**Ignorance, Revision, and Commonsense**

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Sometimes someone does something morally wrong in clear-eyed awareness that what she is doing is wrong.[[1]](#footnote-1) Call this clear-eyed wrongful conduct. With conduct taken to include both agents’ actions and their omissions to act, clear-eyed wrongful conduct includes some instances of wrongful action and some episodes of wrongful omission. But such instances are relatively rare.

 More commonly, a wrongdoer fails to see that her conduct is wrong. She might be unaware of wrong-making features of, or facts about, her conduct; or, despite awareness of things that in fact make her conduct wrong, she might fail to see that they do so.[[2]](#footnote-2) The agent might lack any belief about the rightness or wrongness of what she does, or she might mistakenly believe that her conduct is morally permitted or even required.[[3]](#footnote-3)

 In all of these cases, the agent is ignorant of the wrongness of what she does. When that ignorance is part of what explains why she does what she does, the agent may be said to behave *out of* or *from* ignorance.[[4]](#footnote-4) I’ll call such behavior *unwitting wrongful conduct*.[[5]](#footnote-5)

 Ignorance of the wrongness of what one does can excuse one from blameworthiness for one’s misdeed. All the same, it is generally accepted that an agent can be blameworthy for unwitting wrongful conduct. But there is considerable disagreement about how one’s blameworthiness in such cases is to be explained, or what conditions must be satisfied for the agent to be blameworthy for her conduct.

 Many theorists hold that an agent’s blameworthiness for unwitting wrongful conduct must stem from—or trace back to—her blameworthiness for something else. And appeals to tracing in these cases lead some writers to a highly revisionist view, on which people are blameworthy for wrongdoing much less often than we ordinarily think (and our mistake, unfortunately, isn’t about how much wrongdoing there is).

 In this chapter, I’ll set out the main claims of an argument for such a view and develop a response to the argument. I’ll offer grounds for retaining a good many of the judgments that the revisionist would have us reject. The defense rests to a significant extent on commonsense views about the psychological capacities and abilities to act that people ordinarily possess, views that, as far as I can tell, revisionists have not shown to be mistaken.

1. *Revision*

Imagine a clinician who transfuses blood incompatible with her patient’s blood type.[[6]](#footnote-6) The patient’s chart and the label on the blood, both easily available to the clinician, together plainly show the incompatibility. But the clinician doesn’t see this information, and she is unaware of the mismatch. The patient is unjustifiably harmed by the transfusion. Is the clinician to blame for her wrongful action?

 Of course, the answer depends on further details of the case. One might think that it depends on, among other things, whether the clinician is blameworthy for her ignorance of the wrongness of her conduct, which, we may imagine, is due to her ignorance of the incompatibility of the blood.

 The road to a revisionist view begins with a widely accepted general principle that grounds this thought:

(BI) An agent is blameworthy for unwitting wrongful conduct only if she is blameworthy for her ignorance.[[7]](#footnote-7)

The ignorance at issue is ignorance of the wrongness of one’s conduct.

 Theorists who advance BI usually hold that blameworthiness for the ignorance is *required* because blameworthiness for the wrongful conduct must *stem from* or *trace back to* blameworthiness for the ignorance.[[8]](#footnote-8) Thus, they usually endorse

(BTI) Blameworthiness for unwitting wrongful conduct must trace back to blameworthiness for one’s ignorance.

 It is common to draw a distinction between *direct* and *indirect* blameworthiness. Direct blameworthiness for something is blameworthiness for that thing that doesn’t trace back to blameworthiness for something else. Indirect blameworthiness does trace back to blameworthiness for something else.[[9]](#footnote-9) It derives from, or stems from, that prior blameworthiness. A proponent of BTI, then, holds that blameworthiness for unwitting wrongful conduct cannot be direct.

 Underlying this last claim is one concerning direct blameworthiness for wrongful conduct:

(DA) Direct blameworthiness for wrongful conduct requires awareness of the wrongness of that conduct.

DA is usually held by proponents of the argument to be what explains BTI and thus BI.

 When one is ignorant of the wrongness of one’s conduct, how might one be blameworthy for that ignorance? The argument for revision holds that blameworthiness for ignorance must, in turn, be indirect. It must trace back to blameworthiness for something else. Assuming that this is so, what might this something else be?

