RESPONSIBILITY,  
CONTROL,  
AND  
THE  
PSYCHOPATHIC  
PERSONALITY  

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To the numerous "definitions" of human nature which philosophers over the years have been wont to make it might not be deemed unfit to add one more, one that may do more justice than most to what touches the heart of most men's lives. Man, we may truly say, is the responsible animal. This should not be taken to mean that men invariably conduct their affairs with probity, decorum, and a sense of justice. To assert such would be to ignore the obvious. Yet it is surely not unfair to history to claim that, generally speaking, men have been held accountable for their voluntary actions. Even thinkers like Spinoza, as strict a determinist as they come, have showed themselves loath to relinquish their grasp on such a long cherished notion. Man, after all, is free within certain limits and within those limits is alone the source of his acts. And what is freedom without responsibility but a license to injustice?

The modern world, however, has come to challenge the past in this as in most other respects. The concept of responsibility has been subjected to searching criticism from many quarters. Philosophers, psychologists, lawyers, sociologists, theologians—all have been embroiled in intense debate not only over the range and limits of man's responsibility but over the very meaning of the word. What was once accepted as a self-evident truth, as a simple fact of life, is now being rejected by some as meaningless or, at best, useless.

The field of opinion is cluttered with combatants. On one extreme are those who argue that the concept should be abandoned altogether on the grounds that it conflicts with the basic requirements of a deterministic outlook in science and philosophy. Others claim that it stands in the way of effective methods of treatment for criminals and other "sick" people and should be removed or "bypassed". For quite similar reasons there are some who advocate the very opposite position: every criminal, no matter what his condition, they say, should be treated as if he were responsible. In that way, the argument goes, human dignity can be preserved while at the same time providing for the optimum in fair and humane treatment. Further along the scale we find writers who insist that our very attempts to get away from the concept of responsibility in the end only presuppose it. Even if we limit the scope of its
application radically, it is still necessary to retain our notion of it in some form or other. Most lawyers, of course, are adamant at this point and many long before it: the fact that the M'Naghten Rule is still the only widely accepted criterion for legal insanity in U.S. courts is proof enough. The "common man" (if we may indulge ourselves for a moment with that popular philosophical fiction) is apt to agree with the lawyer; in his eyes, too, the notion of responsibility is an indispensable tool for dealing with practical situations calling for immediate decision. Finally, we have those few stubborn souls who accept no excuses at all: philosophical radicals like Sartre who conceive man as a Sisyphus on earth who labors under a burden of "total responsibility" through every failure to attain the heights of eternal quiescence. The spectrum of views is wide, and justifiably so: no man can afford to be indifferent to the issue.

Amidst the welter of opinions, however, there seems to be general agreement on one point: responsibility, whether or not man has any, presupposes control. This is not immediately apparent from the way in which I have phrased the point, but the statement will, I believe, prove acceptable once the meaning is made clear.

It is almost, but not quite, a tautology. 'X is responsible for Y' means at the very minimum (X is the cause of Y), but it is rarely used only in that sense. Generally, what we mean is that X is not only the cause of Y but is somehow in control of Y. Thus we might say 'the storm was responsible for a lot of damage', meaning only that the storm caused a lot of damage. Even on this level, however, the notion of control often creeps in, for, as Collingwood points out, we ordinarily designate as the cause of an event that factor by which we can "manipulate" it.

Once we arrive at the level of human action, we find it almost impossible to escape associating questions of responsibility with questions of control. We might conceivably come upon a situation in which a question concerning responsibility involves its causal meaning alone. For example, we might ask, pointing to the vomit on a brand-new rug, "Who's responsible for this mess?" It may well be that by using the word 'responsible' we are implying that the person accused could have controlled himself in some way (by running to get off the rug, by foreseeing that he might get sick, by not drinking so much in the first place, etc.), but certainly someone who responds by identifying the person and who feels at the same
time that the poor chap is not at all to blame for his action is taking 'responsible' in a causal sense only. Otherwise his reply would be a contradiction: "He is, but he couldn't help it" becomes "He is (responsible), but he is not responsible." Still, this is an odd situation and not one that is likely to cause us much concern about what it is we mean when we speak of responsibility in human contexts. The fact is, we almost invariably mean not only that the agent to whom we attribute responsibility is one cause among others in a series on natural events but that he is a cause that controls what he causes. The obvious example is the act of a lunatic. Certainly the lunatic is the cause of what he does, just as the storm is the cause of the damage. Yet we do not call the lunatic a responsible person and do not hold him responsible for his actions because we believe, rightly or wrongly, that he has no control over what he does. He is "driven", we say, by forces beyond his control. He lacks the power of reason (whatever that may be) and cannot direct his actions. (He is no more free than an animal.) He is a pawn in the hands of fate. In short, he is caused to do what he does in the way a normal free man is not. "Causes for an act always exist, but causes are not excuses." A normal man is not excused from responsibility because it is felt that he is in control of the causes (or motives) of his action.

