
Austin on Excuses

According to Austin, we need to distinguish between excuses and justifications:

You dropped the tea-tray: Certainly, but an emotional storm was about to break out: or, Yes, but there was a wasp. In each case the defence, very soundly, insists on a fuller description of the event in its context; but the first is a justification, the second an excuse. (p. 2)

Excuses take many forms. Rebuttal of agent's having acted "deliberately" or "on purpose". Or the look like accusations: clumsiness, tactlessness, thoughtlessness.

Excuses show that the relationship between responsibility and freedom is complicated than initially thought:

I do not exactly evade responsibility when I plead clumsiness or tactlessness, nor, often, when I plead that I only did it unwillingly or reluctantly, and still less if I plead that I had in the circumstances no choice: here I was constrained and have an excuse (or justification), yet may accept responsibility. It may be, then, that at least two key terms, Freedom and Responsibility, are needed: the relation between them is not clear, and it may be hoped that the investigation of excuses will contribute towards its clarification. (p.7)

The Obligation-Account of Excuses

"Excuses are considerations that show that, contrary to how things might seem, the agent did not violate the moral obligation they stand accused of violating. Since blame is a response to a violation of moral obligations, the agent is not to blame."

For example, Wallace:

"excuses function by showing that the agent did not really violate the moral obligations we accept after all. [...] To hold s morally responsible for x, when an excusing condition obtains, would involve the false belief that s's x-ing violated a moral obligation we accept; this gives us a reason for not holding people to blame when the excusing conditions are present." (p. 133-34)

An important assumption of Wallace is that moral obligations we accept concern choices, not actions.

...it is only through the mediation of our choices that the reasons expressed in moral principle may influence either our emotions or feelings, or the bodily movements we make. This means that one can be said to have complied with a moral obligation only when there is present a relevant quality of choice. [...] Similarly, one cannot be said to have *violated* a moral obligation in the absence of a relevant choice." (p.?)

More formally, one may say that moral obligations generally rule out doing actions of kind x, as a result of the choice to do something of kind x. (p. 144)

How do excuses work?

Excuses either show that (1) the agent hasn't really acted (and hence there was no choice), or that (2) the agent made a choice that does not conflict with the moral obligations we accept.

...if one does x as the result of being pushed, or because of a muscular twitch or spasm, then one hasn't really acted at all; if one does x inadvertently, or by accident, then – though one may have acted – one didn't do x intentionally; and if one does x as a result of coercion or duress, then – though one may have done x intentionally – one hasn't merely done x intentionally, one has done x-rather-than-y. (p. ?)

...the importance of intention lies in determining whether agent *s* has really done *x*, a morally impermissible act, in the first place. If the moral expectations we place on other people are primarily expectations concerning their attitudes toward us and others, as manifested in action, then what will be prohibited and required of people will not be types of bodily movement per se, but rather the attitudes expressed in bodily movements." (p. 126)

For now, let us grant that moral obligations concern choices. (We will revisit the concession later.)

(1) Do excuses show that the agent "has not really acted"?

Suppose an evil gang kidnaps Jones and pushes him out of an airplane. Jones lands squarely on Smith's bed of prize-winning tomatoes. The tomatoes are crushed, Jones is severely injured (luckily, the plants cushioned his fall).

Jones did not intentionally crush the tomato plants; he was thrown out of an airplane. But that consideration does not look like an excuse – just like a twitch, an epileptic seizure, or someone else forcing my limbs does not seem like it's an excuse.

(2) Do excuses show that an agent has not made an impermissible choice?

Consider duress. According to Wallace:

[excuses appealing to duress functions by] showing that agent *s* doing *x* actually expressed a different kind of motive: not merely a choice to do *x*, but a choice to do *x*-rather-than-*y*, or *x*-in-order-to-avoid-*y*. [...] Whether an explanation of this form will serve as an excuse will then depend on the content of our moral obligations-in-particular, whether they prohibit intentionally doing *x*-rather-than- *y*. (p. 144)

But this seems questionable on three counts.

First, when the choice was permissible, we do not invoke duress as an excuse. Suppose a doctor passes on confidential information about a patient to the police because the patient threatened to kill her family. In breaking the confidentiality agreement, the doctor acts permissibly. But precisely for that reason, we would not say that she has an excuse and we would not say that she's done so under duress (even though, it might have caused her a great deal of anxiety).

