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CULPABLE IGNORANCE

Holly Smith*

Recent moral philosophers standardly distinguish between the objective *wrongness* of an action and the agent's *blameworthiness* for performing it. No matter how terrible the act may be from an objective point of view, the agent is not blameworthy if he had an excuse for what he did. Thus a doctor who treated a premature infant's respiratory distress in 1954 by exposing her to unnecessarily high concentrations of oxygen, and so caused severe eye damage, did something terrible. But if the doctor did not realize that oxygen enrichment would have this effect, he is not to blame for the baby's blindness. Ignorance of the nature of one's act is the pre-eminent example of an excuse that forestalls blame. However, there are occasions when a person's ignorance is itself criticizable—when he *should have realized* what he was doing. Perhaps the doctor should have known that high oxygen enrichment would induce blindness: the latest issue of his medical journal described a study establishing this effect and recommending the use of lower concentrations as equally effective for respiratory problems. The doctor should have read his journal, and if he had done so, would have realized he ought to use less oxygen.¹ In cases such as these, opinion is sharply divided: many people feel that such an agent must be blamed for using excessive oxygen, while others insist that his ignorance, however criticizable in itself, nonetheless excuses him. In this paper I examine the question of whether or not such "culpable ignorance" excuses. I shall begin by delineating important features of the problem which tend to have been overlooked in previous discussions. I shall then present arguments for both sides of the question, and in the course of assessing them, develop what I believe to be the first accurate analysis of what the true issue is. Once this issue has been identified, I shall not attempt

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¹This is a variant on a case provided by David Gauthier in commenting on an earlier version of this paper at the 1981 Oberlin Philosophy Colloquium. I am grateful to him for useful discussion.

to provide a definitive solution to it, although I shall indicate why certain popular arguments for one solution are unconvincing. Thus this paper prepares us for the main battle: it tells us what we shall be fighting about.

My discussion will focus exclusively on the question of whether or not culpable ignorance provides a *moral* excuse; the question of whether or not it should provide a *legal* excuse would introduce somewhat different issues, and in any event cannot be answered until we have settled the moral question.

I.

It will be helpful to have concrete examples of culpable ignorance in front of us. There are at least three distinct types of cases in which it would be plausible to claim that the person cannot be excused for his act because he should have realized what he was doing. I shall simply assume that these types of cases are morally equivalent. In each case a person *S* performs a wrong act *B* in the mistaken belief that it is either morally permissible or obligatory. (I will consider only cases in which this error arises from a mistake of fact, not of morality.)

I. *Deficient Investigation*: *S* would have believed *B* to be wrong if *S* had investigated the situation as thoroughly as he ought to have done (perhaps he failed to investigate at all, or perhaps his investigation was carelessly performed).

The doctor who failed to read his medical journal is an example of this kind of case: he ought to have read it, and if he had, he would have discovered the use of high oxygen concentrations to be unnecessarily harmful to the infant.

II. *Preventing subsequent discovery*: *S* would have believed *B* to be wrong if he had not at an earlier time induced (or failed to remove) a condition which made it impossible at the time of *B* for him to acquire true belief as to *B*'s nature.

A person is slightly near-sighted, but not legally required to wear glasses while driving. Late for work one foggy morning, and unable to find her glasses quickly, she leaves home without them. Subsequently she swerves to avoid hitting a dog on her left, and

seriously injures a child walking in the street on her right. Had she worn her glasses, she would have seen the child in time not to swerve.

III. *Deficient inference*: *S* would have believed *B* to be wrong if he had made the inference warranted by his background beliefs (perhaps he failed to make any inferences at all, or perhaps he made an unwarranted inference).

On Monday a real estate agent tells her husband she will need the family car on Wednesday in order to show a client some property. Their conversation recedes from the husband's consciousness, and on Wednesday he does not ask himself whether his wife might need the car. Had he asked himself, he would have remembered her request. Not remembering, he takes the car rather than the bus to work, and the agent is forced to cancel her appointment.

There are three critical—but often overlooked—features which must be exhibited by cases used in any discussion of the issue of whether or not culpable ignorance excuses. The first and second of these features are important because an agent's culpability for a given act may stem from more than one source. For example, someone who drives a car with bad brakes down a lane marked "For Buses Only" is culpable on two grounds, not just one: he recklessly jeopardizes the lives of other motorists, and he knowingly violates traffic regulations. The fact that a single act can be culpable on more than one count means that we can decisively settle the question of whether or not culpable ignorance excuses only if we focus exclusively on cases in which the agent's culpable ignorance is the only possible source of blameworthiness. This means we must restrict ourselves to cases having two kinds of features. First, we must make sure that the wrongful act *is* justified relative to the agent's *actual* beliefs at the time he performs it (even though it is *not* justified relative to the beliefs he *ought* to have had). For if the agent's act is not justified relative to his actual beliefs, and he realizes this fact, then of course he is to blame for performing the act, but we cannot infer that any blameworthiness arises from his culpable ignorance. Consider a person who fails to check his rearview mirror before backing out of his driveway. He collides with a car approaching on the street. The driver's ignorance is undoubtedly culpable, and it leads to his performing the wrong act,

since if he had checked he would have seen the car and avoided the collision. But we cannot infer from this that his culpable ignorance makes him blameworthy for colliding with the car. For the driver is blameworthy quite independently of his culpability in failing to check his mirror: his background knowledge that the street often has traffic on it makes his decision to take the risk of backing up quite unjustified. We cannot use our judgment that he is to blame for the collision as evidence for the thesis that culpable ignorance provides no excuse. This thesis can only be established by cases in which the agent's act is justified relative to his actual beliefs, but not relative to the beliefs he should have had. Cases of this sort are extremely difficult to find, since they must be ones in which the agent has enough evidence of impending danger to warrant further investigation, and yet insufficient evidence of this danger to warrant holding back from the contemplated act even though the investigation has not been performed. All the cases I shall use must be understood to meet this requirement, even though it may not be natural to do so: for example, we must understand the near-sighted driver case as one in which she ought to have found her glasses before leaving home, but once underway without them, she is justified in driving as she does.

The rearview mirror case can also be used to demonstrate the second feature a case must have in order to help test whether culpable ignorance excuses. In the rearview mirror case, the driver *acts precipitously*. He should have checked his mirror earlier, but given that he did not, he should check it *now* rather than back down the driveway. There are many cases in which enquiry should be made earlier, but it is better to enquire now rather than act without its benefit. In such a case the agent is indeed culpable for his act, but the culpability might be wholly traceable to the fact that he knows himself to be performing an act less good than its alternative, namely conducting further enquiry. Hence we cannot unhesitatingly assign all the culpability—or even any of it—to the fact that he is culpably ignorant when he acts. To avoid this problem, we must focus exclusively on cases in which it is false that the agent ought now to enquire further before doing the act in question—either because he is unable to make further enquiry, or because he ought not to do so (perhaps the costs of enquiry, in terms of oppor-

tunities lost, are too great at this point). So we must understand the premature infant case, for example, as one in which the doctor must decide *now* how to treat the infant; it is too late to make a journal search at this point.

