

Are Psychopathic Serial Killers Evil? Are they Blameworthy for What They Do?

Manuel Vargas

unfilosofo@gmail.com

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Abstract: At least some serial killers are *psychopathic* serial killers. Psychopathic serial killers raise interesting questions about the nature of evil and moral responsibility. On the one hand, serial killers seem to be obviously evil, if anything is. On the other hand, psychopathy is a diagnosable disorder that, among other things, involves a diminished ability to understand and use basic moral distinctions. This feature of psychopathy suggests that psychopathic serial killers have at least diminished responsibility for what they do. In this chapter I consider whether psychopathic serial killers might be properly said to be both evil and morally responsible for their actions. I argue that psychopathic serial killers are plausibly evil in at least one recognizable sense of the term, but that they are nevertheless not likely to be responsible for many of the evils they perpetuate.

1. The puzzle

Can you be really, really evil and still not morally responsible for the evil things that you do? Sometimes we are tempted to say no. The worry seems to be that if we deny that someone is responsible for the evil things that he or she does, then the evil-doer cannot really be evil. I think this picture is mistaken, for some very interesting reasons. That's what I am going to explore in this chapter—the idea that someone can be really profoundly evil and not responsible for what he or she does. If I am right, psychopathic serial killers may well be an instance of just this sort.

(To avoid some confusion, I'll start by saying a few things that will probably strike you as obvious. Still, people sometimes run these things together when they aren't being as precise as we'll need to be. So, bear with me for a few paragraphs while I sort out some basic but important details.)

Psychopaths and serial killers are not the same thing. They can be, but they don't have to be. As I will use the term *psychopath*, this is a psychiatric category, and one that does not necessarily involve killing anyone. And indeed, many real world psychopaths never kill anyone. Rather than killing, they only inflict the pettier miseries on people around them. In contrast, killing seems to be a pretty strict requirement for a serial killer. Still, we should be careful because the serial killer category can be slippery. What, exactly, counts as serial killing? Some traditional criteria point to three or more murders over 30 days, with psychological gratification as an important motive. Still, we might start to wonder whether that standard can be met by lots of people we don't ordinarily think of as serial killers. Might an enthusiastic battlefield soldier count as a serial killer? How about a doctor who routinely performs euthanasia or abortion out of conviction? Could there be serial killers of non-human entities? I'm not going to try to answer these questions, interesting as they may be. My point here is merely that the category of serial killer is plausibly broad enough to include non-psychopaths. So, not all psychopaths are serial killers and not all serial killers are psychopaths.

So, the categories come apart. Still, I want to focus on those cases where the categories come together, where we have a psychopathic serial killer. I want to focus on these cases because I think they can help us get to the heart of some very interesting puzzles about the relationship between responsibility and other forms of moral evaluation. Or, to capture the issue in the form of a question: Does madness mean no badness?

Let me explain. Normally, how enthusiastic we are to blame people for any horrible things they do depends, in part, on how horrible the act is. If you hear me tell a rude joke, you might get irritated. However, depending on the circumstances and how well we know each other you might not

say anything at all. In contrast, if I maliciously slam a crowbar into your gut, as soon as you catch your breath you will very likely say something about it. In both cases you will have very good reason to blame me, but the strength and intensity of that blame is at least partly a response to the apparent badness of the action.

On this picture, serial killing looks to be a Very Morally Bad Thing.¹ But here's the thing: it matters who is doing the killing. Every once in a while we hear a story of how some young kid does some or another thing that results in the death of his or her sibling. Asphyxiation, or death from lack of air, is perhaps the most common cause of accidental death among kids, and it may seem particularly heartbreaking when it was done by one young sibling to another, neither understanding what was happening. These stories are really heartbreaking. No one would deny that such cases are really terrible outcomes. But it isn't obvious that the kid who killed the other kid deserves our blame. In order to deserve blame—even for killing—the wrong-doer has to be the right kind of person, one who (roughly) understands the difference between right and wrong. So, to the extent to which kids don't understand the significance of what they are doing, they get off the hook. In general, it seems that when someone doesn't understand what he or she is doing we are prepared to absolve that person for what would otherwise be a bad act. Unless, of course, earlier that person tried to make it so he or she wouldn't understand at the crucial later time. (For example, it used to be that people would sometimes drink heavily so they would conveniently have an "excuse" for bad behavior; cultural norms on this seem to have shifted a bit, though.)