In one way or another this notion of control enters into all our talk about responsibility. Sometimes it is made explicit. Thus, in his discussion of determinism, Hifers writes: "an occurrence over which we had no control is something we cannot be held responsible for." And Jerome Hall, after setting down what he considers "a sound rule of criminal responsibility", points out what he takes to be its main virtue, that "the proposed rule focuses attention upon the defendant's control of his conduct." The word 'control' need not itself appear in order to make its presence felt, however. In Hume we find it under the guise of "power". Similarly, in legal writing, it occurs as "power" or "substantial capacity" or simply "capacity". It is also, I submit, the only plausible meaning we can give to that curious phrase which haunts so much of the controversy over free will and determinism: "A could have done (or acted) otherwise." This, it is commonly asserted, is the condition which must be satisfied before we can meaningfully speak of A's responsibility for any given action. Some have tried to show that all we really mean by this statement is that "A could have
acted otherwise if he had so chosen" and that this condition is
entirely compatible with determinism since, like all contrafactual
propositions, its truth does not depend on any state of affairs
actually existed. There is no question, in other words,
of our having any ultimate control over the course of events, and
such control is not necessary for responsibility. That, I take it,
is what the argument is intended to show. Austin has supplied what
I think is a conclusive rebuttal to this type of argument in his
excellent article "Ifs and Cans", but there is no need to spell
out the details here. Suffice it to say that the mistake lies in
treating a factual (past indicative 'could') statement as a contra-
factual (conditional 'would... if') statement. What is important
here is that sometimes, at any rate, what we mean by the state-
ment 'A could have done otherwise' is that he actually did have
control over his actions at that point (Austin speaks of "ability"
and "capacity") and could have committed a different act, given the
conditions which actually existed at the time. This -- not the
question of what would have happened if something else had been the
case -- is what matters for decisions concerning responsibility.

At this point the impatient reader is bound to ask, "So what?"
After all, if everyone really agrees that responsibility presupposes
control, why bother to point out the fact? It is important, I think,
for two reasons: first, because in dealing with questions of re-
sponsibility, especially where the focus is on mental illness, people
often lose sight of what it is they are actually looking for in
accepting certain facts as an excuse; and, secondly, because the
word 'control', unlike other terms which are used in place of it,
tends to draw attention to the specific source of this control.
The second point and all that comes of it are what I am most inter-
ested in developing here, and so I shall spend as little time as
possible on the first.

Why is it that we accept mental illness as an excuse when it
is the cause of criminal conduct? Surely, as Barbara Wootton points
out in Social Science and Social Pathology, the reason is not the
fact of illness as such. That a particular illness explains anti-
social behaviour does not imply that the illness must also excuse
it. We have no right to assume that all mental illnesses equally
undermine the agent's capacity to control his action. Having
made these remarks, however, Lady Wootton later tries to show that
we must abandon the concept of responsibility because illness turns
out to be an excuse for all anti-social behaviour once we agree to consider the psychopath, whose abnormal behaviour is the only sign of his mental abnormality, as a sick person. But hasn't she simply overlooked what she previously stated? We may well admit that the psychopath is sick, but would we not want to ask first whether his sickness so affected him as to make him incapable of controlling his behaviour before we excused him from responsibility? The fact that we infer his illness from his behaviour does not by itself establish that point, for the illness is not shown thereby to be identical with his behaviour. We may simply be ignorant (as, in fact, we are not) of the special nature of his illness and of its connection to his behaviour. But the case is even stronger for a first offender, for there is no statistical warrant for suspecting that his behaviour was controlled by his inferred "illness". At any rate, it still makes sense to ask, given the relation between mental illness and behaviour, whether the behaviour was controlled as well as caused by the illness. This I take it is the reason some lawyers have expressed dissatisfaction with the Durham Rule, which states that "an accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect." The ambiguity in the word 'product' allows for too broad an interpretation. We do not have to abandon the concept of responsibility, then, even if we accept the extreme doctrine that all anti-social behaviour implies mental illness as its cause, and perhaps the best way of remembering this -- and of avoiding oversights like that made by Lady Wootton -- is to bear in mind the intimate relationship between the concepts of responsibility and control.

The most interesting question which this close association raises is what we are to look for as the source of this control. For the most part legal writers and psychologists alike have not bothered to ask this question, much less answer it. They are usually content to speak vaguely of a certain "capacity" or "power" and to leave the matter at that. The virtue of the word 'control' is that it is apt to focus attention upon just this point. What enables us to control our actions? What is the agency of control?