To test the thesis that culpable ignorance fails to excuse, we must restrict our attention to cases having the two features just described: the actual beliefs of the agent must justify his act, and he must not act precipitously. Of course, many actual cases of culpable ignorance lack these features. But *all* cases of culpable ignorance display a third feature. To see this, notice that the relevant cases all involve a sequence of acts: an initial act, in which the agent fails to improve (or positively impairs) his cognitive position, and a subsequent act in which he does wrong because of his resulting ignorance. For convenience I shall call the initial act the "benighting act" and the subsequent act the "unwitting wrongful act." In many cases the benighting act is a mental occurrence (such as making an incorrect inference), and the temporal gap between it and the unwitting act is infinitesimal. Nonetheless the mental dereliction and the behavioral one are separable: the agent could make the wrong inference but still perform the right act, or make the right inference but perform the wrong act. Frequently the benighting "act" will be an *omission*, as in the case of the doctor who fails to read his medical journal. In such cases there may be more than one benighting act, but for simplicity I shall ignore this in what follows.²

Describing these cases as ones in which the agent "should have realized" the nature of his wrongful act implies, correctly, that the benighting act must be objectively wrong: the agent could have acquired the requisite information, ought to have done so, but failed to fulfill this obligation. Thus the doctor ought to have read his journal, the driver ought to have worn her glasses, and the

²In many—perhaps most—cases where an agent omits to acquire requisite information, he has repeated opportunities to do so, and neglects each one. Thus the doctor plays golf instead of reading his journal, has a second cup of coffee instead of reading his journal, chats with his colleagues instead of reading his journal, and so forth. Determining the moral status of members of a series of repeated omissions like this is a difficult task I shall not venture upon here.

husband ought to have asked himself whether his wife might need the family car. But most discussions fail to emphasize (or even note) that the benighting act must be more than objectively wrong: it must also be one for which the agent is *culpable*. If the agent had an excuse for the benighting act, then the subsequent wrongful act is obviously blameless as well. For example, if reading the journal would have led the doctor to believe he ought to use a lower concentration of oxygen, then he was wrong not to read the journal. But contrary to my initial hypothesis, he might have had an excuse for his failure to read it—perhaps his nurse neglected to inform him of its arrival. In this version of the case, he is blameless for the baby's blindness as well.

In what follows, then, we shall be concerned only with cases having three features: the unwitting act must be justified relative to the agent's actual beliefs, it must not be a precipitate act, and the agent must be culpable in performing the earlier benighting act. The third feature is essential to any case in which it is plausible to claim that the unwitting act is culpable, while the first and second features (although not necessary in this sense) are necessary to ensure that any culpability for the unwitting act can only be traced to the culpable ignorance of the agent, and not to some extraneous feature of the case.

II.

Three major schools of thought on the question of culpable ignorance may be identified. According to the first school of thought (which we may call the Conservative View), the agent's culpable ignorance provides *no excuse* for his performing the unwitting wrongful act; he is fully blameworthy. Textual evidence suggests that both Aristotle and Russell may have been exemplars of this view. Aristotle, for example, cites with approval the practice of lawgivers and private citizens who believe that "ignorance is itself no protection against punishment if a person is thought to be responsible for his ignorance." Russell, noting that "we do not cease to blame" a man who judges "honestly on all the data that he remembers, yet if he were a better man he would remember more data," says that "An act is [blameworthy] when the agent *would*

judge it to be wrong after an appropriate amount of reflection.”³ According to the second school of thought (which we may call the Moderate View), the agent’s culpable ignorance provides a *partial excuse* for performing the unwitting act; he is blameworthy for it, but less so than if he had done it purposely or knowingly. The American Law Institute may take this view in its Model Penal Code, and it was certainly taken by traditional Roman Catholic moralists, who held that “guilt is proportional not to the objective character of the thing done but to the degree of culpable negligence to which it is due. An act done through ignorance, even if that ignorance [stems from neglect] . . . is less culpable than an act done with clear knowledge, for it is less fully voluntary.”⁴ Finally, according to the third approach (which we may call the Liberal View), the agent’s ignorance, however culpable, *fully excuses* him for performing the unwitting wrongful act. He is held to blame, however, for performing the earlier benighting act. A benighting act which is highly likely to result in an unwitting act is more blameworthy than one which is less likely to do so; its blameworthiness also varies as a function of the turpitude of the unwitting act. This view is taken by W. D. Ross, who defines a sense of ‘ought’ to which (generally speaking) praise and blame attach. He then says: “What [an agent] ought to set himself to do, then, is neither that which will in fact produce the result in question, nor that which in the judgment of better-informed people is likely to produce it, but that which *he*

³Aristotle, *Nicomachean Ethics* (many editions), Book III, Section 5; and Bertrand Russell, “The Elements of Ethics,” in Wilfrid Sellars and John Hospers, eds., *Readings in Ethical Theory* (Second edition; New York: Appleton-Century-Crofts, 1970), pp. 14–15. My emphasis in the quotation from Russell. Russell uses the technical term “immoral” instead of the more common term “blameworthy.”

The Conservative View is an extreme view. It is possible that if Aristotle and Russell had clearly considered the difference between the Moderate and Conservative Views, they would have espoused the former.

⁴For the Model Penal Code, see Section 2.02 on “Culpability.” Elizabeth Beardsley has explicitly defended the “types” of culpability there distinguished as constituting *levels* of culpability, and in general advocates the Moderate Approach. See “Blaming,” *Philosophia* 8 (October, 1979): pp. 573–583. The description of the Roman Catholic moralists is from “Invincible Ignorance” in the *Encyclopedia of Religion and Ethics*, Vol. VII, James Hastings, ed. (New York: Charles Scribner’s Sons, 1915) p. 404.

thinks likely to produce it. . . . [S]uppose that . . . [a person] does what he mistakenly believes to be his objective duty. . . . [W]e should not regard [him] as directly blameable for the act, but only, if at all, for previous acts by which he has blunted his sense of what is objectively right.”⁵

