

The Relevance of Moral Ignorance: Excuse without Exculpation

1. Introduction

As epistemically limited agents, we are prone to mistakes. Sometimes these mistakes are about what we are morally required or permitted to do. Such mistakes about moral matters can come about in two ways. Sometimes they result from ignorance about some nonmoral features of the world – features on which the moral status of our action supervenes. I may be oblivious that the cake I am offering you contains poison and that’s why I believe it’s permissible for me to pass you a slice.

But many moral questions are hard. Even knowing all relevant nonmoral facts does not eliminate the possibility of error: we may fail to recognize a fact *as* morally relevant, misjudge its significance, fail to reason properly about how various competing morally relevant factors weigh up, or be guided in our deliberations by false moral principles.

Let’s reserve the term moral ignorance to refer to this second kind of moral error – moral error that does not derive from ignorance about some nonmoral facts. I am construing ignorance and error broadly, to cover both false belief and absence of true belief, though my focus will be on the former.

It’s uncontroversial that nonmoral ignorance can function as an excuse. When accused of poisoning my friend, I can appeal to the fact that I didn’t know that the cake contained poison to defend myself. And insofar as I really did not know and was neither reckless nor negligent in my ignorance, that defense is a good one.

But what if my wrongdoing resulted from *moral* ignorance – when I knew that the cake contained poison but thought it permissible to feed it to you regardless? This question invites considerable disagreement. According to Gideon Rosen and Michael Zimmerman, cases of moral and nonmoral ignorance are exactly analogous.¹ If my failing to know that the cake contained poison can function as an excuse, so can, in principle, my failing to know that it’s wrong to poison. According to others, there is a deep asymmetry between nonmoral and moral ignorance – only the former can ever function as an excuse.²

In this paper, I want to hone in on an important assumption that frames the current debate: that excuses are all-or-nothing affairs; to have an excuse is to be blameless. I argue that we should reject this assumption. Excuses are not binary but gradable: they can be weaker or stronger, mitigating blame to greater or lesser extent. I explore the notions of strength of excuses, blame mitigation and the relationship between excuses and moral responsibility. These ideas open up some principled middle-ground between the two positions staked out in the literature. Moral ignorance may well excuse but it does not exculpate.

¹ See Rosen [2003], [2004], [2008], Zimmerman [1997].

² See, for example, Harman [2011] and [2015], Arpaly & Schroeder [2014], Fitzpatrick [2008].

2. The Limits of Our Intuitions about Cases

Let me start by charting the terrain of the present debate. One camp maintains that the morally ignorant wrongdoer is blameless, as long as the ignorance itself is non-culpable – that is, neither the result of negligence nor recklessness. Rosen appeals to our intuitions about various cases to support this conclusion. He invites us to consider a slaveholder in ancient times who harbors no illusions about the fact that slaves are humans just like him. He also believes it's really bad luck to be a slave. Nevertheless he believes that it is permissible to own slaves. We can imagine filling in the details so that in reaching his belief, he has been neither negligent nor reckless. Slavery is, in his social class, not a controversial practice. It may not be impossible to arrive at the conclusion that it is morally abhorrent but that would take some extraordinary moral vision. We expect human adults to be generally morally competent but we do not usually expect them to be moral visionaries. According to Rosen, once we grant and attend to the fact that the slaveholder's moral ignorance is blameless, we will also regard him as blameless for owning slaves. Rosen argues:

...insofar as [the biblical slaveholder] acts from blameless ignorance, it would be a mistake for us to blame the slaveholder-to feel anger or indignation directed at him for his action. If the historical situation is as we have supposed, then the appropriate attitude is rather a version of what Strawson calls the 'objective' attitude.³

Rosen also considers the case of a ruthless capitalist who, like everyone around him in the enclave of the very rich, has been groomed to believe that it is right to exploit the poor. Again, he suggests that once we are clear in our minds that the ruthless capitalist is not to blame for his moral-epistemic predicament and his resulting moral ignorance, we will not regard him as blameworthy for his wrongful exploitation of the poor, either:

I contend that if you are careful to bear in mind the stipulation that in reaching his conclusion our capitalist has not been reckless or negligent in the management of his moral opinion, you will find it plausible that his moral ignorance is not his fault. I further contend that if you bear this thought fully in mind, you will find it equally compelling that it would be a mistake to blame him for the wrong he does.⁴

The second camp – Elizabeth Harman, Nomy Arpaly & Timothy Schroeder, William FitzPatrick – deny that moral ignorance can constitute an excuse. Arpaly & Schroeder consider the case of an ancient Roman who goes along to the circus, arguing that his unfortunate moral-epistemic predicament does nothing to excuse his participation and enjoyment of the grisly spectacle. His moral ignorance fails to excuse, even when it is non-culpable:

Consider the ancient Roman who goes to the circus because he heartily enjoys watching people thrown to the lions. We think this person is blameworthy for going to the circus. Enjoying other people's suffering in

³ Rosen [2003], p. 66.

⁴ Rosen [2004], p. 305.

this manner speaks ill of the agent's will even if the enjoyment in question is encouraged by a corrupt and corrupting society, and even if there is no moral theory available that disagrees.⁵

Elizabeth Harman points to structurally similar cases involving mob and gang members:

Max works for a Mafia "family" and believes he has a moral obligation of loyalty to the family that requires him to kill innocents when it is necessary to protect the financial interests of the family. This is his genuine moral conviction, of which he is deeply convinced. If Max failed to "take care of his own" he would think of himself as disloyal and he would be ashamed. Gail is a gang member who believes that she has a moral obligation to kill a member of a neighboring gang as revenge after a member of her own gang is killed, although her victim was not responsible for the killing. This is her genuine moral conviction, of which she is deeply convinced. If Gail failed to "take care of her own" she would think of herself as disloyal and she would be ashamed.

