

Moral Ignorance is Rarely Exculpatory

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1 Introduction

In recent work on moral responsibility, it is a commonplace to hear that blameless ignorance of what's right and wrong is exculpatory. One classic statement of this view, one that I'll return to at some length below, is "Reproach and Responsibility" by Cheshire Calhoun (1989). But the view has been more recently defended by Gideon Rosen (2002, 2004), Michael Zimmerman (2008) and Neil Levy (2009). I'm going to push back against this commonplace view. I think ignorance is very rarely exculpatory, and in the few cases where it does provide some excuse, it is typically a partial excuse.

In adopting this position, I'm taking a position opposed to most writers in the recent debate. It's true that Rosen and Zimmerman's work has occasioned several critical comments. But most of these have to do with the further question of when moral ignorance is indeed blameworthy. Rosen and Zimmerman argue that it almost always is, with cases of akratic belief formation being the main possible exception. And this leads to a quite radical conclusion, namely that there are very few cases of wrongdoing that we can be confident are blameworthy. This view is rejected by, among others, Alexander Guerrero (2007), William FitzPatrick (2008) and Miranda Fricker (2010). Looking back to the earlier debate, Michelle Moody-Adams (1994) similarly rejects some of the practical conclusions that Calhoun (1989) draws. But all of these rejections are accompanied by acceptance that in many important cases, moral ignorance, or at least moral mistake, can be a full excuse.

That's not to say the view I'm adopting is without precedent. Of course it isn't, and I'm drawing here heavily on some important recent work that runs against the majority view. Elizabeth Harman (2011, forthcoming) has argued against the view that moral mistakes can be exculpatory. Since Harman thinks that moral mistakes are themselves blameworthy, her view is in a technical sense consistent with the view that all blameless moral mistakes are exculpatory. But that's only because she thinks there are no such mistakes. And the broader view on responsibility I'm adopting draws on work by Nomy Arpaly (2003), Angela Smith (2005) and Julia Markovits (2010).

One point that Harman makes clearly is that the debate has been misnamed. When we talk about moral ignorance excusing, what we really mean is that moral mistakes might excuse. If someone is extremely confident that φ is wrong, but not quite confident enough to know it, few philosophers would say that mental state is exculpatory. If they have a justified true belief that φ is wrong, but don't strictly know this because their belief is in some other way defective, no one I think holds this should be an excuse. (Though maybe one could try to derive such an excuse by combining the arguments

in papers I've cited above, with the arguments in Hawthorne and Stanley (2008). But I'll set that possibility aside.) What matters are cases of moral mistake; cases where an agent firmly and reasonably has a moral belief that's simply false. Harman notes that this point is at least implicit in Guerrero's response to Rosen (Guerrero, 2007), and a similar point is made by Rik Peels (2010).

In order to keep terminological consistency with most of the debate, while avoiding getting caught up on the point of the last paragraph, I'll make some more terminological stipulations. Say that a person is **thoroughly ignorant** of a truth p iff she believes $\neg p$. And then the live issue is whether moral thorough ignorance excuses. I'll assume that when other writers hypothesise that moral ignorance excuses, the term 'thorough' has been elided. And I will join them in this way of writing.

As is somewhat implicit in what I've already said, the big issue in this debate is whether moral ignorance (or mistake) is exculpatory. That is, it is whether this kind of moral ignorance could provide a full excuse. There is a related question about whether moral ignorance could mitigate one's responsibility. For reasons that will become clear, I'm at least a little more concessive on this question than some might be. But my main focus will be on whether ignorance is fully exculpatory, and here I'll argue that it almost never is.

2 Blame, Agents and Time

I'm not going to try to derive any results about ignorance and blameworthiness from a full theory of blameworthiness. But I will start with two important points about blame that I don't think have been sufficiently respected in the recent literature.

The first, which I think most people do agree with, is that it is agents, not actions or outcomes, which are the primary subjects of praise and blame. We might want to say that an agent is blameworthy for some particular action they did. (Though Peter A. (Graham, forthcoming), in the course of offering a plausible general theory of blame, denies even this.) But it is still the agent we are blaming, not their act.

