



Psychopaths and Symmetry: A Reply to Nelkin

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Abstract

An agent is morally competent if she can respond to moral considerations. There is a debate about whether agents are open to moral blame only if they are morally competent, and Dana Nelkin’s “Psychopaths, Incurable Racists, and the Faces of Responsibility” is an important contribution to this debate. Like others involved in this dispute, Nelkin takes the case of the psychopath to be instructive. This is because psychopaths are similar to responsible agents insofar as they act deliberately and on judgments about reasons, and yet psychopaths lack moral competence. Nelkin argues that, because of their moral incompetence, vices such as cruelty are not attributable to psychopaths. It follows that psychopaths are not open to moral blame since their behavior is only seemingly vicious. I have three aims in this reply to Nelkin. First, I respond to her claim that psychopaths are not capable of cruelty. Second, I respond to the related proposal—embedded in Nelkin’s “symmetry argument”—that a “pro-social psychopath” would not be capable of kindness. My responses to these claims are unified: even if the psychopath is not capable of “cruelty,” and the pro-social psychopath is not capable of “kindness,” the actions of these agents can have a significance for us that properly engages our blaming and praising practices. Finally, I argue that Nelkin’s strategy for showing that moral competence is required for cruelty supports a stronger conclusion than she anticipates: it supports the conclusion that blameworthiness requires not just moral competence, but actual moral understanding.

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1 Introduction

An agent is morally competent if she can recognize and respond to moral considerations. There is a lively debate about whether moral responsibility—blameworthiness, in particular—requires moral competence. Dana Nelkin’s “Psychopaths, Incurable Racists, and the Faces of Responsibility” (2015) is an important contribution to this conversation. Like others in this debate, Nelkin takes the case of the psychopath to be instructive. This is because psychopaths are similar to responsible agents insofar as they act on the basis of complex rational considerations, yet psychopaths lack moral competence: they “lack ... understanding that someone else’s interests provide noninstrumental reasons for acting” (Nelkin 2015, 361).¹

Nelkin acknowledges that when we consider psychopaths’ deliberately harmful behavior, “they seem to be the paradigms of evil and blameworthiness,” but she argues that when we consider their inability to grasp moral considerations, there is pressure to conclude that psychopaths “lack certain capacities that we ordinarily associate with responsible agency” (2015, 358). Nelkin accepts this latter conclusion, and she takes the case of the psychopath to illustrate the dependence of moral responsibility on moral competence. Indeed, Nelkin goes further and argues that moral competence is also required for genuine moral viciousness, so she denies that “moral vices such as cruelty are properly attributed to psychopaths” (2015, 359).

I have three aims in this reply to Nelkin. First, I critique her claim that psychopaths are not capable of behavior that is “disrespectful” or “cruel” in ways that are relevant for our blaming practices. Second, I respond to the related proposal—embedded in Nelkin’s “symmetry argument”—that a “pro-social psychopath” would not be capable of “kind” behavior. My responses to these two claims are unified: even if the psychopath is not capable of “cruelty,” and the pro-social psychopath is not capable of “kindness,” the actions of these agents can have a significance for us that properly engages our responsibility practices. I conclude with the following distinct point. Nelkin’s strategy for arguing that moral competence is required for cruelty suggests a conclusion that is perhaps stronger than the one she wants to draw: it may suggest that blameworthiness requires not just possession of moral competence, but also possession of actual moral understanding.

2 Three Approaches to Psychopaths

Nelkin’s position on psychopaths is located on a continuum of views. At the midpoint of this continuum is Gary Watson’s “Middle Course View” (Nelkin 2015, 358) which employs his distinction between two “faces” of responsibility: responsibility-as-attributability and responsibility-as-accountability. For Watson, psychopaths are responsible for their behavior in the attributability sense: since “[p]sychopaths are capable of a complex mode of reflective agency,” their bad behavior “is ethically significant” and attributable to them in a way that qualifies them as “not just dangerous

¹ For the most part, Nelkin relies on an idealized picture of the psychopath. For her purposes (and mine), psychopaths are simply generally rational agents who are also “constitutionally incapable of seeing other people’s pain as a reason to refrain from hurting them” (Nelkin 2015, 358).