It has until recent years been the common assumption that the answer to this question is obvious and that the question is therefore hardly worth raising. Everyone knows that it is reason or will (perhaps the rational will) which enables us to guide our actions.
Surely that point is beyond dispute. But is it? Aside from the fact that no one has ever, so far as I know, undertaken to explain further just what these mysterious entities might be in scientific terms and how they come to control our behaviour, there is the very real problem of determining in any given case just how strong a power these "faculties" exert. How are we to measure the force of reason? What means do we have at our disposal for deciding the strength of will-power? How can we tell when an impulse is "irresistable"?21 For my part, I find these baffling questions.

The traditional answer to the question framed in terms of reason has, of course, been the famous M'Naghten Rule. From the fact that we know "the nature and quality" of our act and its wrongfulness it is assumed to follow that we can control what we do. At least this would seem to be the only way to make any sense out of the rule. But how many people since Socrates have been willing to hold that knowledge alone affords one the power to be virtuous? Unless we mean by knowledge more than intellectual awareness, it does not seem to be the case that knowledge automatically entails power. Even Aristotle admitted that "thought alone moves nothing,"22 that desire is required to give it practical force. Could not desire, if disconnected from thought entirely, drive a person to act as he does just as animals are driven by their instincts? Such, indeed, is the plight of the psychopath. The split between thought (or word) and deed is so extreme in his case that it has led one psychologist to suggest replacing the term "psychopathy" with "semantic dementia."23 The psychopath knows what is wrong, can state perfectly well what he should do, yet never can seem to do it. Obviously, his knowledge gives him no power at all to resist his impulses. Of course, many would still hold him responsible, and, in fact, he still is so held whenever he commits a crime. Yet it seems that psychology has at least gone so far as to repudiate the M'Naghten Rule as totally inadequate, and the reason it has is precisely the fact that the Rule presumes there to be a faculty of cognition which can operate independently of other influences. As one writer put it, "the modern science of psychology... does not conceive that there is a separate little man in the top of one's head called reason whose function it is to guide another unruly little man called instinct, emotion, or impulse in the way he should go."24 The thesis nowadays is that the mind is an integrated functional unity: "the mind does
not function, either in health or disease, in parts, but as a whole.\textsuperscript{25} That is not to say that modern writers have escaped the difficulties of the earlier view altogether. It is still a problem to decide when an impulse is irresistible.

What I should like to suggest here is a theory of control which accepts this "theory of integration\textsuperscript{26} and which at the same time may go some little way in solving the problem of defining control, a problem which has never been squarely faced before perhaps because it is believed to be insolvable.\textsuperscript{27} As will be seen, the implications of this theory for moral and legal responsibility may seem at first glance highly paradoxical and repugnant to common moral sense, and the limitations of the theory for practical application are admittedly severe, though not so severe as to negate its possibly great usefulness. In any case, I believe it deserves some consideration for its theoretical merits alone.

The theory itself is based upon what I take to be a generally accepted view of child development, and it is important to note at the outset that this basis is not itself at all controversial. For, if my interpretation is correct, the theory of control I am proposing will already have a firm foundation in empirical fact. That is an important consideration for any theory but especially so for one whose consequences are apt to seem slightly bizarre.

To begin, then, I should like to quote a passage from William and Joan McCord's excellent study, \textit{The Psychopath}, which contains the nucleus of the doctrine I shall take as the basis for my theory:

\begin{quote}
Almost all social scientists believe that the internalization of moral controls takes place primarily through the child's acceptance of his parents. The child and the parents strike an unconscious bargain: in return for the child's conformity to social restrictions, the parents give the child love. If the child fails to conform, disapproval follows. In time, the child looks ahead to the consequences of his acts. If he is about to misbehave, a gnawing fear warns that his parents might stop loving him. Thus, the inner anxiety eventually results in internalization of the parent's morality. The child has developed a rudimentary conscience.

There is, of course, a more positive aspect in this development of inner controls: not only does the child fear withdrawal of love, he also identifies with his parents. He loves them, and he wishes to emulate them. ...children who fear the loss of love develop the concept of "must,"
\end{quote}
but the "ought" of behavior comes only through identification with parents and other moral symbols.  

The doctrine stated here is easily recognizable as the doctrine made famous by psychoanalysis. The thesis is essentially that the growing child learns to control his behavior by internalizing the value-system of the environment, familial and social, in which he is raised. Whether the "motivation" of the child is the desire to preserve the illusion of autonomy ("face-saving", as John Hospers puts it\textsuperscript{29}), or the need to identify with his parents and social class, or a combination of both, the important fact remains that it is only by so doing that the child assures himself of a measure of control over his basic instincts and desires in later life.

