IV*—CULPABILITY AND IGNORANCE

by Gideon Rosen

ABSTRACT. When a person acts from ignorance, he is culpable for his action only if he is culpable for the ignorance from which he acts. The paper defends the view that this principle holds, not just for actions done from ordinary factual ignorance, but also for actions done from moral ignorance. The question is raised whether the principle extends to action done from ignorance about what one has most reason to do. It is tentatively proposed that the principle holds in full generality.

I

Ordinary morality, like the law, operates with a defeasible presumption of responsibility. Suppose Jane does something wrong. Suppose she steals a candy bar from the corner store. Until we hear more we are entitled to suppose that she is liable to blame for what she’s done. But if it turns out that she is only five years old, or that she was coerced, or that she has just contracted kleptomania, we may conclude that even though the act was wrong, it would be a mistake for us to blame her or for her to blame herself.

Let’s call any fact that defeats the standing presumption of responsibility an excuse. Ordinary morality recognizes an extensive battery of excuses: insanity, infancy, certain forms of coercion, duress, necessity, and so on. We normally suppose that these excuses apply in some cases but not in all, and hence that there is a significant sphere in which we are genuinely on the hook for what we do. But this assumption might be mistaken in two ways. It might turn out that upon reflection, the ordinary excuses in fact apply in every case. That’s what the old-style incompatibilist thinks. He thinks that if determinism is true, then it turns out that everyone has the excuse normally expressed by such phrases as

1. Throughout I focus exclusively on responsibility for bad acts. Following Strawson I assume that when A is bad, X is responsible for A iff X is liable to blame for A, where blame is a matter of certain emotional responses, typically including resentment (when the act is someone else’s) and guilt (when it’s one’s own).

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'I couldn't help it' or 'I had no choice.' Alternatively, it might turn out that while the ordinary excuses have only limited application, some novel excuse with general application recommends itself upon reflection.

In this paper I begin an argument for the view that ordinary morality is mistaken in the second way. I'm going to suggest that when we reflect on a neglected range of cases, a novel excuse emerges. I believe that this excuse applies in nearly every case, whether or not determinism is true. And if I'm right, we are hardly ever culpable for the wrong we do. However, I shall not argue for this ambitious thesis here. For the present my aim is to make it plausible that this novel excuse is genuine, that it covers a significant range of cases, and that when combined with the ordinary excuses it has the effect of narrowing the domain of culpable action quite considerably.

II

We begin from the commonplace that ignorance sometimes excuses. Trespassing is wrong, and a trespasser is normally liable to blame for what he does. But suppose you own an altogether unmarked patch of woods adjacent to a public forest. When I stray onto your property in the course of my morning walk, I'm using your land without permission, and that's morally impermissible.² But it would be wrong for you to blame me. Evidently, when my transgression is unwitting in this way, my ignorance amounts to some sort of excuse.

Of course it is also a commonplace that ignorance does not always excuse. Suppose I walk down a crowded sidewalk with my nose in a book. When I knock you over it does me no good to say, 'But I didn't know you were there!' This may be true, and in another context it might signal an excuse. (Suppose I was looking out for obstacles, but you were cleverly camouflaged.) In this case, however, while do act from ignorance, in the sense that I would have acted differently had I known better, my ignorance is obviously no excuse whatsoever.

On the face of it, the difference between the cases is clear enough. In the first case my ignorance is altogether blameless. Not only did

². Some people seem to think that trespassing is morally permissible so long as it is accidental or unwitting. But if that's so, it's hard to see why we should bother to take precautions against unwitting trespass. There is of course a real question about whether there can be moral wrong without 'mens rea'. In what follows I assume that there can.
I fail to know that I was trespassing; there is no sense in which I should have known. In the second, by contrast, I am obviously at fault for not knowing that you were in my way.

It is not just that in the second case I could have known the relevant fact. After all, in the first case I could easily have checked the property lines in advance, and if I had I would have known where the public land leaves off. We can even imagine that unbeknownst to me, a detailed map indicating the boundaries had been secreted in my pack, so that even at the time it would have been easy for me to know that I was trespassing. The point is rather that since there is no sense in which I should have cleared my route in advance or checked for hidden maps, there is no sense in which I am at fault for not knowing. My ignorance is not the upshot of recklessness or negligence or deliberate misconduct in the management of my opinion. By contrast, when I walk down the sidewalk with my nose in a book, I am clearly acting recklessly. I am under an obligation to look out for other people when I’m out walking. If I recklessly shirk that obligation and wind up ignorant as a result, the ignorance itself is culpable, and in that case it’s no excuse.

We are under an array of standing obligations to inform ourselves about matters relevant to the moral permissibility of our conduct: to look around, to reflect, to seek advice, and so on. The content of this obligation varies massively from case to case. But no matter the details, whenever a person acts badly from some sort of ignorance, the question will always arise whether has discharged these ‘epistemic’ obligations. If he has—if he has been neither negligent nor reckless in the management of his opinion —then his ignorance is blameless and so is the act done from ignorance. On the other hand, if he has been reckless or

3. This phrase is sometimes use to pick out a distinctive class of specifically epistemological requirements, the satisfaction of which makes for epistemically justified belief. The epistemic obligations I have in mind, by contrast, are moral obligations governing the epistemic aspects of deliberation. A belief may be faultless in my sense without being justified. The connection between the two senses of epistemic obligation merits further study.