She suggests that we do not consider agents like Max and Gail to be blameless for their actions:

I claim that Max and Gail are paradigm cases of agents blameworthy for their wrongful actions. They know that they are killing innocent people; this is sufficient for the agents to be blameworthy.⁶

Harman concludes that moral ignorance can *never* be non-culpable.

Hence, not only does it not constitute an excuse but it functions as an aggravating factor. Why? According to Harman, an agent is morally blameworthy if her action manifests a lack of responsiveness to right-making reasons. There are two ways of being responsive to right-making reasons: motivationally and cognitively. The wrongdoer who knowingly commits a wrong fails to be responsive to those reasons in her motivations. She is cognitively but not motivationally responsive to the right-making reasons. But the morally ignorant wrongdoer is insensitive to right-making reasons twice over. Not only is she not moved by the right-making reasons, she also fails to believe the moral truth on the basis of them.

So much for the dispute. What are we to make of it? It is difficult to see a path forward. The cases both sides put forward are structurally identical – the ancient slaveholder and the Roman who enjoys going to the circus, the ruthless capitalist and the gang member. Yet the two sides report opposite intuitions about them. We have arrived at an impasse.

How do we proceed? I suggest that we home in on a point of agreement between the two parties: an assumption that frames the current debate: that to ask whether moral ignorance constitutes an excuse, is to ask whether the agent is *blameless* for whatever they have done. In other words, that insofar as moral ignorance is an excuse, it absolves the wrongdoer from blame and moral

⁵ Arpaly & Schroeder [2014], p. 182-83

⁶ Harman [2015], p. 65. FitzPatrick [2008] cites a similar example, involving a ruthless business man who believes there is nothing wrong with exploiting the poor.

responsibility.

3. An Unexamined Assumption about Excuses

Let's think about this for a moment. Why think that if moral ignorance excuses, it renders the wrongdoer *blameless*? Behind this assumption lies a general view about the nature of excuses that is not confined to this particular debate. This view conceives of excuse as a binary notion. Excuses are considerations that switch off blame; they are blame-negators. In short:

Negators: A consideration C is an excuse for wrong W if it negates that agent A is to blame for W.

Rosen is explicit about the fact that this is the conception of excuses he is working with; he tells us that an excuse is a “consideration that defeats the standing presumption of blameworthiness”.⁷ But Rosen is hardly alone – indeed, this view of excuses is close to orthodoxy in moral philosophy. For an illustration of this, consider:

Calhoun:

A good excuse gets one off the evaluative hook. To be excused is to have no reason to think badly of oneself or for others to think badly of oneself.⁸

Owen:

...to recognize that someone has an excuse [...] is to recognize that blame is inapt already.⁹

Murphy:

...if resentment and forgiveness are to have an arena, it must be where such wrongdoing intact-i.e., neither excused nor justified.¹⁰

Baron:

...to excuse is to say that what the agent did was wrong, or at least untoward, but that it would be unfair to blame him for the action.¹¹

Wallace:

⁷ Rosen [2004], p. 298.

⁸ Calhoun [2016], p. 28-29.

⁹ Owens [2012], p.? (footnote 25)

¹⁰ Murphy [1982], p. 506.

¹¹ Baron [2007], p. 22-23

Excuses [...] aim precisely to challenge the claim (or suspicion) that S was morally responsible for x; they adduce conditions that make it unfair to hold S morally responsible for x. Now to hold a person responsible for a particular action x that is morally wrong is to regard the person as having done something blameworthy; so excuses [...] may be considered “blameworthiness inhibitors”.¹²

All these authors subscribe to the view that if an agent has an excuse, she is not to blame for the wrong they committed. The idea that excuses are all-or-nothing affairs is thus very common.

But this rare moment of philosophical consensus should strike us as puzzling. For, on the face of it, it is very natural to think of excuses as admitting of different strengths. After all, we typically think of blame as coming in different *amounts*. We can deserve more or less of it, we can be more or less to blame for whatever it is we have done. It makes sense to wonder about how much someone is to blame for some bad outcome or consequence. It also makes sense to ask comparative questions: whether Max or Sam is more to blame for the sad demise of their friendship, for example. Plausibly, thus, blame admits of a measure – not a cardinal but an ordinal one. Insofar as blame admits of different amounts, we would naturally expect that excuses come in different strengths – the stronger the excuse, the less the agent is to blame.

Second, when we think of the various considerations that constitute excuses, these typically come in degrees: emotional upset, such as stress or fear, physical discomfort, such as nausea, pain, or tiredness – these can all vary in their intensity. Even coercion can plausibly vary in strength, depending on what is at stake for the coerced party. Given that the considerations which constitute excuses come in varying intensities, it seems natural to think that excuses themselves will admit of degrees. Again ordinary experience lends support to this idea: if you are to miss your friend’s birthday party, a debilitating migraine makes for a stronger excuse than a slight headache.

Our moral practice thus suggests an alternative conception of excuses, on which excuses mitigate rather than negate:

Mitigators: A consideration E is an excuse for wrong W in virtue of mitigating how much the agent A is to blame for W.

On this conception, excuses *lessen* how much an agent is to blame for a given wrong. They come in different *strengths*: some excuses excuse more than others.

It will be helpful to be clear on what exactly negating and mitigating accounts of excuses agree and disagree on. Both accounts allow that excuses can be *partial*. An excuse is partial when it excuses *some of the wrong* that someone has done without excusing all of it. Sometimes our actions violate several moral norms at once. Jones’ remark may have been both racist and sexist. He may have an excuse for its being sexist – perhaps he was speaking in a foreign language and

¹² Wallace [1994], p.121 Other examples: Allais [2008], p. 34-35. Rosen [2008], p. 609, Baron [2007], p. 27, Hieronymi [2001], p. 530.

wasn't sensitive to the sexist overtones of his words – without having an excuse for its being racist – that it was racist was plain enough, even to him.