To resolve which of these approaches is correct, we must get a clear view of what the real issue among these theorists is. The first step towards getting such a view is that of delineating the scope of the problem with greater care than previous discussions have taken. In one respect the scope of this problem is *narrower* than it is often taken to be. Not *every* sequence involving a culpable benighting act and a subsequent unwitting act raises the issue in which we are interested, since there are many such sequences for which even a Conservative or Moderate would not want to claim that the agent is blameworthy for his unwitting act. The benighting act and the unwitting act must exhibit an additional special relationship in order to tempt us into holding the agent blameworthy for the unwitting act. Consider the following case: the daughter of a business executive has been assigned a science project of investigating the distribution of blood-types within the population. To assist her, the executive asks his secretary to survey the office staff and prepare a report on their blood-types by noon. Instead of carrying out this request, the secretary reads a spy novel. At 11:45 a co-worker suffers massive bleeding as a result of an office accident. Paramedics arrive, and could start a transfusion immediately if the worker’s blood-type were known. Unfortunately he is unconscious, cannot provide this information, and so dies before the transfusion can be started. Had the secretary followed her boss’s orders, she would have known the worker’s blood-type and his life would have been saved. Her failure to obtain this information is both objectively wrong *and* culpable, and it led to her inability to help save her co-worker’s life. But I think a proponent of either the Conservative

⁵W. D. Ross, *Foundations of Ethics* (Oxford at the Clarendon Press, 1939), pp. 157, 163–164. In the last passage Ross is actually referring to acts of benighting one’s *moral* sense. Some writers (e.g., E. M. Curley in a private communication) take the view that whether or not one is blameworthy for the unwitting act depends on such factors as whether one’s error is ignorance or mistake. I shall not attempt to discuss this view here.

View or the Moderate View would have no inclination to say that the secretary is to blame for the co-worker's death. The reason for this seems to be that, while the secretary knew, in reading the spy novel rather than collecting the information, that she was doing something wrong, she had no reason to believe it was wrong because she would need the information to help save someone's life later on. She believed it was wrong because she was disobeying orders. This contrasts with the cases described earlier, in which, for example, the near-sighted driver knew she was wrong in failing to wear her glasses *precisely because* doing so might prevent her from acquiring information she would need in order to avoid an accident. In failing to wear her glasses, she knowingly risked having an accident. Let us describe this by saying that her unwitting act *fell within the risk* (known to her) of her benighting act. It is this relationship that is missing in the blood-typing case. The contrast between these two cases shows that the "problem of culpable ignorance" only arises in cases where the unwitting wrongful act falls within the known risk of the benighting act, for only in these cases does it become tempting to say, with proponents of the Conservative and Moderate Views, that culpability for the earlier act infects the later act.⁶

It should be noted that it is sometimes misleading to refer to the subsequent act as an unwitting wrongful act, since it may be neither

⁶It might be objected that the "special relationship" is sometimes more complex than I have indicated. Thus it might be said that an agent is culpable in performing the unwitting act if he *should have known* (even though he did not know) at the time of the benighting act that it might result in the unwitting act. There are cases of this sort; they show that the sequence of acts can be longer than those I have described. Sometimes an agent ought to have investigated at t_1 so as to know at t_2 that she must then investigate in order to avoid performing an unwitting act at t_3 . In such a case the act at t_2 is both benighting and unwitting. A daycare provider may neglect at t_1 to ask the parents of a toddler in her care whether the child has any special allergies. When the (allergic) child suffers a bee sting at t_2 , the provider does not realize she should call a poison control center for information on how to handle it; and so at t_3 she fails to rush the child to the hospital on time. We need to know whether or not the daycare provider is culpable for not rushing the child to the hospital, but our analysis will proceed more directly if we confine our attention first to cases in which only the simpler special relationship is involved—cases in which the agent *does* know her benighting act risks her unwitting act.

unwitting nor wrongful. Suppose a lifeguard ought to learn cardio-pulmonary resuscitation, so that she may use it to save the lives of future victims of swimming accidents. The lifeguard neglects this duty, and subsequently is unable to employ this technique to save a swimmer's life. The benighting act here is both objectively wrong and culpable, and it is culpable precisely because the lifeguard knew she should acquire this information to avoid subsequent inability to save lives. But her *actual* subsequent act—calling the rescue squad rather than employing resuscitation herself—is neither unwitting nor wrong. In previous cases the subsequent act is “unwitting” in the sense that the agent does not realize at the time that his act is morally worse than some alternative. For example, the husband does not realize taking the family car is worse than taking the bus. But the lifeguard realizes perfectly well that calling the rescue squad is inferior to employing effective resuscitation. Her act is not unwitting. Nor is her act wrong, since, not having learned the resuscitation technique, there is no better act that she *can* perform. Her benighting act operates, not by affecting her judgment about her subsequent act, but rather by affecting which subsequent acts are *available* to her. In her case, the optimum act, employing cardio-pulmonary resuscitation, is not *epistemically* available to her. There are also cases in which the optimum act is not *physically* available to the agent because of his previous benighting act. Someone who never learns to drive a car will be unable to obtain a driver's license, and so will not possess a car when an injured person needs to be rushed to the hospital. He will be physically unable to perform the optimum act.⁷ In cases of epistemic or physical disability, the benighting act does not produce an unwitting wrongful act, but rather an act that (although right) is nonetheless inferior to what the agent could have done if he had not performed the benighting act. However, for the sake of convenience I shall

⁷On one view (with which I feel sympathy) the objectively right act is the best act *physically* available to the agent, whether or not he knows how to perform it. On this view the act of calling the rescue squad (as inferior to employing resuscitation) would be wrong, contrary to what I maintain in the text.

For the distinction between the epistemic and nonepistemic senses of ‘ability’, see Alvin I. Goldman, *A Theory of Human Action* (Princeton, New Jersey: Princeton University Press, 1977), Chapter 7.

continue to refer to all subsequent inferior acts as “unwitting wrongful acts.”

The blood-typing case shows the scope of the problem of culpable ignorance to be narrower than commonly supposed, since it does not arise in many sequences consisting of a benighting act and an induced wrongful act. But other cases show the scope of the problem to be broader—along a different dimension—than is commonly supposed. An analogous dilemma is posed by sequences not involving ignorance at all, but which nonetheless tempt us to say that the agent’s culpability for an earlier act makes him culpable for a later act, even though the later act would normally be excused. For example, this phenomenon is exhibited when the agent’s earlier act makes performing the later act impossible. A paramedic negligently fails to repair the oxygen apparatus in his ambulance. Subsequently he is unable to supply a patient with oxygen, and the patient dies. Is the paramedic culpable for failing to save the patient? Normally inability to perform an act provides a decisive excuse. But in this case, many will say that the paramedic’s culpability for failing to repair the apparatus contaminates his later dereliction and makes him culpable for it as well. Others will deny this, even though they will agree that he is culpable for the failure to repair. The same dilemma is raised by cases in which an earlier act diminishes the agent’s responsibility in performing the later act. A school bus driver who consumes a fifth of whiskey before starting her morning rounds and so causes a crash, injuring several of the children, may not be in control of her actions at the time of the accident. Many people would nonetheless say she is culpable for causing the accident, since she is culpable for consuming the beverage that led her to act irresponsibly. Others would deny her culpability for the accident *per se*, although they would agree she is seriously culpable for drinking beforehand. This dilemma even crops up in cases where the *praiseworthiness* rather than the culpability of the agent is the issue. Suppose a soldier is assigned a highly dangerous task. He knows he lacks the physical courage to perform it, and that his failure of nerve will jeopardize his comrades. To avoid this catastrophe, he gets himself drunk enough beforehand to ensure obliviousness to the danger, and carries through with flying colors. Is he praiseworthy for his completion of the task? Since he is drunk and oblivious while engaged in it, nor-

mally we would say not. But many will find it congenial to say he is praiseworthy, since he is praiseworthy for deliberately getting drunk in order to ensure his performance. Others will want to restrict their praise to the initial act of getting drunk for a commendable purpose.⁸