4. In fact this is too simple, for reasons which may have some bearing on what follows. Suppose that Jones intends to bash an Arab but assaults a Sikh instead under the mistaken impression that Sikhs are Arabs. We may imagine that this mistake is blameless. But even so, we hardly think that Jones is off the hook for the assault. A better formulation of the relevant principle is rather as follows: When X does A from blameless ignorance, then X is blameless for doing A, provided the act would have been blameless if things had been as the agent blamelessly took them to be. In what follows for the most part I omit this qualification.
negligent or otherwise irresponsible in his epistemic conduct, then he is culpable for his ignorance and for what he does in light of it (provided he has no further excuse).

III

So far this looks like a relatively familiar excuse: Action done from non-culpable ignorance is itself non-culpable. But now I would to raise a question about the scope of the principle. The examples so far have concerned ignorance of fact. But there is also such a thing as moral ignorance. One can fail to know what one ought to do in some particular case; one can fail to know a general moral rule. One can fail to know that people have certain rights, or that one has certain duties. One can fail to know that a certain act would be cruel or abusive, and so on. Moreover one can fail to know these things without failing to know any pertinent matter of non-moral fact.

According to what I shall call the parity thesis, the principle holds in full generality. Whenever an agent acts from ignorance, whether factual or moral, he is culpable for the act only if he is culpable for the ignorance from which he acts. I shall mainly be concerned to argue that the parity thesis is true.

IV

The parity thesis is only interesting if blameless moral ignorance is a possibility. So let me begin with some cases that seem to me to place the point beyond dispute.

Ancient Slavery. In the ancient Near East in the Biblical period the legitimacy of chattel slavery was simply taken for granted. No one denied that it was bad to be a slave, just as it is bad to be sick or deformed. The evidence suggests, however, that until quite late in antiquity it never occurred to anyone to object to slavery on grounds of moral or religious principle.\(^5\) So consider an ordinary Hittite lord. He buys and sells human beings, forces labour without compensation, and separates families to suit his purposes. Needless to say, what he does is wrong. The landlord is not entitled to do these things. But of course he thinks he is.

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\(^5\) See, for example, Mendelsohn 1949, Finley 1998.
Moreover, we may imagine that if he had thought otherwise, he would have acted differently. In that case he acts from moral ignorance in our sense. That much seems clear.

It also seems clear that his ignorance is not straightforwardly grounded in factual ignorance. Unlike race slavery in the Americas, ancient Near Eastern slavery was not supported by myths about the biological or psychological inferiority of the slave. One became a slave through bad luck or imprudence; in principle the status could befall almost anyone. It is less clear to what extent this ignorance was grounded in false religion. The evidence suggests, however, that there was no perceived need for theological rationalization. The institution of chattel slavery was simply taken for granted. Questions about its administration were generally conceived as questions of civil law to be settled by convention or royal edict without recourse to higher principles.

Is the ancient slaveholder at fault for not knowing that slavery is an egregious wrong? In the discussion of factual ignorance we concluded that factual ignorance is culpable when it is the upshot of epistemic irresponsibility—e.g., negligence or recklessness in the management of one’s opinion. But if this is true in general, then it seems clear that the ancient slaveholder need not be responsible for his moral ignorance.

According to one plausible standard, one is normally under no obligation to rethink the uncontroversial normative principles that form the framework for social life. Some of us are professionally devoted to such reflection. But this sort of philosophy is manifestly supererogatory. One is obliged to reflect in hard cases, in response to serious criticism, in response to known diversity of opinion and in response to perceived tension in one’s moral view. But when what one takes to be a transparently correct moral verdict meets with no such friction, one is neither negligent nor reckless in failing to subject that verdict to special scrutiny. By this standard, the slaveholder’s view would be non-culpable.

But suppose you reject this complacent standard. Suppose you think that the slaveholder is obliged to reflect on the permissibility of his actions, perhaps on the (not implausible) ground that whenever your act makes someone suffer you are obliged to scrutinize the principle that is supposed to license it. Well, then, let us stipulate that he did reflect. Let us suppose he asked himself, ‘Is this wrong (shameful, base)?’—and coming up with
nothing, went on as before. There may be cogent arguments against slavery from premises our Hittite accepts, or might come to accept. But if there are, they are not obvious, and his failure to discover them need not signal recklessness or negligence on his part. To the contrary, it is compatible with his having been unusually reflective. Given the intellectual and cultural resources available to a second millennium Hittite lord, it would have taken a moral genius to see through to the wrongness of chattel slavery.

The example is meant to show that blameless moral ignorance is a possibility. But I should add that in my view it also makes it plausible that insofar as he acts from blameless ignorance, it would be a mistake for us to blame the slaveholder—to feel anger or indignation directed at him for his action. If the historical situation is as we have supposed, then the appropriate attitude is rather a version of what Strawson calls the ‘objective’ attitude. We may condemn the act. We may rail at the universe or at history for serving up injustice on so vast a scale. But in my view it makes no sense to hold this injustice against the perpetrator when it would have taken a miracle of moral vision for him to have seen the moral case for acting differently. It may be hard to believe that moral evil might turn out to be, in the relevant sense, no one’s fault. But so long as we believe that the underlying ignorance is no one’s fault, it seems to me that this is just what we should think.