What mitigators and negators disagree about is whether *given a particular wrong W* – say Jones' broken promise to Smith that he will come to his birthday party – some excuses have greater excusing power than others.

Another way of putting the disagreement: blame-negators say that excuses vary along one dimension only: in *which wrongs* they excuse. Blame-mitigators, in contrast, maintain that excuses can vary along a further, independent dimension: in *how strongly* they excuse any particular wrong.

4. A Defense of Blame-Negation?

You may object that I am mischaracterizing what the negators are up to. When they say that excuses negate blame or moral responsibility, they do not mean to rule out that there can be considerations that only lessen blame, without negating it all the way. They are simply making a terminological choice to not refer to such considerations as excuses.¹³ Thus, negators are not making a substantive claim about our ordinary notion of excuses; rather they are stipulating that the term “excuses” will be reserved for those considerations that lessen blame maximally: namely, by negating it.

Even if we grant that the negators are stipulating, rather than advancing a substantive claim about excuses – and I am not sure that all of them are charitably interpreted as merely stipulating – there are two responses we can make. First, this concession does not affect the substance of my argument in this paper. For it remains true that the discussion of moral ignorance has been centered solely on whether moral ignorance negates blame. The question whether it may mitigate it remains open and unexplored, as do questions about how to make sense of blame mitigation.

But second, stipulations are not immune to criticism. Poorly chosen, they can distort theoretical inquiry. When they concern concepts that are deeply embedded in our everyday practice, stipulations need to be responsive to how those terms function in our practice. In particular, they need to preserve the central features of those concepts. The danger is both that poor stipulative choices can obscure theoretical options and mislead us about the nature of the phenomena under investigation.

To take a concept that functions as gradable in our moral practice and offer a stipulation that is binary, is to go beyond mere philosophical sharpening. It obscures a central aspect of the nature of excuses, namely that they lie on spectrum from weak to strong. It can distort inquiry by presenting excuse and blame mitigation as two distinct normative phenomena, to be theorized separately, rather than in one unified framework. And, in the case of moral ignorance, it has obscured the possibility that moral ignorance may mitigate blame, without negating it.

¹³ Rosen is the only writer who is explicit about the fact that he is stipulating. See his [2004], p. 298.

Can the negator respond to this charge? She may argue that her stipulation is grounded in our moral practice after all. In particular, she may point to the conceptual connections between blame, excuses, and forgiveness. Given these connections, she may argue, it does seem plausible that excuse functions as a binary term. What is excused is not to be forgiven, what is to be forgiven cannot be excused. Forgiveness renders blame inapt. Excuses preempt forgiveness. The most natural explanation for this is that excuses negate blame, so that forgiveness is rendered moot.

Thus, recall Murphy's quote from above:

...if resentment and forgiveness are to have an arena, it must be where such wrongdoing remains intact-i.e., neither excused nor justified.¹⁴

In this spirit, Murphy goes on to suggest that there's a bit of a conceptual muddle going on in the New Testament; Jesus on the cross ought to have chosen his words more carefully:

Father forgive them for they know not what they do" would go better as "Father *excuse* them for they know not what they do."¹⁵

Similarly, Owens argues:

To think it appropriate to forgive an offence is not to think that blame for that offence is inapt already. Rather it is to think that you ought to render blame for that offence inapt. By contrast, to recognize that someone has an excuse (or that time has passed or that they have already been forgiven, etc.) is to recognize that blame is inapt already.¹⁶

Hieronymi suggests that making excuses is incompatible with asking for forgiveness:

To ask you to understand things from my point of view is to hope for an excuse, not to ask for forgiveness.¹⁷

I admit that I find this line of defense underwhelming. It does not ring true that our moral practice treats the relationship between excuse and forgiveness as a strict either/or. For there is nothing unusual or jarring about offering an excuse and asking to be forgiven at the same time: "I have been really anxious

¹⁴ Murphy [1982], p. 506.

¹⁵ Murphy [1982], p. 506.

¹⁶ Owens [2012], footnote 25.

¹⁷ Hieronimi [2001], p. 554. See also Allais [2008], who stresses that the core notion of forgiveness comes into play only where wrongdoing is "unexcused and unjustified".

about something at home. I'm really sorry I snapped at you." Or: "I'm so sorry. I didn't stand you up intentionally – the appointment completely slipped my mind. Please forgive me." Or: "I'm so sorry – I didn't know this was supposed to be confidential. Please forgive me."

The fact that there is nothing at all jarring or unusual about such requests presents the negator with a dilemma. She can deny that in those cases, the agent is really offering an *excuse*. But that's implausible: the fact that an action was unintentional, done from anxiety or stress or from nonmoral ignorance are typical examples of excuses. A second possibility is to deny that in such cases we are really asking for forgiveness. That, too, seems unattractive: it attributes widespread and systematic bad faith.

The mitigator has a natural way of accommodating the combination of excuse and plea for forgiveness: excuses, she says, mitigate blame. Thus, having an excuse does not mean that there is nothing left for forgiveness to do. At the same time, however, the presence of the excuse makes it easier to forgive the wrongdoer. Forgiveness is a matter of forswearing blame; that gets easier the less blame there is to forswear. Pairing excuses with apology thus makes good sense.

The conceptual connections between forgiveness, blame, and excuses thus do little to bolster the negator's claim that excuses are binary. On the contrary, our moral practice lends support to a mitigating account.