Cases not involving ignorance must also exhibit the “special relationship” we saw must obtain in culpable ignorance cases: the later act must fall within the known risk of the earlier act. Consider a soldier who volunteers for a medical experiment requiring periodic blood samples. He is ordered to take no medications with the explanation that they will make the tests unreliable. Disobeying this order he takes two aspirin tablets. Unbeknown to him the aspirin is contaminated; it causes a severe reaction that prevents him from being able to stand guard that night. Here we do not want to say he is culpable for being unable to stand guard duty, even though his inability is produced by an earlier culpable act. Since he had no reason to foresee that his earlier disobedience might produce *this* sort of result, the culpability for disobeying orders does not spill over to his later dereliction.

These cases demonstrate that the question with which we are concerned is far broader than the classical question of culpable ignorance; it is the general question of whether an agent’s moral status for performing an earlier act can affect his moral status for performing a later one. The earlier act may operate by affecting his degree of information about the later act, or it may operate by affecting other relevant factors, such as his ability to do otherwise or his degree of self-control. The problem of culpable ignorance is only one variant of this more general problem. However, in what follows I shall restrict my remarks to the problem of culpable ignorance itself. This will streamline the discussion, but much of what I shall say holds for these other kinds of cases as well.

⁸The symmetry between cases involving culpability and those involving praiseworthiness has been denied by Robert Cummins (in “Culpable Ignorance and Excuses,” presented to the Eastern Division Meeting of the American Philosophical Association). However, Cummins relies on a case that among other things violates the constraint that the unwitting act be within the risk of the benighting act. We cannot expect, then, that we would judge the agent to be praiseworthy for the later act on account of the former.

III.

Let us return to the question of whether or not culpable ignorance excuses one for performing an unwitting act. As we saw before, there have been three traditional responses to this question: according to the Conservative View, culpable ignorance does not excuse at all; according to the Moderate View, culpable ignorance excuses but only partly; and according to the Liberal View, culpable ignorance excuses completely. To see which of these is correct, we must first determine what sort of judgment we make when we blame someone, or hold him culpable, for an action he performs.

A. *Blaming*

Sometimes it is said that when we blame someone (as opposed to when we say his action is wrong) we are making a negative judgment about the agent's *character* (as opposed to a negative judgment about his *action*). But this is not exactly right. Clearly, we can and do make negative judgments about a person's character even though the person is not presently performing any act for which he could be blamed. Indeed, we may make a negative judgment about a person's character even though he *never* manifests his bad character trait in action. A character trait is (generally speaking) a disposition to perform a certain kind of action. But if the opportunity never arises, the trait may never manifest itself in that sort of action. A person who is fundamentally dishonest may never lie if telling the truth always fortuitously coincides with his self-interest. Other kinds of evidence may assure us of the existence of such traits: psychological tests, his testimony from introspection, predictions based on his past experiences, and so forth. We know what he *would* do under certain circumstances, even though those circumstances never arise. Since we blame people for *actions*, judgments of blame cannot be simply judgments about character, which can be made in the absence of actions. Nor are blaming judgments simply assertions that the person has a bad character which has manifested itself in action. For we blame people for their acts even though those acts do not manifest any trait stable or long-lasting enough to be ascribed to "character."

These facts have led most theorists to the view that to blame someone is to criticize that person for some, perhaps short-lived, psychological state insofar as it manifests itself in action. The relevant psychological state seems to be an undesirable configuration of desires and aversions that generates the choice to perform that action. Such a configuration might consist for example in a stronger desire to advance one's own interest than an aversion to harming other people. Note that it is the *configuration* that is crucial here. Certain desires contribute to the undesirability of the configuration of which they form a part, even though neither their existence *per se* nor their absolute strength is objectionable. Thus a concern for one's own welfare is not bad in itself, nor bad even if very powerful, so long as it is counterbalanced by sufficiently strong aversions to harming others. It is the *co-existence*, or the *relative* strength, of such desires that is significant. Note also that a configuration may be undesirable because certain desires, such as a concern for other people's welfare, are *missing* from it.

We may express this view about the nature of blame in the following analysis:

S is to blame for performing act *A* if, and only if:

1. Act *A* is objectively wrong,
2. *S* had a reprehensible configuration of desires and aversions, and
3. This configuration gave rise to the performance of *A*.⁹

When the Conservative asserts, and the Liberal denies, that the agent of a culpably ignorant act is blameworthy for his unwitting

⁹This account is obviously a simplistic one, and would need qualification before it could be used for other purposes. In particular, it is not intended to be helpful in settling issues involving freedom of the will. (Thus, according to the analysis, a person would be to blame for an act if it were caused by his desires, but they in turn were caused by some outside agent, such as a hypnotist. Clearly this is incorrect.) But for our purposes the analysis should be adequate.

On one classical view, a person is to blame for his act if the act is wrong and voluntary. An act is said to be *involuntary* if it is done in ignorance, or is compelled. This notion of involuntariness merges my conditions (2) and (3), since ignorance works as an excuse by blocking the inference from a wrong act to reprehensible motives.

act, they evidently disagree on whether or not the agent satisfies all the above conditions for blameworthiness. But how are we to explain the view of the Moderate on this analysis? For while the Moderate holds that the culpably ignorant agent is *to blame*, he maintains that the agent is not *fully* blameworthy. Yet the analysis does not appear to allow room for variation of this sort.

In terms of the analysis, it appears that the view of the Moderate can best be accounted for as follows. It is assumed that one or more of the conditions for blameworthiness can hold in degrees. Then it is held that so long as each condition holds to some minimum degree, the person is *to blame* for his action; *how* blameworthy he is will depend on the degree to which the relevant condition(s) surpasses the minimum level.

Indeed, it is clear that something like this is true. For example, condition (2) can clearly hold in degrees, in the sense that some configurations of desires are morally more despicable than others. Someone who tortures an animal out of cruelty acts from a worse motive than someone who tortures an animal out of cowardice. And we naturally say that the first person is more blameworthy for his act than the second, even though both are to blame. Condition (1) can also hold in degrees, in the sense that some actions are objectively worse than others. Some theorists have claimed that a person's blameworthiness for his action is a function of how objectively evil the action is, quite apart from his motives in performing it. On this view, a child-torturer would be more blameworthy than an animal-torturer, even though (through some delusion about their circumstances) they both act from the same motives, and in the same beliefs.