V

To reinforce this verdict and to generalize it one respect, let’s consider a case somewhat closer to home.

Smith is a run-of-the-mill American sexist circa (say) 1952. Like any decent middle class father he has encouraged his sons to go on to college, setting aside money for the purpose. But like any run-of-the-mill sexist he has done nothing comparable for his daughters. This differential treatment is not malicious. But it is unfair and therefore wrong. But of course Smith doesn’t know this. He doesn’t know that his daughters deserve equal consideration in this respect. So if he’s blameless for this ignorance, our

principle entails that it would be a mistake for his daughters to blame him for treating them unfairly. The first question, then, is whether he might be blameless for his ignorance.

Let's suppose that if you had asked Smith at the time why he was treating his daughters differently, he would have said, 'Because they're girls,' as if the sufficiency of the answer were self-evident. Smith is the sort of complacent sexist who takes it for granted that his sons have legitimate expectations to which his daughters are not entitled (and perhaps vice versa). Let's suppose in addition that this commitment is not based on some sort of theory—some bit of bad religion or bad science. Let's assume, in other words—and this is hardly unrealistic—that Smith believes what he believes because he finds it obvious, and that he finds it obvious because he was raised to find it obvious and because the people he takes seriously find it obvious. The idea that gender matters in this way thus functions for him as an undefended axiom of moral common sense.

It cannot follow just from this that he is culpable for holding it. Philosophers may be concerned to ground the obvious in apodictic basic principles. But the rest of us constantly rely on our more or less inarticulate 'sense' of what's permissible, and this cannot amount to culpable epistemic negligence all by itself.

Now we cannot assume in this case that our sexist is unaware of objections to his principle. He has heard about people who think that gender makes no moral difference. He may even know some of them. And perhaps this by itself imposes an obligation to reflect. So let's suppose that he asks himself, 'Is this all right?' It is wishful thinking to suppose that raising the question should be enough to set him straight—even if he asks it honestly and with something like an open mind. It would be one thing if arguments against his view were readily available and manifestly compelling. But that seems unlikely. What he confronts when he reflects is a sensibility very different from his own, a sensibility that strikes him as wrong-headed. But awareness of such a sensibility—even vivid such awareness—need not suffice to dislodge his own sense of what is evidently correct. The emerging antisexist consensus is hard won: the work of activists and intellectuals over many decades. One of the lessons of this history is that the transformation of a moral sensibility is a monumental task. That Smith has failed to see through a pervasive and well-protected
ideology need not be a sign of culpable negligence or recklessness on his part. It might just be a sign of ordinariness. And if that’s right we should conclude that his ignorance is not his fault.

To be sure, when it becomes clear later on that Smith has treated his daughters badly, it will be natural for them to resent him and for him to feel guilty. Certainly, when his daughters reproach him it will be unseemly for him to do anything but ‘accept responsibility’ for his behaviour. But however natural and laudable these responses may be, the fact remains that Smith has a cogent ‘defence’ against the charges, however unappealing it would be for him to make it. He (or his advocate) may say: ‘Consider what it would have taken for me to see a reason for acting differently. I would have had to invent a new sensibility for myself. I wish I had. I regret that I didn’t. But it is frankly unreasonable for you to blame me or for me to blame myself for doing what seemed reasonable given everything I can plausibly be expected to have known at the time.’

This is not say that Smith should not feel bad about what he’s done. The proper response, however, is not guilt or self-reproach. It is rather a sentiment akin to what Bernard Williams calls ‘agent regret’. The scrupulous driver who kills a pedestrian through no fault of his own may feel awful and perhaps he should. But if it’s clear that he has been neither reckless nor negligent, then no one should hold the bad consequence against him in the manner characteristic of blame.

Smith’s case is similar, but there is a difference well worth stressing. There may be a sense in which the driver has done nothing wrong. Insofar as moral constraints are constraints on the ‘quality of will’ with which we act, the driver has not violated any moral constraint, whereas Smith, with his invidious treatment of his daughters, clearly has. So here is a better (though

7. To accept responsibility for one’s behaviour is to acknowledge that it was wrong and that one is therefore under some obligation to apologize and make amends. This sort of responsibility does not entail moral responsibility in our sense—i.e., blameworthiness. A non-negligent parent can be responsible in this sense for damage done by his children; someone who suffers from mental illness can be responsible in this sense for damage when he is blamelessly out of his mind. But no one would suggest that the parent or the maniac is properly blameworthy in such cases. So even if Smith is obliged to apologize and make amends, it does not follow that he is morally responsible for his behaviour.

still imperfect) analogy. Suppose Fred has been drugged against his will with a substance that disables the capacity for self-control while simultaneously boosting the aggressive impulses. Under the influence of the drug he deliberately and maliciously assaults a stranger for no good reason. When he comes to his senses he may feel miserable about the attack, and perhaps he should. But even so, Fred is not morally responsible for his malicious act. He should not feel guilty and his victim should not blame him. My claim is that the same goes for Smith. In both cases it would have taken an extraordinary feat—extraordinary moral insight in one case, extraordinary self-control on the other—for the agent to do the right thing for the right reason. And in both cases the agent is blameless for finding himself in a situation of this sort. Under these circumstances, while some version of 'agent regret' may be called for, moral blame is not, or so I claim.