 Indirect blameworthiness can trace back to indirect blameworthiness. However, it is commonly thought that it must eventually trace back to direct blameworthiness.[[10]](#footnote-10) Consider, then, what might be the source or *base* of one’s blameworthiness for one’s ignorance of wrongdoing, something for which one is directly blameworthy, and from one’s blameworthiness for which might stem one’s blameworthiness for that ignorance. The argument for revision claims that blameworthiness for ignorance must eventually trace back to blameworthiness for prior wrongful action or omission from which the ignorance results.

 Proponents of the argument see this last claim as following from a more general principle concerning direct blameworthiness:

(DB) We can be directly blameworthy only for actions or omissions to act.

Given DB, and supposing that indirect blameworthiness must eventually trace back to direct blameworthiness, whenever someone is indirectly blameworthy for something, the agent’s blameworthiness for that thing traces back to her blameworthiness for some action or omission of hers.

 Imagine the transfusion case as follows. It is required clinical practice for a clinician, before transfusing blood, to make a final check of both the patient’s chart and the label on the blood to ensure that the blood is a match. The clinician knows that this is so. But she decides on this occasion not to bother following the practice. Had she done so, she would have discovered that the blood was a mismatch, and she would then have refrained from transfusing it.

 The clinician’s decision is a wrongful action she takes, a result of which is her subsequent ignorance of the wrongness of a later action. The wrongful decision has the effect of keeping her in the dark—in this case, about the fact that her subsequent behavior will have a certain wrong-making feature. Wrongful omissions can do the same. (If the clinician simply hadn’t thought to make the final check, her omission to do so might be what left her in the dark.) I’ll call wrongful actions or omissions that give rise to ignorance of the wrongness of subsequent actions *benighting conduct*.[[11]](#footnote-11) A proponent of the argument holds that blameworthiness for one’s ignorance of the wrongness of one’s conduct must trace back to blameworthiness for prior benighting conduct.

 Of course, for this to be so, one must be blameworthy for the benighting conduct. To simplify matters, we’ll suppose that the benighting conduct in question is the base of the agent’s blameworthiness for the resulting ignorance. For this to be so, she must be directly blameworthy for this benighting conduct.

 Benighting conduct is *wrongful* action or omission that keeps (or puts) one in the dark. But wrongness doesn’t suffice for an agent’s blameworthiness. (If it did, there would never be an excuse for unwitting wrongful conduct.) What more must characterize the benighting conduct if the agent is to be directly blameworthy for it? Given DA, direct blameworthiness for benighting conduct will require awareness of the wrongness of that conduct.

 Suppose that when the clinician decides not to conduct the last-minute check, she’s aware that her decision is wrong. She might then be directly blameworthy for making that decision. Her ignorance of the wrongness of her subsequent conduct, when she transfuses the incompatible blood, results from this prior benighting conduct for which she is blameworthy. Still, how can her blameworthiness for the decision spread, so to speak, to her subsequent ignorance, such that she is also blameworthy for that ignorance? After all, we are not blameworthy for all that results from our blameworthy deeds.

 The argument now imposes a final requirement, one that concerns the tracing of blame rather than its base. We can call the required connection the *bridge*. The requirement holds that the extension of blameworthiness in such a case requires foresight or awareness. In our case, it is held, the clinician must have been aware, when she decided not to conduct the check, that her so deciding risked giving rise to later ignorance on her part of the wrongness of her subsequent conduct.

 The argument has led us to the following position. Although we can be blameworthy for unwitting wrongful conduct, the base of our blameworthiness in such cases is always wrongful conduct accompanied by awareness of its wrongness. As we observed at the start, such clear-eyed wrongdoing is relatively rare. And it seems evident that few instances of our unwitting wrongful conduct have the required clear-eyed benighting conduct, at the time of which there was awareness of the risk of the subsequent ignorance, in their etiology. (Our supposition that the clinician was aware that her decision to forego the final check was wrong is the supposition of something that is in fact uncommon; and even when the required base is present, the required bridge between this base and the subsequent ignorance might be lacking.) It is rare, then, that someone is blameworthy for unwitting wrongful conduct. Cases of this sort are much less common than we tend to think. Many of our attributions of blameworthiness are mistaken. A corrected view of things requires substantial revision of our commonsense view.[[12]](#footnote-12)

