EXCUSING PROSPECTIVE AGENTS

Cameron BOULT

ABSTRACT: Blameless norm violation in young children is an underexplored phenomenon in epistemology. An understanding of it is important for accounting for the full range of normative standings at issue in debates about epistemic norms, and the internalism-externalism debate generally. More specifically, it is important for proponents of factive epistemic norms. I examine this phenomenon and put forward a positive proposal. I claim that we should think of the normative dimension of certain actions and attitudes of young children in terms of a kind of "prospective agency." I argue that the most sophisticated account of exculpatory defenses in epistemology – due to Clayton Littlejohn – does not provide an adequate model for exculpatory defenses of prospective agents. The aim is not primarily to challenge Littlejohn. Rather, I engage with his framework as a way of setting up my positive proposal. I call it the "heuristic model."

KEYWORDS: justifications, excuses, New Evil Demon, epistemic norms

Introduction

Blameless norm violation is a central topic in debates about the norm of belief, assertion, and practical reasoning. Proponents of factive norms of belief, assertion, and practical reasoning are particularly interested in blameless norm violation because there are many interesting cases in which agents violate putative factive norms but are clearly blameless.[1] An adequate account of such cases is important for challenging more traditional approaches to epistemic justification – for example, approaches that *equate* justification with a kind of blamelessness.[2] Perhaps the most popular strategy in this respect is to draw a distinction between

[1] When I speak of "factive epistemic norms" I have in mind any combination of the so-called knowledge or truth norms of belief, assertion, or practical reasoning. In the interest of taking a straightforward approach to a general issue, I think certain details about differences between these norms can be set to one side. However, for those who find this objectionable, my claims about "factive epistemic norms" can be read as pertaining only to the knowledge norm of belief.

[2] See William Alston, "The Deontological Conception of Justification," *Philosophical Perspectives* 2 (1988): 257-299, Alvin Plantinga, *Warrant and Proper Function* (Oxford: Oxford University Press, 1993), and Matthias Steup, "A Defense of Internalism," in *The Theory of Knowledge: Classical and Contemporary Readings, 2nd Edition*, ed. L. Pojman (Belmont: Wadsworth Publishing, 1999).

justifications and excuses, and to explain various norm-violating agents' lack of justification in terms of excuses.

One source of complexity for this project is the sheer variety of cases of epistemic blamelessness. Consider a few familiar ones:[3]

- The New Evil Demon victim.
- The Gettiered person.
- The person who is just unlucky.
- The member of a benighted community.
- The brainwashed person.
- The stroke victim.

Some authors have argued that we cannot appeal to excuses to make sense of the blamelessness of agents in *all* types of cases.[4] Whatever story we want to tell about what it takes to deserve an excuse in a given situation, it will not apply across the board in a unified or non ad hoc way. This might be plausible. But a couple of things should be said regardless. First, in addition to excuses, there are other types of exculpatory defenses. For example, recent work on the topic focuses on "exemptions" in addition to excuses. Second, this recent work aims to understand excuses and their relationship to exemptions in a principled way, such that a unified account of the above cases looks hopeful.[5]

In this paper, I examine an additional kind of case: blameless norm violation in young children. This phenomenon has not been examined in much detail in epistemology.[6] But it is significant in the present context. As I will explain, it is not clear that excuses *or* exemptions provide appropriate explanations of blameless violations of factive norms in this kind of case. To put it very briefly: excuses imply too much responsibility, while exemptions imply too little. Insofar as we are interested in defending factive epistemic norms, we need a more nuanced account

[3] I will fill out the details of the cases that need filling out in the next section. For now, I rely on the reader's familiarity.

[4] Mikkel Gerken, "Warrant and Action," *Synthese* 178 (2011): 529-547.

[5] Clayton Littlejohn, "A Plea for Epistemic Excuses," in *The New Evil Demon,* eds. F. Dorsch and J. Dutant (Oxford: Oxford University Press, forthcoming).