In psychoanalytic terms the process involves three elements of basic personality structure. The child is born a pure "id". This name designates all that is mere creaturely existence in him, all that evolution has deposited in his lap. It is, as Erik Erikson says, "the sum of all desire which must be overcome before we can be quite human."\textsuperscript{30} Over against this bestial element rises up, through the process of internalization previously outlined, the "superego" whose function it is to limit "the expression of the id by opposing to it the demands of conscience."\textsuperscript{31} Finally, balanced precarciously between these two forces in an unceasing effort to arbitrate between them is the "ego", the center of operations which employs the materials it receives from its various inner resources in order to plan action and guide conduct. It is, as contrasted with the other two domains of the mind, the arena of conscious life -- what philosophers would no doubt call "reason". That is not to say that one cannot become conscious of the nature and contents of the "id" and "superego". In fact, that is, if I understand it correctly, the chief aim of psychoanalytic therapy. "Psychoanalysis has as its proper function the extension of awareness, the making conscious of those things which were unconscious, thereby enhancing one's position in the adjustmental struggle."\textsuperscript{32}

But what is important here is the fact that the real source of control in this struggle is not reason (or the "ego") but conscience (the "superego"), which lends its power to reason in its clash with the elemental drives and desires of the "id" which rule men's behavior. Without the value-structure which lies ready in the mind
as a result of internalization reason would remain helpless in face of the onslaught of desire.

Of course, one may well wonder how values in themselves can possess any inherent power. That seems as mysterious as postulating a mythical will-power. There is, however, an explanation and a very comprehensible one. The process of internalization is effected ideally through the affectional bond which the child forms with his parents, no doubt most immediately with his mother. Love is the channel, so to speak, through which values flow from parent to child. Once established, they remain associated in the child's mind with the love with which they came, nourishing themselves on the strength which love provides. Eventually no doubt the child will grow to be able in later years to effect changes in his value-system in accordance with his active perception of changing reality without losing the emotional power with which his early conscience was endowed. It is important to see, however, whence this power originally came, for only so is it possible to account for the control which values exercise over human behaviour.

Remarkably enough, the result is very much the same as Aristotle's "practical wisdom". Here, too, we have desire (the power derived from love) and thought (the awareness and contemplation of values) cooperating in the practical enterprise of guiding conduct. Practical wisdom is, indeed, almost a precise counterpart for what I have called the agency of control. Its function, as Aristotle explains it, "is to tell us what we ought to do and what we ought not to do." 33 It "issues commands." 34 And, most important of all, it is the pre-condition of moral excellence and the virtuous life. 35

The critical test case for this theory of control is that remarkable perversion of humanity, the psychopathic personality. His character is most fully and succinctly described in these words: "The psychopath is an asocial, aggressive, highly impulsive person, who feels little or no guilt and is unable to form lasting bonds of affection with other human beings." 36 His two outstanding traits, those which set him off from other humans, normal and abnormal, are his guiltlessness and lovelessness. 37 What does this mean in terms of our theory? We have seen that the process of internalization comes about by way of the affectional relationship between parents and child and that inner control is developed in the degree to which this process is successful. Now guiltlessness and lovelessness are the most evident signs possible that this process has never
been completed if, indeed, it ever began. Investigation has shown that in the vast majority of cases the psychopath suffered severe rejection by his parents in childhood. In those cases where rejection was mild, brain damage concurred to produce the condition. At any rate, the psychopath was never allowed the opportunity to develop a close affectional bond with his parents, and consequently he failed to develop a conscience. All his other traits follow from this failure. Having no conscience, the psychopath is the prey of his desires, whims, and urges. Hence, he is impulsive and his behaviour erratic, seemingly and truly purposeless. His drives are no stronger than the average man's, but he lacks the means of stemming their surging energies. Hence, he is aggressive and, since he lacks empathy, often cruel as well: he can kill a human with no more feeling than most of us have in swatting a fly. And because he has been deprived of pleasure in childhood he carries on his search for it with a heightened intensity. He is, in short, a driven man. His life is in the hands of a blind, capricious fate. Except for the reasoning powers he possesses, the psychopath is little more than a grown-up infant. Indeed, as one commentator has remarked, "we are all born psychopaths." We become truly human only when we have learned to repress our desires and guide our behaviour in developing the inner controls of conscience. The psychopath, however, never grows up. Truly, in one sense, for the psychopath "the lid is off the id." Only in his case it was never put on.

The upshot should at this point be fairly obvious. Given the theory of control I have mapped out above, we cannot avoid admitting now that the psychopath is genuinely incapable of controlling his behaviour. And if what we imply in holding a person responsible for his acts is that he had control over those acts, it follows that we cannot justifiably do else but excuse the psychopath for his criminal conduct.