The next step is to work out its details. Since on the mitigating account excuses bear on *how much* an agent is to blame for a given wrong, a central task is to spell out how to make sense of this more and less. How can we put a measure on how much someone is to blame for something?

5. Normative Footprints and Amounts of Blame

Let me start by sketching the response. Wrongdoing is a normative power: just like promises and consent, it changes the normative landscape in characteristic and systematic ways by creating new claim-rights, obligations, and permissions. Depending on the nature and gravity of the wrong in question, these normative changes can be more or less extensive. How much an agent is to blame for a wrong correspond to the extent to which the wrong has modified the normative landscape.

Here's a way of visualizing this: The normative changes induced by the wrong, constitute its normative footprint. How much someone is to blame for a wrong, is a matter of how large this normative footprint is.

Let me start by unpacking the central elements of this idea. Normative powers are capacities to shape the normative landscape – the matrix of rights, duties, and permissions in which we are embedded – in systematic, characteristic ways. When we exercise a normative power, we modify which rights, duties, and permissions obtain between us and other parties. By promising to bake you a cake, I place myself under an obligation to bake it – an obligation that was created by my act of promising. By consenting to your cutting my fringe, I thereby give you permission to cut it – a permission that you did not have before my act of consenting.

I suggest that wrongdoing, too, is a normative power. We engage in

wrongdoing when we perform actions that violate our moral obligations and/or infringe on someone's moral rights.¹⁸ By engaging in wrongdoing, we place ourselves under new obligations and we give others new rights against us. Thus, if I renege on my promise to bake you a cake, I may thereby acquire a duty to acknowledge that I have let you down, to explain myself, to apologize, and to make it up to you in some way.

Wrongdoing alters the normative landscape in three characteristic ways. First, it creates *reparative rights and duties*. These include the duty to acknowledge the wrong one has done, the duty to listen to complaints about one's actions, the duty to explain one's actions and motivations, the duty to apologize, the duty to compensate or otherwise make amends. Reparative duties are often directed duties, they are owed to the wronged party, who holds the correlate set of claim rights¹⁹: you owe an apology or compensation *to* someone, namely the person you have wronged. But there may also be undirected reparative duties, which are not owed to anyone in particular. Suppose there's an undirected duty to protect the environment. If you violate the duty, you may well thereby acquire a further, undirected duty to make up for it. If you litter, you are the one who has to clean it up – and perhaps even leave it cleaner than you found it.

Second, wrongdoing changes *feeling rights and duties*.²⁰ Not only our actions are constrained by a matrix of permissions, rights, and obligations but also our emotional lives. Social context, personal relationships, past actions – both yours and mine – affect what I may, should, or must not feel towards you.²¹ Wrongdoing alters these norms. It can entitle the wronged party to feel anger, resentment, frustration, sadness, or disappointment. If, as a good friend, I reveal a secret you confided in me, you are entitled to be mad at me. To say that you are entitled is not to say that you must – you may be too exhausted or distracted by other things or decide it's more prudent to remain calm. Still, you have a right to be angry; you are simply not exercising it. The right came into existence because I have wronged you. And even now there are limits on just what kind of emotional response you are entitled to: unless the betrayal was very grave indeed, you are not

¹⁸ Some instances of wrongdoing are wrongings: when I punch you, it's you who is wronged. But it's possible that not all are: when I destroy a beautiful ancient fossil that I found on my private beach, I may well have acted wrongly without wronging any particular person.

¹⁹ See Thomson [1990], p. 84-98. Thomson argues that violating someone's right leads to "moral residue". Similarly, Kramer [2015] offers a detailed defense of the "Remedy Principle": "If and only if Y owes X a moral duty not to Q, Y's Q-ing will place Y under a moral obligation to X to remedy the resultant situation in some way." (p. 313) My proposal is in the same spirit but goes further: the normative changes induced by one's wrongdoing extend beyond remedial obligations.

²⁰ Thus, I agree with Strawson [1962] that blame is related to reactive attitudes, such as resentment. But unlike Strawson and those following him, I do not think that this is the only or most central element of blame.

²¹ See Hochschild [1975], particularly pp. 288-292.

entitled to murderous rage. If it was a minor indiscretion, you may be entitled to some annoyance but not to weeks and weeks of seething fury.

Wrongdoing changes not only feeling norms for the wronged party but also for the wrongdoer. If I have knowingly betrayed your trust, I should feel ashamed and remorseful for what I have done.²² If I have unintentionally harmed you, I should feel regret and sorrow. For the wrongdoer these feelings are generally not merely optional; they are required. Wrongdoing then creates characteristic feeling-rights, feeling-duties, and feeling-permissions.

Third, wrongdoing changes *relationship norms*: for example, the right to someone's trust, time, help, support.²³ The fact that, as a friend, I betrayed your secret makes it permissible for you to withdraw your trust, to stop checking in with me, to leave me off invitations for future birthday parties. The fact that your new colleague treated you badly may mean that she loses the right to your help and support – the kind of help and support that as a more junior colleague, she would otherwise be entitled to.

Let's call the way in which a given instance of wrongdoing modifies the reparative rights and duties, feeling norms, and relationship norms its *normative footprint*. The normative footprint of a wrong can vary in size. Thus, not all instances of wrongdoing will modify relationship norms. But all instances of wrongdoing will generally induce normative changes of the first two kinds. Whether and how a wrong bears on relationship rights depends on its nature and gravity, and the context and relationship in which it has been committed. A minor wrong in the context of a close relationship – a late arrival to an afterwork drink, an ill-considered remark, a forgotten chore – will typically not have any repercussions for the relationship norms. Such minor wrongs do not normally license one to withdraw one's trust, to "cool off" the friendship or to break it up altogether. But even such minor wrongs entitle the wronged party to a bit of annoyance and a quick apology.