VI

Variations on these examples might be multiplied indefinitely. Thus we might consider the scrupulously reflective agent with more or less sound moral principles who reaches a mistaken verdict in a difficult case, not because he's wrong about the underlying facts, but rather because he's wrong about how to weigh competing demands. Let us suppose, for example, that Truman was wrong to order the bombing of Hiroshima, and that he was in a position to know this given the facts at his disposal and his general moral view. (It would not have taken superhuman moral insight for Truman to know what so many of his advisers clearly knew.) But suppose that not only did he believe the act was right; suppose he believed it after an honest review of the considerations either side—a review every bit as scrupulous as the gravity of the situation required given the time available.\(^9\) Given these assumptions, it seems to me that Truman is not strictly culpable for his act. The act was monumentally wrong. And yet Truman did everything that a person in his situation was required to do by way of inquiry and still somehow failed to see this. If this is so, then Truman's proper response in retrospect is the species of agent regret mentioned above: the otherwise nameless emotion

\(^{9}\) This assumption is probably false. For discussion, see Alperovitz 1995.
proper to the recognition that one has blamelessly done something awful. And the proper response on the part of others, however difficult it may be to sustain, is not the agent directed antipathy that makes for blame, but something else for which we also have no name: an emotion proper to the contemplation of blameless moral evil.

In the cases we have considered, the agent is blamelessly ignorant of a moral truth because (a) the epistemic route to that truth is especially difficult for him given his starting point, and (b) he has done his best—or at least, everything required of him—to traverse it. But it’s worth stressing that blameless moral ignorance is possible even in the absence of this sort of difficulty. Note first that there may be a sense in which Truman could easily have arrived at the right answer. There is something ‘indeterministic’ about moral deliberation in hard cases. Which considerations loom as most important, which analogies strike one as compelling, the order in which the arguments present themselves: all of these factors may have decisive bearing on the final outcome. When the operation of these factors is subtle and perhaps random, it may be that an agent who has flouted no procedural norm in arriving at the wrong answer could easily have arrived at the right one if his deliberation had taken a slightly different course. Even so, I claim that in such a case, the agent is blameless for his mistake.

There are also cases in which a moment’s reflection of the right sort would have led the agent to correct some moral error, but in which he blamelessly fails to engage in the relevant inquiry and so remains mistaken. It may be that in cases of ordinary bad behaviour, if I had only stopped to ask myself ‘What would Jesus do?’ or ‘How would I feel if someone did that to me?’ I would have seen that my contemplated act was impermissible. Still, if my failure to stop and think is itself non-culpable—as it would be if I had no reason to believe that reflection was called for in the case at hand—then again my ignorance would be blameless, even if it would have been easy for me to remedy. Even when the answer to my question is written in the book in front of me, if I have no reason to suspect that I do not already know the answer, then I may be blameless for failing to look it up. And once again, I claim that in cases of this sort, when the ignorance is clearly blameless, so is the resulting act.
VII

In my view, the examples furnish a prima facie case for Parity. This case is not just a matter of induction from our imagined responses. Rather when we engage the examples in imagination, bearing it fully in mind that the agent is not responsible for his moral ignorance, then our capacity to blame is neutralized by this very thought. Moreover, this is not simply a psychological observation. When we find ourselves unwilling to blame the agent who acts from blameless ignorance, it is because we have come to think that it would be a mistake to blame him. This suggests that in our thinking about the examples, we have somehow come to accept the Parity Thesis.

I do not pretend that the principle has independent intuitive support, or that we are committed to it in everyday moral practice. For all I know the commitment emerges for the first time when the question is put directly and the examples engaged. That's why I said at the start that I would be discussing an excuse that recommends itself only upon reflection. I note in passing that a restricted version of the principle seems to underlie the McNaughten test for insanity along with some of its modern variants. According to McNaughten, a criminal defendant is to be acquitted if by reason of mental disease or defect, he failed to know what he was doing, or that it was wrong. Now mental disease is a paradigm of non-culpable affliction, and the ignorance that arises from it is a paradigm of non-culpable ignorance. So in the cases covered by McNaughten, we have a legal analogue of Parity: ignorance excuses, whether its content be factual or moral/legal, provided it can be shown to be non-culpable on certain grounds.10 Our principle is much more general: no particular grounds are specified. But insofar as McNaughten is grounded in a general principle governing blameworthiness, it would appear to derive its plausibility from something like our more general thesis.

Can anything be said in defence of Parity beyond these scant remarks? I shall say a bit more by way of positive defence below.

10. In US jurisdictions, the 'ignorance of wrongfulness' component is usually taken to require ignorance of illegality. Elsewhere, it is sometimes sufficient to establish that thanks to mental disease or defect the agent did not know that his act was morally impermissible. For discussion, see Goldstein 1967.
But first it may help, by way of indirect defence, to consider one prominent account of responsibility that would entail the falsity of the principle by drawing a relatively sharp line between the factual ignorance that excuses and the moral ignorance that does not.