So, that seems like a good general principle: in order to be blamed for doing something bad, you have to understand that the bad thing is a bad thing. But what does this principle tell us about psychopathic serial killers? Do they know that what they are doing is a morally bad thing?

2. On the virtues of philosophy *interruptus*

In the preceding section I was doing a bit of traditional philosophical stage-setting: making distinctions, clarifying terms, and saying a bit about the relationship of our concepts to one another. Here's one way of putting the philosophical project of this chapter: we are trying to figure out what we should say about something—the moral responsibility of psychopaths—when there is no clear, widely-agreed upon method for figuring out how to answer questions like this. What we do is generate some reasons for thinking one thing rather than another. We try to figure out what general rules can explain the judgments we are confident about but might also help us understand cases where we are less confident. But we also have to be very careful about how far we take this process. In some sense, it is very easy to do philosophy. You can do it from the chair you are sitting in by just thinking about issues and trying to reason carefully. The temptation of a comfortable philosopher's armchair is to think that we can get by understanding the world without bothering to study what is already known about it. What makes this temptation particularly powerful to at least some of us is that, in some sense, we could learn quite a bit about the world without ever studying scientific research on our subject matter. That is, we could imagine different ways psychopaths might be, and then try to

1. If, however, you are an American undergraduate or similarly contrarian soul, you might be tempted to deny this claim. Perhaps you think morality is relative in some or another way. Or, maybe you think that morality is merely some invented story we teach people for the purposes of social control. Or, perhaps you think there is some convoluted reason why serial killing turns out to, on balance, be a morally wonderful thing. That's fine, because you can play along anyway. When I say use the words *moral* and *morally responsible* and *blameworthy*, you can just think this after each of those terms: *according to the way ordinary people around here think*. The puzzles I am interested and what we should say about them can be raised on any view that admits we have moral concepts, regardless of whether those moral concepts are all they are cracked up to be.

work through explanations of what we should think about them if they did turn out to be that way. But that's just *lazy*. When there is good evidence about how something is, we should learn it first.

Still, science doesn't answer all the interesting questions. No amount of experimental evidence will by itself tell us what to say about the responsibility of psychopaths. At least so far, science does not do a very good job settling questions of moral responsibility. So, inasmuch as we are interested in this question we are going to need to do some philosophy. But, knowing what the research on psychopaths already says gives us a leg up on doing that philosophy. So, I'm going to put the philosophy on "pause" for a moment to quickly review some of the important details about psychopaths as described in the scientific literature on them.

3. What you don't know about psychopathic serial killers

I've found that most folks are pretty confident they know, more or less, what a psychopath is. If you don't believe me, try asking a few people what the difference is between a psychopath and a sociopath. With any luck, you'll get treated to a convoluted discussion about that person's personal theory about the difference. (Really, I recommend trying it: it is surprisingly entertaining to hear people's pet theories about this difference!) But I'm willing to bet almost none of your friends will know what the real difference is—unless, that is, your friends work in psychiatry or have some peculiar interest in psychopaths.

Don't believe me? Well, let's see what you know. Did you know the folks now identified as psychopaths used to be thought of as suffering from something called "moral idiocy?" Or that psychopaths are oftentimes incredibly charming but prone to getting the usages of words wrong? Did you know that psychopaths tend to have trouble holding down a job or staying in a relationship? Did you realize that 'psychopaths' and 'sociopaths' are different labels for the same thing?

