# What Is It Like to Be an Alien?

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Abstract

*Alien Landscapes?*, its author Jonathan Glover, writes ‘is a book about mental disorders: how to think about them and how those of us outside can get a feel for what they are like from the inside’.[[1]](#endnote-1)

My focus below will be on a particular aspect of Glover’s book – on responsibility – but it is worth saying something of the kind of book it is. *Alien Landscapes?* is not recognisably an academic work of philosophy, or of psychiatry, or even of the philosophy of psychiatry. It contains propositions, for sure, but not propositional arguments of the usual kind. Trying to locate a genre for it, it seems to me more like a meditation on mental disorders and psychiatry framed by a whole background of (sometimes only implicit) debates over the ‘reality’ of mental illness: the ‘anti-psychiatry’ movement; hope and despair over the chances of successful medical treatment for mental disorders; the link between ‘madness’ and genius; whether autism is a disorder or a form of neurodiversity; and so on. I imagine that absent an awareness of those debates the book might prove a somewhat frustrating read. Nevertheless (and this perhaps says something of the limits of academic philosophy) it is a profound defence of philosophical thinking (and, dare I say, of a philosophical life).

Less formally, reading *Alien Landscapes?* feels rather like conversing with a thoughtful, humane, and hugely well read dinner companion who in response to any claim offers the thought that one might look at the issue in another way; a way that (for the most part) is not meant as a knock-down argument, but rather as a means to revealing some aspects of the issue that are not apparent in the thinking that generated the original claim. Throughout, there are personal examples drawn from both the famous and the ordinary. These not only flavour the book, but reflect a way of thinking. There may well be no correct answer to the abstract question, ‘is autism a disorder or is it merely a form of neurodiversity?’ (indeed the question itself may be an inapt one), but when deliberating or reading about these things it is important to remember that there are real people on both sides of the debate whose raw voices tell us something.

Given the somewhat loose shape of the book, and its range (there are discussions of, among other things, Antisocial Personality Disorder [ASPD], autism, eating disorders, addiction, dementia, and schizophrenia) in what follows below the focus is necessarily partial. The question it addresses is, ‘Why might a book that seeks to help those without mental disorders understand what they are like “from the inside” be of interest to laymen and practitioners in the criminal law?’. Although Glover is not centrally concerned with criminal matters, this is not, I think, an unfair question. Throughout the book, he is concerned with responsibility and, to a slightly lesser extent, with praise and blame. Moreover, *Alien Landscapes?* begins with first-person accounts of interviews with patients in a secure psychiatric hospital – patients who had convictions for serious crimes and a diagnosis of ASPD – so forensic matters are never far from the surface of the book.

Why, then, might it matter that we understand what mental disorders are like ‘from the inside’ when it comes to criminal justice? One answer lies in what many people take to be the fundamental legitimacy condition of the criminal law: that (at least in its core elements) it seeks to punish only those who are *blameworthy* to a degree proportionate to that blameworthiness.

This legitimacy condition gives rise to a number of debates in criminal law. For example, between those who stress the actual subjective state of the accused (for example, that he has had sexual intercourse *believing* that the woman with whom he is having intercourse does not consent) and those who are prepared to allow that an individual can still be properly blameworthy if his conduct falls short of some (objective) standard (for example, that his belief that his victim has consented is unreasonable). Understanding mental disorder ‘from the inside’ is important to both positions. Someone with narcissistic personality disorder, for example, might believe himself irresistible to women, but for a jury to assess that claim it is necessary for them to understand what it is to be someone with that disorder.

Even in partially objective tests the question of what it is *like* to have a disorder can be relevant. Consider in English law the position of victims of sustained and extreme domestic abuse who kill their abusers. Until 2010, the defendants in such cases had to rely on self-defence or provocation (neither of which is satisfactory as both require the reaction to be immediate) or plead diminished responsibility if they had a diagnosed personality disorder. In 2009, S.54 of the Coroners and Justice Act introduced a new defence of ‘loss of control’. Without going into the details, it establishes an objective test of whether someone ‘with a normal degree of tolerance and self-restraint’ would have reacted as the defendant did, but adds a critical additional element which is that this test is to be considered *in the circumstances* of the defendant. In practice, what this means is that the jury is to consider not what would a reasonable person have done, but what is it reasonable *for a battered woman* to have done.[[2]](#endnote-2) In discussing this in student seminars since 2010, I have found the debate hinges on whether we can know what it is like (and, if we can, what it is) *to be* a battered woman (or, in some variants, to suffer from ‘battered woman syndrome’).