but cruel” (Watson 2011, 316).² However, for Watson, the fact that cruelty is attributable to psychopaths does not mean that they are responsible for their behavior in the accountability sense: that is, the attribution of cruelty to psychopaths does not make it appropriate to hold them accountable for their bad behavior. This is because holding people accountable involves seeing them as open to moral demands, and psychopaths “lack the capacity for moral reciprocity or mutual recognition that is necessary for intelligibly holding someone accountable to basic moral demands and expectations” (Watson 2011, 308).³ Thus, on Watson’s view, while psychopaths are responsible in a certain sense, they are *not* responsible in the sense of being open to blaming responses involving negative reactive attitudes like resentment and indignation, which is what “holding accountable” often comes to.

If Watson’s view is the mid-point on a continuum, then the “Unified Blameworthiness View” lies at one end of this continuum. This approach—defended by T. M. Scanlon, Angela Smith, and me—holds that “attributability is sufficient for accountability”; therefore, on this view, “[i]f someone is properly described as cruel ... then he is accountable for his actions” (Nelkin 2015, 364). Proponents of the Unified view agree with Watson that cruelty can be attributed to psychopaths, and since they regard attributability as sufficient for accountability, they conclude (unlike Watson) that it is appropriate to hold psychopaths accountable for their behavior “and to react [toward psychopaths] with the reactive attitudes of resentment and indignation” (Nelkin 2015, 365).

Nelkin’s own perspective, the “No Blameworthiness View,” lies at the other end of the continuum described here. For Nelkin, since psychopaths cannot recognize moral considerations, they are not capable of the kind of moral disregard that makes a person cruel. Therefore, cruelty (among other vices) cannot properly be attributed to psychopaths, so they also cannot properly be held accountable for their (seemingly) cruel behavior. Thus, for Nelkin, psychopaths are not responsible in either of the two senses identified by Watson.

3 Disrespect Versus Lack of Respect

Proponents of the Unified Blameworthiness View hold that psychopaths’ general facility for making judgments about reasons “is sufficient ... to show *disregard* to others ... [which] is sufficient for the kind of bad quality of will that warrants resentment and indignation” (Nelkin 2015, 365). Here is Nelkin’s reconstruction of my (2008) argument for this conclusion:

Talbert acknowledges that the psychopath cannot make a judgment with moral content of the sort, “Your moral standing is not a reason for my refraining,” but he *can* make other judgments that do show ill will. Because the psychopath *can* understand reasons for acting and refraining (e.g., “I feel like a beer, that is a reason to go rob the 7-11”), he can make judgments like the following: “Your pain is no reason for me not to act.” Or he can simply deny that there is any

² Nelkin (2015, 363) reproduces part of the material just quoted from Watson.

³ Nelkin (2015, 363) reproduces this quotation from Watson.

reason at all not to injure you. Such judgments convey disrespect and contempt. (2015, 366)

My argument emphasizes psychopaths' (stipulated) possession of certain rational capacities: they can make judgments about reasons and about the significance of various factors *as reasons*; moreover, they can govern their behavior in light of these judgments. So, when a psychopath performs an action that he sees will lead to a certain outcome, we can attribute to him the implicit judgment that the outcome is to be promoted, or at least that the probable outcome does not count as a reason to refrain from action. And I proposed that the expression of such judgments can amount to a blame-grounding form of disrespect.

In response, Nelkin observes that “there is a considerable gap between lack of respect on the one hand and *disrespect* on the other” (2015, 366). The suggestion is that while the psychopath clearly fails to show respect for others, it doesn't follow that the psychopath disrespects others in a way that licenses serious moral blame. To illustrate the difference between lack of respect and disrespect, Nelkin appeals to Gary Watson's example of “Psychlops.”