[6] One exception is Gerken, "Warrant and Action," in which he challenges Keith DeRose's appeal to "secondary propriety" in defense of the knowledge norm of assertion, in "Assertion, Knowledge, and Context," *Philosophical Review* 111 (2002): 167-203. Gerken does not examine blameless norm violation in small children in detail. Rather, he is interested in this sort of case as a counterexample to DeRose.

of exculpatory defenses.[7] In this paper, I put forward a positive account of blameless norm violation in young children. I call it the "heuristic model."

The basic idea behind the heuristic model is that excusing young children should be understood as part of more general familiar practice. This is the practice of treating young children like adults. Perhaps the simplest example of this is when we speak to young children in sophisticated vocabularies, knowing that they do not understand everything we say, or even very much of it. I will argue that doing so respects their "prospective agency." It is a heuristic or method for training them into adult human agents. The idea behind the heuristic model is that appropriate exculpatory defenses of young children likewise respect their prospective agency.

1. Contrasting Cases

At one point, certain strong externalists – proponents of factive norms of belief, for example – responded to the New Evil Demon (NED) problem by arguing that, while the demon victim is not justified in believing that *p*, she is *blameless* for believing that *p*.[8] The aim is to account for what the victim does right, despite failing to comply with factive epistemic norms. One objection to the blamelessness maneuver is that it's too coarse-grained.[9] There are different cases of blameless belief. Some of them have little in common with the NED case. For this reason, calling the demon victim blameless does not say enough. More specifically, it fails to provide an adequate account of what the victim does right which agents in the other cases clearly do not. To illustrate, consider a couple of cases from the list above in more detail:

- **NED:** Dave is the victim of an evil demon who ensures that every empirical belief Dave forms is false, no matter how much evidence he has. Dave is the internal duplicate of an ordinary, epistemically blameless person. He continues to believe he has hands because it looks to him just like he has hands.

[7] This paper simply assumes for sake of argument that at least some form of factive epistemic norm is plausible, or worth defending.

[8] Duncan Pritchard, *Epistemological Disjunctivism* (Oxford: Oxford University Press, 2012), and Timothy Williamson, *Knowledge and Its Limits* (Oxford: Oxford University Press, 2000). For the classic discussion of the NED problem, see Stewart Cohen, "Justification and Truth," *Philosophical Studies* 46 (1984): 279-295.

[9] Declan Smithies, "Epistemological Disjunctivism," review of *Epistemological Disjunctivism,* by Duncan Pritchard (Oxford University Press, 2012), January 2nd, 2013, *Notre Dame Philosophical Reviews,* and B.J.C Madison, "Epistemological Disjunctivism and the New Evil Demon," *Acta Analytica* 29 (2014): 61-70.

- **STROKE:** Jim has recently suffered a severe stroke. His motor and cognitive skills have been severely impaired. In particular, his perception of ordinary objects has become highly unreliable. Whenever he is presented with a cup of coffee he mistakenly believes that it is bowl of soup.

Dave and Jim each violate factive norms of belief. So, according to proponents of factive norms of belief, they are not justified. But it seems they are blameless for believing what they do. It also seems clear that they are blameless in different ways. For that reason we need to say more about each case.

2. Justifications, Excuses, and Exemptions

In perhaps the most sophisticated available account of exculpatory defenses in epistemology, Clayton Littlejohn draws on Peter Strawson's[10] "trichotomous scheme." The basic idea is that there are three ways we ordinarily exculpate people:

- *Justifications*: We show that the agent has a sufficient reason for φ-ing.
- *Excuses*: We show that, while the agent does *not* have sufficient reason for φ-ing, they manifest a kind of rational excellence, or a kind of right concern for the relevant reasons, in φ-ing.
- *Exemptions*: We show that, while the agent does *not* have sufficient reason for φ-ing, the agent stands outside the realm of accountability in a general sort of way.