Now this is surely a remarkable conclusion. It is apt to raise cries of protest from any number of "decent" citizens for whom the psychopath is the arch criminal, the very embodiment of Evil itself. How can we possibly think of excusing someone who commits the most heinous crimes imaginable? Could anyone, to use a particularly gruesome (but true) example, feel anything but utter loathing for a man who "had kidnapped a year-old baby girl, raped her, beaten her brains out on the steering wheel of his car when she screamed, then
tossed the body into an Akron pond". How can we talk of excusing such a person?

But the logic is there all the same: responsibility implies control, control is equivalent to conscience, the psychopath has no conscience; therefore, the psychopath is not responsible. Furthermore, there is nothing especially controversial about any of the premisses. The first, as I tried to point out at the beginning, is virtually a tautology, as obvious as "'A' implies 'A'". It is at worst an explication of the meaning of responsibility as we use it in moral and legal contexts which hardly anyone would, I think, bother to dispute. The third is perhaps not so blatantly obvious, yet it is a statement few psychologists would seriously quibble about and it rests securely on a mass of detailed documentary evidence. If there is any weak link in the chain at all, it is the second premiss. Someone might wish to challenge my interpretation of psychoanalytic doctrine, particularly my identification of conscience (plus the affective energy derived from love's association) as the source of control. However, it seems to me that the burden of evidence, most especially the vocabulary psychologists use in speaking of conscience and the superego, overwhelmingly supports my position, and, in any case, the psychoanalytic doctrine on which I have grounded my theory is, I venture to say, beyond reasonable controversy at the present stage of psychological knowledge.

Even if some may have their doubts about the validity of this deduction on empirical grounds, seeing to what a distasteful conclusion it leads, it may nevertheless be worthwhile to cast an eye upon some of the numerous practical and theoretical implications it has. In the first place, it calls upon us to revise our present criteria for criminal responsibility and substitute one which places emphasis upon the notion of control. The one suggested by Jerome Hall would probably be satisfactory, perhaps also the one suggested by the American Law Institute, in which the key phrase is "substantial capacity". At any rate, the M'Naghten Rule would definitely have to be abandoned, for it clearly excludes the psychopath, who knows that what he does is "wrong". It is interesting to note in passing that those whom the M'Naghten Rule is best adapted to excuse are people who suffer not only the affectional isolation of the psychopath but what amounts to virtually total isolation. Such people are completely retarded and do not even develop the
intellectual capacities which the psychopath possesses. These cases are rare, but they do occur.45

Another point to notice, and an important one, is that psychotics and neurotics do not necessarily escape responsibility on these grounds just because the psychopath does. Far from being committed to excusing everyone if we excuse the psychopath, as Lady Wootton contends,46 we are not obliged to limit the scope of responsibility for anyone but the psychopath and the complete madman. The reason is that, unlike the psychopath, both the neurotic and the psychotic have developed consciences. In fact, their consciences are apt to be quite strong, and that is part of their problem. The neurotic struggles to adjust to reality while an unresolved conflict between an authoritarian conscience and libidinal energies rages unconsciously within him, and he compromises by utilizing various defense mechanisms (repression, regression, etc.) and symbolic devices (phobias, obsessions, hysteria, etc.).47 The psychotic, on the other hand, withdraws from reality to set up a private inner world of his own, accompanied usually by hallucinations and delusions of various sorts.48 The important point is that both these deviants possess the basic resources for controlling behaviour, however little they may be able to employ them effectively. The question of control in their case is a different matter altogether and, on this theory, not an easy one to resolve.49 Finally, it should be mentioned that the normal "socialized" criminal, even if he is an habitual offender, differs from the psychopath, too, in possessing a code of values, albeit an underworld one ("honor among thieves"), in violating which he generally experiences guilt or remorse.50 We are left, then, with only two classes of criminal offenders who clearly deserve to be excused from responsibility, the psychopath and the madman — at first sight a somewhat bizarre combination. At any rate, we are not, as Lady Wootton maintains, compelled to abandon the concept of responsibility if we agree to excuse the psychopath for his anti-social behaviour. As it turns out, we excuse psychopaths for the same reason we excuse children, because they haven't "grown up" yet. The psychopath is, indeed, the "critical case" but not at all in the way Lady Wootton intended.51