Second, duress can be an excuse even when the agent's choice was an impermissible one. Consider someone who, subject to police intimidation, gives false testimony in court, leading to the conviction of an innocent person. We can acknowledge that duress is an excusing factor, even if we think that she ought not have chosen to give in to the intimidation.

Third, to insist that when an agent acted under duress she did not violate a moral obligation we accept cannot account for the wrong that the agent who acts under duress suffers. The wrong she suffers is not just being subjected to stress and anxiety; it's to be made complicit in wrongdoing.

Do our moral obligations concern choices, rather than actions?

Suppose that my friendly neighbor consents to my picking some of his tulips but tells me not to touch his prize-winning daffodils. It seems, that I thereby have permission *to pick the tulips* and I'm under a moral obligation *not to pick the daffodils*.

If I pick the daffodils out of confusion or absent-mindedness, I am still acting *impermissibly*. My state of mind does not bear on *whether* I violated a moral obligation: it merely bears on *the way* in which I violated it.

More generally, we expect the content of our moral obligations to mirror what we promise and consent to. But promises and consent govern actions.

Examining Intentional Norm-Violations

As both Austin and Wallace note, excuses often take the form of appeals to one's wrong action being unintentional. So one way to get a handle on what excuses are is to think about what makes intentionally committed wrongs especially bad. And for this, we need to know what distinguishes those violations of obligations that are intentional from those that are not.

1. Wrongness: To intentionally violate an obligation, the action I perform needs to be incompatible with that obligation.
2. Intentionality: To intentionally violate an obligation, I need to intentionally perform the action by which I violate it.
3. Epistemic Condition: I need to know that my action violates the obligation.

These conditions are both necessary and sufficient for a violation to be intentional.

What's *morally* distinctive about intentional obligation violations?

Intentional obligation-violations manifest a particular moral failing: the agent knows their action to be wrong and yet they do it anyway. They know what morality requires of them and either do not care or they care about other things (self-interest, fame, money) more.

And so, there is a particular complaint – that of insufficient moral commitment – that we can raise against the intentional obligation-violator.

What is moral commitment?

- It's constituted by conative attitudes: desires or intentions.
- The relevant attitudes have moral content: desires or intentions to abide by moral norms (e.g. "keep your promises", "don't be a jerk", "respect someone else's consent", and more generally "do the right thing".)
- The involve moral concepts, such as "right" and "wrong" but also thick moral terms, such as fair, just, kind, compassionate.

An Alternative Proposal

"Blaming someone for a norm-violation involves an accusation of insufficient moral commitment. Excuses are considerations that acknowledge that the agent's action violates the norm but either show that the complaint of insufficient moral commitment is not apt or mitigate its force."

This accommodates the two central types of excuses:

Considerations that show that an agent acted unintentionally excuse because they show that the agent's action is compatible with being morally committed.

Considerations that show that an agent acted under duress excuse because they show that the agent's action manifests much less of a lack of moral commitment than it would have in the absence of duress

Excuses and Moral Responsibility

Excuses mitigate or negate blame by showing that the agent's wrong action does not manifest a lack of moral commitment. Do they thereby negate the agent's moral responsibility for what they have done?

Marcia Baron writes:

...to excuse past conduct is to say that it would be unfair to hold the wrongdoer responsible for the action or to blame him for it.

Similarly, Wallace argues:

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”.

The Moral Commitment Account allows for another possibility. Excuses do not make it inappropriate to hold you morally responsible. They only make it inappropriate to hold you responsible in a particular way: naming by blaming you. But blaming someone may not be the only way to hold someone morally responsible.

First, it may be appropriate to be disappointed in what you did, even if it is inappropriate to blame you. By being disappointed I hold you to the obligation you violated. And so, I hold you morally responsible.

Second, even if your action does not manifest a lack of moral commitment, it may still be criticizable in other ways. For example, it may manifest a lapse of moral judgment.

As Austin noted:

...few excuses get us out of it *completely*: the average excuse, in a poor situation, gets us only out of the fire into the frying pan -- but still, of course, any frying pan in a fire.

Work Cited

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