Psychlops is a very simple creature capable of forming judgments such as

“F's flavor counts in favor of eating it,” and “if doing x would lead to eating something tasty, that counts in favor of doing x.” Any other kind of practical judgment not implicit or derivative from these is beyond its capacity. Nothing else is practically relevant. Its injuring or killing me would “implicate” the following “judgment”: that the lethal effects of eating this individual do not matter.⁴ (Watson 2011, 311)

Watson's Psychlops example suggests that a minimal capacity for forming judgments about reasons is not enough to qualify a person as malicious: though capable of some practical judgments, “Psychlops is too simple a creature to be malicious, as distinct from ferocious” (Watson 2011, 311). Or, to put the point in Nelkin's terms, while Psychlops fails to respect others, these failures don't amount to the disrespect involved in “exhibit[ions of] contempt or cruelty” (Nelkin 2015, 367).

But Watson does not himself conclude from his example that *psychopaths* are incapable of malice and cruelty. According to Watson, those who defend the attribution of these things to psychopaths

can rightly insist on the vastly greater practical complexity and sophistication of human psychopathic agents [as compared to Psychlops] and claim that these capacities make the difference. Unlike Psychlops, human psychopaths are enmeshed in a network of social relations in which they in fact engage with others as respondents. They live among us as competitors, colleagues, family members, fellow citizens. In virtue of their sociality and practical intelligence, they are capable of attitudes that have implications for the nature and quality of those relationships. (Watson 2011, 311)

⁴ Nelkin (2015, 367) quotes portions of this passage.

As Nelkin points out, Watson also emphasizes the way that psychopaths “can ‘set themselves against us’” as well as the fact that some psychopaths “actively enjoy causing pain” (Nelkin 2015, 367). Nelkin says that, for Watson, “[i]t is this set of qualities that licenses the conclusion that [psychopaths] show contempt or ill will” (2015, 367).

Nelkin, however, is not convinced. Even granting their rational and social competencies, Nelkin says that since psychopaths have “no capacity to see others’ interests as reason-giving ... it is not clear that they really can exhibit more ill will than the Psychlops” (2015, 367). In support of this contention (and of the larger point that psychopaths are not open to serious moral blame), Nelkin draws on a supposed symmetry between kindness and cruelty. I’ll address Nelkin’s symmetry argument in the next section, but first I’ll restate the case for regarding psychopaths as open to resentment-involving blame.

The best case for regarding psychopaths as worthy of resentment-involving blame emphasizes what psychopaths have in common with ordinary wrongdoers. Psychopaths, like ordinary wrongdoers, often knowingly and intentionally cause pain and suffering, and they may do so after deliberating about the reasons in favor of so acting. Thus, when a psychopath harms me, this can express his perspective on what counts as a reason. And the psychopath’s judgments about the normative significance of harming me is, like the normal wrongdoer’s, starkly at odds with my own judgments about the weight of reasons. In particular, when the psychopath judges that my interests and welfare do not give him reasons, he is denying the practical import of considerations that are, for me, morally significant. So, even if the psychopath cannot conceptualize his actions in moral terms, they may still have moral significance *for me* because of the kind of importance that I attach to the considerations that he judges to be practically irrelevant.

And, as Watson points out, the psychopath’s power of guiding his behavior by judgments about reasons is much more distinctively human than what Psychlops is capable of. Like a normal human agent, and unlike Psychlops, the psychopath is generally and broadly in the business of making judgments about reasons. Thus, psychopaths are not nearly as alien to us as Psychlops is. Psychopaths are (by a stipulation that Nelkin accepts) broadly rational actors who are often successful in making their way through our distinctively human social world, and of doing so in a distinctively human way: by weighing reasons and acting accordingly. It is not just the breadth of the psychopath’s rational capacities that is important here, but also their depth. As Watson suggests, part of the interpersonal significance of the psychopath’s behavior stems from their capacity to reflectively endorse—to be “‘into’ or ‘behind’”—the pain that they cause, as well as their related capacity to “set themselves directly against others’ aims as such”—that is, to set themselves against our interests just because they are our interests (Watson 2011, 316).

With the above in mind, I suggest that a person intentionally harmed by a psychopath can reasonably hold the blaming attitudes that would be apt in cases of normal wrongdoing. But Nelkin thinks that, in addition to what the psychopath is capable of, the genuinely ill willed and resentment-worthy wrongdoer must have a capacity for moral understanding and for seeing others’ interests as reason-giving.