Understanding what it is like ‘from the inside’ requires, as Glover insists throughout his book, both science and the humanities. As already noted, the book begins with excerpts from interviews with serious offenders in Broadmoor secure psychiatric hospital. These interviews play two purposes in the book. The first is methodological, to show how interpretation might work. Glover engages with his interlocutors in ways that allow him (and us) to get some sense of what it is like to be them and thus establishes the pattern for the rest of the book. The second is a substantive discussion of Antisocial Personality Disorder, its relationship to ‘psychopathy’, and the nature of psychopathy itself.

With respect to the second purpose, Glover reflects on how his impressions of these patients compares with the Cleckley-Hare archetypal psychopath. Central to the Cleckley-Hare archetype is a lack of empathy and an associated degree of amoralism. Glover’s impressions of his interviewees are somewhat different. He is moved by their stories and finds both empathy and (degrees of) engagement with morality albeit often of a ‘shallow’ kind.

What, though, should we take from this? Glover is admirably modest in the claims he makes, but two stand out. First, that understanding these men ‘from the inside’, and understanding what makes them different from one another and not just the diagnosis that they have in common, might lead to an openness to different ways to ‘reach’ them. Thus, there is a long discussion (Chapter 5) of the effects of performing Shakespeare in Broadmoor. Relatedly, he expresses the worry that diagnostic categories – and in particular the diagnosis of ASPD ‘with all its Cleckley associations’ might get ‘in the way’ of engaging with each person; talking and listening to them ‘as the people they are’ (p. 73).

At a therapeutic level, there is surely much to be said for this (one rather hopes that for therapists the diagnosis is only the start, but certainly public labelling of people as ‘psychopaths’, ‘paedophiles’, etc., has proved deeply unhelpful). But, in criminal law, Glover’s claim is more of a double-edged sword than he seems to recognise.

Glover discusses criminal responsibility towards the beginning of Part Five of *Alien Landscapes?*. As he notes there, criminal responsibility today tracks to a remarkable degree Aristotle’s analysis that involuntary actions ‘are those done in ignorance or under compulsion’ (p. 262). Broadly, the default position of the criminal law is that adult persons are capable of understanding, and governing themselves by, reasons.[[3]](#endnote-3) Thus, the agent must be able to understand and to act on reasons.

This reason centred account grounds the recognition of two forms of non-culpably irrationality: first, in the language of M’Naghten, cases in which the agent did not to know ‘the nature and quality of the act’ or that the act ‘was wrong’. Second, and beyond M’Naghten, cases in which the agent faced a ‘hard choice’, ‘irresistible impulse’, or compulsion.

Cases that fall into the first category include an agent who is delusional and kills the person in front of them believing that person to be the devil (thus, she does not know the nature and quality of her act). Also, an agent who recognises the person in front of them as a person, but believes that in killing him she is acting on a Divine command that authorises the act independent of the local criminal code (she does not know that what she is doing is wrong). Such people do not understand and act on reasons as we understand them.

Cases that fall into the second category are most clear when the origin of the hard choice is external. If an agent breaks into a cabin because either a gunman is holding a pistol to his head and ordering him to do so or because the snowstorm has become so strong that his life is threatened, then he has a defence (of duress and necessity respectively). The thought here is that it is wrong or unjust for the law to demand of the agent that she does the right thing when doing the right thing is extraordinarily difficult (the law ought not to blame people where it could not reasonably expect them to obey).

What, then, of ‘psychopaths’ or those with severe ASPD? The debate here is on-going, but it is at least plausible to say that if their lack of empathy is so complete that they cannot really understand morality ‘from the inside’ (as it were), then they cannot be responsible (they would in old language be ‘morally insane’).[[4]](#endnote-4) Glover’s rescuing of individual patients from the diagnostic category of ASPD ‘with all its Cleckley associations’ might then be a case in which his therapeutic and policy intuitions clash.

Perhaps Glover would press not so much on whether those he interviewed knew the nature and quality of their acts, but on whether their compulsion to commit the deeds that they did was such as to render them irresponsible or with diminished responsibility. In one way or another, the question of ‘inner constraints’ or ‘internal compulsions’ (p. 263) animates much of the last two parts of the book. The discussions are framed by a number of concerns. First, that any account (such as Aristotle’s) that thinks of compulsion as only or primarily external is flawed. Addicts, those who are obsessive compulsive, and so on, are in ordinary language compelled to do what they do. Second, as Barbara Wootton put it in a passage quoted by Glover, it would nevertheless be a mistake to infer from the fact ‘that an impulse was not resisted’ that it was ‘irresistible’ (p. 265) (hence the controversy over addiction). Third, that one way to think about these issues is to think about whether the impulse or act reflects on the ‘authentic’ self of the agent (crudely, whether it is ‘him’ or ‘his disease/disorder’ that is implicated in the act). These are deep and difficult issues that touch on all manner of aspects of life (only a few of which will be mentioned below).