1. *Responses*

One claim in the argument for revision that can be challenged is its bridge requirement. It might be contended that blameworthiness for ignorance can trace back to blameworthiness for benighting conduct even if the agent wasn’t aware, at the time of that prior conduct, that it risked resulting in the subsequent ignorance, as long as it was reasonable to expect her to have been aware then of that risk.[[13]](#footnote-13) If this contention is correct, then somewhat less revision is required of our views about when people are blameworthy for wrongdoing, for this weaker bridge requirement will be more often satisfied.

 But of course this change is not much help. For the main problem posed by the argument for revision concerns the scarcity of bases for blameworthiness for unwitting wrongful conduct. It is not that often, when one engages in benighting conduct, that one is aware of the wrongness of what one is doing. For there is little clear-eyed wrongdoing.

 To make a serious dent in the case for revision, then, one must challenge some earlier claim in the argument. A variety of such challenges can and have been advanced. Several reject DB, the claim that we can be directly blameworthy only for actions or omissions. It has been said that we can be directly blameworthy for objectionable non-voluntary attitudes, such as bad desires (or for objectionable configurations of such attitudes),[[14]](#footnote-14) for epistemic or moral vices,[[15]](#footnote-15) or for beliefs of certain kinds.[[16]](#footnote-16) I find DB rather plausible, and the challenge I present leaves this claim in place.

The view I’ll advance rejects DA, and with it BTI (and perhaps BI as well). Blameworthiness for unwitting wrongful conduct, I’ll argue, need not trace back to blameworthiness for one’s ignorance. One can be directly blameworthy for such conduct. Indeed, perhaps one can be blameworthy for behaving from ignorance even if one isn’t blameworthy for that ignorance.

The argument to follow doesn’t deal with all of the cases that might be caught up in the revisionist’s net.[[17]](#footnote-17) But if successful it leaves in place a great many plausible judgments of blameworthiness.

 I’ll first offer some examples, cases in which, as I see it, we may reasonably judge that an agent is blameworthy for unwitting wrongful conduct even if there is no prior benighting conduct for which she is blameworthy. I’ll then propose an explanation of how agents in these cases can be directly blameworthy for the conduct in question. The proposal includes the identification of conditions satisfied by these agents which, I submit, may plausibly be said to suffice for direct blameworthiness.[[18]](#footnote-18) Finally, I’ll turn to objections that might be raised to this line of response.

1. *Some Examples*

Unwitting wrongful conduct sometimes results from a failure to notice some important feature of one’s surroundings. Consider: Ann is driving to a friend’s house when she collides in an intersection with another car, killing one of its passengers. Ann has run a stop sign. She didn’t see it. She wasn’t intoxicated and she wasn’t speeding. But she hadn’t driven this route before. And although she was watching the road, she was also thinking about her work; indeed, she had just realized how to solve a problem that had been bothering her for days. Her attention to her driving had dropped below where it ought to have been.

 Ann might be blameworthy for the death of the passenger. If she is, for what is she directly blameworthy? Some candidates: the act of driving through the stop sign, the omission to stop, or a failure to maintain a level of attention or vigilance sufficient to ensure safe driving.[[19]](#footnote-19) Each of these is wrongful conduct,[[20]](#footnote-20) and each is unwitting; Ann isn’t aware that she’s wrongly doing any of these things. If Ann is directly blameworthy for any of them, then DA and BTI are mistaken.

 Note that Ann’s case is importantly different from that of a truck driver who, through no fault of his own, hits and kills a child who runs into the street (Williams 1981: 28). The truck driver was driving legally; Ann violated traffic law. There is nothing the truck driver could reasonably have been expected to do that would have prevented his accident. We reasonably expect Ann, when she drives, to remain sufficiently attentive to her driving, to see stop signs, and to stop at them. She could and should have done these things on this occasion.[[21]](#footnote-21) Ann’s case, unlike that of the truck driver, isn’t one in which an agent is merely unlucky and not at fault.