In ‘Freedom and Resentment’ Strawson suggests that the reactive emotions are responses to the degree of concern or respect our acts evince.\(^\text{11}\) When someone steps on your hand, that may be evidence that he has not taken you properly into account. It may be evidence that he has acted recklessly or even maliciously, failing to treat your pain as a reason to forbear. But if it can be shown that he (blamelessly!) failed to know that your hand was there, then this evidential connection may be defeated, in which case it would be wrong to blame him. On this sort of view—sometimes called the ‘Quality of Will’ account—non-culpable ignorance of fact excuses when it does because it defeats the inference from harm done to an objectionable attitude towards others—malice or insufficient regard—on the part of the agent.

Now if this is correct, the Parity thesis is problematic. When the Hittite lord beats his slave, thinking all the while that he’s entitled to do so, it seems clear that he expresses a sort of contempt. He believes that the slaves interests count for much less than his own, that they place no serious constraints on his activity, and so on. In extreme cases he may think of the slave as no better than animal, and if that’s not an objectionable quality of will it’s hard to know what would be. Of course the slaveholder does not know that his underlying attitude is objectionable in this way. But the crucial feature of the view is that this sort of knowledge is not required. All that matters is that the act \textit{in fact} evinces an inadequate regard for others, whether or not the agent is in a position to know that it does. When an agent acts from blameless \textit{factual} ignorance, the natural inference from harm done to an objectionable quality of will is often blocked.\(^\text{12}\) When the agent acts from blameless moral ignorance, the corresponding inference will be much stronger. After all, an objectionable attitude towards others is often \textit{constituted} by a form of moral ignorance: ignorance about the consideration due to others. So in these cases there will typically be

\(^{11}\) Strawson, in Watson 1982.

\(^{12}\) Often, but not always. Consider the case of the Sikh in footnote 4 above.
no basis for concluding, from that fact that the agent acted from blameless ignorance, that his action does not express one of the underlying attitudes that makes blame appropriate.

The Quality of Will account is clearly attractive. Against it I can only invite the reader to revisit, for example, the case of the ancient slaveholder, while bearing it fully in mind both that he fails to show adequate regard for his slave, and that he is altogether blameless in failing to know what sort of consideration the slave is due. When we focus on the act and the objectionable attitude that underlies it, we are no doubt powerfully inclined to blame—so long as we ignore the stipulated fact that he is blameless for not knowing that his slave deserves much more. But when we bear this further fact in mind—when we ‘zoom out’, as it were —then (I claim) our sense of his culpability evaporates. It is as if in blaming him we are thinking that he should have known better; he should have known that his action expresses an attitude that would merit intense resentment; he should have known that his act is the sort of act for which one should feel shame in retrospect. When we remind ourselves what it would have taken for him to know these things, and in particular that it’s not his fault that he doesn’t know them, then our resentment is properly blocked in the manner described above.

**VIII**

The quality of will account derives the norms governing blame from a definite conception of the underlying object of blame. Of course, strictly speaking, we always blame an agent for an act. But on the quality of will account the act is blameworthy to the extent that it is a sign of something inner: an objectionable attitude towards other people. Any consideration that blocks the inference from outward sign to underlying attitude amounts to an excuse. It is an elegant package.

Since I reject the account it would be nice to present an alternative general account of why the excuses function as they do. Let me briefly sketch the sort of account I’m inclined to favour.

As is commonly observed, moral blame is a sort of sanction. Even when it is not expressed, it is a form of adverse treatment: a form of psychic punishment. And like any adverse treatment, blame is governed by moral norms. So far I have spoken about
when blame is *appropriate*, or when it would be a *mistake*. But it seems to me that the crucial norms are best conceived as norms of *fairness*. The relevant notion of fairness is admittedly elusive. It is obviously not a matter of equal distribution of the reactive attitudes, or of procedural impartiality in their application. And yet despite this elusiveness it seems to me that we possess a robust body of opinion about when it is fair to treat someone adversely for what he has done.

Jay Wallace has identified two important norms of fairness governing blame.13

It is unfair to blame someone for doing something if he was morally entitled to do it.

It is unfair to blame someone for doing something if at the time he (blamelessly) lacked the general capacity to appreciate and to act on the moral reasons for doing otherwise.

Wallace shows that these principles explain the standard justifications and excuses. But on the face of it, they do not cover the cases we have discussed. The ancient slaveholder, the casual sexist, and Truman as we have imagined him, all act wrongly while possessing the general capacity (in Wallace’s sense) for moral knowledge and self-control. My claim that they are nonetheless to be excused must therefore appeal to another norm of fairness.

Here is a natural proposal: Just as it is unfair to blame someone for doing what he is in fact entitled to do, it is unfair to blame someone for doing what, through no fault of his own, he *takes himself* to be entitled to do. Take Smith at the point at which he has formed the view that it is perfectly all right for him to deny his daughters certain opportunities. So far, by hypothesis, he is altogether blameless. Now he does it. How can you blame him? How can you expect him to do otherwise given what he blamelessly believes? These questions suggest a formulation of the norm of fairness to which we have been appealing:

It is unfair to blame someone for doing something if he blamelessly believes that there is no compelling moral reason not to do it.