To assess Nelkin’s proposal, imagine two agents, both of whom knowingly injure you because they judge that doing so will help them achieve their goals. Suppose that these goals do not justify the agents’ actions, but that neither agent thinks much about whether their actions are justified or about the moral claims that you might raise against them: both agents simply see that a course of action will advance their ends, so they take that course despite foreseeing the injury it will cause. Finally, suppose that one of these bad actors is morally competent, and that the other is a psychopath.⁵ The morally competent agent had the general capacities—which went unexercised—for recognizing the wrongfulness of her behavior, and under the right circumstances, she might have recognized how your moral standing spoke against the course she intended to pursue. The psychopath’s case is different. Not only did the question of justification not come up for the psychopath, it couldn’t have—at least not in a way that would have led him to attend appropriately to the relevant moral considerations. But given everything else the agents have in common—their awareness of the outcomes of their behavior and the considerations that actually motivated their behavior—does this difference justify the conclusion that only one of them is open to resentment-involving blame? My view is that it does not.

But perhaps the morally competent agent’s capacity for moral understanding makes her behavior *particularly* apt for eliciting resentment. (This might be because the competent agent’s capacity for moral understanding allows us to interpret her moral failure in a way that we cannot interpret the psychopath’s failure: namely, as an implicit *rejection* of norms that we accept. I’ll return to this suggestion in Section 5). Even if this is right, it doesn’t follow that, when we strip away the competent agent’s unexercised capacity for moral understanding, we are left with an agent whose behavior doesn’t warrant resentment (or at least a closely related emotional response). I’ll expand on this proposal at the end of the next section.

4 The Symmetry Argument

I turn now to Nelkin’s “symmetry argument” for the conclusion that psychopaths are not capable of cruelty. In this argument, Nelkin introduces a figure that I’ll call the pro-social psychopath:

Imagine a creature who lacks all moral understanding and does not see others’ interests as fundamentally reason-giving, but who, along with beer and cigarettes, enjoys watching car chases and other people enjoying themselves. He doesn’t care about other people in the sense of taking their interests to be reasons for acting. He just enjoys seeing them having a good time.... [And he] might enjoy being the agent of another’s pleasure more than simply watching it. (2015, 367)

⁵ Presumably, morally competent agents can act wrongly without reflecting much on the justifiability of their behavior. Moral competence is not a guarantee of moral reflection. Nor, of course, is it a guarantee of *accurate* moral reflection: we should allow that competent agents can be mistaken. A related assumption is central to the points made in Section 5.

Nelkin thinks that we wouldn't describe the pro-social psychopath as "kind," and that a supposed symmetry between kindness and cruelty should lead us to conclude that the anti-social psychopath is not appropriately described as "cruel" (2015, 367).

The pro-social psychopath's behavior doesn't qualify as kind, Nelkin says, because behavior doesn't "add up to kindness unless one does something for the sake of someone" (2015, 368). Nelkin doesn't say exactly what acting "for the sake of someone" comes to, but, drawing on her description of what the pro-social psychopath can't do, she presumably has in mind actions that stem from seeing others interests as "fundamentally reason-giving." What symmetrical conclusions about cruelty can be drawn from this observation? Nelkin says that she is "not exactly sure what the parallel of doing something for the sake of someone is in the case of cruelty," but she is confident that "the mere taking of pleasure in the pain, and even in being the instrument of pain, does not entail cruelty or contempt" (2015, 368). It takes "[t]he addition of any of a variety of other judgments" to "turn the case into one of cruelty": for example, the judgment, "his moral standing is not a good enough reason to refrain" (2015, 368). So, in order to get blame-grounding cruelty, we must add to what the psychopath can do (aim at, and take pleasure in, others' pain) an ability that he does not have (to form judgments with moral content).