 A second source of ignorance of wrongdoing is failure to think of relevant information that one possesses. Consider: Bob is watching TV when his eight-year-old son walks up. The boy often accompanies Bob on walks with their dog, and he asks to take the dog out himself. Pausing the show, Bob asks where, and satisfied with the answer (and pleased to see the boy take initiative), he reminds his son to pick up after the dog. During the walk, the dog lunges aggressively at a neighbor’s dog and escapes the boy’s grasp. He badly bites both the neighbor and her dog. He had behaved aggressively toward other dogs several times before, but Bob hadn’t thought of this fact when he considered the boy’s request.

 If Bob is to blame for the injuries to his neighbor and her dog, for what might he be directly blameworthy? Perhaps for giving his son permission to take their dog, or deciding to give that permission. Or perhaps for omitting to think more—to actively inquire further—about the matter before deciding, or omitting to ask himself, while considering the matter, a certain question, such as whether the boy could handle the dog if he became aggressive. (Perhaps, given the precedents, Bob had a duty to ask himself this specific question.) Since Bob didn’t realize that any of these actions or omissions were wrong, if he is directly blameworthy for any of them, then he is blameworthy for unwitting wrongful conduct, without his blameworthiness stemming from blameworthiness for the ignorance from which his conduct arises. Again, DA and BTI will be shown to be incorrect.

 A third source of ignorance is forgetting to do something that one has an intention to do. Consider: as she often does, one morning Carol cooks breakfast on a hot plate. After finishing her meal, she leaves for work. Despite her standing intention always to turn off the hot plate after using it, on the day in question Ann forgets to do so. The hot plate ignites a fire that destroys the apartment, including the furnishings, clothing, and computers owned by Carol’s roommates. They are upset about their losses, and they blame Carol. She is generally considerate of their interests, she isn’t a careless person, and she isn’t generally forgetful. But on the occasion in question, there’s no unusual circumstance—Carol received no emergency call requiring her hasty departure, she had had no recent traumatic experience—that excuses her failure. If she is directly blameworthy for failing to turn off the hot plate, or for failing to ask herself before leaving whether she’s forgetting anything, then, again, DA and BTI are mistaken.

1. *Two Conditions*

I don’t rest my argument on such examples. The weight rests largely on the identification of certain psychological capacities and abilities to act that, we commonly think, adult human agents ordinarily have. Unless these commonsense attributions are systematically mistaken, we have what I think are good grounds for finding agents in many cases of unwitting wrongful conduct to be blameworthy. Given their possession of these capacities and abilities, it was reasonable to expect them to have realized that their conduct was wrong, and they were able to avoid it. They then satisfy conditions that plausibly suffice for direct blameworthiness for wrongful conduct despite lacking awareness of its wrongness. And if this is so, then they can be blameworthy for that conduct even if their blameworthiness doesn’t trace back to blameworthiness for their ignorance.

 First, a bit of stage setting. I’ll take it that when one is blameworthy for something, one is responsible for it. Moral blameworthiness, as I’m concerned with it here, is a mode of moral responsibility. Requirements for direct responsibility, then, will be included in those for direct blameworthiness.

 It is standard to identify two conditions for direct responsibility: a control condition and a cognitive condition.[[22]](#footnote-22) The two conditions need not be seen as independent of each other. Indeed, on some accounts of responsibility, the control condition encompasses a cognitive condition.[[23]](#footnote-23) This will be so on the view I’ll suggest; having had an ability to do something, when one didn’t even think to do it, will require having been capable of thinking to do it. But the cognitive condition for blameworthiness will require something further: a capacity to realize that one’s conduct was wrong.

 The control condition is often thought to require some kind of freedom with respect to the thing for which one is responsible. In the case of action, it might require that one freely performed the action. In the case of omission, it might require that one was free to perform the omitted action.

 The cognitive condition for responsibility is generally taken to concern awareness of what one is doing; for blameworthiness, it is generally taken to concern awareness of the moral significance of one’s conduct. On one version, what is required for direct blameworthiness is actual awareness of the moral significance of the conduct. An alternative doesn’t require such actual awareness but holds that, if one wasn’t aware of the conduct’s moral significance, then it must be that one could reasonably have been expected to be aware of that significance.