The second point, which I think has not been fully appreciated, is that blameworthiness is time sensitive. It seems very bizarre, almost contradictory, to say that a particular action, performed at t_1 , is wrong at t_2 but not wrong at t_3 . But it is certainly not contradictory, and may sometimes be true, to say that the agent of that action is blameworthy for the action at t_2 but not at t_3 . Here are three cases where this kind of diagnosis seems plausible.

Jake is a twelve year old boy. He steals Ryder's expensive new jacket. Jake does not need a new jacket, he is not suffering from any kind of duress or compulsion, and he knows it is wrong to steal. But he wants the jacket, so he steals it. At the time he steals it, he is blameworthy for the theft.

Fast forward forty years, and Jake is now a middle aged man. He has not gone onto a life of crime. He is no moral saint, but an ordinary mostly moral-law-abiding member of society. I think it would be wrong to still blame him for the theft. Indeed, I think it is overdetermined that Jake is no longer blameworthy. Typically, adults are not blameworthy for the wrongs committed by their juvenile selves. And typically, people are not blameworthy for the wrongs they committed in the distant past. We can test this by varying Jake's case in different ways. If Jake turns into a decent 19 year old, it seems wrong to blame him for the actions of his 12 year old self. And if he steals the jacket at 22, it seems wrong to blame his 62 year old self for the theft.

The law backs up many of these intuitions. Except for cases of severe wrongdoing, we typically give people a clean slate when they become adults. Records of juvenile wrongdoing are sealed, so as to prevent past misdeeds being held against someone. In the UK, this principle is taken further. The *Rehabilitation of Offenders Act 1974* makes it the case that after a certain length, even adult convictions for minor to moderately serious offences are *spent*. It can even be defamatory to describe someone as a convicted criminal, if enough time has passed between their conviction and the report. The idea I think, and it seems to me to be a good one, is that after a while, people are not responsible for the misdeeds of their earlier selves. More generally, whether someone is blameworthy for an action might change over time.

In some cases, I suspect this change of status can happen rather quickly. Change Jake's case so that a few weeks later, he has a change of heart. He sheepishly returns the jacket to Ryder, and apologises. And, crucially, Ryder accepts the apology. I think Jake is no longer blameworthy for the theft. He surely was blameworthy, but in a case where the misdeed was not too excessive, where only one person was harmed, and that person has accepted an apology, the period of moral responsibility has passed. Jake was blameworthy for the theft, but he is no longer.

Note that what's crucial for the argument to follow is not the specific claims I've made about apologies, or even about juvenile wrongdoing, but the general idea that moral responsibility can be time limited. We should reject the 'branding' model of moral responsibility, that once a person is responsible for something, they are branded with a moral cross, and must carry this mark for eternity. Rather, responsibility can ebb and, occasionally, flow.

This matters for a case Gideon Rosen (2002) uses in his argument that moral ignorance excuses. He describes a character Bonnie who is, as he puts it, an "unreconstructed selfish creep" (77) Bonnie cuts in front of a father waiting in the rain for a cab with his family, for no good reason other than she wanted to get uptown in more of a hurry. It turns out later that Bonnie has been suffering from a virus, and one effect of this virus is that she ceases to view considerations involving others as giving her reasons for action. But it did so, remarkably, in a way that left Bonnie in a relatively

coherent state. She reflectively endorses her self-centred behaviour, and dismisses the importance of traditional moral considerations. Indeed, she apparently can hold her own in philosophical argumentation when confronted with the standard arguments against the kind of nihilism or egoism (it isn't exactly clear which) she now espouses.

So far, so bad. Bonnie seems like an appalling person, even if it is rather sad that she has become an appalling person. But a few weeks later, the virus wears off, and she regrets having the views that she previously had, and of course acting on them. Is she now blameworthy for the terrible things she did while suffering the virus?