I want to talk about that last bit—the psycho/sociopath distinction—for a moment. The history of these terms is interesting, and serves as a cautionary tale for how popular conceptions of things can mislead us about the nature of things. 'Psychopath' was introduced by the psychiatric community as a term to refer to people with a very specific set of behavioral symptoms that had been previously associated with "moral idiocy" "moral insanity" or "moral imbecility." There was some variation in how these terms were used, but they all shared the idea that someone thusly described had the inability to recognize moral rules and to respond to them in the appropriate way. So, psychopath was just a new word for a category that existed in the scientific literature from around 1860 or so. But then popular culture got ahold of the term and started using it in ways that departed from the way psychiatrists and psychologists had intended it to be used. Psychopaths made good characters in stories, movies, and popular media, but the folks telling these stories were concerned about precise medical usage. In this sense, the word is much like how 'depression' or 'hysterical' came to be. These are terms that started out with very specific meanings in medical contexts, but came to be popularized and to greater and lesser degrees detached from their ordinary usage. So, rather than running the risk of having popular usage contaminating medical practice in the case of 'psychopath', a new word was introduced as a technical term to cover that category. That's how 'sociopath' was born. (Later, some researchers tried to draw a distinction between psychopaths and sociopaths, but the distinction never really caught on in the diagnostic community.) However, history repeated itself. Sociopath made its way into the popular vocabulary and the folks who decide on categories of mental disorders (the authors of the periodically updated *Diagnostic and Statistical Manual*, a handbook with rules for diagnosing mental disorders) thought it best to try and change the label yet again. This time, though, they came up with a term that was so not catchy so that the risk of Hollywood appropriating it is close to zero. The contemporary label is *anti-social personality disorder*.

While all this was happening, some researchers (notably, Robert Hare) came to think that there is a population of people who imperfectly overlap with those diagnosed with anti-social per-

sonality disorder. Hare and others took up the old term ‘psychopathy’ to refer to this population. There is now pretty good evidence that there is a discrete population here, that imperfectly overlaps with the current category of anti-social personality disorder. For our purposes, what is important is that there are some striking features to this group. First, they tend to have very bad impulse control and this seems to be correlated with some important differences in the brain. Second, psychopaths seem incapable of experiencing shame and guilt, and they don’t respond to depictions of harm in the way we do. Third, they have great difficulty recognizing and drawing distinctions between rules that are somewhat arbitrary (“conventions”) and rules that are widely recognized as “moral” or less arbitrary. (More on this in a moment.) Finally, there is no known effective treatment for psychopathy. This is to say: we currently have no way of fixing those defects of the brain and the habits of behavior that account for psychopathic behavior.

This last bit—about the “un-fixable” nature of psychopaths is important. It is important because part of what needs fixing in psychopaths is their apparent inability to experience emotions that are an important part of how we regulate our moral lives. If psychopaths can’t experience guilt or shame, then the prospect of experiencing these emotions can’t affect what they do. If they don’t have aversion reactions—the “ick!” or “I don’t want to see that!” reaction—to depictions of harm (e.g., a mutilated limb), then these things don’t structure their behavior. But these reactions—guilt, shame, and harm aversion, are precisely how many of us come to acquire and hold on to our diverse moral convictions and our sense of what is right and wrong. So, even if psychopaths were otherwise completely like us, they would be at a severe disadvantage when it comes to regulating their own behavior. (For that matter, it puts *us* at a disadvantage when we try to encourage their good behavior and discourage their bad behavior.)

The distinctive psychological profile of the psychopath isn’t limited to an absence of remorse, shame, or aversions to the perception of harm. As I noted above, it also includes an important inability at recognizing the difference between what psychologists call “conventional” and “moral” rules. (I put these terms in quotes to mark the fact that these are labels; it is an open question whether these labels accurately capture any Real Moral Rules, whatever those turn out to be.) Conventional rules are rules that we (often collectively) make up or stipulate. Laws are generally like this, and so are the rules of many games and social interactions. In the U.S. it is ordinarily wrong to drive on the left hand side of the road. However, if there was no law against it or we didn’t already have some rule in place, it would not be wrong to drive on the left side of the road (provided you could do so without putting yourself or other people at risk). Similarly, the rule in football that each team can have no more than 11 players on the field during a play is conventional. Leagues could change if they decided to (indeed, some high school leagues use an 8 person rule).