As Nelkin suggests, it is difficult to cast the idea of acting *for the sake of others* in negative, but parallel, terms, so it is hard to spell out the proposed symmetry between kindness and cruelty in a precise way. Still, the idea is clear enough: kindness requires a capacity for moral understanding (so that one can truly act for another's sake), so cruelty should require a similar capacity (so that one's behavior expresses judgments about, e.g., moral standing). Below, I'll grant Nelkin's assumption about symmetry, but suggest that her conclusions are incorrect: a pro-social psychopath can count as "kind" (or close enough to make responses related to gratitude appropriate), and a symmetrical point holds for psychopaths and "cruelty."

The first thing to note is that Nelkin's pro-social psychopath is a somewhat seedy character. We're invited to imagine a beer-swilling, chain-smoker who enjoys watching car chases. But why not imagine someone who enjoys poetry, opera, a nice glass of wine with dinner, and providing others with these diversions? We could even stipulate that the pro-social psychopath enjoys being the agent of pleasures that turn out to be conducive to long-term happiness and genuine human flourishing. Even so conceived, the pro-social psychopath doesn't act out of love: he doesn't do what he does *for the sake of* those he makes happy. But it may be that he does many things that someone acting out of love would do; it's just that love isn't required to get him to do these things.

The pro-social psychopath I am imagining doesn't possess the full flowering of Aristotelian virtue: he acts well, but not for the right reasons. Still, we might think there is a kind of virtue here: a natural attraction—unmediated by judgments about duties, rights, and claims—to what is in fact good. In some respects, our pro-social psychopath resembles those "sympathetically attuned" agents in Kant's *Groundwork* who "take an inner gratification in spreading joy around them, and can take delight in the contentment of others insofar as it is their own work" (2002[1785], 14 [Ak 4:398].)⁶

⁶ For Kant, the actions of these agents lack moral worth since they aren't motivated by a sense of duty, but it does not follow that such agents are not kind; indeed, Kant suggests that their actions are "amiable."

I grant that we want more from loved ones than the pro-social psychopath can give. We hope that loved ones will seek our happiness because they love us, and not just because it happens to satisfy them. Of course, what we want from loved ones isn't best described as mere "kindness." At any rate, we are willing to demand less from strangers than from loved ones, and the pro-social psychopath might come close to giving us what we minimally desire from strangers. We don't have to call this "kindness," but it is a kind of amiableness, and I suspect that something like gratitude would not be out of place as a response to it.

The pro-social psychopath seems amiable because, in helping others achieve happiness, he expresses a positive disposition toward things that we value and that we think others ought to value too. More precisely, the pro-social psychopath promotes things that we take to have moral value, and though he does not do so based on moral evaluations, his behavior may resonate with us in such a way that appreciation and admiration become appropriate. Note, for example, that when a stranger says, after doing us a good turn, "No need to thank me; it was my pleasure" we don't necessarily find our appreciation displaced, even if we think that what the person says is true. This is because we see the person as attracted to something that by our lights one ought to be attracted to.

The above is roughly parallel to what I said at the end of the last section about resentment-involving blame and the anti-social psychopath: my negative attitudes toward the psychopath respond to his failure, as a reasoning being, to find reasons in considerations that are, for me, morally important. Nelkin thinks that more is required: a resentment-worthy wrongdoer must display a sort of ill will that requires a capacity for moral understanding. But why think that the emotion of resentment properly responds only to such wrongs?

According to most accounts, emotions involve, in some way and to some extent, representations. X 's fear of Y may involve X 's judgment or belief that Y is dangerous; or perhaps it involves X appraising, construing, evaluating, or taking Y as dangerous.⁷ If emotions involve representations, having an account of the representation associated with resentment will help us determine when resentment is fitting: it will be fitting if the representation accurately depicts the object of resentment.⁸ And if, as Nelkin and many others assume, to be blameworthy is to be a fitting target of resentment, then having an account of when resentment is fitting will help us fill out our account of blameworthiness.