I think one could go either way on this. But it seems that question is separate from the question of whether she was then blameworthy for what she did. If you think Bonnie should not now be blamed for what she did while suffering the virus, because you think that in some sense she isn't the same person as the one who committed those misdeeds, then your willingness to let Bonnie off the hook now isn't even evidence that what she did wasn't then blameworthy.

Rosen actually notes that time might matter to Bonnie's case, but dismisses this consideration too quickly. He writes,

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. (Rosen, 2002, 81)

But the last point is exactly what can't be stipulated. It isn't just passage of time or forgiveness of victims that makes blameworthiness go away. Sufficient change of character can too. That's why it doesn't take too long for juvenile wrongdoing to be morally expunged. Commit the misdeed at the right time, and it might be legally expunged in a few days. Morality doesn't use the same hard cutoffs the law uses, but the principle is the same. Bonnie's change of character is much quicker, but not completely unrealistic. (Compare the case discussed by Burns and Swerdlow (2003).) And we should have the same verdict; her actions were blameworthy, but it isn't clear that the person to blame still exists.

3 Acting In Ignorance is No Excuse

There is a distinction, tracing back to Aristotle [add citation to NE I think 114ff] between acting in ignorance of the wrongness of one's actions, and acting from that ignorance. This is, as we'll see, not an easy distinction to draw. But it seems crucial to making the view that moral ignorance excuses even remotely plausible.

Consider Pippa, an extremely contented carnivore. We'll assume she's in a world where meat-eating is wrong. And we'll assume she is ignorant of that fact, as she chews away happily on a hamburger. But this ignorance plays no role in bringing about her eating. She certainly does not think to herself "It's a good thing this is permissible," as she eats away. She is not disposed to order different foods on learning that meat-eating is wrong. She would not eat differently were she to have different views about meat-eating. She regards the coincidence between her wants and what is, by her lights, morally permissible as a happy but irrelevant accident. She eats a hamburger because she wants a hamburger, and that settles things as far as she is concerned.

The ignorance that Pippa shows does not excuse her. It is true that she is ignorant of the wrongness of her action. But that is no more relevant to her action than the ignorance of a random person on the other side of the world. And since their ignorance is irrelevant, hers should be too. The general point is that moral ignorance that merely accompanies a wrongful act doesn't excuse the act. The ignorance must in some way make a difference to the act.

There are two natural ways to think that moral mistakes (which remember are the only kinds of ignorance we're considering) could be excusing. First, the action might be counterfactually dependent on the mistake. If the agent wasn't making the mistake, they wouldn't have performed the action. Second, the action might be motivated by the mistake. That is, the reasons the agent had for the action might have included the mistaken belief. In many cases, these two will go together. But this actually makes things tricky for the idea that action from ignorance can excuse. The next section will show that adding a condition that the action was counterfactually dependent on the mistake does not provide a sufficient condition for blamelessness. And the following section will show that if ignorance ever does excuse, it isn't necessary that the ignorance is motivating. Indeed, it is sometimes necessary that the ignorance is not motivating. The space of cases in which ignorance excuses is, if not empty, exceedingly small.

4 Against Counterfactual Interpretations of Acting From Ignorance

The mere presence of a blameless moral mistake does not excuse. It is a little more plausible to think that actions that are traceable to a blameless moral mistake are excusable. Here's how we might formulate this idea.

For any agent S , proposition p and action φ , if

1. S blamelessly believes p ; and
2. p is false; and
3. If S had not believed p , S would not have done φ , then

S is not blameworthy for doing φ , since her ignorance of $\neg p$ is an excuse.

That proposal won't work for a reason Gideon Rosen notes (Rosen, 2002, 63n4). Oliver has read online that his football team has lost. The website he reads this on is, as he knows, extremely reliable. But it is wrong on this occasion. Oliver reacts to the news by throwing a brick through his neighbour's window. He wouldn't have done this had his team won. So all three conditions are satisfied, and yet Oliver's ignorance of the result of the football match does not provide an excuse.

We need to at least supplement the simple theory. Rosen suggests the following fourth condition.