Conventions cover a lot of our interactions. They are, however, in some sense “local” or bound to particular places and contexts. The rules governing driving, game-playing, manners, and so on are all tied to particular places, times, and groups of people. There are, however, some rules that don’t seem so straightforwardly conventional. Rules about injuring other people seem to be like that. We don’t need to find out what the local rules are for certain kinds of actions. If you were parachuted into a random country without knowing anything about the local people there, you could be pretty confident that it would be wrong to walk up to the first person you meet and sucker punch ‘em for fun. Pretty much anywhere it is wrong to hurt people “for fun” or “just to see.” This difference—one where certain forms of rule-breaking are always bad—is an important one, marking out what some psychologists call “moral” rules. For purely conventional rules, if there is no convention or governing social practice, we are generally pretty confident the action is permitted. If you live in a building where there is no noise ordinance, for example, then we can safely assume that singing in the shower at the top of your lungs during the day is not likely to be a problem. In contrast, the rule against harming people for fun seems to be a good bet for a rule that is going to apply nearly any-

where people can be found. (We could probably think of some exceptions, but it is also telling how convoluted things would have to be to generate those exceptions. In contrast, it doesn't take much work to come up with exceptions to ordinary conventional rules.) So, we might put the difference this way: "conventional" rules rule out things *because* we (or some relevant group of us) say so, whereas "moral" rules rule out things regardless of whether or not someone says so.

My point is *not* that there is necessarily a real difference in these rules. At the end of the day, maybe it will turn out that all rules are arbitrary or that there is no fundamental difference between "moral" and "conventional" rules, as psychologists have characterized them. That would be interesting. However, the point I'm trying to make doesn't depend on whether or not there is a particularly fundamental or deep difference. My point is just this: you and I recognize that there is an *apparent* difference between those things that ruled out whether or not someone says so and those things that are ruled out only if someone says so. And it is the ability to recognize *that* difference—the on-the-face-of-it difference between "moral" and "conventional" rules—that psychopaths lack. (Note: whether this is an innate ability or a learned ability doesn't much matter, because either way psychopaths don't seem to be able to learn to make the distinction.)

The inability to distinguish between these kinds of rules means that psychopaths are in a tough position—they can't recognize when they are breaking rules that matter a lot to us (whether or not those rules reflect the True Ultimate Nature of Morality, whatever that turns out to be). It is sometimes tempting to think that maybe they know something we don't know or can't admit. But that is to misunderstand to confuse blindness for knowledge. It isn't that the psychopath knows the rule but realizes some dark secret that the rule is bogus. Rather, the psychopath is *blind to the rule in the first place*. The psychopath can't even see what we are talking about—that there is, at least on the surface, a big difference between hurting others and eating your chocolate cake before the entree has arrived.

Why think they are blind in this way? Well, according to researchers who study these folks for a living, if you offer a psychopath a reward for trying to sort rule breaking of conventions from rule breaking of moral cases they simply can't do it. And if you try to explain the difference to them, they will think you are trying to pull a fast one on them. Let me explain.

It is hard to get inside the head of a psychopath. To get a sense of what their world must look like, at least with respect to "moral" rules, you would have to imagine a scenario where people were trying to convince you that there is a hugely important difference in lots of everyday actions that seem all roughly the same to you. For example, they might tell you that there are some ways of getting out of bed that are okay and others that aren't. And, we might imagine, every attempt to explain when the rules hold or don't turns on the supposed significance of some invisible feature of the world-*mrah*, let us call it—that you don't really get, that never plays a role in your feelings and thinking, and that doesn't seem particularly important even when it is explained to you. In the scenario we are imagining, I suspect it would be hard for you to directly care a lot about *mrah*, because you wouldn't ever really be sure when it is there and why it matters. Sure, you get that people talk a lot about it and seem concerned about it, but as far as you can make out, this looks really random and arbitrary. If someone asks you to distinguish between the *mrah*-causing actions and the non-*mrah* causing actions you couldn't reliably do it. Indeed, you might start to think they were trying to pool the wool over your eyes, controlling you for their own purposes by making up a difference and pretending like everyone can see it.

I don't know if that helps. But, 'mrah' just is harm, spelled backward. And, harm seems to be an important thing that psychopaths just don't understand very well. Even when they get what counts as harm, notoriously they have a difficult time caring about it. However, harm just is what makes a lot of things really, genuinely bad (at least, as far as we're concerned). Blindness to harm is thus a serious problem for them and us. If you can't see it, it is hard to learn to respond to it even if

everyone else seems to be doing so. In the case of psychopathic serial killers, it may be impossible for them to recognize and respond to the badness of killing, just as it would be tough for you and I to respond to someone's frantic worries about the mrah that we are doing as we go about our daily life, pursuing our desires and trying to achieve our various goals.