I suggest that how much someone is to blame is a matter of the size of their normative footprint. But, you might worry, this merely pushes the question back one step: for can we really put a measure on normative footprints?

What's at issue is whether we can make good sense of comparative judgments about the normative changes induced by wrongdoing. I think we can. Setting aside wrongdoing, we often make comparative judgments about the extent of our rights and duties. The following statements seem all true:

We owe our children more than we owe our friends.

²² Philosophers tend to think of emotions as governed by norms of appropriateness or fittingness, rather than by deontic norms. But the idea that there are things we can be obligated, permitted, or prohibited from feeling and that we regulate our emotions in light of these norms – is widespread in sociology, where it has been championed by Hochschild [1975], [1979], [2015].

²³ Scanlon [2008] analyzes being to blame in terms of whether a relationship has been impaired. I agree that the modification of relationship norms is part of the story about blame but I do not think it is the only or most central part.

You have more obligations towards a friend than towards a stranger.

This is not to say that these judgments are terribly exact or that we can put a precise number on the set of rights and obligations in question. The measure on sets of rights and obligations will be a cardinal one, not an ordinal one. But if we can make such comparative judgments about rights and duties in general, there is no reason why we should not be able to make them in the case of wrongdoing.

This chimes with our moral practice. When it comes to a particular wrong that was jointly committed by several wrongdoers, we can make comparative judgments about which culprit is more to blame than the other. We can also make comparative judgments about whether, given the presence or absence of particular factors, the culprit is more or less to blame for the wrong in question. We can ask whether Jan or Marie is more to blame for their acrimonious divorce. We can ask whether, in Jan's case, the fact that his father was dying of cancer at the time makes a difference for how much he's to blame for it. But many other comparisons do not seem terribly sensible: Is Jan more to blame for the acrimonious divorce than Marie is to blame for her mishandling of a work project? Is the NRA more to blame for the rise in school shooting than Jill for her traffic accident? It's hard to see how there could be a fact of the matter here.

I have argued that the idea of a normative footprint helps us to spell out what it is to be more or less to blame for a wrong. Let us now see how excuses fit into the picture.

6. Excuses as Blame Mitigators

Excuses bear on the size of the normative footprint of a given wrong: they are considerations that diminish its normative footprint. Excuses are thus normative difference-makers: they make a difference to how one's wrongdoing has affected one's reparative duties, feeling duties, and relationship norms.

We can measure the strength of an excuse by its impact on the normative footprint of a wrong. Excuses may make a difference to the feelings you are entitled to – annoyance or frustration, instead of anger. They may also bear on what kind of apology the wrongdoer owes: a quick, simple "I'm sorry" or a large, public gesture. If I broke my promise to bake you a cake because I had to look after an ill toddler, I may only owe you a sincere apology but not also an additional pan of brownies. You may perhaps be disappointed but not furious with me, nor are you entitled to permanently cut me off. The stronger the excuse for a wrong, the smaller its normative footprint.

How do excuses differ from justifications? Justifications, too, bear on the normative footprint of a wrong. But unlike excuses they do so in virtue of bearing on the moral status of the action in question. A justification can be a consideration that makes the action merely *less wrong* than we had initially supposed it to be. Or it can be a consideration that reveals the action to only constitute a pro tanto wrong and not an all-things-considered wrong.

Excuses, in contrast, are considerations that bear on the size of the normative footprint of the wrong without bearing on its moral status. That the secret slipped your tongue while you were severely sleep-deprived does not make

the indiscretion any less wrong. Still, it bears on the scope of your reparative duties, on how you should feel about what you have done, on its implications for your relationship with the relevant person.²⁴

Since excuses mitigate blame, they make it generally easier to forgive a wrong. Forgiveness is the complementary normative power to wrongdoing. It removes the normative footprints created by the wrong. To forgive someone is to release the wrongdoer from their outstanding reparative obligations, to relinquish the feeling rights acquired by the wrongdoing in question, and/or reverse changes to relationship norms.²⁵

6. The Contrastive Method

With an account of excuses as blame-mitigators on the table, let us now return to moral ignorance. Is moral ignorance an excuse? This is now a question about whether moral ignorance *makes a difference* to the normative footprint of the relevant wrong.

Posing the question in this way naturally suggests a contrastive method. We compare two cases of wrongdoing, keeping the nature of the wrong equal but altering the agent's moral-epistemic situation. We judge whether the normative consequences of one are more extensive than those of the other.

What kind of test cases should we use? I want to steer clear of the Biblical slave owners, mafia members, and Roman circus-goers that have dominated the literature. Relying on these cases raises serious methodological worries. This is because they all involve stipulating that the wrongdoer lacks "easy" moral knowledge, i.e. knowledge of moral truths that we regard as completely obvious: that slavery is wrong, that it is reprehensible to watch religious minorities being chased and eaten by lions, that killing innocents to protect one's criminal profits is impermissible.

The fact that the agents' stipulated moral ignorance strikes us as beyond the pale raises worries about "epistemic egocentrism". This is a family of cognitive biases that constitutes limitations in our ability to take each other's epistemic perspective. Small children's failure to pass the false belief test is a familiar example of an epistemic egocentrist bias. It is less well-known that, while (neuro-typical) children eventually come to pass the false belief test, the underlying tendency to impose our own epistemic perspective on others persists into adulthood. In particular, we systematically fail to set aside knowledge we know to be privileged – knowledge that we know the other party lacks – for the purposes of predicting their actions: this bias is evocatively named "the curse of

²⁴ It is a further question which considerations constitute excuses and why excuses bear on the normative footprint in this way. Answering those is the task for a theory of excuses. This lies beyond the scope of this present paper but I present and defend such a theory in my [ms a].