If p had been true, then S 's action would not have been blameworthy.
(Rosen, 2002, 63n4)

I'm not sure why Rosen plumps for 'blameworthy' here, rather than 'wrong'. It seems unintuitive to say that a false belief that would have offered a mere excuse if true could actually furnish an excuse. But I won't press the point, since it doesn't matter. Nothing like this condition can work. Indeed, it seems very unlikely that we can hold onto the idea that actions done from moral ignorance excuse, while understanding the concept of acting from moral ignorance in terms of conjunctions of counterfactuals.

Add another assumption to the case; Oliver is a moral nihilist. That is, he thinks that nothing is good or bad, right or wrong, blameworthy or praiseworthy. This doesn't affect his actions a great deal (unless you're unfortunate enough to be trapped into a philosophical discussion with him). It certainly doesn't affect whether he reacts to bad football news by quietly cursing that overpaid forward, or by tossing bricks around. And assume that this belief in moral nihilism is blameless; it is a natural enough reaction to the strange diet of philosophical reading he has had.

Now let p be the proposition *Oliver's football team lost, and moral nihilism is true*. Oliver believes that. It is false; doubly so. If he did not believe it, he would have not thrown the brick through his neighbour's window. I'm making an extra assumption here, but I think it's a plausible enough addition to the case. The assumption is that possible worlds in which either the website reports the results correctly, or Oliver reads some other website to get the football score, are much more like reality than the world where he sees the error of his nihilist thinking. That is, if he were to see that p is false,

it would be because he saw the first conjunct is false, not because he saw the second conjunct is false. Finally, if p were true, what S did would not be bad, or wrong, or blameworthy.

The last point is a little delicate, in a way that I don't think helps Rosen's case. Moral nihilism is, I think, necessarily false. False global moral theories are, typically, necessarily false. So evaluating counterfactuals about what would happen were one of them true require thinking about counterfactuals with necessarily false antecedents. Such counterfactuals are, to put it mildly, not well behaved. I'm a little inclined to think, following Lewis (1973) that they are all trivially true. And I suspect this will make trouble for any attempt to spell out the idea of acting from ignorance in the way Rosen suggests. But set that aside, because the issues are very hard, and because we don't need to address them. Any theory of counterfactuals should say that it is true that if moral nihilism were true, then Oliver's action would not be bad, or wrong, or blameworthy. And that's all we need to make trouble for Rosen's view.

So on Rosen's view, Oliver's false belief in the conjunction *My football team lost and moral nihilism is true* excuses the brick throwing. And that's implausible. To see how implausible, note that the belief on its own that moral nihilism is true is not exculpatory. Imagine Joshua is just like Oliver, except he planned to throw the brick either in anger or celebration, whether the team lost or won. He shares Oliver's false belief, but he doesn't have an excuse by Rosen's lights. And Charlie, who is like Oliver except he has correct moral beliefs, and knows he is acting immorally when he throws the brick, has no excuse. It is only the strange combination of views and dispositions that Oliver has that are excusing. And that's very implausible, even if one thinks that false moral beliefs could in principle excuse.

5 Against Motivational Interpretations of Acting From Ignorance

There is a natural enough fix around here. Oliver's false moral belief, either on its own or in conjunction with false factual beliefs, doesn't excuse because it doesn't play the right kind of role in his deliberations. For a false belief to excuse, it isn't sufficient for an agent's actions to be counterfactually sensitive to the presence of the belief. Rather, the belief must play some kind of affirmative role in the agent's motivations, not just the kind of regulative role that is implied by counterfactuals like the one Rosen uses. That's intuitively why Oliver's false belief in the conjunction p is not exculpatory. Although he would not have acted had he not believed p , the belief that p as such doesn't play any role in bringing about the wrong action. Adding a requirement that the ignorance be motivating at least avoids that counterexample, but it introduces new problems.