4. Back to philosophy

Even if we accept that there is something importantly different about psychopaths, these facts don't settle whether or not psychopathic serial killers can be blamed for any wrongdoing they commit. To figure that out, we need to do some philosophy.

As I noted before, on the one hand we tend to think that serial killing is pretty obviously the kind of thing that seems blameworthy. On the other hand, we also seem to think that not just anyone can be blamed. When we blame someone, we seem to presuppose that they were able to understand the nature of what they were doing, that it was in some important sense morally bad. This, though, is exactly where the scientific study of psychopaths is a useful complement to our philosophizing. As I was discussing above, psychopaths seem to lack the ability to recognize the moral significance of what it is that they are doing, at least when it comes to harming others. So, if our earlier proposal was correct, that blaming requires a kind of understanding on the part of the wrong-doer, then it looks like psychopaths, even psychopathic serial killers, aren't really the right sorts of beings to be on the receiving end of our blaming. They are surely doing really bad things. But rabid dogs, hurricanes, floods, and viruses can bring lots of harm to the world without being morally responsible in the ordinary, full-blooded sense of the phrase.

If all this is right, we ought not (morally) blame psychopaths for harming others. That means that psychopathic serial killers aren't properly speaking blameworthy for what they do.² I'm not saying it would be easy for us to stop blaming psychopathic serial killers for their killing. And, I'm not saying we would have no reason to remove them from society. On the contrary, we have some of the very best reasons to remove them from society! They are a threat to us, and nothing we or they can otherwise do will keep them from victimizing us. So, those threats need to be addressed in effective ways. In this, though, the appropriate reaction seems closer to quarantining, or what medical personnel do with people suffering from dangerous, highly infectious diseases. We have good reason to keep us and the disease apart, but the disease and its carriers are themselves unfortunate pieces of nature gone wrong. They are not anything we rightly a target of our blame, resentment, and indignation. We might feel these emotions, of course, but there is some sense in which they are misfiring or inappropriately directed.

At any rate, that's what seems to follow from the available scientific evidence and the bit of moral theorizing we did at the start. At this point, though, things get very tricky. You could think this outcome is so bad that we need to revisit the moral theorizing. Sometimes philosophical arguments land you in places that suggest the argument must have gone wrong at some point. We can't rule out this possibility, but I do think there is a further concern floating around here that, if addressed, might make this conclusion seem more sensible and less bleeding heart pansy than it surely seems.

2. What about free will, you ask? Don't psychopaths have free will? It depends on what you mean by free will. If free will involves an ability to understand the moral significance of what one does, then we should think they lack free will. If free will doesn't require this power, then psychopaths might well have free will. In that case, though, our free willing psychopaths will still lack something else, a power required for moral responsibility (i.e., the ability to understand that what they are doing is morally wrong).

5. Psychopathic serial killing and evil

Let's start with the idea that there is something especially horrific about serial killing, something that puts it beyond the reach of excuse by medical diagnosis. To see what that might be, I think it helps to invoke a different moral category, distinct from blameworthiness. I want to talk about evil.

The term *evil* gets used in a lot of ways. Sometimes people use it as a bombastic substitute for "morally bad." Sometimes it gets used in a coldly cynical way, as a way of characterizing our enemies when we want to mobilize social or political support for our fights with those enemies. But there is a sense of evil that picks out a special kind of psychology, different from run-of-the-mill moral badness. It is that sense of evil we invoke when we say something like "kicking puppies is bad, but putting them in an operating blender and laughing about it is just plain *evil*." Although doing this to puppies is certainly comparatively worse than kicking them, at least sometimes the point of invoking the idea of evil is to say more than blending puppies is extra bad. *Evil* marks out a kind of person, or a kind of motivation that is qualitatively different than ordinary moral badness. Hannibal Lecter is evil in this special sense. Maybe Agent Smith in the *Matrix* movies is like this, and certainly Emperor Palpatine from the *Star Wars* movies is along these lines. Although he's a bit more complicated, Heath Ledger's Joker from *The Dark Knight* might fit the bill.