 Part of my aim here is to argue that the latter alternative is sufficiently strong. (If this point is correct, then a similar condition, stated in terms of reasonable expectation of awareness, gives us a plausible version of the bridge requirement.)

 It bears noting, further, that many theorists hold that there is a requirement of moral competence for responsibility.[[24]](#footnote-24) To be morally responsible, they say, an agent must be able to recognize and respond to specifically moral reasons. The control and cognitive conditions might be understood as encompassing such a requirement. The latter can be said to require a capacity to recognize the moral significance of considerations bearing on one’s conduct; the former can be said to require an ability to act in light of one’s recognition of that significance. To sidestep disputes about whether the conditions must be understood in this way, I’ll assume that all the agents I discuss satisfy any plausible moral competence requirement.

 In the next two sections, I articulate a cognitive condition with respect to the wrongness of one’s conduct and a control condition with respect to acting or omitting to act, both of which can be satisfied in a case of unwitting wrongful conduct. It is my proposal that in satisfying these conditions, an agent can be blameworthy for that conduct with no need for that blameworthiness to trace back to blameworthiness for any prior things. She can be directly blameworthy for her unwitting wrongful conduct.

1. *Psychological Capacities*

Adult human agents have a variety of psychological capacities that play important roles in our agency. Some are capacities to do things that are in a plain sense active: to turn one’s attention to, or maintain attention on, some matter; to raise a question in one’s mind or pursue some line of inquiry; to make a decision about whether to do this or that. Others, though capacities to do things, aren’t capacities whose exercise consists in intentional action. These include capacities to remember, to think of relevant considerations, to notice features of one’s situation and appreciate their normative significance, to think at appropriate times to do things that need doing. Capacities of this latter sort aren’t mere possibilities of things happening to us. They are mental powers of ours, powers of perception, recognition, and thought. Their exercises are our doings, and failures to exercise them, when we have them, are our failures to do things we are capable of doing. It is capacities of this sort that are my focus in this section.

 It is a bit of commonsense that on many occasions we have psychological capacities that we aren’t, on the occasions in question, manifesting. One might be capable of remembering something that one doesn’t in fact remember, capable of noticing something that one fails to notice, capable of thinking of some consideration that one doesn’t in fact think of, capable of thinking to do something that one doesn’t in fact think to do. Setting aside general skepticism about unexercised capacities, there can be special reasons to doubt the attribution of them in individual cases. But absent such special reasons, we reasonably take human agents often to have them.

 It is a further bit of commonsense that we differ one from another with respect to the extent and strength of our psychological capacities of these kinds, and an individual’s capacities vary over time. And now, as a normative matter, what one can reasonably be expected to notice, think of, or remember on some occasion depends, in crucial part, on the extent and strength of the psychological capacities one possesses then.

 Further, we expect people with ordinary capacities to think well in a variety of situations, but not in every kind, and it is reasonable to place limits on our (normative) expectations. Situational factors sometimes prevent the manifestation of psychological capacities without diminishing or eliminating them, and sometimes we count such factors as excusing conduct arising from these failures.

 Ann might have lacked a capacity to notice a stop sign if she had just suffered a stroke. She might have lacked a capacity to notice that sign then if the sign had been obscured by an overgrown shrub. She might have had the capacity but be excused for omitting to stop after failing to notice it if a meteorite had exploded in front of her just as she approached the intersection; perhaps it is not reasonable to expect people to keep their attention focused on driving in such extreme circumstances.

 But in the absence of any such circumstance, an agent’s failure to notice, think of, or remember something that she was capable of noticing, thinking of, or remembering can be faulty. Presumably there will be some explanation for any such failure. But explanations don’t always incapacitate or otherwise exculpate. “Caused not to” doesn’t imply “prevented” or “excused.” Suggestions, incentives, and attractions can cause someone not to do something without rendering them incapable of doing it or excusing conduct arising from their not doing it.