The basic difference between excuses and exemptions comes down to the capacities or excellences which excused agents manifest, and which exempt agents do not (indeed, cannot). It is crucial to note that explaining the appropriateness of excuse defenses in terms of rational excellence – or in other words, in terms of the agent's doing something commendable and positive – enables Littlejohn to respond to the worry that mere appeals to blamelessness do not do justice to what the NED victim does right, or well. By linking excuses to a kind of rational excellence, Littlejohn shows us how this sort of objection is misguided. Many of the commendable or positive things people feel inclined to say about NED victims are exactly the sort of thing Littlejohn claims explains why agents deserve an excuse (as opposed to an exemption, or a justification). As he puts it: "rationality is quite often a sign of *excuse,* not justification."[11] This feature of Littlejohn's approach will be important below.

[10] Peter Strawson, "Freedom and Resentment," *Proceedings of the British Academy* 48 (1952): 1-25.

[11] Littlejohn, "A Plea for Epistemic Excuses," 21.

For now, note that with the trichotomous scheme in mind, it looks like we can handle the variety of cases on the table. For example, it is natural to understand Dave as excused according to this way of thinking about excuses, and it is natural to understand Jim as exempt. Moreover, it seems we thereby account for these cases in a unified way. We exploit the relationship between two forms of exculpatory defenses familiar from ordinary life. As such, the framework provides a more fine-grained way of dealing with the NED problem.

3. The Case of Young Children

In this section I present another type of case and explain why I don't think we should understand it in terms of justifications, excuses, *or* exemptions. Consider the following:

- **JUNIOR:** Junior is a child of around 3 years old.[12] He looks at a basket where the apples are usually kept and sees what happens to be a very convincing fake apple. He forms the belief that there is an apple in the basket. There are no apples in the basket.

Junior violates factive norms of belief. So, according to proponents of factive norms of belief Junior is not justified in believing that there is an apple in the basket. But it is clear that he is blameless for believing that there is an apple in the basket. How, more specifically, should we understand Junior's blamelessness? Is Junior exempt from the realm of accountability in a general sort of way? Does Junior have an excuse for believing that there is an apple in the basket? Let me explain why I think neither of these exculpatory defenses appropriately applies to Junior.

Firstly, it is implausible that Junior deserves an exemption. The point can be made in terms of training. Because the epistemic community has an interest in training Junior to be a dependable member – a provider of actionable information, for example – it is implausible to employ the concept of an exemption to explain Junior's blamelessness. This is because doing so is at odds with Junior's *prospects* as an epistemic agent. The notion of exemption places agents outside the realm of accountability in a general, or global sort of way. Were Junior's trainers to think of him as exempt, it would be difficult to make sense of their motivation to train him.

More controversial is the idea that Junior does not deserve an excuse. But recall that, in contrast with exemptions, excuses are often appropriate when

[12] There is a lot to consider in terms of exactly how young Junior needs to be. I am bracketing these details for the sake of getting a very general idea across.

agents manifest a kind of excellence in their rational capacities. That is, excuses are often appropriate when the agent manifests the right kind of concern for the relevant sorts of reasons. To be sure, it seems true that small children have at least some kind of rational capacity, and that Junior manifests this capacity when he forms the belief that there is an apple in the basket. Moreover, it can sound natural to say that a young child, in a given circumstance, "deserves an excuse" (even epistemically speaking). However, if we keep in mind Littlejohn's restricted understanding of the connection between excuses and rational excellence, it is not obvious that excuses are the appropriate notion to appeal to in order to explain blameless norm violation in young children. Again, the point can be put in terms of training. Junior is still in the process of becoming an epistemically responsible agent. If Junior is fortunate enough to belong to an epistemically responsible community, his parents or guardians or teachers will be in the process of epistemically training Junior. They will be in the process of inculcating the habits characteristic of responsible inquiry, for example. In other words, when Junior goes wrong in a blameless way, there is an awkward tension involved in explaining this in terms of excuse. More precisely, there is a tension in explaining this with the restricted notion used to defend strong forms of externalism about epistemic justification (in the context of the NED problem, for example).