Another important consequence of this theory is that it shows the attempt to assimilate mental to physical health to be mistaken from the start.52 How can mental health be defined in terms wholly
independent of personal or social value-judgment if to be capable of controlling one's behaviour means, essentially, to be in possession of an operationally effective set of values — in short, a conscience? Perhaps one might wish to limit mental illness simply to the class of those persons whose intellectual capacities are underdeveloped. But to accept that position would be to revert to the outmoded views of faculty psychology, and, besides, it seems rather impossible anymore to base mental deficiency upon a purely intellectualistic criterion since that criterion itself is apt to reflect the cultural norms and expectations of a particular society.53 Moreover, as we saw before in reference to the M'Naghten Rule, such a position does not begin to do justice to the problem of the psychopath. Oddly enough, however, even those who do concern themselves with this problem seem at times anxious to avoid the charge of cultural relativity in setting up their criteria. Thus, the McCords hurry to remark at the start of their book that "any adequate study of the psychopath must look beyond asociality."54 Of course, what they say is true: we are not involved in the circularity of arguing from the psychopath's deviant behaviour to his illness and thence back to his behaviour as though the two were identical,55 even though his behaviour is often the first sign of his illness, for his illness can be determined independently of his behaviour by appropriate empirical procedures. What the McCords overlook, however, is the fact that the criteria they set up are not independent of value-structures altogether. For instance, they take guiltlessness to be an essential, perhaps the essential, trait of the psychopath. But what is guiltlessness if not an implicit reference to a code of values in violating which one does not feel guilty? Can a person be guilty and not be guilty about something, about some act which he feels he should not have allowed himself to do? Guilt seems, in one sense, to be culturally relative, too. Thus, an American who kicks a cow in the streets of India is not likely to feel any great remorse, but a Hindu who in a moment of anger commits the same act is certainly apt to be overcome by guilt afterwards. But, though to this extent guilt does appear to be a relativistic phenomenon, it can nevertheless be measured apart from any particular set of values if not apart from a very broad sense of value which every society shares in common.56 And, certainly, if even this broad sense is lacking, as in the case of the psychopath, there is good reason to suspect that he possesses
no form of conscience whatsoever. So we may, I think, conclude
not unjustly that mental disorder is a social phenomenon and can
never be assimilated to physical ill-health in any ultimate sense.
But is this really so astounding a conclusion? After all, there
are those who firmly believe that the very concept of action it-
self is social in character: "our concept of an action, like our
concept of property, is a social concept and logically dependent
on accepted rules of conduct." 57 Once we admit that the symptoms
of mental disorder are essentially behavioural, then, what other
conclusion can we draw?

Before bringing the discussion to a close, it may prove of
some interest to step for a moment into that treacherous domain
of free will and determinism in order to see what, if anything,
the theory of control I have set forth here implies for a resol-
ution of that problem. I hesitate to speak with the least bit of
assurance on this matter since it is not at all clear to me what
either free will or determinism means as far as any positive doc-
trine goes. But I shall try to develop a few points in terms of
my theory, and perhaps my remarks may prove suggestive. That is
all they are intended to be.

In the first place, if we take determinism in a naturalistic
sense, we may perfectly well agree on this theory that all men's
actions have natural causes. The origin of control, we have seen,
is rooted in a transference of a set of values from parent to child
and is a purely natural, albeit psychological, process. The mis-
take of those who posit an independent free will or rational soul
as the ultimate seat of control arises from thinking of the mind
in isolation from its environment, thinking of it as possessing
in itself a source of control which it does not absorb from its
natural and social milieu. 58 There is even reason to believe that
eventually we may be able to understand the whole process of in-
ternalization which gives rise to this control in physicalistic
terms. Investigation has hinted that the part of the brain known
as the hypothalamus plays a crucial role in association, emotional
behaviour, and inhibition, 58 all three of which are essential to
the development of conscience. Of course, we are not likely to
abandon the mentalistic vocabulary we use now even if we do un-
cover a physical basis for the process. It is just not enough to
describe a complex pattern of neural firings, electrical discharges,
and interacting fields of force; we must also know what it is we...
are talking about, and for that purpose only the language we have been using all along is apt to prove satisfactory.

It is for much the same reason that we are not obligated to abandon our notion of freedom just because we have found what it means in naturalistic terms to talk about it. Reductionism always fails because, when we arrive at the level to which all things have been reduced, we lose all sense of what we were actually talking about in the first place and then have to begin all over again. It is futile for the simple reason that we derive all our understanding ultimately from the meaning our language has in everyday life, and once we have stretched that meaning too far or gone too far beyond what it originally referred to we are likely to find that we no longer really know what we mean at all; our talk becomes, as the logical positivists like to say, "meaningless". And so, it seems to me, we will never give up talking about our freedom no matter how far we have gone in proving what it "really" is.

But this is not enough. There is an argument determinists use against libertarians which is all too common and deserves to be cleared up, for I think it is much confused and not at all effective, except superficially. It is the claim, usually made against "indeterminism", that, if our acts do not flow naturally from our own character, we cannot justly be held responsible for them since they are not really in that case "our" acts at all but mere accidents. What it amounts to is the assertion that we can never act "out of character".