To see the problem with the modified version of the view, consider two more characters, Sebastian and Belle. Both of them are, blamelessly, committed consequential-

ists. That is, they do the actions they think will have the best consequences, understood in a completely neutral manner. They are also (as will become important in a minute) siblings. But there is a difference between them. When faced with any choice of an importance whatsoever, Sebastian will think to himself, “What will produce the most utility?”, and then having concluded that a particular action will, go on to do that because that action produces the most utility, and it is good to do that. Belle has simply adjusted her values in such a way that she sees actions in terms of their utility, and is directly motivated to do the thing that is utility maximising.

One day, their mother is sick in hospital. It isn't life threatening, but it is a bit scary, and she would be helped by a visit from her children. But neither of them visit. They are both volunteering at a soup kitchen, and don't want to leave their posts. Sebastian thinks “If I leave, some people will go hungry. That will produce more disutility than my mother's sadness. And it is bad to produce more disutility, and I don't want to do what is bad. So I'll stay here.” Belle thinks “If I leave, some people will go hungry. So I'll stay here.”

Assume, for the sake of the argument, that these beliefs are blameless. And assume that the impersonal consequentialism they believe is wrong - they should go to visit their sick mother. Finally, note that the assumptions we've made so far imply that they would not have ignored their mother's needs had they not had their false belief in consequentialism. As Rosen's proposal stands, both of them are blameless for their action, since their false belief in consequentialism excuses. But Rosen's proposal is false, as the example of Oliver shows. And the natural way to fix it puts a gap between Sebastian and Belle. Since Sebastian's false belief in consequentialism does motivate his decision to stay, but Belle's false belief does not motivate her decision to stay, Sebastian has an excuse but Belle does not.

Now it seems to me that this is completely the wrong way around. Sebastian is worse than Belle. The kind of hyper-moralised thinking that Sebastian engages in is exactly the kind of ‘one thought too many’ thinking that Bernard Williams (1981) accuses consequentialists of. I think, following Railton (1984), that Williams's complaint against consequentialism misses the mark. Belle is a perfectly good consequentialist, but can't be accused of having too many thoughts. But I do think Williams is right that having one thought too many is a bad thing, and not one we should be rewarding by decreeing that the thought too many is excusing.

That in turn suggests we need to modify the idea that false moral belief can excuse even further. For a false moral belief to excuse it must:

- Be blamelessly held; and
- Be relied on in deliberation; and
- Be blamelessly relied on in deliberation.

The last clause is actually quite plausible on independent grounds. It is a commonplace, even among philosophers who hold that moral mistakes can excuse, that blameworthy acts have to be traceable to something blameworthy. The usual thought is that it must trace back to a belief for which the agent is blameworthy. But the blame could come in not through the formation of the belief, but in some way that the agent gets from the belief to their action. Rosen already conceded this; he said that the belief had to actually (not just be believed to be) one that would make the act blameless if true. Someone who did φ being motivated by p , where p was both a false belief blamelessly held, and a completely terrible reason to φ , would still be blameworthy. And a natural story about why that's true is that relying on an irrelevant consideration when deliberating about whether to do something wrong is blameworthy.

But once we remember Williams's point about too many thoughts, we should see that this is a very tight restriction. In a lot of cases, it is wrong to directly bring considerations of the morality of the action into one's deliberation. Rather, actions should be guided by the facts in virtue of which the action is right or wrong. A false belief about morality should be behaviourally inert, and so is not excusing.

6 Adopting a Decision Procedure and Acting on It

But, says the objector, it is not always wrong to think about right and wrong and use this to guide one's actions. Indeed, this is what one should do when faced with novel, hard cases. The objector I'm imagining here is making a point similar to something Sigrun Svavarsdóttir (1999) says in response to Michael Smith (1994). Smith argued that good agents would never be motivated by right and wrong as such, but things that made actions right and wrong. Svavarsdóttir argued, in effect, that this should hold only in equilibrium. (See, for instance, her example of XX on page xx.) When an agent first reaches a momentous moral decision, it is fine that they are moved to act by it. In the long run, they should be able to be moved by the forces behind the moral truth. But it is too much to require one's motivations to turn on a dime, the instant belief changes, especially if the decision is one where there are weighty interests on either side of the scale.