 In a case in which an agent ought to have done a certain thing but didn’t see the need to do it, she might have had a capacity to see the need to do it, and there might be no unusual circumstance that prevented her from manifesting that capacity and excuses the failure to act arising from her failure to see the need. Capable of seeing the need to do the thing in question, the agent is capable of realizing that not doing it is wrong. It may then have been reasonable to expect her to realize that her conduct was wrong, for she could have and, given her obligation to do the thing in question, should have realized this fact, given the circumstances.

1. *Abilities to Act*

As we commonly attribute various psychological capacities to human agents, so we commonly attribute abilities to perform various actions, including abilities that aren’t in fact exercised. Again, setting aside general skepticism about unexercised abilities to act, barring special reasons for doubt in individual cases it is reasonable to trust our commonsense attributions.

 We may suppose, then, that Ann was able to stop at the stop sign. She didn’t notice it, but she could have noticed it, for she was able to keep her attention on driving sufficiently elevated that she would notice such things.

 Shifting attention from one thing to another is something that we do at will. Maintaining attention is, at least often, similarly intentional activity. Consider your effortful maintenance of attention during a colloquium talk when the room is warm and you’re sleepy. Like other continued activity, the continued maintenance of a high level of attention is fatiguing; one is mentally tired after a long drive. Omitting to maintain attention is thus omission to act in a certain way. As we are commonly able to perform actions that we don’t in fact perform, so often when we don’t keep our attention on something we are able to do so.

 Thus, it may well be that Ann had an unexercised ability to maintain sufficient attention on driving that she would notice traffic signs directed at her. She may have been free to do so and as a result free, as well, to stop at the stop sign.

 Bob, we may imagine, was able to tell his son not to take the dog out alone. He was free to do so, and free as well in granting permission as he did.

 One might doubt these claims, for one might note that Bob didn’t think of sufficient reason to deny the permission; in particular, he didn’t think of the past occasions on which the dog had behaved aggressively. But, as observed in the preceding section, in an ordinary case of this sort, it may well be that the agent could have thought of this consideration.

 First, he may have had a capacity to think of this consideration even without making any further active efforts in his deliberations. As we may imagine, relevant considerations commonly occur to Bob during his deliberations, typically without his having to make any great effort to think of them. He didn’t manifest a capacity to think of this consideration on this occasion, and presumably something explains that failure of thought; but, again, an explanation for not doing something doesn’t typically imply that one wasn’t capable of doing it.

 Second, Bob may have been able to make further deliberative efforts, to think longer before deciding or to ask himself whether the boy could handle the dog alone. Agents ordinarily have such abilities when they deliberate. And nothing about the case gives us special reason to think that Bob lacked them. Having these abilities to act, Bob may have been able to perform actions that would have brought it about that he thought of the consideration in question.

 Carol, we may imagine, was able to turn off the hot plate. She was free to do so, and free as well in leaving the apartment, as it happened, despite the fact that she hadn’t turned off the hot plate.

 Again, one might doubt these claims, for it didn’t occur to Carol to turn off the hot plate. But again we may suppose that she could have thought to do so. She had, we may imagine, a capacity to remember, without making any effort of recall, to do this after she has used the hot plate. She routinely manifests this capacity; on the day in question she didn’t. But a failure to manifest a capacity doesn’t entail a lack of that capacity. Further, Carol had, we may imagine, an ability to ask herself before leaving whether she was forgetting to do anything that she needed to do, and to thereby bring it about that she remembered to turn off the hot plate. Agents commonly have such capacities and abilities, and the mere fact that Carol didn’t manifest them is no reason to think that in this case she lacked them.

 If these agents were able to do these things that they omitted to do, then they were free to do them.[[25]](#footnote-25) And being able to do these things they didn’t do, in the absence of special reasons for doubt in these cases, we may presume that the agents freely performed the actions they performed. Further, if they were capable of noticing, thinking of, or remembering the things they failed to notice, think of, or remember, and if no extreme circumstance prevented their manifesting these capacities, then it was reasonable to expect the agents to notice, think of, or remember these things. They could have and, given the obligations they had in these situations, should have noticed, thought of, or remembered these things. And capable of realizing the need to do things they omitted to do, Ann, Bob, and Carol were capable of realizing that their conduct was wrong. Since no extreme circumstances prevented their manifesting these capacities, it was reasonable to expect them to realize this fact.