The way to counter this argument is not to say, as Professor Campbell does in his article on free will, that, since our strongest desires determine most of our conduct, our actions are for the most part predictable -- that free will or "duty", in effect, operates infrequently and within a very restricted range. On the theory of control outlined above, such a position becomes truly ridiculous. It is precisely because our conscience operates constantly to control our desires and channel them into proper directions that we are even able to develop stable characters. Professor Campbell's argument breaks to pieces when we take the psychopath into account. His behaviour is determined by his desires alone and is for that very reason notoriously erratic and unpredictable. In any case, it would seem very odd to any psychologist to say that what constitutes a person's character is his system of desires alone, as
though a person is most of all simply his "id". On the contrary, it is probably truer to say that conscience and evaluative activities in general are intimately involved in the vast majority of our actions, especially those we consider important because they "express" our character.

The proper reply to the determinist's charge is simply to point out an obvious fact, that many people do manage somehow to change their characters. If we accept the determinist's argument, it would make no sense at all to say that 'Henry used to be a wicked man' or 'John has certainly changed his ways'. Indeed, we would be obliged to abandon all our efforts to reform and rehabilitate criminals since, on the determinist's view, they could never be any different than they are. Perhaps what the determinists do see is that it is not easy to change one's character. All of us seem to be more or less conservative in our judgments of other men to the extent that we are unwilling to believe the single "uncharacteristic" act of another person whose nature we know to be a sign of impending change. Thus, if we see a man we know to be good perform some unkind act, we are likely to explain his action as a mistake, an error in judgment, or an accident rather than call him wicked or attribute an evil motive to him. Conversely, we are apt to view the charitable act of a scoundrel with a good deal of suspicion, and no doubt we will try to account for his seemingly good act by accusing him of having an "ulterior" motive, and a base one at that. Yet, if we notice that both these men continue to pursue these same or similar paths of action, surely we will come eventually to modify, mollify, or even completely reverse our judgments about their respective "characters". Such is the force of Hume's "observed regularity" on our everyday attitudes, theoretical and practical alike. This, or something quite similar, is what I take it Aristotle meant in asserting that "people may perform just acts without actually being just men." To become a just man one must consistently and regularly perform just acts; one must acquire the habit or disposition (hexis) for acting in conformity with the demands of justice.

So much, then, for the determinist's contention that people can never act out of character. It rests on a blindness to facts that is almost hard to believe, and it by no means entails the abandonment of freedom as a meaningful and useful concept. How we are to construe the process of character-change is itself an-
other matter. No doubt once it has reached a certain level of
development (maturity, perhaps) conscience is flexible enough to
adapt itself to changing conditions and to the new values and
value-systems consciousness brings before it for inspection and,
ultimately, either for incorporation or for rejection. No doubt,
too, this is an affective as well as a rational process. In fact,
to be successful it really must employ the power of the emotions;
otherwise, conscience could give no force to its new values. However
we go about explaining it, though, it is surely more comprehensible
and more in accord with the facts than the determinist hypothesis.

What may we conclude? We have seen that both sides have some-
thing worthwhile to say, yet neither seems to be satisfactory by
itself. Are freedom and determinism compatible, then, or must we
reject both and look for some more tenable thesis? It all depends,
I think, on what we take these words to mean. If we take them in
their metaphysical sense, they both seem to be abstractions: lib-
ertarians posit an enigmatic "free will" independent of its nat-
ural environment and, not having explained what they mean by it,
hope to account for that "feeling" of freedom we all have; deter-
minists borrow a notion of causation from science, confuse it with
the notion of logical necessity, and expect somehow that this extra-
ordinary concoction will dethrone freedom from its respected station
in life (why they should want to do so I fail to see unless they
all have a natural predilection for fatalistic world-views). In
their extreme forms, then, neither position is tenable. Perhaps
what we arrive at in the end is the admission that we should never
give up our search for scientific explanations of phenomena in the
belief that they are not amenable to investigation and that we will
nevertheless always hold on to our notion of freedom in practical
contexts and use it in formulating our ideas simply because we can
never do without it. This is the only meaning I can give to the
argument and the only explanation I can think of for why it has
lasted so long. On this interpretation it is obvious that the
controversy will never be resolved: it is merely an expression of
the conflict between the practical and theoretical in human acti-
vity. Man can never resolve it because he can never abandon one
side in favor of the other altogether and still remain human. Man
is a creature who both thinks and acts. Our conclusion must be
that, taken in this light, freedom and determinism are compatible.

There are many questions which yet remain to be answered, but
for lack of space they cannot be answered here. The theory of control has many more implications which I have not even begun to develop. But perhaps it would be best to conclude with a few remarks about the limitations of this theory, at least as I have developed it.