This principle is in turn supported by two more basic principles. It is unreasonable to expect people not to do what they blamelessly believe they are entitled to do, and it is unreasonable to

subject people to sanctions when it would be unreasonable to expect them to have acted differently. No doubt these principles require qualification, and I grant that it would be desirable to ground them in a more articulate account of fairness. For now, however, let me simply suggest that something along these lines underlies the intuitions we have elicited in support of Parity.

IX

So far we have focused first on actions done from factual ignorance, and then on actions done from ignorance of right and wrong. But it is possible to act badly and to act from ignorance without being ignorant in either of these ways. Consider the agent who is (as he sees it) rationally indifferent to moral right and wrong. This sort of amoralist may know what morality requires. The trouble is that when it comes to taking these requirements into account, he accords them no weight whatsoever in his deliberations. He agrees that it's wrong to steal, but fails to see this as any reason not to do it. When this sort of amoralist then goes on to steal, there is a sense in which he acts from ignorance. But it's not ignorance of fact, nor is it ignorance of right and wrong. It is normative ignorance of a more general sort. It is ignorance, as I shall say, about the reason-giving force of moral considerations.

Now it is controversial whether this sort of amoralism is really possible, and for present purposes it would be a distraction to engage the issue. A more moderate amoralist is much easier to imagine. This moderate amoralist can tell you what's morally permissible and why in many cases. Moreover he knows that we have reason to do what morality requires. He differs from the rest of us in thinking that moral considerations are typically quite weak, and in particular, that they are easily outweighed by non-moral considerations of partiality or self-interest.

In small doses this attitude towards morality is commonplace. The card sharp may know that it's wrong to cheat, and he may agree that normally this counts as a reason not to cheat. But when the stakes are high and he can only win by cheating, he may take the sober view that money is more important than moral rectitude. The boss may know that it's dishonest to funnel kickbacks to his uncle; but may also think that doing right by
his uncle is more important than being honest. Bill may think that it's wrong to lie; but he may also think that the personal costs of honesty outweigh the moral costs of lying, and so on.

As Philipa Foot has pointed out, there is some temptation to insist that in such cases the agent’s moral view allows for his behaviour as an exception—in which case his mistake is a straightforward mistake about right and wrong. The sharp believes that in general it’s wrong to cheat, but that cheating is permissible when the stakes are high. Bill believes that lying is all right when the truth will get you in trouble, etc. As Foot says, on this sort of view morality always wins, but only because it sees to it never to be on the losing side. No doubt some people rationalize their bad behaviour by convincing themselves that it's permissible in the circumstances. But must it be this way? If I fail to keep our lunch date because I realize that I stand to lose some money if I do, must I think that it’s morally permissible to break a promise in order to make myself some money? No, I might just think that while I’m morally obliged to keep the date, I have a good (non-moral) reason to break it.

Now in these ordinary cases it is plausible that the agent is mistaken about the relative strength of his moral reasons. There may be extreme cases in which an agent really does have a compelling reason to do what is morally impermissible, but for the sake of simplicity we may ignore them. Let us therefore suppose that morality is overriding in the following sense: If A is morally obligatory then one has reason to do it all things considered, even if one has powerful non-moral reasons for doing otherwise. The point of the examples is to make it plausible that one may be ignorant of this fact or of its consequences in particular cases.

It is of course a further question whether this sort of ignorance can be blameless. The examples do not make this point. And yet it seems to me that blameless ignorance is clearly possible in this domain. And if it is we should ask whether it constitutes an excuse. I find the question profoundly difficult. But here’s a far-fetched case designed to motivate the extension of Parity in this direction.

**Bonnie’s Virus.** It’s 4:30 on a Sunday afternoon and it’s raining hard. You’re waiting for a cab. The kids are whining. You’re
soaked through. Finally, after half an hour of mounting misery, a cab pulls over to pick you up. But as you’re opening the door, a stranger rushes over from across the street, elbows you into the gutter, and drives off. Do you blame her? Yes, you do.

A week later you spot the stranger at a cocktail party. You’ve cooled off in the interim, and in the interest of moral science you set out to diagnose the moral pathology she represents. You ask her if she remembers you.

- Of course. I stole your cab last weekend. Tough luck.
- Was there some sort of emergency? Were you in trouble?
- No.
- Didn’t you see me there with my children? Didn’t you see that the cab had pulled over for us?
- Yes, of course. I knew exactly what I was doing.
- Are you mad? Do you have an impulse control disorder? Do I remind you of your father? When was your last MRI?
- Look, I see where this is going, so I’ll make it easy for you. I’m perfectly healthy now, and I was perfectly healthy then. You can ask my neurologist. When I stole your cab I was in full possession of my faculties. I knew that it had stopped for you and that I had no right to take it. There was no emergency. I just wanted to get uptown and I was sick of waiting. When I saw the cab pull over, I weighed the moral costs of inconveniencing you against the costs to me of waiting for another. In the end I decided that it made most sense for me to take the cab.

She walks away and you are no less baffled than you were before. You have given her every opportunity to make excuses, and she has systematically refused them all: duress, necessity, ignorance, diminished capacity. Apparently this stranger is an unreconstructed selfish creep with no excuse whatsoever for her conduct.

As you are fuming and wondering you are approached by another stranger.