Does condition (3) hold in degrees? It might be held (and I suspect traditionally has been held) that if the connection between the desire and the action is merely probabilistic, rather than certain, then the desire "gives rise" to the action in lesser degree, and the agent is less blameworthy. This view could be invoked to explain the fact that we believe a person is less blameworthy for, say, *risking* injuring a child than for *knowingly* injuring a child (even though both acts result in injury). But I will adopt the view urged by Elizabeth Beardsley that the difference in degrees of blameworthiness in such cases is traceable not to differences in the degree to which condition (3) holds, but rather to differences in

degree to which condition (2) holds—that is, to differences in the reprehensibility of motives which give rise to the acts. The knowing agent displays a different, and worse, configuration of desires than the risking agent. The former is willing to countenance the *certainty* of evil for his ends, whereas the latter is only willing to countenance the *possibility* of evil. Since the former's tolerance for evil is higher, we think the worse of him.¹⁰

B. *Culpable Ignorance as an Excuse*

We are now in a position to ask directly whether or not the culpably ignorant agent is blameworthy for his unwitting wrongful act, and if so, how blameworthy. According to the account I have given, such an agent is only to blame if he satisfies (at some minimum level) all three of the conditions set out above. In the core cases he does satisfy condition (1)—his unwitting act is objectively

¹⁰Beardsley, *op. cit.*, pp. 577–578. I assume here that the *risking* agent would not have acted if he had felt certain his act would give rise to the injury. Beardsley assigns the risking agent less blame on the *epistemic* ground that we cannot know he would have been willing to tolerate the certainty of evil, whereas we can know this in the case of the knowing agent.

Beardsley does not argue for the correctness of the thesis that differential blameworthiness in the risking and knowing agents should be traced to their states of mind, rather than to the probabilistic connections between their desires and their actions. But it can be demonstrated by the following case. Suppose two thugs are each shown a button, and told that the button is connected to a gun in such a way that if the button is pushed, the gun will fire and kill someone whom the thug wants dead. Each thug happily pushes his button, and in each case the gun fires and the victim is killed. However, in the case of the first thug, there is a randomizing device (based on quantum mechanical effects) connecting the button and the gun; there was only a fifty-fifty chance that the button's being pushed would result in the gun's firing. In the case of the second thug, there is a straightforward nonprobabilistic mechanical connection between the button and the gun. I believe we would say that the two thugs are equally to blame for killing their victims, even though there is only a probabilistic connection between the desire and the act in the case of the first thug, and a certain connection in the case of the second thug. Thus levels of blameworthiness must arise from the upshots of the thug's actions, or from their subjective states (conditions (1) and (2)), rather than from differences in the connection between their desires and their actions. (Of course, if the "probabilistic connection" is interpreted to mean *epistemic* probability, we are obviously thrown back on differences in subjective states.)

wrong. The Conservative, the Moderate, and the Liberal all agree on this. Moreover, in the core cases he satisfies condition (3), in the sense that his motives give rise in the normal fashion to his action. We are not concerned with cases in which the action is physically compelled, or results from an epileptic fit, or is induced by some other standard defeater of the third condition. The question then must revolve around the issue of whether or not the agent satisfies condition (2)—whether the motives which give rise to his action are reprehensible or not. But the straightforward answer to this question is “no.” Of course, it is true that at an earlier time, the time of the benighting act, the agent had a reprehensible configuration of desires—a configuration which typically included a willingness to risk eventual wrong-doing of exactly the sort exemplified in the unwitting act. But the fact that he *earlier* had faulty motives does not show that he *now* has faulty motives. He may have completely reformed his character by the time of the unwitting act. For example, the near-sighted driver may thoroughly repent her willingness to leave the house without her glasses; given the same options now, she would reject the one she chose. Or, even if the faulty desire persists, it may not play any direct role in producing the unwitting act. The doctor who orders oxygen therapy for the premature infant may still be insufficiently concerned about keeping up with medical advances, but *that* is not what motivates him to order this therapy. In general, the unwitting act may stem from the purest desire to do what is morally right. The near-sighted driver, in swerving to avoid the dog, does what she believes to be best, and so does the doctor in ordering oxygen. For them to have done the objectively right act would have been for them to do what they believed to be wrong. Such an act would necessarily have stemmed from a *worse* configuration of desires.

It appears, then, that the Liberal is right: the culpably ignorant agent cannot be held to blame for his unwitting act, since he fails one of the conditions of blameworthiness. His act does not arise from a defective configuration of desires and aversions. Indeed, if we look at the noncore cases exemplifying the general problem behind culpable ignorance, we see that in them conditions (1) and (3) may fail as well. For example, in the lifeguard case, the lifeguard’s act of calling the rescue squad is not even objectively wrong. It is the best she can do in the circumstances. No one *in her*

situation could be asked to do more, even though the situation itself ought to have been avoided. So she fails condition (1) and may not be held to blame. The same thing is true in the ambulance case, where the paramedic, although unable to provide his patient with oxygen, does the best he can with the resources at hand. And in the school bus case, the drunken driver's act fails condition (3), since her desires and aversions at the time of the accident do not control her actions in the requisite sense.

The Liberal's case looks conclusive. Once we see clearly what conditions must be satisfied by someone who is held to blame, it is readily apparent that the agents in whom we are interested fail one or more of these conditions, and so cannot be held blameworthy for their unwitting acts.

C. Reconsideration

However, this conclusion is too quick. The case for the Liberal View is a compelling one. But the Moderate and Conservative cannot be dismissed so easily. Let us examine two replies they might make to the foregoing argument.

(i) "You began by saying that to blame someone is to criticize that person for some reprehensible psychological state insofar as it manifests itself in action. You then said that the relevant psychological state is an undesirable configuration of desires and aversions. But why exclude other kinds of psychological states? A venerable line of philosophers, beginning with Socrates, has held that *cognitive* states, as well as *conative* ones, can contribute to the moral merit or demerit of a person. Of course not all cognitive states would operate in this fashion: low intelligence and nonculpable ignorance would not. But why shouldn't culpable ignorance contribute to a person's merit or demerit? You have offered us no reason except the fact that it is cognitive rather than conative. We, and many philosophers before us, can hardly find that compelling."¹¹

In responding to this objection, the Liberal might attempt to show to the contrary that only conative and not cognitive states can carry moral demerit. It is unclear how this debate could be con-

¹¹This objection was suggested by the referees of *The Philosophical Review*.

