopathy, it is unlikely that there could be a reliable inference from a diagnosis of psychopathy to claiming that this provides grounds for the insanity defence.

Erick Ramirez in his paper "Shame, embarrassment, and the subjectivity requirement" addresses the question of psychopaths' moral responsibility. Ramirez situates his discussion within a family of reactive theories of moral responsibility. Many of these theories presuppose the subjectivity requirement, according to which to be an

appropriate target of ascriptions of responsibility one must have a capacity to exhibit and experience a range of morally relevant emotions and attitudes.

Many in the past have argued that psychopaths should not be held morally responsible because they do not satisfy the subjectivity requirement. In particular, guiltlessness is thought to be one of the defining features of psychopathy. It could be argued that since psychopaths lack the capacity for experiencing guilt in response to their wrongdoing they cannot be appropriate targets of other people's reactive attitudes and thus cannot be held morally responsible. Against this dominant opinion, Ramirez argues that there is a sense in which psychopaths might be held morally responsible even if we take for granted that psychopaths exhibit severe deficits in empathy and guilt. He distinguishes between several subtypes of psychopathy. Ramirez discusses studies regarding "successful" and "secondary psychopaths" who can understand and experience shame and embarrassment. This indicates that, at least with regard to experiencing morally relevant emotions such as shame and embarrassment, psychopaths can satisfy the subjectivity requirement. Thus, Ramirez argues that, to the extent they are responsive to shame-based norms, psychopaths cannot be completely exempt from moral responsibility.

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