What sort of representation is involved in resentment? A plausible assumption is that, as D'Arms and Jacobson put it, the "constitutive thought" involved in resentment "is that one has not merely been slighted but wronged" (2003, 143). Now it might be that the wronging at issue here involves moral understanding. That is, we might think that resentment is characterized by the thought that another wronged us—by, for example, deliberately and unjustifiably treating us in a way that we did not deserve

⁷ Andrea Scarantino and Ronald de Sousa (2018) note that "[d]espite the great diversity of views on the nature and function of emotions ..., a broad consensus has emerged on a number of topics"; one of these points of consensus is that "[e]motions have intentionality or the ability to represent." Scarantino and de Sousa's article provides examples of views that take emotional states to involve either judgements, or beliefs, or appraisals, or construals, etc.

⁸ Gideon Rosen makes the same point: "For it to be appropriate to resent X for A just is for the thoughts implicit in resentment to be true of X and A " (2015, 71). Also see Peter Graham (2012).

to be treated—and that this other could have recognized the moral considerations in favor of not doing so.⁹ So understood, resentment would properly respond just to intentional harms committed by agents who have the capacity to respond to moral considerations, and it would be off target in the case of a psychopath since its constitutive thought could not accurately represent the psychopath and his behavior.

But perhaps the thought involved in resentment is less complex. Perhaps it is simply the thought that another has intentionally, and without justification, treated me in a way that I did not deserve to be treated.¹⁰ This thought can reasonably be had of a psychopath, and it is a plausible specification of the representational content of resentment. But suppose that this is wrong, and resentment—properly so called—essentially responds just to wrongs done by agents with a capacity for moral understanding. If this is so, it still seems plausible that there is a closely related blaming emotion that responds simply to the fact that a generally rational agent has deliberately, and without justification, set himself against our interests. This resentment-like emotion would be apt in the case of a psychopath; and to be in, and to express, this emotional state would be very similar to what it is like to engage in moral blame.¹¹

Something similar can be said about positive reactive attitudes. Perhaps *gratitude*, strictly speaking, is an emotional response characterized by the thought that someone acted well towards me *and did so for my sake*. But a closely related emotional experience might be had in response to the pro-social psychopath who contributes to our happiness just because he enjoys doing so. Even if the pro-social psychopath isn't "kind," he might be close enough for the purposes of a reactive attitude very similar to what we experience in response to kind people. And as I've argued, a symmetrical point can be made about the anti-social psychopath and blaming emotions related to, if not identical with, resentment.

5 Two Kinds of Moral Insensitivity

In her discussion of the relationship between cruelty and moral understanding, Nelkin distinguishes different types of insensitivity to moral considerations. For example, one can be insensitive in the way the psychopath is: that is, "one might be unable to recognize moral facts such as that someone's being in pain provides a reason to discontinue one's behavior that causes her pain" (Nelkin 2015, 368). As we've seen, this kind of moral insensitivity amounts, for Nelkin, merely to a failure of respect,

⁹ Gary Watson regards resentment as "'incipiently communicative' in that it involves a commitment ... to the appropriateness of an inherently communicative stance" (2011, 328 note 35). Since resentment communicates moral demands that the psychopath cannot grasp, one cannot take up the relevant communicative stance with respect to them. To put the point in the terms used in the text, an account like Watson's might interpret resentment as involving the thought that its target is a potential moral interlocutor. Jada Strabbing (2019) argues for a related conclusion. For Strabbing, "resentment is partly constituted by the thought that the agent ... could have acted from sufficient good will" (2019, 3130), which entails that those properly targeted with resentment will be able to recognize and respond appropriately to moral reasons.

¹⁰ Something along the lines of Graham's (2012, 21) formulation might also serve: "the content of a blame emotion felt toward a person for ϕ -ing is that, in ϕ -ing, that person has violated a moral requirement of respect."

¹¹ Nelkin raises a possibility related to what I propose here (2015, 384): namely, that I conceptualize resentment as not necessarily expressing a demand for moral recognition.

which lacks the moral bite involved in ill will, moral disrespect, and cruelty. Nelkin argues that a different kind of insensitivity is required for the moral vices just mentioned: it is this other

kind of insensitivity, a kind of motivational insensitivity, that constitutes a moral vice. This kind of insensitivity really amounts to a kind of indifference; one can grasp certain kinds of moral facts, but either *one does not care to make the effort* on given occasions, *or one does not care to act on one's recognition when one does.* (Nelkin 2015, 368; emphases added)

Building on this theme, Nelkin claims that the psychopath's "general form of insensitivity" to moral considerations (i.e., insensitivity that amounts merely to a failure of respect), "when combined with a general capacity for moral understanding, can turn into *the kind of indifference that is only possible when one is aware of something and still does not care*" (Nelkin, 2015, 369–70; emphasis added).