²⁵ Forgiveness can thus be partial. I develop and defend this account of forgiveness in my [ms b]. The idea that forgiveness is a normative power has also been defended by Warmke [2016] and Nelkin [2013].

knowledge”.²⁶ It is unwilling and unwitting: individuals are not aware that they are being influenced by it, nor can they avoid it when they are made aware of its potential influence on their judgments. While, to my knowledge, there have been no systematic studies looking at this bias specifically for the case of moral knowledge, it would be extremely surprising if empirical findings did not carry over. Insofar as we have great difficulties to set aside privileged knowledge about, for example, the value of a product for the purposes of predicting someone’s buying behavior, it would be surprising indeed if we did not have difficulties to set aside privileged moral knowledge for the purposes of evaluating others’ actions.

This presents a challenge to Harman’s and Arpaly & Schroeder’s argumentative strategy. If we share their intuitive judgment that the gang member or slave owner are blameworthy for their killings and enslavings, we now have to contend with two competing explanations for these intuitions. The explanation that Harman and Arpaly & Schroeder favor is that our attributions of blame are independent of our attributions of moral knowledge. An equally plausible alternative is that we simply resist the stipulation that the slave owner is morally ignorant; we think he’s blameworthy partly *because* we take him to knowingly act wrongly. Since we succumb to epistemic egocentrism unwillingly and unwittingly, these two rival explanations are impossible to tell apart “from the inside”.²⁷

We can sidestep these methodological complications by focussing on cases of moral ignorance that are closer to home – cases, where the agent’s moral mistake is neither crude nor blatant.

Against Harman

Consider the following two scenarios:

Tom and Sara are planning a wedding and both of their families have offered to contribute money towards it. Sara’s family, who are less wealthy than Tom’s, offered a certain sum, which will cover less than half of the expenses. The couple is now wondering whether it would be permissible for them to ask Tom’s family for a greater contribution. They worry that it wouldn’t be fair of them to ask one set of parents for more. They decide to ask a friend whose judgment they trust.

Anna is a journalist who is preparing to go on a reporting trip to a dangerous and conflict-ridden area. She has to tell her family that she will be away but she really doesn’t know how much to tell them. If she tells them where exactly she’s going and why, they will be extremely worried. On the other hand, she worries that by evading the questions she would be lying and that that would be wrong. She goes back and forth but cannot decide what the right thing to

²⁶ See Royzman, Cassidy, Baron [2003] for an excellent overview, including some discussion of how egocentric bias may bear on other discussions in ethics that appeal to intuitions, in particular, Nozick’s experience machine experiment.

²⁷ Royzman et al [2003], p. 60.

do is and eventually decides to ask a friend whose judgment she trusts.

First, imagine that Sara and Tom's chosen advisor tells them that it is entirely permissible for them to ask Tom's family for a higher contribution to their wedding. Unfortunately, the advisor gets it wrong: doing so would be unfair. Sara and Tom believe their advisor; they have no reason to doubt her judgment. They ask Tom's family for a greater contribution to their wedding. They make a moral mistake but unwittingly so.

Similarly, Anna's advisor has an off day and leads her astray. She tells her it's permissible for Anna to be so evasive as to deceive her family about her whereabouts. Anna trusts her advisor and goes along with her advice. In doing so, she makes a moral mistake.

Is their moral ignorance non-culpable? I think it is. Tom and Sara, and Anna are initially uncertain about what the right thing to do is, not because they lack some crucial bit of nonmoral information, but because the questions they are facing are tricky, with competing considerations at stake. They are simply not sure how to strike the right balance between them. In such cases, it's very reasonable to outsource one's moral belief to someone one trusts and believes to be reliable. Relying on trustworthy moral advice will decrease the chance of error – but, if the advisor is human, it will not altogether eliminate it. That's the limitation that Tom, Sara, and Anna come up against. Tom and Sara, and Anna have done everything to discharge their epistemic obligations: they were genuinely conflicted, sought out a friend they had every reason to trust, and were nevertheless misled.

Compare these cases to the following: Tom and Sara's advisor tells them correctly that expecting Tom's parents to contribute more would be unfair. They do not have any reason to doubt their advisor's judgment and they form the relevant belief. But then they decide to ask for a greater contribution anyway. They knowingly act wrongly. Similarly, Anna's advisor tells her – correctly – that being evasive would just be lying; she should just tell her family the truth. Anna believes her advisor but nevertheless proceeds to deceive her family. She acts wrongly, deliberately.

There are many reasons for which they may have chosen not to act in line with their moral knowledge: selfishness, a mere whim, a desire to be contrarian. But no matter how we spell out the details – as long, of course, as we do not build in considerations such as duress, coercion, hypnosis, which themselves are excusing – we judge these agents who deliberately act wrongly more harshly than their merely mistaken counterparts. We think that in the case of deliberate wrongdoing, Tom's parents are entitled to take greater offence for being treated unfairly, that they are entitled to feel more upset (as well as, perhaps, disappointed, taken advantage of, etc). We are more inclined to think that Tom and Sara themselves should feel worse about what they have done – they should be ashamed of themselves – in the case where their unfair treatment is deliberate. Similarly, we judge Anna more harshly for being deceitful despite her knowledge that she should tell the truth than for merely acting on mistaken advice. Her family is entitled to greater disappointment and sense of betrayal, she owes them a more serious and heartfelt apology, there may be a real rupture of trust that she will have

to repair.