It may be tempting, then, to suggest that this simply problematizes the restricted notion of excuse. However, it is worth pointing out a couple of things in response. Firstly, the role that the restricted notion plays in recent defenses of strong forms of externalism should not be underestimated. For many, it is a linchpin in the approach to dealing with more traditional worries about blameless norm violation.[13] Secondly, at least one way of appealing to a *less* restricted notion of excuse won't help with this case, either. What I have in mind is the following. Perhaps Junior deserves an excuse for believing that there is an apple in the basket *because* he is a child. The idea might be that he is excused for violating the norm of belief in this case, not because he manifests some kind of rational excellence, but rather because, as a child, laxer standards determine whether he is blameworthy for doing so. It may sound natural, but this idea is misleading for a couple of reasons. First, and most importantly, it misses the point of the case. The case is designed such that even an adult would be blameless for thinking there is

[13] Littlejohn, "A Plea for Epistemic Excuses," and Timothy Williamson, "Justifications, Excuses, and Sceptical Scenarios," in *The New Evil Demon,* eds. Fabian Dorsch and Julien Dutant (Oxford: Oxford University Press, forthcoming). For a different, but very closely related idea, see Duncan Pritchard, "Shadowlands," in *The New Evil Demon,* eds. Fabian Dorsch and Julien Dutant (Oxford: Oxford University Press, forthcoming).

an apple in the basket. Second, it would be a mistake to excuse Junior by appealing to the fact that he is a child because this undermines the idea that he needs an excuse in the first place. It effectively explains his blamelessness in terms of a lack of responsibility. This strikes me as equivalent to *exempting* Junior. And we have already seen why that is inappropriate.

4. Prospective Agency and The Heuristic Model

Regardless of whether or not there is some sense in which it is correct to *excuse* Junior, a more nuanced account of exculpatory defenses of young children is in order. That is to say, we need an account that differentiates Junior's blamelessness from, say, Jim's blamelessness in STROKE *and* Dave's blamelessness in NED. It does not really matter for my purposes whether what follows is about a particular kind of excuse, or some other normative notion altogether. Whatever we call it, what matters is that the terms in our theory capture the full range of normative phenomena.

How should we understand Junior's blamelessness? I suggest that we draw on a familiar practice. To wit, we often treat small children as though they are adults. Perhaps the clearest example of this is when we talk to them in full-blown vocabularies, even when we know they do not understand everything we say. There are other intuitive examples, such as when we take children to places and events they couldn't possibly understand (like museums, or concerts). This practice extends to punishment, which in turn interacts in interesting and complex ways with blame-responses. We punish young children, but we do not hold them morally responsible (at least not in the way we hold adults responsible). Importantly, however, the punishment of young children is not simply a kind of Pavlovian conditioning. It has genuine moral significance. Indeed, I suggest that one way of thinking about the relationship between punishment and blame-responses towards young children is the following. We treat young children as "prospective agents." We hold them responsible as a kind of heuristic or method aimed at turning them into adult moral agents. I won't defend the empirical adequacy of this claim. I think it is a familiar enough idea for present purposes. My aim is to put it on the table as a way of thinking about our issue in epistemology.

The idea is that we can extend this understanding of the relationship between punishment and moral blame-responses: young children are also prospective *epistemic* agents. We hold them epistemically responsible as a kind of heuristic or method aimed at turning them into adult human epistemic agents. What is important for present purposes is that the concept of an epistemic excuse

(in its useful restricted sense) does not appropriately apply to young children in this picture. This is because excuses (in the useful restricted sense) apply to agents who violate norms but nevertheless manifest a kind of rational excellence that prospective agents do not have. So, to fit with our modified notion of responsibility, we need a modified exculpatory concept. We need the heuristic model of exculpatory defense. To put it one way, we can understand blameless epistemic norm violation in small children in terms of the notion of a "proto-excuse."[14] To return to JUNIOR, the basic idea is this. When Junior mistakenly believes that there is an apple in the basket, he violates factive norms of belief. According to supporters of factive norms, he is not justified in believing that there is an apple in the basket. But Junior is blameless. He deserves a proto-excuse. This is *not* something that Junior enjoys in virtue of manifesting any sort of full-blown rational excellence; nor does it place him outside of the realm of accountability altogether. It is a kind of exculpatory defense that reflects the practice of treating Junior as prospective agent.