ducted without presupposing an answer to the very question at issue, namely whether or not culpable ignorance excuses. But luckily it is not necessary to launch into such a debate here.¹² For the Moderate and Conservative, in lodging this objection, have overlooked the fact that they are defending a much broader claim than the assertion that unwitting acts in culpable ignorance cases are blameworthy. As we have already seen, the Conservative and Moderate hold *in general* that an agent is blameworthy for a later act when his culpable performance of an earlier act influences some factor governing his performance of the later act. In the narrow class of culpable ignorance cases, the relevant factor is a cognitive state of the agent, namely his ignorance. But in other cases the factor is not cognitive. For example, the school bus driver is not *cognitively* deficient; she simply cannot control her actions. In still other cases the factor is not even psychological. Aristotle describes a person who overindulges in alcohol and so becomes culpably blind.¹³ Presumably he would deem that person blameworthy if in his blindness he injured someone. Yet blindness is a physical state, not a psychological one. And in still other cases the affected factor

¹²One difficulty for the Moderate or Conservative who takes this line is that of sorting out the reprehensible from the morally neutral cognitive states. He cannot say that a cognitive state's leading to wrongful actions is what makes it reprehensible, since nonculpable ignorance, which is not reprehensible, often also leads to wrongful actions. (Indeed we could define a class of "harmful nonculpable states of ignorance" the members of which always lead to wrongful acts. These states would be *regrettable*, but no more *reprehensible* or morally vicious, than their innocuous counterparts.) It might be suggested that a cognitive state is reprehensible if and only if it has the appropriate causal history, (e.g., is the predicted product of a culpable act). But this would not be plausible either: many psychological states are the products of culpable acts and yet not reprehensible in themselves. I steal a book and read it in the awareness that doing so will make me better informed on the subject matter. But my resultant knowledgeability is not evil just because it arose from a culpable act. The Moderate-Conservative might suggest that leading-to-wrongful-acts and being-the-product-of-culpable-acts are jointly necessary and together sufficient for being reprehensible. But suppose the stolen book's subject matter is rose cultivation, and I use my knowledge to kill my neighbor's prize roses, of which I am jealous. Surely my knowledge about roses does not contribute to my moral demerit. It appears that reprehensible cognitive states must somehow be identified as *intrinsically* evil, apart from their causes and effects.

¹³Aristotle, *Nicomachean Ethics*, Book III, Chapter 5.

is not even (in the relevant sense) a state of the agent at all. In the ambulance case, the paramedic's failure to repair his oxygen equipment does not affect *any* later state of *his* that might be thought to contribute to his moral demerit. It is a defect in his equipment, not in him as a person, that prevents him from being able to save the patient's life. The defective equipment shows that he was a bad person in the past, but it does not *make* him a bad person now. Yet it is clear that the question of whether to blame the paramedic for failing to save the patient's life is precisely the same problem as, for example, the question of whether to blame the ignorant doctor for causing the premature infant's blindness.

Thus a Moderate or Conservative who argues that cognitive states can carry moral demerit has not offered a satisfactory defense of his views. For even if we restated condition (2) more broadly to read "S had a reprehensible configuration of psychological states," and agreed that certain cognitive states are reprehensible in the necessary sense, we would not have established the Conservative's or Moderate's views. For these views include blaming acts which are not directly caused by *any* reprehensible configuration of psychological states, indeed acts which are not caused by any state of the agent at all that renders him a morally bad person. Thus the Moderate and Conservative could still not explain why *these* acts are blameworthy. And the problem is not simply that the proffered explanation does not cover all the cases that need to be explained. The real problem is that the entire range of cases obviously involves a single moral phenomenon. If the Conservative and Moderate are to be persuasive, they must offer us a *unified* theory to cover all the cases in which they want to blame the agent for his later act. Tracing blameworthiness in culpable ignorance cases to the alleged reprehensibility of cognitive states does not allow them to do this, and so indicates that this explanation is wrong, not just insufficiently general.

The first counterargument of the Moderates and Conservatives fails. Their second counterargument pursues a different line of thought, and may be stated as follows.

(ii) "Your analysis states that a person is blameworthy just in case reprehensible motives on his part give rise to a wrongful act. This is supposed to capture the idea that when we blame someone, we criticize him for some undesirable psychological state insofar as it

manifests itself in action. But we must not take an overly narrow view of what it is for a psychological state to manifest itself in action; and correspondingly we must not take an overly narrow view of what it is for a motive to “give rise” to a wrongful act. Normally when we think of a motive manifesting itself in action, we have in mind a motive which is the *immediate* volitional cause of the action. For example, if we see someone pulling his child out of the path of an oncoming car, and ask ourselves what motive is manifested in that action, we think in terms of the motive he had at the time of the action—his desire to save the child’s life. Analyses of blameworthiness tend to focus exclusively on this direct relation between a motive and an action which manifests it. Thus Beardsley, for example, says that “. . . what makes one offender more blameworthy than another is something about his state of mind *on that occasion* when he committed his offense.”¹⁴ But motives can also give rise *indirectly* to actions which are causally and temporally distant from them, and it is at least sometimes appropriate to speak in such cases of the motive’s manifesting itself in the distant action. In these cases we may blame the person for the action in virtue of the *distal* motive. This is precisely what happens in cases of culpable ignorance. For example, the near-sighted driver’s motive (willingness to risk causing an injury) at the time of her benighting act gives rise to the benighting act, thence to her ignorance, and so finally gives rise to her unwitting wrongful act itself. Her lack of concern at the earlier time manifests itself in her subsequent act of injuring the child; we say her accident shows, or is symptomatic of, her heedlessness of other people’s safety. This is why we blame her. It is not for any defect of character or motive at the time of the unwitting act itself. We admit she could have reformed completely by then. Rather the blame is for a defect of character or motive she possessed at the time of the benighting act, which nonetheless manifests itself in her unwitting act.”

The Moderate and Conservative have advanced the following argument: objectionable motives can manifest themselves in action in two different ways, either of which supports a judgment of blame. First, the motive can *directly* give rise to the action which is its

¹⁴Beardsley, *op. cit.*, p. 580. Her emphasis.

immediate effect. But second, the motive can *indirectly* give rise to an action, for example by directly giving rise to an intervening action which in turn leads to the action in question. In certain cases both the intervening and the distant action can be said to manifest the motive, and the agent can be blamed for both actions in virtue of the one motive. In cases of culpable ignorance, the agent's objectionable motive gives rise directly to his benighting action, which ultimately leads to his unwitting action. The latter manifests the earlier motive, and the agent can be blamed for it in virtue of this motive, even though his motives at the time of the unwitting act are unobjectionable in themselves. They are not the only ones to be taken into account.

Is it true that motives can be said to manifest themselves in this indirect fashion so as to support judgments of blame? To assess this claim, let us examine several related kinds of cases.