This doesn't make any trouble for the Sebastian and Belle case from the previous section, for we can easily add to the case that they have been consequentialists for long enough that they should have by now reached this kind of equilibrium. But it does mean that there could be some cases where someone actually is moved by a moral belief, and is not thereby blameworthy. It is easiest to see that happening in novel cases where there is a lot at stake, morally speaking. In some of these cases, we might think, virtue requires both careful moral deliberation, and perhaps even acting on the result of that deliberation in advance of one's motives lining up with one's resulting view of the good.

But it turns out there is a distinct problem these cases pose for the view that moral ignorance is exculpatory. The problem is one raised by Alexander Guerrero (2007), though I'm going to put the point in a slightly different way to how he does. As with several other points we've seen, the worry is that defenders of the view that moral ignorance excuses haven't been sensitive enough to time. If any kind of moral mistake (for it will now be vital to think about mistakes, not just ignorance) matters, it is a mistake at the time of action. But it is all too easy, when thinking about cases, to focus on mistakes at the time of belief formation. If there can be cases where a belief is blamelessly formed, but the persistence of that belief is blameworthy, these will come apart. And that's just what happens, Guerrero argues, in some of the cases that we've just said looked most promising for the view that moral ignorance excuses.

Consider the example, used by both Rosen and Guerrero, of the ancient slaveowner. Rosen says that such people were often blamelessly wrong about the morality of slaveowning. They were blameless because they simply absorbed the prevailing morality of the day. No one around them questioned whether slaveowning was right or wrong, so they were under no obligation to do so either.

But, says Guerrero, look at things from the slaveowners perspective. He sees families being torn apart. He sees people being cast into chains and thrown into dungeons. When faced with such appalling cruelty, it is callous in the extreme to not wonder for a moment whether this is all an acceptable way to treat people. Perhaps it is blameless to simply absorb moral standards in childhood the way one absorbs a language. But retaining those beliefs, not subjecting them to question when faced with the misery one sees every day in the institution of slavery, is a very different matter. (In general I think slaveowning is a pretty terrible case for the proponents of the view that ignorance is exculpatory, for reasons given by Michelle Moody-Adams (1994).)

Guerrero puts forward these considerations in service of what he calls 'moral contextualism'. I think the reasoning is right, and so is the conclusion, but the name is wrong. What he wants is a view in epistemology that isn't analogous to the epistemic contextualism of Cohen (1986), DeRose (1995) and Lewis (1996), but to the interest-relative invariantism of Stanley (2005), and Fantl and McGrath (2009). In particular, what he needs is the view that the standards for good belief are relative to the deliberations being undertaken by the agent, as in Ganson (2008) or Weatherson (2012). The picture could be something like this. When an agent is abstractly deliberating the morality of slavery, or even mindlessly absorbing the prevailing wisdom, the stakes are not so high. But when they head to the auction block, or commission a slave-catching party, the stakes are about as high as can be. Taking a belief formed in such a low-stakes setting, and acting on it without further consideration in a high-stakes setting, is blameworthy. So even if the formation of the belief that slavery is

permissible is blameless, the retention of it through the course of deciding to acquire and retain slaves, need not be.

I've set up Guerrero's argument in terms of interest-relative theories of belief. But we don't have to adopt such a theory to get something like his conclusion to go through. Ross and Schroeder (fort) object to these interest-relative theories, in part on the ground that they make change of belief without change of evidence too easy. They propose instead that belief should be constituted by defeasible dispositions to use propositions in inquiry. In high-stakes settings, we retain the belief, but the disposition to use the proposition in inquiry is defeated. It should be clear this is no help to the proponent of the view that moral ignorance excuses. On Ross and Schroeder's view, the retention of the belief that slaveowning is permissible is not blameworthy. Indeed, it may be wrong to change that belief on the basis of familiar evidence. But when one is actually deciding to enslave other people, one should lose the disposition to act on the belief. Just having the belief is no guarantee that one can, or should, use it. And in such a high stakes case, one should not.