- Pardon me. I couldn’t help overhearing. I’m her neurologist. I believe she mentioned me. The case is really quite
extraordinary. Until recently Bonnie was an ordinary person with an ordinary concern for morality and for other people. A month ago she contracted a virus. The virus acts on the brain, and in general its effects are unpredictable. In this case, however, over a week during which the patient was delirious with fever, the virus ‘rewired’ the neural circuits underlying her normative sensibility: her view of what matters, and in particular her view of what counts as a reason for action. The effect of this rewiring was to turn a normal citizen into an unrepentant selfish creep. While the virus was acting its effects were ineluctable. But when it had done its work it vanished, leaving Bonnie as healthy as ever by any plausible medical standard. As things stand she possesses the same general capacity for reflection and self-control as you or I. She knows what we know about the non-moral facts, including the psychological facts about how her actions affect other people. And she knows what we know about moral right and wrong. The difference is that she no longer attaches much importance to morality. In particular, she no longer believes that she has good reason to do what morality requires in cases in which it suits her interests to do otherwise. If you ask her how she feels about her transformation, she’ll say that it’s as if the scales have fallen from her eyes. She used to think that other people’s rights and interests placed firm constraints on her own activity. But now she ‘sees’—that’s how she puts it—that all of that was a crock, or at best a wild exaggeration. She knows that she has been ill, and she has entertained the possibility that her newfound view is an illusion due to illness. She has asked herself whether she has reason to reject it. We’ve been over the arguments from Plato to Korsgaard and she’s not a bad philosopher. Unfortunately, she finds the arguments unconvincing.

The case is far out, and yet it strikes me as clearly possible. Let’s suppose it is. We then have two questions to ask. By hypothesis, Bonnie is mistaken about the weight of moral reasons. But is this ignorance blameless? And if it is, does it follow that it would be unfair to blame her for what she does in light of it?
I do not see how Bonnie’s ignorance can be anything but blameless. It is initially caused by a disease—the paradigm case of a blameless condition. To be sure, the fact that she has been transformed by illness imposes special obligations of reflection. But whatever those obligations may be, we may suppose that she has met them. Bonnie does not acquiesce uncritically in the normative appearances; she is thoroughly critical, and her views survive this criticism. She knows that others disagree; but they have little to say in their own defence. So far as she can see, the consensus she rejects is simple prejudice—socially useful prejudice, but prejudice all the same. Her own view strikes her as clearly correct upon reflection. In accepting it she is neither negligent nor reckless. It is therefore hard to see how she can be anything but blameless for believing that moral reasons are weak and easily trumped by considerations of self-interest.

Does it follow that it would be unfair to blame her for stealing the cab? As I say, I regard this as a difficult question. Let me set out both sides of the case.

Against Blame. There is first of all the fact that when we hear the neurologist’s part of the story it tends to mitigate or even to neutralize our inclination to blame. *I find it impossible to believe that it simply doesn’t matter that Bonnie is as she is thanks to a virus.* But why should it matter? I conjecture that it matters because we are inclined to accept the following norm of fairness:

> It is unfair to blame someone for doing something if she blamelessly believed that all things considered he had compelling reason to do it.

This principle might be grounded in a view about what it is reasonable to expect. It is reasonable to expect a person to meet his epistemic obligations in coming to a view about what to do (provided he knows what they are and has the capacity to meet them). And it is reasonable to expect a person to do his best to act in light of his considered view about what he has most reason to do. But is it reasonable to expect more? Here is Bonnie. She blamelessly thinks that she has most reason to steal the cab. What do you expect her to do? To set that judgment aside? To
act on what she blamelessly takes to be the weaker reason? To expect this is to expect her to act unreasonably by her own lights. This is certainly a possibility, but is it fair to expect it or demand it? Is it reasonable to subject an agent to sanctions for failing to exhibit akrasia in this sense? When these questions are raised explicitly, the answers can seem self-evident. No, it is not reasonable to expect a person to do what she blamelessly thinks she has less reason to do. No, it's not fair to subject someone to sanctions for 'pursuing the apparent good' when it is clear that she is blameless for the good's appearing as it does.¹⁵

These principles support a general version of the Parity Thesis. Indeed, they suggest an explanation for Parity. They suggest that factual and moral ignorance excuse when they do because they issue in blameless ignorance of what the agent has most reason to do all things considered. But if that's so, then the agent should be excused whenever she acts from blameless ignorance about where the balance of reasons lies.¹⁶ This principle covers the cases considered in the previous section, and it covers Bonnie's case as well.

For Blame. Consider an analogy. Legal punishment is punishment for witting violation of the law. In the legal case it is no excuse that the agent (blamelessly) believed that he had good reason to break the law. It is certainly no excuse that he blamelessly regarded legal considerations as less weighty than self-interested considerations. But it is instructive to note that it is also no excuse that the agent believed in some moral imperative to break the law. When Henry refuses to pay his taxes in order to protest an unjust war, he believes that the moral considerations in favour of protest are stronger than the legal reasons that support compliance. Henry need not deny the legitimacy of the state nor its authority to impose taxes. And if he doesn't, he should not assert a legal excuse. He should not claim that it would be unfair for the state to punish him. If the judge says, 'I

¹⁵. Aristotle appears to accept this principle, see NE 1114b. Aristotle blocks the skeptical consequence by insisting that we are typically responsible for how the good appears to us, since we are typically responsible for the state of character in virtue of which the good appears to us as it does.