In discussing these things, Glover begins with two cases of infanticide – Caroline Beale and Andrea Yates – where both women were incarcerated (at least temporarily) for the killing of their children. Glover wants to press the case that it is cruel and unjust for the law not to recognise ‘inner compulsions’ (p. 270). For once, I think the examples are not well chosen (and not just because the account of Yates is incomplete[[5]](#endnote-5)). The details and psychiatric conditions in Beale’s and Yates’s cases differ, but arguably both failed to know the nature and quality of their acts (Beale irrationally believed her baby to be already dead and Yates believed herself to be acting on the instructions of Satan to save her children from hell, although this was not accepted by her first jury).

Whether these are compelling examples or not, I fully agree that with respect to criminal responsibility the law ought to recognise some internal compulsions. In England and Wales in the most serious cases – cases of homicide – this is mostly done through the idea of ‘diminished responsibility’ (as already noted above a partial defence of ‘loss of control’ is also available in some circumstances and there is a partial defence of ‘infanticide’, which is discussed by Glover). However, as Glover notes, this gives rise to the question of how we distinguish an irresistible impulse from one that was merely not resisted.

In this respect, Glover’s use of Barbara Wootton is interesting in light of his concerns at the beginning of the book. As I have argued elsewhere,[[6]](#endnote-6) Wootton’s concerns originated in her analysis of the use of diminished responsibility and in particular in an examination of the case of *R v Byrne.*

Byrne was a sexual psychopath who murdered a young woman at a youth hostel before committing ‘horrifying mutilations on her dead body’. In allowing a plea of diminished responsibility, the court held that Byrne found it difficult or impossible to control his violent sexual desires. The evidence for this being in large part his sexual history and the ‘revolting circumstances of the killing and the subsequent mutilations.’ On appeal, the Court did not dispute that, ‘where the abnormality of mind is one which affects the accused’s self control, the step between “he did not resist his impulse” and “he could not resist his impulse” is … one which is incapable of scientific proof,’ or that ‘there is no scientific measurement of the degree of difficulty which an abnormal person finds in controlling his impulses.’ Rather, these were matters that could only be left to the ‘common sense’ of the jury.[[7]](#endnote-7)

With Glover, we might now say that science has more to add, but it is still some way short of offering ‘scientific proof’ and it is precisely for this reason that Glover’s investigation into what it is like to be mentally disordered is so interesting. However, the problem remains that whatever richness of interpretation is offered, what it is to be Byrne (for example) such that we can use our ‘common sense’ or even rich informed interpretation to distinguish the degree of difficulty he experienced in responding to his sexual desires remains elusive. As Glover admits when it comes to addiction, ‘it is extremely hard to know where the blurred boundary comes between what is resistible and what is irresistible’ (p. 294).

In Byrne one of the things that may have moved the court was that he appeared to be able to live a normal life (to be normal) when not in the grip of his sexual desires. That points to the third element of Glover’s discussion of internal compulsions, which relates to the ways in which people’s acts (fail to) reflect people’s authentic selves. To put it starkly (and too crudely), one can think of Byrne as a normally stable person whose ‘abnormality of mind’ made him attack women or one can think of him as a sexual psychopath who regards women as mere objects to be subjected to his will.[[8]](#endnote-8)

Glover’s discussion is framed by a preference for a certain account of authenticity that consists of ‘deep endorsement’ (the agent reflects on and endorses her values over time) and ‘active autobiography’ (there is a coherent, ‘self-creative’ autobiographical story of the emergence of one’s character) (pp. 376–7). This account allows him (perhaps too quickly) to deal with a number of cases that might make others pause. For example, those with frontotemporal dementia whose personalities take a significant turn for the worse are not responsible for their antisocial and criminal behaviours (although they might know what they are doing and that it is wrong) because even if they come to endorse their ‘new’ personalities, their personalities are not the result of choice; there is no ‘self-creative’ autobiographical story (but rather one of interruption by brain atrophy) (pp. 367–8).[[9]](#endnote-9)

Cases like Byrne and those Glover encounters in his interviews are seldom like this. They do not result from hits on the head, brain tumours, or other sudden damage. Rather, in many cases what emerges is a terrible background of childhood neglect and abuse (compounded in some cases by genetic disadvantage). These stories fit less well into the authentic/non-authentic, chosen/unchosen, endorsed/imposed categories that help frame the other discussions. For this reason, with respect to his Broadmoor interviewees, in the end Glover favours a ‘dual view’ such that we should treat them as responsible agents in the sense that we do not withhold from them Strawson’s ‘reactive attitudes’ (we do not treat them as dangerous animals) whilst accepting that their personalities and behaviours are the results of large doses of ‘bad luck’ (pp. 304–5).