So we have, after a long detour, an answer to some of the rhetorical questions Rosen posed earlier. Bonnie believes that she has most reason to steal the cab; what do we expect her to do? On the Ganson-Weatherson view, we expect her to lose the belief in light of the stakes. On the Ross and Schroeder view, we expect her to lose the disposition to act on the belief in light of the stakes. Either way, there's no excuse for simply harming others on the basis of a prior belief that one would be blameless in so doing.

7 Calhoun on Blame and Blameworthiness

The considerations raised so far suggest that there will be very few cases of wrongdoing that are excused for the reasons that Rosen and Zimmerman raise. The wrongdoing must be counterfactually sensitive to the mistaken belief, and be motivated by the mistaken belief, and both of these things must be blameless, and the belief itself, both in formation and retention, must be blameless, along with the use of that belief in deliberation. And it turns out these exceptions to the excuse condition are complementary, so between them they cover a vast range of cases. Indeed, at this stage it would be reasonable to speculate that there are no cases at all that satisfy all of these constraints.

I think that last speculation might not be true though. But to see that, we have to look back from the recent work on ignorance to a classic treatment of the subject in philosophy, Cheshire Calhoun's "Responsibility and Reproach". Calhoun's position is complicated, as we'll see. She thinks that blameless ignorance can excuse. She also thinks it is hard to be blamelessly ignorant of the wrongfulness of your actions when the society you're in knows they are wrong. Blameless ignorance will, in almost all cases, require social ignorance. (This theme is echoed in more recent work by Miranda

Fricker (2010).) But in cases of social ignorance, if we want to bring about social change, we may have no alternative but to blame wrongdoers who we think, when engaged in philosophical reflection, are blameless for their wrongdoing. I'm not going to engage with that last point, as interesting as it is, save to note that it might go some way to assuaging the intuitions of those who find the idea that ignorance can excuse highly counter-intuitive.

What I do want to focus on is the class of cases that most interest Calhoun, namely the way in which structures of sexist oppression are maintained in large part by somewhat thoughtless, and individually relatively harmless, sexist acts by otherwise decent enough men. So don't focus for now on the pimps and the pornographers, or even perhaps on the fathers who go out of their way to provide more for their sons than their daughters.

Impossible to think that everyone is blameworthy - not so clear! Shouldn't simply confuse wrongdoing and blame - mostly agreed, but see later sections Small costs aren't a reason to reconsider - here I agree

Subway example

An extra kind of case where moral ignorance excuses.

1) False belief blamelessly held and blamelessly not reconsidered (due to smallness of harm, and perhaps positive reason to not reconsider) 2) Action is counterfactually dependent on false belief 3) Agent is disposed to bring their motivations in line with their moral beliefs

If all those apply, then maybe. But it's rare. Needs to be social because otherwise the views of others will be a reason to reconsider. Needs to be small, or part of a mostly good practice, or the harms will be a reason to reconsider. Needs counterfactual dependence, or it is in ignorance, not from ignorance. And need something like 3 or the football case is a problem again.

In principle all these things could happen. In practice, I think they are rare. I'm not even sure they hold in Calhoun's paradigmatic cases. But it's a more plausible case than anything from the last 25 years.

8 Factual Ignorance Doesn't Excuse, it Often Justifies

A common assumption through recent work on moral ignorance has been the idea that in many cases, we need to say that factual ignorance excuses wrongdoing. Here's the kind of case that motivates this idea. Tahlia is a doctor, and Hamish her patient. Hamish is in a lot of pain, so Tahlia provides pain medication to Hamish. Unfortunately, Gemma wants to kill Hamish, so the pain medication has been adulterated. In fact, when Tahlia gives Hamish this 'medicine', she kills him. A common verdict on this kind of case is that Tahlia acts wrongly, she kills someone, but blamelessly, since

she was ignorant of what she was injecting Hamish with (Rosen, 2008; Harman, forthcoming; Graham, forthcoming). The picture seems to be that an action is wrong if it brings about a bad outcome, and considerations of what was known are irrelevant to the wrongness of the act. So Tahlia's act is wrong because it is a killing, independent of her knowledge.