I take the suggestion here to be similar to one that I made at the end of Section 3: the behavior of a morally competent wrongdoer is particularly objectionable because, unlike psychopaths, morally competent agents are capable of a kind of moral indifference that amounts to rejecting moral considerations in their own terms. That is, a morally competent agent can—in virtue of her capacity for moral understanding—reject moral considerations *while grasping what she is rejecting*. With this point in hand, we can see why a competent wrongdoer's behavior has a moral bite that the psychopath's behavior lacks, which would help to explain why only the former is open to resentment-involving blame.

But there is a problem with this account. The problem is that it is hard to see how an unexercised *capacity* for moral understanding can play the role just described. To see the worry, return to the indented quotation above. There, Nelkin offers two somewhat different characterizations of the morally competent wrongdoer: he is either one who "can grasp certain kinds of moral facts, but ... does not care to make the effort," or he is one who "can grasp certain kinds of moral facts, but ... does not care to act on one's recognition when one does" (Nelkin 2015, 368).

Under the first characterization, the competent wrongdoer would be similar to the psychopath insofar as she does not recognize the force of the moral considerations to which she is insensitive (though she had the general capacity for such recognition). This sort of wrongdoer does *not* reject moral considerations *while grasping what she is rejecting*.¹² The second characterization depicts a different sort of wrongdoer: one who recognizes—in a motivationally inefficacious way—the normative status of certain considerations, but "does not care to act on one's recognition" (Nelkin 2015, 368).

¹² Nelkin says that this wrongdoer fails to grasp moral facts because she "does not care to make the effort," and this might lead us to think of a wrongdoer who *deliberately* fails to exercise her capacity for caring about something that she (at least dimly) knows that she ought to care about. We should not think of the case this way since we would then be imagining a wrongdoer who has some grip on the moral status of what she does not care about, and the case would thus be too similar to the other possibility that Nelkin proposes for the contrast between the two to be meaningful. Rather, we should think of the case at hand as one in which a wrongdoer, with average capacities for moral understanding, simply fails to grasp the relevance of morally salient considerations while being unaware that she is failing to grasp something of moral significance. At any rate, it is the prospect of grounding the blameworthiness of such an unwitting, but morally competent, wrongdoer that I suggest presents a problem for Nelkin's account.

Since the second wrongdoer has a grasp of relevant moral facts, her behavior plausibly amounts to a rejection of these facts in a way that the psychopath's behavior cannot. But the second wrongdoer's moral insensitivity is also different from the first wrongdoer's, the one who, while having the capacity for moral understanding, does not grasp relevant moral considerations. Nelkin's proposal was that psychopaths are not open to serious moral blame because they lack a capacity for moral understanding, so their behavior cannot manifest the blame-grounding disrespect implicit in an *informed indifference* to moral claims. But it seems that the wrongdoer who is most starkly indifferent to moral claims is not the one with just a capacity for moral understanding, but rather the one who actually has moral understanding and acts contrary to it.

There is a difference between having a capacity for understanding X and actually understanding X , but it is easy to run these things together and to treat the first as if it entailed the second. Return, for example, to Nelkin's claim above that the psychopath's "general failure to respond" to moral reasons "when combined with a general capacity for moral understanding, can turn into the kind of indifference that is only possible when one is aware of something and still does not care" (2015, 369–370). It is easy to read this as saying that when we combine the psychopath's failure to recognize moral considerations with a capacity for moral understanding, this yields the kind of indifference that Nelkin associates with blameworthiness. But this isn't right: to achieve the sort of indifference in which "one is aware of something and still does not care," we need to add more than a capacity for moral awareness; we need to add *actual moral awareness*.

