

Ignorance as a Moral Excuse

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Section I:

It is unfair to punish someone for something if that person is innocent of that thing.

Innocence consists in moral inculpability or blamelessness.

If someone, *S*, is innocent of something, *X*, then it cannot be correct to accuse *S* of having committed, or having brought about, or being related in some other way to *X*. The falseness of any such accusation furnishes *S* with an excuse for *X*.

Section II:

Two conditions that are individually necessary and jointly sufficient for moral responsibility: control and awareness.

Thomson: the case of the stove in mint condition.

Distinction: being in control of (or having control over) something vs. exercising that control.

Another distinction: direct control vs. indirect control.

The case of the decrepit stove.

Section III:

It is only with failures of awareness (occurrent belief) that I am concerned when I talk of ignorance.

In the case of the decrepit stove, many would say that you are to blame for your neighbor's death on the grounds that you acted negligently, but there is reason to doubt this verdict.

Section IV:

My central argument (where *T* = your act of turning on your stove and *D* = your neighbor's consequent death):

- (1) *T* was wrong, but in doing it you acted from ignorance—that is, from lack of awareness—of this fact.
- (2) One is culpable for acting from lack of awareness of some fact, and thereby for any consequences of so acting, only if one is culpable for one's lack of awareness.

Hence

- (3) You are culpable for *T*, and thereby *D*, only if you are culpable for the lack of awareness, *L*, from which you did *T*.
- (4) One is culpable for something only if one was in control of that thing.

Hence

- (5) You are culpable for T, and thereby D, only if you were in control of L.
- (6) One is never directly in control of becoming aware of something of which one is currently unaware; that is, any control that one has over such awareness is only ever indirect.
- (7) If one is culpable for something over which one had only indirect control, then one's culpability for it is itself only indirect.
- (8) One is indirectly culpable for something only if that thing was a consequence of something else for which one is directly culpable.

Hence

- (9) You are culpable for T, and thereby D, only if there was something else (call it X) for which you are directly culpable and of which L was a consequence.
- (10) Whatever X was, it cannot itself have been an instance of ignorant behavior, since otherwise the foregoing argument would apply all over again to it; that is, whatever X was, it must have been some item of behavior of whose wrongness you were aware at the time you engaged in it.

Hence

- (11) You are culpable for T, and thereby D, only if there was some item of behavior, X, for which you are directly culpable, of whose wrongness you were aware at the time you engaged in it, and of which T and D were consequences.

The Origination Thesis:

Every chain of culpability is such that at its origin lies an item of behavior for which the agent is directly culpable and of whose wrongness he was aware at the time he engaged in it.

Section V:

Acceptance of the Origination Thesis would require revision of many of our common ascriptions of culpability.

The Origination Thesis applies not only to cases of the sort in which the common ascription of culpability would typically be based on a finding of negligence but to any case in which someone unwittingly does wrong, negligently or otherwise.

The case of the fervent fundamentalist.

Section VI:

Clarke's challenge to premise (2): the case of the forgotten milk.

A puzzle: how is moral culpability supposed to be grounded in a cognitive aberration? The failure to pick up the milk is not to be attributed to some morally objectionable aspect of quality of will.

However, perhaps one can have a morally objectionable trait without being to blame for having it.

Section VII:

The attributionists' challenge to premise (4): one is morally responsible for any trait or behavior that expresses, or reveals, or reflects who one is as a person, regardless of whether the trait or behavior is within one's control.

Various kinds of cases that involve an agent, *S*, and some morally objectionable trait, *T*:

1. *S* possesses *T* but does not exhibit *T* in any behavior.
 - a. *S* is not aware that he possesses *T*.
 - b. *S* is aware that he possesses *T*.
2. *S* possesses *T* and exhibits *T* in some behavior, *B*, but does not freely engage in *B*.
 - a. *S* is not aware that he is exhibiting *T*.
 - b. *S* is aware that he is exhibiting *T*.
3. *S* possesses *T* and exhibits *T* in some behavior, *B*, in which *S* freely engages.
 - a. *S* is not aware that he is exhibiting *T*.
 - b. *S* is aware that he is exhibiting *T* but not that he is thereby doing wrong.
 - c. *S* is aware both that he is exhibiting *T* and that he is thereby doing wrong.

1a and 1b:

It is bad for someone to have a morally objectionable trait, regardless of whether he exhibits it in any behavior. The natural terms to use to denote the approval and disapproval of persons in this context are "praise" and "blame," respectively. I am therefore quite willing to agree that the mere possession of a morally objectionable trait renders one blameworthy for its possession.

Thus (4) is indeed false on this construal of culpability.

2a and 2b:

I agree that *S* is in some sense culpable, not only directly culpable for the possession of *T* but also culpable, indirectly if not directly, for its exhibition.

Thus (4) is once again false on this construal of culpability.

3a and 3b:

It is only when *S* controls the exhibition of *T* that the question arises whether *S* does anything morally wrong in exhibiting it.

Two possibilities: (i) the degree of culpability has changed;
 (ii) a new kind of culpability has emerged.

If (ii) is the case, then we no longer have any reason to reject premise (4), precisely because this kind of culpability presupposes freedom or control, but we may now have reason to reject premise (2), given that this premise is to be construed as implying that one can be culpable in some way for acting from ignorance only if one is culpable in that same way for one's ignorance.

3c:

Even if the free and witting exhibition of a morally objectionable trait renders one in some way culpable for its exhibition, as long as one is not aware that one is thereby doing wrong one has a kind of excuse that one lacks when one is aware of this. In the former instance, although one is acting contrary to the requirements of morality, one is not defying them. In the latter instance, one is; one is voluntarily doing wrong.

As to the particular trait of ignorance of wrongdoing: one might in some way(s) be to blame both for possessing it and for exhibiting it, whether freely or not, but one thing one cannot do is freely exhibit it while being aware that one is doing so (let alone being aware that one is doing wrong in doing so).

Thus the special, new kind of culpability that arises in other instances of case 3c cannot attach to any instance of case 3c in which *T* is the particular trait of ignorance of wrongdoing, since there cannot be such an instance. If such culpability is to attach to ignorant wrongdoing, therefore, it can only ever do so indirectly, by way of attaching to the ignorance of which the wrongdoing is a consequence. And so, for this particular kind of culpability, not only is premise (4) true, but so too is premise (2).

Section VIII:

If the kind of reaction to an agent that is appropriate when that agent bears (in)culpability of kind *K1* differs from the kind of reaction to an agent that is appropriate when that agent bears (in)culpability of kind *K2*, then *K1* is distinct from *K2*.

There is a particular kind of culpability that consists in being susceptible, morally, to the particular reaction of punishment, and hence a particular kind of inculpability the possession of which renders one immune, morally, to such a reaction.

It is not unfair to punish someone who has freely and wittingly engaged in wrongdoing, whereas it is unfair to punish someone who acts either unfreely or in keeping with his conscience—unless he is to blame either for his lack of freedom or for his erroneous conscience. But that is precisely where my argument for the Origination Thesis becomes relevant.