I think this is the wrong way to think about the case. Tahlia's ignorance doesn't excuse her, because she didn't do anything wrong. My reason for thinking this is not at all new, it is taken directly from an argument due to Frank Jackson (1991). But since so many people, on all sides of the debate, are saying what seems to be the wrong thing, it's worth rehearsing Jackson's argument.

Start with a different example. Billie is a doctor, and Jack her patient. Jack has a very serious disease. He is suffering severe stomach pains, and the disease will soon kill him if untreated. There are three drugs that would cure the disease, A, B and C. One of A and B would stop Jack's pain immediately, and cure the disease with no side effects. The other would have side effects so severe they would kill Jack. Billie has no idea which is which, and it would take two days of tests to figure out which to use, during which time Jack would suffer greatly. Drug C would cure the disease, but cause Jack to have one day of severe headaches, which would be just as painful as the stomach pains he now has.

The thing for Billie to do is to give Jack drug C. Giving A or B would be a horribly reckless act. Waiting to find out which of them would have no side effect would needlessly prolong Jack's suffering. So she should give him drug C.

But now consider things from the objective point of view. Billie directly causes Jack to have severe headaches for a day. This was avoidable; there was a drug that would have cured the disease with no side effects at all. From an objective perspective, ignoring what anyone knows, Billie caused someone in her care severe pain, when this wasn't needed to bring about the desired result. This seems very bad.

And things get worse. We can imagine Billie knows everything I've said so far about A, B and C. So she knows, or at least could easily figure out, that providing drug C is wrong from this objective perspective. So unlike Tahlia, we can't use her ignorance as an excuse. She is ignorant of something all right, namely whether A or B is the right drug to use. But she isn't ignorant of the fact that providing C is objectively wrong. So if you agree with the reasoning in the first paragraph of this section, you should say that what Billie does is wrong and inexcusable, since she knew it was wrong.

This all feels like a *reductio* of that reasoning. The objective perspective, independent of all considerations about knowledge, is not constitutive of right or wrong. Something can be the right thing to do, even if one knows it will produce a sub-optimal outcome, and hence even if it does produce a sub-optimal outcome. So I don't think Billie does anything wrong in providing drug C, and I don't think Tahlia does anything

wrong in providing the pain medication. In both cases the outcome is unfortunate, extremely unfortunately in the case of Tahlia. But this doesn't show that their actions need excusing.

This was of thinking about the medical cases undermines, it seems to me, the motivation for thinking that moral ignorance excuses. If factual ignorance is relevant to whether an action was right or wrong, and not merely to whether wrong actions can be excused, then there is no parallel to be drawn with moral ignorance. But I don't want to lean too hard on this fact, since belief that what Tahlia did was wrong seems to cut across views about whether moral ignorance excuses. It's shared by Gideon Rosen, who thinks moral ignorance excuses, and Elizabeth Harman, who does not. And it is rejected by Michael Zimmerman (2008), who thinks moral ignorance excuses. And in any case, the analogy between the moral and factual cases is weak.

9 Two Approaches to Blame

10 The Wrong and the Blameworthy

As an attributivist, I think the wrong and the blameworthy are more closely tied together than many philosophers seem to think. I think there's something deeply right about this line from XXX (quoted by Levy (2005)): "Wrong is reproach".

But I don't want to collapse the concepts. I think Cheshire Calhoun was right to reject XXX's arguments about blame by noting that she wasn't distinguishing wrong action and blameworthy action. And I think Neil Levy is right that if attributivism implies the concepts are the same, then that's a problem for attributivism. Fortunately, attributivism has no such implication.

There are three ways in which wrongfulness and blame can come apart:

- Different objects;
- Different temporal relativity;
- Different degrees

11 Appendix: Rosen on Acting from Ignorance

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