In this usage, "evil" is a category that picks out people or actions that desire to see other people harmed for no reason beyond the desire itself. To be evil in this sense is to want to see others harmed for no further reason. This is very different than wanting to harm people so as to bring about world domination, the arrival of utopian political order, or ordinary compliance with the powers that be. In all these cases, the desire to harm people is just a means for accomplishing some other task. The genuinely evil person, in the special sense at hand, wants to see people harmed for no further reason—the desire to see that harm done is all the reason there is for wanting to harm others.

I think it is an open question whether there are many (or any) people that are actually evil in this sense. However, if there are such people I would not be surprised to find that serial killing psychopaths fit the bill. For example, perhaps a psychopathic serial killer finds fascinating the idea of dissecting a living person, fails to see any objections to doing so beyond the risk of getting caught, and proceeds with the business of torturing and killing people. On my view, this would be evil.

Here's an interesting feature about evil in this sense: it doesn't require that the evil person be responsible for being evil. That is, our evil psychopathic serial killer need not be responsible for being a psychopath or for any of the things he or she does at all. Evil—profound, genuine, really super-bad evil in the sense we've been talking about—just doesn't require responsibility. In this sense it is like being a jerk, or being a tightwad. These are bad things to be, but your being these things doesn't require that you are responsible for your jerk-ish and tightwad-ish behavior. Maybe you are a jerk because of a brain tumor, or maybe you are a tightwad because of low blood sugar. For all that, it would still be true that you are a jerk and a tightwad.

Now I don't want to pretend that knowing the origins of how you became a jerk or tightwad might not affect our reactions to your behavior. If we know the origins of these things it can affect how we regard the fact of your being a jerk or a tightwad. We might be less willing to blame you, or more likely to explain away your behavior to our mutual friends. Still, many of us would be less willing to hang out with the jerk or to ask for money from the tightwad, regardless of how these defects of character were arrived at.

Coming back to evil, then, I think evil is one of those descriptions of people that is (1) inherently condemnatory (no one wants to be *genuinely* evil, a *true* jerk, or a *real* tightwad) without (2) taking a stand on how that condemnatory nature came to be. It is a bad way to be, and in the case of evil, a really, really bad way to be. There is good reason for us to have a visceral, strongly negative reaction to the evil person and his or her deeds—such people have interests that are strongly at odds

with the basic terms of our living together. So we want them expelled, destroyed, or otherwise expunged from our lives when we are convinced that they are among us.

If all of this is right, then we can explain why the non-responsibility of psychopathic serial killers should leave us a bit unhappy. The worry that I noted above was this: focusing on the fact that such predators are not responsible seems to mean that we must abandon our moralized reactions to them (e.g., indignation, resentment, and so on). Any account that concludes with this reaction to psychopathic serial killers must therefore be wrong. What the foregoing remarks on evil help us to see, though, is that this reaction is too quick. While psychopathic serial killers may not be morally responsible for harming others, they might well count as genuinely evil. Nothing about their non-responsibility would affect whether or not they are truly evil. To the extent to which we are justified in being revolted, angry, or threatened by evil, we are justified in having these reactions to psychopaths regardless of whether or not they are responsible for what they do.

Matters are complicated, in part because our attitudes towards evil are oftentimes wrapped up in the assumption that the evil-doer is also responsible for what he or she does. But as I suggested above, that need not be the case. Sometimes evil is as evil does, and that can be enough.

Further reading

In recent years psychiatrists, philosophers, and neuroscientists have been doing a lot of work studying and thinking about the nature of psychopaths. For those interested in reading more about these issues a good place to start is: Hare, Robert D. 1999. *Without Conscience: The Disturbing World of the Psychopath*. New York: The Guildford Press; for a more technical overview of the current experimental research on psychopaths, see Blair, James, Derek Mitchell, and Karina Blair. 2005. *The Psychopath: Emotion and the Brain*. Malden, MA: Wiley-Blackwell; for a discussion of the relevance of the scientific research to moral philosophy, see Nichols, Shaun. 2004. *Sentimental Rules: On the Natural Foundations of Moral Judgment*. Oxford: Oxford University Press. My thanks to Shaun Nichols and Dominic Murphy for many and several discussions about psychopaths over the years, and to Stephanie Vargas for feedback on this paper.