These judgments go against those who think that moral ignorance is *no* excuse. Arpaly and Arpaly & Schroeder, think that how much an agent is to blame is only determined by the nature and content of their desires for the right-making features of their actions. This makes it impossible to differentiate the merely mistaken agent from the deliberate wrongdoer in any principled way. Both ultimately fail to be motivated by things they should be motivated by – e.g. the features of the situation which make it unfair to ask Tom’s family for a greater contribution. Indeed, the desires motivating the agent – Sara and Tom’s desire to have a lovely wedding, Anna’s desire to have some peace from her anxious family – may be exactly the same when they make a moral mistake and when they deliberately act wrongly. The only difference is that in the former the agents believe their actions to be permissible, when in the latter they know their actions to be wrong.

The intuitive judgments elicited by the contrastive method also decisively tell against Harman, who thinks that moral ignorance always constitutes an *aggravating* factor rather than an excuse. On Harman’s view, agents who act on misguided moral advice are *more* to blame than those who go against the advice. That’s because the mistaken agent fails to be both motivationally and cognitively sensitive to the right-making reasons. They fail twice where the wrongdoer who knowingly acts wrongly fails only once.

Arpaly & Schroeder and Harman are committed to the claim that moral ignorance never excuses. But the contrastive method suggests otherwise. Cases like Sara and Tom and Anna show that, at least sometimes, knowingly committing a wrong has a greater impact on the normative landscape than committing the same wrong by mistake. Moral ignorance can diminish the normative footprint of the wrong.

Against Rosen

The contrastive method also spells trouble for Rosen’s claim that moral ignorance negates blame altogether. Rosen invites us to think of wrongdoing that arises from non-culpable moral ignorance as a “mere event” rather than a genuine instance of *wrongdoing*.²⁸ Recall, Rosen tells us that the appropriate attitude to take towards the wrongdoer acting from moral ignorance is the Strawsonian objective stance:

...insofar as [the biblical slaveholder] acts from blameless ignorance, it would be a mistake for us to blame the slaveholder-to feel anger or indignation directed at him for his action. If the historical situation is as we have supposed, then the appropriate attitude is rather a version of what Strawson calls the 'objective' attitude.²⁹

This gives moral ignorance the same normative standing qua excuse as being psychotic, suffering from epileptic seizure, being drugged, being under the

²⁸ Rosen [2008], p. 609.

²⁹ Rosen [2003], p. 66.

influence of hypnosis, etc.

Let's see if this is borne out by the contrastive method. We compare the cases in which Sara and Tom, and Anna act based on mistaken moral advice – just as in our discussion above – to variants in which these agents' moral-epistemic faculties are momentarily gravely compromised. Thus, imagine that as Sara and Tom are thinking about what to do, a prankster hypnotizes them and induces them to ask Tom's family to pay for the greater share of the wedding. And imagine that as Anna grapples with her moral uncertainty, she is slipped a personality-altering drug that dulls empathy towards others and lowers inhibitions, making her self-centered and reckless. Under the influence of this drug, she deceives her family about her plans.

If Rosen is right, our moral response to these gravely impaired agents should be the same as to the merely mistaken ones. But it is not. For the mistaken wrongdoer, it is appropriate to apologize, to feel regret, to wonder whether they could have avoided the mistake, to ask for forgiveness, to make amends. The fact that their wrongdoing resulted from moral ignorance may be an excuse – it diminishes the normative footprint of their wrong – but it does not erase the normative footprint altogether.

Things are different in the case where Sara and Tom, and Anna are not morally ignorant but have their faculties gravely impaired. Once the circumstances of their actions come to light, something like the “objective stance” seems fully warranted. Their actions are something to be explained but with the explanation on the table, there is nothing left to apologize or make amends for. It's the prankster and drug-slipper who have something to answer for. Whatever normative footprint remains is theirs.

According to Rosen, once we clearly focus on the fact that a wrongdoing was committed from moral ignorance, we lose any inclination to blame because we come to see what happens as a “mere event” rather than an instance of wrongdoing. The contrastive method yields a different verdict. We do not see cases of moral ignorance as equivalent to cases of grave moral-epistemic impairment. When their wrongdoing results from moral ignorance, Sara and Tom's and Anna's blame may be mitigated but it is not extinguished altogether.

Let's take stock. On a mitigating account of excuses, excuses make a normative difference to how much an agent is to blame for a wrong. I suggested that we can test for normative difference-making by using a contrastive method. The results of this method spell trouble for both sides to the dispute as it played out in the literature. Contra Arpaly and others, moral ignorance does make a difference: wrongdoing that is done from non-culpable moral mistake has a smaller normative footprint than wrongdoing committed knowingly. Contra Rosen, wrongs committed from moral ignorance are not morally on a par with wrongs committed under hypnosis or other grave impairments of moral-epistemic capacities.

8. Moral versus Nonmoral Ignorance

I want to end by thinking about the scope and limitations of the argument above.

First, note is that its overall conclusion is quite modest. The argument establishes that moral ignorance, when it is non-culpable, can mitigate blame. It does not say *how much* moral ignorance mitigates blame in any given case. And it is compatible with moral ignorance sometimes making no difference at all. Just how much moral ignorance bears on a wrong's normative footprint will plausibly vary from case to case. It will depend on the nature and seriousness of the wrong, on the harm that was done, and it may well depend on what exactly the moral ignorance was about. Such lack of a general recipe should not trouble us. In general, we cannot give a general formula that will tell us, for each feature of a wrong, how much *that feature* contributes to how much an agent is to blame for the action.

Second, for the purposes of the general question of whether moral ignorance can excuse, we should set aside those cases around which disagreement has mostly revolved: the slave owner, the ruthless business man, the mafia boss, the gang member, the Roman circus-enthusiast. But, we would hope that the argument will help us make progress on what to make of those cases. I think it does help us make progress, even though it does not easily settle all questions about them. First, it suggests that those agents *are* to blame for the wrongs they have done – their actions do not have the same status as those of someone who is hallucinating or in the grip of psychosis. Second, it helps us sharpen what we are trying to settle when we ask how much they are to blame. We are asking just what these agents owe – or would owe, were they (still) alive – in terms of reparative duties, how we may feel towards them, whether they are deserving of trust. These are all substantial normative questions, to be resolved – if, indeed, they can be resolved – by first-order moral reflection. The agent's moral ignorance will have to be balanced against the precise nature of the wrongdoing, its consequences, etc.

