

# **Moral Competence and the Psychopath**

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## ***Abstract***

Various theories of moral judgment have been proposed in light of recent empirical research in cognitive neuroscience and moral psychology. Some of the evidence is thought to indicate that emotional and intuitive processes are primarily responsible for moral judgement. There is also evidence to suggest that conscious deliberative reasoning can influence those emotional and intuitive processes and thus determine the content of moral judgment. Whilst empirical research helps to identify important capacities that underpin moral judgment, it is uncertain which of those capacities are necessary and sufficient for moral *competence* as distinguished from moral *performance* (a distinction that is central to the cognitive sciences).

The analysis of moral competence must also take into consideration the way in which we conceptualize moral judgement. Morality is traditionally understood as a normative enterprise based on moral reasoning and moral justification. Given that moral judgments are concerned with prescribing action, it is therefore conceived of as a form of practical reasoning. Central to the theory of moral judgment as practical reason is the implication that only rational agents are able to make morally relevant judgments. This implies that those who lack rational agency are incapable of making moral judgments.

In this thesis I argue that the practical reason requirement incorrectly excludes people (such as children, and those with particular neuropsychological deficits), whom we would normally grant as having a minimal capacity to form moral judgments. I also argue that this incorrectly excludes moral judgments and relevant moral knowledge that can be expressed independently of rational agency. Therefore I propose a theory of moral competence which accommodates all morally relevant

capacities and situates them within either categories of moral competence or moral performance. I then apply this theory to the analysis of the moral deficits associated with psychopathy and to the assessment of moral/legal responsibility of psychopaths.

### ***Statement of Originality***

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission for any other degree or diploma in any university or other tertiary institution without the prior approval of the University of Adelaide and where applicable, any partner institution responsible for the joint-award of this degree.

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Matthew Tieu (31<sup>st</sup> August 2012)

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