People are often said to be morally to blame, not just for their actions, but also for *events* they cause. Thus suppose a hiker fails to douse his fire on breaking camp. Sparks spread, and a forest fire results. We say the hiker is morally to blame for the forest fire. We are willing to make such a judgment when three conditions are met: (1) the person is to blame for performing some action (here, failing to douse the campfire), (2) the action gives rise to an undesirable event (here, the forest fire), and (3) the person knows the action risks giving rise to that event.¹⁵

Now, just as one's action can give rise to an undesirable event, so

¹⁵See a discussion of these conditions in Joel Feinberg, "Sua Culpa," in Joel Feinberg, *Doing and Deserving* (Princeton, New Jersey: Princeton University Press, 1970), pp. 187–221.

It might be claimed that the third condition here should read "the person knows, *or should know*, that the action risks giving rise to that event." If we agreed to this, we would be trying to determine whether or not Conservatism is correct in culpable ignorance cases by assimilating them to cases already defined as ones for which the Conservative view is correct. This would hardly be a helpful procedure. The best strategy here is to leave the third condition as I have stated it in the text. All parties to the debate—Liberals, Moderates and Conservatives—can agree that the person is to blame for the effect of his action *at least* in cases which meet the analysis as I have stated it. Once we have used this analysis to determine which view is correct in culpable ignorance cases, we will be in a position to expand our understanding of cases in which the agent should have known (but did not), and determine which view is correct there as well.

it can give rise to an undesirable action on the part of another person. Sometimes when it does so, we say one is morally to blame for that other person's act. For example, suppose a stock broker promises to tell a client when the price of gold falls below \$350 an ounce. The price of gold falls below this point. But the broker's assistant, who has responsibility for monitoring the precious metals exchange, culpably fails to inform the broker, and the broker fails to inform the client. The assistant is to blame for the broker's breaking her promise. The relation between the assistant's act and the broker's act is precisely the same as the relation between the hiker's failing to douse the campfire and the subsequent forest fire: the assistant performs some act (here, failing to inform the broker) for which he is culpable; the act gives rise to an undesirable occurrence (here, the broker's breaking her promise); and he knew that his act risked giving rise to that later dereliction. It is possible that we impose further conditions for blameworthiness in the case of an action that gives rise to a subsequent wrong act—for example, we may require that the subsequent act not be fully voluntary.¹⁶ But of course this condition is met in the stock broker case, since the broker is not aware at the time that she is breaking her promise. Indeed, this very ignorance is due precisely to the assistant's act.

Thus, when one's culpable act gives rise to the wrong act of another person, one can be held to blame for the other person's act. But clearly, one's culpable act at one time can give rise to a subsequent dereliction on one's *own* part, just as it can give rise to a subsequent dereliction on someone *else's* part. That is, one can culpably perform an action at t_1 , which gives rise to one's performing another wrong act at later time t_2 , when one knows that the action at t_1 risks that very outcome. This is precisely the structure of events in cases of culpable ignorance. For example, the near-sighted driver culpably performs the act of leaving her glasses at home at t_1 , that act gives rise to her injuring the child at t_2 , and she knew at t_1 that leaving her glasses at home was wrong precisely

¹⁶Or we might require that even if the subsequent act is fully voluntary, and the agent of the subsequent act does the best he can, nevertheless the agent of the first act has eliminated the possibility of the second agent's doing better. For example, I might remove a lifeboat and make it necessary for a lifeguard to use an inferior method of saving a drowning swimmer.

because it might lead to such an outcome later on. And of course the second act in a culpable ignorance case—the unwitting act—is not fully voluntary, because it is done in ignorance. So, in precisely the same sense that the hiker is to blame for the forest fire, and the assistant is to blame for the stock broker's breaking her promise, so a culpably ignorant agent is to blame for his unwitting wrong act. He is to blame, not because his motives at the time of the unwitting act are reprehensible, but rather because he culpably performs some earlier act which gives rise to his unwitting act. He is not to blame insofar as he is the agent of the unwitting act, but only insofar as he is the agent of an earlier act that leads to it.

It appears, then, that the second counterargument of the Conservative and Moderate is a success. In denying their claim that the culpably ignorant agent is to blame for his unwitting act, the Liberal has simply failed to notice that this claim is ambiguous. He has interpreted it to mean that the agent has reprehensible motives (or other psychological states) at the time of the unwitting act itself, and has convincingly shown this need not be true. But he has (understandably) failed to notice the second interpretation of the claim, which asserts that the agent had reprehensible motives at the time of some *earlier* act that indirectly gave rise to the unwitting act and which render it blameworthy. This assertion cannot be denied.

The Liberal may be down, but he has not yet been defeated. For he can reply to the Moderate and Conservative: "You're right. I can't deny that the culpably ignorant agent is to blame for his unwitting act in the same sense that the hiker is to blame for the forest fire, and the assistant is to blame for the broker's breaking her promise. But if this is *all* you're claiming, then your victory is hollow. On this view, to say the culpably ignorant agent is to blame for his unwitting act is to say nothing more or less than that he was culpable in performing the benighting act, that it gave rise to the unwitting act, and that he knew at the earlier time that he risked this outcome. But we knew this at the outset—indeed, this is just a description of what *makes* something a case of culpable ignorance. Your claim turns out to be much less bold than I thought it was, since after all, you are not attributing any independent fault to the agent beyond his fault in culpably performing the benighting act. I'm perfectly prepared to concede your case, because the difference between us turns out to have been merely terminological."

D. Reconstruction

But the Liberal is wrong about this. There was more than a merely terminological difference between himself and the Conservative and Moderate. But how are we to explain that difference, given our current understanding of why the culpably ignorant agent is to blame for his unwitting act?

As we originally described him, the Liberal held that the agent is only blameworthy for his benighting act, but not for his unwitting act. We can put this another way by saying that (as we originally described him) the Liberal believed that it makes no difference to the agent's overall level of blameworthiness whether the unwitting act occurs or not; his blameworthiness is fixed by the benighting act alone. The Moderate and Conservative, on the other hand, held that the agent is to blame both for his benighting act and also for his unwitting act. We can put this another way by saying that the Liberal's opponents believe that the unwitting act *increases* the agent's level of blameworthiness beyond what it would be if he performed the benighting act alone.

But even when the Liberal admits that the agent is *to blame* for his unwitting act in the sense just described, he can still maintain that the occurrence of the unwitting act makes no difference to the agent's overall level of *blameworthiness*. To see how this is possible, let us look once again at cases in which we hold a person to blame for the occurrence of some event. Consider the hiker who fails to douse his campfire, and imagine two possible outcomes. In one, sparks spread and a forest fire results. In the other, the campfire is quenched by an unexpected rain shower, and no forest fire ensues. Is there any difference in the hiker's overall level of blameworthiness in these two scenarios? On one possible view, a person's level of blameworthiness varies only as a function of variations in his motives. Since the hiker's motives are the same in the two scenarios (that is, in each he is willing out of laziness to tolerate the risk of a forest fire), he is no more blameworthy when the forest fire results than he is when rain intervenes. On this view, we may say he is *to blame* for the forest fire when it occurs, but this is nothing more than saying it resulted from a culpable action of his. Its occurrence does not enhance his overall level of blameworthiness—does not make him a worse person—beyond what he would be if there were

no fire. On another possible view, a person's level of blameworthiness varies not only as a function of his motives, but also as a function of the actual consequences of his actions. The hiker is more blameworthy in the scenario where the fire occurs than he is in the one in which it does not. On this view, to hold him to blame for the fire is *not* merely to say that the fire resulted from a culpable action of his; it is to say that he is more culpable—a worse person—for its occurrence.