Similarly, Nelkin notes that,

we have an intuitive grasp that insensitivity (understood as not picking up on salient moral facts such as that someone's suffering is a bad thing) and indifference (understood as picking up on them and not caring) are two different kinds of faults. (2015, 370)

Note that here Nelkin is not juxtaposing the psychopath's kind of insensitivity against the insensitivity of a merely morally competent wrongdoer; rather, she is again juxtaposing the psychopath and the knowing wrongdoer who picks up on relevant moral facts. The contrast drawn here, while intuitive, leaves it unclear that a merely competent wrongdoer's actions are different from the psychopath's in a way that licenses blaming the former but not the latter.

If ill will, cruelty, and disrespect are best characterized as involving opposition to, and rejection of, moral facts and norms, and we want to harness moral understanding for this task, then it is hard to see how we can make do with anything short of actual moral understanding. The mere capacity for such understanding is unlikely to do the required work since, in normal cases (i.e., those *not* involving self-deception or affected ignorance), we can't characterize a failure to exercise this capacity as a *knowing* rejection of moral facts. This is because, in cases where a capacity for moral understanding is unexercised, the

relevant moral facts are unknown, even if the agent in question had the general capacities for knowing them.¹³

6 Conclusion

The behavior of a wrongdoer who acts contrary to moral considerations, while grasping those very considerations, contrasts starkly with the psychopath's bad behavior. We could conclude that it is only such wrongdoers who are capable of the kind of indifference to morality that grounds resentment-involving moral blame. But this threatens to exclude from serious blame many average, non-akratic wrongdoers.¹⁴

An alternative would be to emphasize the difference between normal, non-akratic wrongdoing and the psychopath's bad behavior, and to argue that this difference explains why only the former is open to blame. Given their moral competence, we can attribute to normal wrongdoers an implicit judgment that a victim's "moral standing is not a good enough reason to refrain" from φ -ing, which is the sort of judgment that Nelkin says can be added to the psychopath's behavior to yield cruelty (2015, 368). By contrast, we can attribute to the psychopath only the judgment that the effects of φ -ing on a victim are not a reason to refrain. This is a genuine difference, but I have argued that when we take account of the similarities between psychopaths and normal agents, and account of the significance that a psychopath's behavior can have for us, it is hard to see how this difference sustains the conclusion that only normal agents are open to serious moral blame.¹⁵

¹³ As suggested in the previous note, we shouldn't assume that the failure to exercise these capacities is itself knowingly wrong, for then we would be considering a sort of knowing wrongdoer, and I assume that not all blameworthy wrongdoers are knowing wrongdoers (though see the next note for discussion of the opposing view).

¹⁴ Gideon Rosen (2004) argues that a wrongdoer will be blameworthy for her present wrongful behavior only if she is a knowing wrongdoer—that is, if she acts akratically—or if her failure to see that she does wrong is itself culpable, where such culpability will depend on a previous instance of knowing wrongdoing on the agent's part that led to her current moral ignorance. So, on Rosen's account, the average non-akratic wrongdoer mentioned in the text will be blameworthy if he acted akratically at some earlier time and this earlier akratic act is appropriately related to the agent's present moral ignorance. But Rosen argues that since blameworthiness requires akrasia, we should endorse a form of epistemic skepticism about blameworthiness since we rarely have good grounds for attributing akrasia to others. FitzPatrick (2008) offers a compelling argument against this last point, so Rosen's epistemic skepticism may be avoidable; however, FitzPatrick notes that taking akrasia to ground blameworthiness still threatens widespread exculpation (this is the threat I referred to in the text) since many intuitively blameworthy wrongdoers may have never engaged in knowing wrongdoing. FitzPatrick responds by arguing that unwitting wrongdoers who never acted akratically will be blameworthy if it was reasonable—as he thinks it often is—to expect them to avoid or to correct their moral ignorance. For objections to FitzPatrick, and for arguments in support of the idea that an akrasia condition on blameworthiness leads to widespread exculpation, see Levy (2009) and Talbert (2013). I thank an anonymous reviewer for this journal for encouraging me to provide more detail on this aspect of the debate.

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