As Glover recognises, the same is true of all of us. Our stories may be less horrid and the outcomes more pleasant, but we are all moulded by ‘factors beyond our control’. It is for that reason, of course, that the criminal law insists that in general causes are not excuses, but Glover’s sensitive enquiry into the lives of those whose ‘causes’ lie in mental disorder nevertheless lays out a challenge. This is to fashion a criminal justice system – and more widely a society – which manages to respect both agency and chance.

*Alien Landscapes?* is a rich book, full to the brim with examples, interpretations and suggestions. It is, I think, best read that way even if it seems to me sometimes to overreach itself.[[10]](#endnote-10) In the criminal law, as elsewhere in life, we need – we have no choice but – to ‘read’ other people. The mentally disordered present a challenge. Glover may well be right – and his book is certainly evidence that – ‘what seemed too strange to have any meaning is now potentially open to interpretation and all that may flow from that’, but particularly in the criminal law the issue is not whether things are open to interpretation but what reasons we have to believe our interpretations are valid.

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NOTES

1. J. Glover, *Alien Landscapes? Interpreting Disordered Minds* (Cambridge, MA: Harvard University Press, 2014), ix. All unattributed quotations in parentheses refer to this book. [↑](#endnote-ref-1)
2. Partial defence to murder: loss of control

   (1) Where a person (‘D’) kills or is a party to the killing of another (‘V’), D is not to be convicted of murder if—

   (a) D’s acts and omissions in doing or being a party to the killing resulted from D’s loss of self-control,

   (b) the loss of self-control had a qualifying trigger, and

   (c) a person of D’s sex and age, with a normal degree of tolerance and self-restraint and in the circumstances of D, might have reacted in the same or in a similar way to D. [↑](#endnote-ref-2)
3. Glover discusses the English and Welsh M’Naghten rules. The discussion here is more generic (though those rules are compatible with what is said here). Clearly, though, the details of any particular criminal code are specific to that code. [↑](#endnote-ref-3)
4. The literature on the responsibility of psychopaths is extensive, but see amongst others, R.A. Duff, ‘Psychopathy and moral understanding’, *American Philosophical Quarterly* 14 (1977): 189–200; S.J. Morse, ‘Deprivation and desert’ in W.C. Heffernan & J. Kleinig (eds) *From Social Justice to Criminal Justice : Poverty and the Administration of Criminal Law* (Oxford: Oxford University Press, 2000),pp.114–60, at pp. 149-50; M. Matravers, ‘Holding psychopaths responsible’, *Philosophy, Psychiatry, & Psychology* 14 (2007): 139–42; M. Matravers, ‘Policies, law, and psychopathy: A critical stance from political philosophy’ in L. Malatesti & J. McMillan *Responsibility and Psychopathy: Interfacing Law, Psychiatry, and Philosophy* (Oxford: Oxford University Press, 2010), pp.63–75. [↑](#endnote-ref-4)
5. Whilst factually accurate as far as it goes, Glover leaves the Andrea Yates story at the point ‘the jury found her guilty of capital murder but substituted life imprisonment for the death sentence’ (p. 271). I assume this is because he is drawing on a 2004 paper, but it leaves out that (for reasons not connected to her mental state) Yates successfully appealed against the verdict in 2006 and on retrial was found not guilty by reason of insanity. As of June 2015, she remains in a low security state mental hospital. [↑](#endnote-ref-5)
6. M. Matravers & A. Cocoru, ‘Revisiting the Hart/Wootton debate on responsibility’ in C. Pulman (ed.) *Hart On Responsibility* (Basingstoke: Palgrave, 2014), pp. 129–153. [↑](#endnote-ref-6)
7. B. Wootton, *Crime and the Criminal Law: Reflections of a Magistrate and Social Scientist* (London: Stevens & Sons, 1963). [↑](#endnote-ref-7)
8. There are related debates about whether, for example, deafness and autism are ‘disabilities’ (such that a person ‘suffers’ from being deaf or having autism) or whether they are ‘differences’ (such that the deaf and ‘auts’ are merely atypical persons). Glover discusses these issues in relation to autism in Chapter 18. [↑](#endnote-ref-8)
9. Tim Scanlon takes a different view in discussing an agent whose personality changes after being hit on the head: T.M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), pp. 278–9). [↑](#endnote-ref-9)
10. Consider, for example, Glover’s remark of van Gogh’s *Wheatfield with Crows*, ‘the greatness of the painting comes partly from its making one kind of desperate state of mind intelligible from the inside’ (p. 182). It would be odd to deny that the painting is great and that on viewing it – even in reproduction in this book – one is struck by the turbulence of the state of mind of the painter, but it is a leap to say that it renders the mind of the painter intelligible (or even clear) to the viewer. [↑](#endnote-ref-10)