On the practical side, there is the obvious difficulty of determining how strong conscience is and how tests may be devised so that the question of responsibility is one juries may reasonably handle without resting undue weight on the shoulders of the medical profession. That tests do exist is already a reasonably established fact. The only problem is to find ones that are practicable for legal purposes. Of course, in all cases but psychopathy and outright madness, the jury is still left with the formidable task of deciding how much effective control a person possessed at the time the crime was committed. This theory provides no direct solution to that question, which is a crucial one. Furthermore, if we take measures to prevent psychopathy once it has been detected still in its budding stages (and this has been shown to be possible), the frightful question arises of whether it is just to take a child away from his family in order to treat him effectively. Obviously, some compromise must be worked out here between the right of the individual to be protected from interference in his private affairs and the right of society to be protected from potentially great harm. And in the diagnosis and treatment of the adult psychopath it is necessary to beware of committing the terrible injustice of making a faulty diagnosis and condemning a man to a life sentence in a mental institution, which, as Jerome Hall remarks, "is sometimes a place of terror, more punitive than any penitentiary." Here, too, it is essential to respect individual freedom as the highest value a person can possess. Finally, if the psychopath is to be excused from responsibility, society must be trained to accept the fact -- and that is not apt to prove a very easy task. The psychopath is, after all, the most "wicked" of all criminals in the eyes of most members of our "enlightened" society. Vindictiveness is perhaps a natural sentiment, even for highly educated men. Witness these passages from Stephen's History of the Criminal Law:

In cases which outrage the moral feelings of the community to a great degree, the feeling of indignation and desire for
revenge which is excited in the minds of decent people is, I think, deserving of legitimate satisfaction.

I think it highly desirable that criminals should be hated, that the punishment inflicted on them should be so construed as to give expression to that hatred, and to justify it so far as the public provision of means for expressing and gratifying a healthy natural sentiment can justify and encourage it. 63

Shades of the guillotine and the days of public executions! 64 In the light of such remarks from a well-known criminal lawyer, it is evident that it will take a great deal of effort to bring the average man around to a more sensible and dispassionate viewpoint. Perhaps it can be done by pointing to the benefits, in terms of expense as well as safety, which such a change of attitude will accord him. Perhaps he can even be made eventually to become, of all things, humane! In any case, however great these difficulties may seem, I do not believe they are insuperable, and the world, I think, will be a better place to live in once they are met and overcome.

To sum up briefly, the theory of control I have advanced here, whatever paradoxes it may seem to entail and whatever difficulties it may encounter, is neither a wild theoretical hypothesis nor a wildly impractical scheme. Philosophy seems to show that responsibility and control mean very much the same where moral and legal matters are concerned. Psychoanalytic theory suggests that conscience and the affective powers conjoined to it are the seat and source of control in human life. Empirical science, finally, holds forth the promise of an effective application of the theory to the psychopathic personality. There seems little left to be desired but acceptance.
A continuously interesting paper, full of insights, though not without its confusions. See marginal comments.
FOOTNOTES

1. Cf. Slater's position as stated in Wootton, Social Science and Social Pathology, p. 246.


3. This is Thomas Szasz's view as given in William McCord and Joan McCord, The Psychopath: An Essay on the Criminal Mind, p. 182.


6. Hall makes this point with regard to legal decision-making in "Mental Disease" in Morris (ed.), Freedom and Responsibility: Readings in Philosophy and Law, p. 430.

7. Cf. Sartre's famous statements "man fundamentally is the desire to be God" and "man is a useless passion" in Being and Nothingness, p. 566 and p. 515. For "total responsibility, see pp. 553-6.


15. The key word in the Royal Commission Report's formula is "incapable." See Morris, op. cit., p. 418.

16. Austin makes room for such possibilities as "opportunity", "skill", and "right" as well. See Austin, "Iffs and Cans" in Morris, op. cit., p. 498.

17. Wootton, op. cit., p. 235. Also, p. 239.

18. Ibid., pp. 250-1.


21. This refers, of course, to the "irresistible impulse" criterion which a number of states have accepted as an addition to the M'Naghten Rule.


27. See Wootton, *op. cit.*, p. 240.


30. Erikson, *Childhood and Society*, p. 153. By the way, these elements are not meant literally to be, and are not taken by psychoanalysts to be, "sections" of the mind. They are more on the order of working hypotheses by means of which the various functions and features of the integrated personality may be understood.


40. Harry Lipton quoted in *ibid.*, p. 56.


44. See The American Law Institute, *op. cit.*, p. 423. It would obviously be necessary to drop their restriction against psychopathy (see p. 425).


49. But it is certainly no easier without this theory either!


52. See Wootton, *op. cit.*, p. 207. Also, Margolis, *op. cit.*, p. 80.
53. See Wootton, op. cit., p. 265.
55. See Wootton, op. cit., pp. 250-1.
56. Hume would call this "humanity".
59. Campbell, "Is "Free Will" a Pseudo-Problem?" in Morris, op. cit., p. 484.
61. See the McCords' report on the Gluecks' research in McCord, op. cit., pp. 191-3.
64. See DiSalle's article in Playboy, op. cit., for a seriocomic account of such events.
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