Third, how does moral ignorance compare to nonmoral ignorance? There is widespread agreement that non-culpable *nonmoral* ignorance negates blame. Thus, the question about moral ignorance is often framed as one about asymmetry. Rosen thinks that the cases of moral and nonmoral ignorance are symmetrical – both negate blame – Harman and others disagree – they think only nonmoral ignorance negates blame.

My view is that there is broad symmetry between moral and nonmoral ignorance. This is because nonmoral ignorance, too, merely mitigates blame; it does not extinguish it. Normative footprints remain. Just as in the case of moral ignorance, how much a difference nonmoral ignorance makes depends very much on the circumstances – the nature of the wrong, the harm done, the consequences unfolding.

I see eye brows rising, so let me say a bit more. Let me start by looking at one of the cases discussed by Rosen at length:

Goldberg has been charged with investigating financial impropriety at Acme Corp. The evidence so far points to Himmelfarb as the guilty party, and it is predictable that things will go badly for him if he is named. Goldberg conducts a scrupulous inquiry, which ultimately sustains the case against Himmelfarb. At this point, Goldberg has done everything a

responsible investigator ought to do, and his evidence amply supports the conclusion that Himmelfarb is a crook. In response to this evidence, he forms a belief to this effect and accuses Himmelfarb of embezzlement. In fact, Himmelfarb has been framed by a malicious colleague. This means that in filing his report, Goldberg accuses an innocent person of a crime, and that is wrong. But if there is nothing more to the story, this is a straightforward case of blameless wrongdoing from excusable ignorance. Moreover, if we are asked to say why Goldberg's ignorance is not his fault, it would be natural to reply that Goldberg's ignorance is excusable precisely because it is epistemically justified in the broad sense.³⁰

Goldberg's wrongdoing is blameless, Rosen claims. I think this overstates the case. It's true that since he abided by his procedural epistemic obligations, his ignorance furnishes him with an excuse. But I do not think that this excuse absolves him from all blame – the ignorance does not altogether eliminate the normative footprint of his wrong.

Thus suppose that, based on Goldberg's report, Himmelfarb is convicted and sentenced to many years in prison. After a while, his malicious colleague's evil-doing comes to light. Himmelfarb remains in jail, mounting a costly and uncertain appeal process.

In light of these facts, how should Goldberg feel about his role in putting Himmelfarb in prison? How should he feel about filing his report and securing the conviction? Of course, it is appropriate for all of us to be moved by Himmelfarb's fate, we should feel sorry for him and outraged at his malicious colleague. That's what morality demands of any decent human being that is witness to another's injustice and misfortune. But Goldberg is not merely a witness. He played a central role in getting Himmelfarb where he is now, namely behind bars. This contribution, places him under special obligations: he ought to feel deep sorrow and regret for accusing an innocent man, he ought to reflect on whether he had overlooked anything, and he owes Himmelfarb whatever support he can provide in Himmelfarb's quest for exoneration. It would not be out of line for him to contact Himmelfarb to apologize for his actions.

Of course, the fact that Goldberg had, at the time, acted in light of his (misleading) evidence makes a huge normative difference to what Goldberg owes, compared to a scenario in which his accusation of innocent Himmelfarb had been negligent, reckless, or worse yet, intentional. He need not be ashamed of himself. He does not deserve our nor even Himmelfarb's disdain and indignation. He owes it to Himmelfarb to set the record straight and do what he can to get him out of jail, but he does not owe him compensation on top of that.

Goldberg's nonmoral ignorance thus excuses – it bears on the normative footprint of his accusation of an innocent man – but it does not *exculpate* him. The wrong he has done saddles him with normative demands that go well beyond those obligations that mere bystanders to Himmelfarb's misfortune have. The explanation for why Goldberg has these special obligations is that he is to blame

³⁰ Rosen [2008], p. 601.

for accusing an innocent man – albeit, less than had he done so knowingly, negligently, or recklessly.

There is tragedy in Goldberg’s situation: he suffered bad epistemic luck – he happened to be misled – and that’s what led to his falsely accusing an innocent man. He is fully entitled to resent the one who placed him in this situation: the actual criminal, Himmelfarb’s malicious colleague. But the fact that Goldberg is to blame for accusing an innocent man remains – after all, *who else* could be to blame for that particular action, if not him?³¹

Here, I am echoing Bernard Williams’ observation that we can be both unlucky – morally, epistemically – for having been in circumstances that led us to act as we did and yet to blame for it; there is no tension here. As he poignantly writes in his analysis of Oedipus:

“Someone may simply have ruined his life...If that has happened, then it is something that has happened to him, but at the same time it may be something that he has brought about. *What has happened to him, in fact, is that he has brought it about.* That is the point of Oedipus’s words at Colonus. The terrible thing that happened to him, through no fault of his own, was that he did those things.”³²

The tragedy of Oedipus lies precisely in that he is to blame for the murder of his father and all that ensued. The fact that we left a normative footprint through bad luck does not make it any less ours. That our wrongdoing was unintentional or unwitting does not make a difference to whether we are to blame for it – it only matters on how much we are to blame.

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³¹ Kramer [2005] puts forward a similar argument directed against Hart’s “ought-implies-can”-principle.

³² Williams [2008], p. 70. Williams’s argument further develops the line he put forward in his [1981] article on moral luck.

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