It may look like I am splitting hairs. So let me emphasize why this issue is important. For starters, there is potential here to make trouble for Littlejohn. And since his theory of epistemic excuses is the most sophisticated one on the market, that is already interesting. But the potential issue for Littlejohn is of secondary importance. Part of the reason for this is that it is not clear to me whether my proposal is in tension with Littlejohn's framework. Indeed, if there is a dispute between us, it may be terminological; or perhaps the heuristic model simply compliments Littlejohn's framework. Taking the latter approach, we might add to his framework in the following sort of way. We can list our categories of exculpatory defenses in a kind of descending order, where justifications imply the most robust type of blamelessness – a type that implies the fullest sort of responsible action/attitude – and exemptions imply the least robust type of blamelessness – a type that implies the thinnest sort of responsible action/attitude (indeed, the kind that is *merely* blameless).

- Justifications
- Excuses

[14] I am not sure what the ordinary language term for the phenomenon I am targeting is. It seems likely to me that it's simply "excuse." This is fine for present purposes. It is widely acknowledged that excuses are a highly heterogeneous normative category (and thus "excuse" may even have a different meaning in different contexts). The name "proto-excuse," on the present proposal, can simply be understood as a way of marking, for theoretical purposes, an important difference in kind between the restricted notion that, say, strong externalists are interested in, and what should be granted to Junior.

- Proto-excuses
- Exemptions

In any case, what does matter, as I have suggested, is that our theory of exculpatory defenses accounts for the full-range of (relevant) normative phenomena. Whatever the best theory of exculpatory defenses in epistemology is, it should incorporate the heuristic model. An adequate understanding of blameless norm violation in young children ought to properly reflect our practice of treating young children as prospective agents.

Another point is the significance of young children in another debate. Recently, some writers[15] have pointed out that cases of knowledge by testimony in small children do not seem to involve the kind of *credit* that certain prominent theories require for knowledge – namely, reliabilist virtue epistemology.[16] In this context, the "special" case of young children has enormous consequences. Indeed, mainstream epistemology is just starting to scratch the surface of the epistemically interesting *social* side of knowledge and justification. For example, the point about small children in the testimony debate is really a point about the (admittedly controversial) notion of "knowledge transmission."[17] If it occurs at all, knowledge transmission is an epistemically interesting phenomenon that extends beyond exchanges between adults and children. It seems to me that the case of young children in the present context is likewise just one example of a more general social-epistemic phenomenon. Prospective agency may be a pervasive, and perhaps even fluid or contextual phenomenon. For example, people recovering from serious cognitive impairments might be another important kind of case. If so, then prospective agency is a much wider phenomenon than I have space to explore here.

Conclusion

I have focused on the case of blameless norm violation in young children and argued that it places important constraints on our understanding of exculpatory defenses in epistemology. In particular, I have argued that it sits uncomfortably between excuses and exemptions as these appear in the most sophisticated epistemological work on this subject. To return to my brief slogan: excuses imply

[15] Jennifer Lackey, "Norms of Assertion," *Noûs* 41 (2007): 594-626.

[16] John Greco, *Achieving Knowledge* (Cambridge: Cambridge University Press, 2010), and Ernest Sosa, *Knowing Full Well* (Princeton: Princeton University Press, 2011).

[17] John Greco, "Testimonial Knowledge and the Flow of Information," in *Epistemic Evaluation,* eds. David Henderson and John Greco (Oxford: Oxford University Press, forthcoming).

too much responsibility, while exemptions imply too little. The heuristic model addresses this worry. I have left it open whether we should think of the foregoing as a problem for our most sophisticated understanding of exculpatory defenses in epistemology, or merely as a way of adding a further dimension to it. On a more general note, an exciting upshot has emerged. Getting clearer on blameless norm violation in young children forces us to get clearer on our understanding of the relationship between adults and children in epistemic communities, and the social nature of epistemic responsibility. And that is surely a project worth pursuing.[18]

[18] Thanks to Harmen Ghijsen and Lani Watson for helpful discussion on earlier drafts of this paper.