¹⁶. Subject to the proviso noted above, fn. 4, that the act would have been blameless if the situation had been as the agent blamelessly believed it to be.
know you believed that you were obliged to resist. Maybe you’re right. It doesn’t matter. You knowingly violated a law; the law itself is not unjust. So legal sanctions are appropriate,’ Henry should agree. He should think, ‘I’m liable to punishment; it’s a price I am willing to pay.’

By analogy, one might argue that Bonnie knowingly violates the moral law. She is a competent adult who knows what that law requires, and she knows that competent, witting transgressions are typically met with resentment. So she should not think that it’s unfair for others to blame her. Instead she should think, ‘Blame is what you get when you break the moral rules. I knew that in advance, so blame is perfectly appropriate. In this case, however, it’s a price I’m willing to pay.’

*Adjudicating the Dispute.* I support the case against blame, though I concede that my reasons are inconclusive. The case for blame is persuasive in large part because it encourages us to forget how awful blame can be. Bonnie is aloof; blame doesn’t really bother her. And given that it’s not surprising that she should view it as a cost fairly assessed for the violation of the moral rules, and that we, as third parties, should defer to her view of the matter. But now imagine a variation on the case. Suppose that after another week or two Bonnie reverts to her former view. She comes to care about morality, and in particular, she comes to care about what people think of her. Now suppose that you still resent her intensely, having been persuaded by the case for blame as sketched above. Bonnie knows this and is injured by it. Now the question has a point: Is it fair for you to blame her?

Let’s set aside an incidental consideration. You may think that blame is no longer appropriate, not because the act was not blameworthy when it was committed, but rather because time has passed and it is time for you to let it go. The judgment that forgiveness is now mandatory is not the judgment that it was unfair to blame Bonnie in the first place. It is the judgment that further blame would be unfair given the severity of the transgression. Since we want to focus on whether the act was blameworthy when committed, we need to set this thought aside. So let’s stipulate that the offence was recent enough and serious enough that if Bonnie was indeed responsible, you are not yet required to forgive her.
At this point the case against blame is quite compelling. Bonnie’s advocate may say, ‘You concede that at the time she was blameless for thinking that it made sense, all things considered, for her to steal your cab. So what did you expect her to do? To act unreasonably by her own lights? I’m sorry; that’s too much to expect. When Bonnie acted she was deluded through no fault of her own. If you like, she was half blind; her moral vision was distorted. Despite every reasonable reflective effort, she failed to see a sufficient reason to treat you better. And given all that, it’s unfair for you to blame her. To do so would be to expect more of a person than it is reasonable to expect.’

The metaphor of vision is strictly inessential to the case. The crucial thought is that Bonnie was blamelessly mistaken. The metaphor of blindness is actually misleading, insofar as it suggests that what matters for the excuse is that Bonnie lacked the capacity to appreciate the strength of moral reasons. As we saw in our discussions of factual and moral ignorance, the crucial question is never whether the agent could have known. It is rather whether the agent is blameless for not knowing. Our description of the case leaves it unclear whether it lay in Bonnie’s power to recognize moral reasons as overriding. But that should not matter. Our description does entail that Bonnie is blameless for failing to know this normative fact. And for the purposes of the exculpatory argument, that’s all that matters.

My inclination is therefore to think that blame is unfair in Bonnie’s case, even if it would be relatively harmless so long as she remains indifferent to the ‘esteem’ of others. If this is right it supports the claim that Parity holds in full generality. When an agent acts from blameless ignorance (and the act would have been blameless if her blamelessly false beliefs had been true) then it is unfair to blame her. To do so is to expect more than it is reasonable to expect.

XI

What follows if I’m right? People normally do what they believe they have most reason to do; and people normally have most reason to do the right thing. It follows that when people act badly, it is almost always because they have a mistaken belief of this sort. So if these beliefs are typically blameless, our excuse
applies in an enormous range of cases. However, nothing I have said suggests that such ignorance is typically blameless. And on the face of it, the idea is preposterous. We normally suppose that in many cases, the ignorant agent is ignorant because he has been negligent in his thinking. He is mistaken about what he has reason to do because he hasn’t put in the time to think things through, when he was under an obligation to think things through. And it is natural to suppose that such failure is normally inexcusable. To parlay the considerations we have adduced thus far into a general case for scepticism about responsibility, one would have to show, among other things, that negligent failure to reflect is rarely culpable—even when it is grounded in laziness or arrogance or meanness or some other vice. Nothing I have said amounts to an argument for this claim, though I do believe that such an argument can be given. One would also have to consider the case in which the agent acts badly, though not as a result of ignorance. This is how it is with one sort of akratic agent: he knows that morally speaking he should do A, that this moral reason is compelling, and hence that A is the thing to do all things considered. And yet he can’t bring himself to do it, and so does something else instead. This sort of bad actor does not act from ignorance at all, and so nothing we have said suggests that he should be excused. The excuse we have identified covers a significant range of cases, and so narrows the domain of responsible action to some extent. At this point, however, we have no reason to believe that this excuse, or some combination of excuses, applies across the board. To gauge its scope we would need a more detailed account of the conditions under which we are on the hook for failing to know what we have reason to do.17

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