Thus one can hold a narrow view or a broad view about what factors contribute to an agent's blameworthiness. On the narrow view only psychic factors contribute; on the broad view consequences of one's actions contribute as well. We can now see that what really divides the Liberal from his opponents is a disagreement on whether the narrow view or the broad view is correct. The Liberal holds the narrow view. He is willing to concede that the culpably ignorant agent is to blame for his unwitting act in the same sense that the hiker is to blame for the forest fire. But he holds the hiker is no more blameworthy if the fire results than he would be if it did not, and he holds that the culpably ignorant agent is no more blameworthy if his unwitting act occurs than he would be if it did not. The Liberal says, for example, that the near-sighted driver is blameworthy for not taking her glasses and risking an accident. But she is no more blameworthy if she has an accident later on than she would be if luck were on her side and the accident were avoided. The Moderate and the Conservative, on the other hand, hold the broad view about what factors contribute to an agent's blameworthiness. They hold that the culpably ignorant agent is *more* blameworthy for performing the unwitting act than he would be if he luckily avoided it, because they hold that the actual upshots of his benighting act (including the unwitting act) contribute to his overall culpability. Presumably it was adherence to this broad view, together with the belief that punishment should be proportioned to the degree of blameworthiness, that led the ancient Greek Conservatives and Moderates to impose *double* penalties on drunken offenders.¹⁷

At this point we can see that the Conservative has a much less persuasive view than the Moderate. They agree that the culpably

¹⁷Aristotle, loc. cit.

ignorant agent's blameworthiness depends partly on the occurrence of the unwitting act. But the Conservative holds that the agent is *fully* blameworthy for his sequence of actions. In our terms, this must mean no higher level of blameworthiness is possible. But this is clearly wrong. Even if the occurrence of the unwitting action contributes its full share to the level of blame, still the character of the agent's *motives* must be taken into account also, and it is clear that his motives are not of the very worst sort. It would be far worse, for example, if the near-sighted driver had deliberately, and with the purpose of causing an accident, left home without her glasses. Such a person would be more blameworthy than the person who merely risks an accident she does not want. Hence the Moderate clearly wins his debate with the Conservative, for the Moderate explicitly holds that the culpably ignorant agent's level of blameworthiness is less than it might be—and in particular, less than it would be if he had induced his ignorance knowing for certain it would lead to an unwitting act.

But this still leaves us with the debate between the Moderate and the Liberal. This debate can only be resolved by determining whether the narrow or the broad view about what factors contribute to one's level of culpability is correct. I will not attempt a definitive resolution of this problem here. However, it is worth pointing out that certain arguments which have been advanced in favor of the broad view are far less decisive than their proponents have taken them to be. Thomas Nagel, who has the best current discussion of this problem, endorses the broad view. Thus he claims that, for example, a parent who carelessly leaves the baby alone in the bath is more reprehensible if the baby drowns than if nothing happens. Nagel supports this claim by pointing out that one blames oneself more heavily, and feels more guilty, if the risked event occurs; one also blames others more severely if the events they risk occur. He argues that these are genuine moral judgments, since one can say in advance how the verdict will depend on the results, and since such judgments reappear involuntarily even after we are persuaded they are irrational.¹⁸

I am not persuaded by these arguments. One certainly feels

¹⁸Thomas Nagel, "Moral Luck," in *Mortal Questions* (Cambridge: Cambridge University Press, 1979), pp. 24–38.

worse if the baby drowns than if it does not. But it is difficult, perhaps impossible, to know how much of this feeling is dismay at the death and how much is guilt. Moreover, people often blame themselves, or blame others, even though they believe such judgments to be inappropriate. Such feelings can be highly predictable, and are evidently inescapable even by someone convinced of their irrationality. This is dramatically exhibited by parents who experience severe guilt feelings on giving birth to a genetically defective child, and by spouses who blame their partners for dying and “abandoning” them. We cannot avoid making certain kinds of moral judgments, even when we believe (correctly) that they have no rational foundation. Hence we cannot argue, as Nagel does, from the occurrence and predictability of such judgments to their appropriateness. We need some broader theoretical framework from which to approach the question. Personally I suspect no framework will be found to support the broad view. However, since I am not prepared to argue the case here, we must leave this issue as an open question.

E. Conclusion

Our position is as follows. We have seen that there are two senses in which one can be to blame for one’s action. In the first and most obvious sense, one is to blame for the act if the act is wrong and if the motives that immediately give rise to the act are reprehensible. In this sense the culpably ignorant agent is not to blame for his unwitting act, since the motives that immediately give rise to that act may be completely innocuous. The agent’s earlier willingness to risk harm (the reprehensible motive that gave rise to the benighting act) may have been eliminated, and in any event, in doing the unwitting act, the agent may act from a completely worthy motive, such as an aversion to injuring an animal. But there is a second and less obvious sense in which one can be to blame for one’s action. One can be to blame for the occurrence of a risked upshot of one’s act whether the upshot is an act or a mere event. In cases of culpable ignorance, the unwitting act is a risked upshot of the benighting act, so the agent is to blame for it just as the hiker is to blame for the fire, and the assistant is to blame for the broker’s breaking her promise.

Once we concede that the culpably ignorant agent is to blame for his unwitting act, the debate among the Conservative, Moderate, and Liberal must be reinterpreted as a debate about *how blameworthy* the culpably ignorant agent is for his entire course of action. The Conservative and Moderate can now be understood as holding the broad view, that the actual upshots of one's risky actions contribute to one's level of *blameworthiness*. Since the unwitting act is such an upshot, on their view the agent is more blameworthy than he would have been if only the benighting act had occurred. The Liberal, on the other hand, holds the narrow view, that one's degree of blameworthiness does not depend on the actual upshots of one's risky actions, but rather only on one's willingness to take that risk. Thus the Liberal holds that the agent is no more blameworthy for having done the unwitting act than he would be if luck had intervened to prevent it.

The debate among these parties can only be resolved by determining whether the broad or the narrow view about sources of culpability is correct. This is a project for another occasion. In the meantime, we have clarified the problem of culpable ignorance by showing where the real issue lies. And we have placed it in perspective by showing that it is merely a special case of a more general problem about sources of culpability that would confront us even if the problem of culpable ignorance itself did not.¹⁹

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