 If it was reasonable to expect these agents to be aware that their conduct was wrong, and if they were free to do otherwise, what is their excuse? My suggestion is that they have none. They satisfy conditions that suffice for direct blameworthiness for their conduct.

 A proponent of the revisionist view might respond that what excuses these agents is simply their lack of actual awareness of the wrongness of their conduct. But given their satisfaction of the conditions I’ve identified, some argument is needed to support the assertion that this further condition is required.

1. *Should Have Realized*

Ann should have noticed the stop sign. If her attention to her driving had fallen dangerously low, she should have elevated it. If she didn’t realize the need to do so, she should have.

 Failures to notice, think of, or remember something sometimes result from failures to carry out what might be called “procedural epistemic obligations” (Rosen 2004: 310). These are “obligations to do (or refrain from doing) certain things: to ask certain questions, to take careful notes, to stop and think, to focus one’s attention in a certain direction, etc.” (310). The “doings” here are actions of one sort or another.

 Ann’s failure to keep her attention on her driving is a failure to fulfill a procedural obligation of this sort. But her failure to realize the need to keep her attention elevated isn’t. Nor, it seems, need she have been under any procedural obligation to act (or omit action) earlier such that her prior action (or omission to act) would have ensured that she would, on this occasion, realize this need. Her failure is faulty, but it is not itself the violation of an obligation and need not have resulted from any such violation.

 Generally, one shouldn’t hate one’s enemies or envy one’s rivals, and sometimes one should care more than one does for a certain thing. Although “should” and “shouldn’t” in these cases don’t express obligations to act or omit to act, the shortcomings may be moral faults.

 We have moral faults of a similar kind, I think, in the examples of blameworthiness for unwitting wrongdoing that I have examined. Ann’s failure to realize the need to elevate her attention, Bob’s failure to think of the previous aggressive behavior by his dog (or perhaps his failure to realize the need to inquire further before deciding), and Carol’s failure to remember to turn off the hot plate (or perhaps her failure to realize the need to ask herself, before leaving, whether there was anything she was forgetting to do) are faulty, and morally so, given the capacities and circumstances of these agents. But none of these failures are omissions to act, and these agents may have been under no obligations earlier to act or omit to act such that these failures would have been prevented.[[26]](#footnote-26)

 It may then be that the agents aren’t blameworthy for them. If that is so, then BI, too, is mistaken. For these agents are blameworthy for conduct arising from ignorance of its wrongness but not blameworthy for that ignorance. Ann, for example, might be blameworthy for failing to maintain a sufficient level of attention, despite her ignorance of the wrongness of that failure, and despite the fact that she isn’t blameworthy for that ignorance.

1. *Quality of Will*

Responses to the revisionist argument often focus on agents who have vices, or bad desires, or are lacking in concern for others, and whose objectionable traits or attitudes explain their ignorance.[[27]](#footnote-27) Such a focus sits well with a view that in blaming agents we are responding to what we take to be ill will or indifference manifested in their conduct.

 The emphasis on quality of will finds support in P. F. Strawson’s influential “Freedom and Resentment” (2003). As Strawson noted, often when we blame someone, we take toward that person an attitude of resentment or indignation. These “reactive attitudes,” he observed, reflect a demand that we place on each other, a demand that we manifest goodwill, or at least refrain from manifesting ill will or indifference. If there is no ill will or indifference manifested, then, it might be thought, no resentment or indignation is fitting. And if no resentment or indignation is fitting, it might be argued, no blame is merited.[[28]](#footnote-28)

 Although Ann, Bob, and Carol might have some shortcomings, as I’ve portrayed them there’s no reason to think that their wills are especially bad. Still, in an important respect, all three agents fail to meet the Strawsonian demand. Though their cares, concerns, and values might be good enough, they fail to express goodwill on the occasions in question in doing things that they ought to do. Ann doesn’t manifest goodwill in maintaining sufficient attention on her driving and stopping at the stop sign; Bob doesn’t manifest goodwill (toward his neighbors) in denying, as he should, his son’s request; Carol doesn’t manifest goodwill in turning off the hot plate. Even if they have proper regard for others, they don’t perform these required actions that would express it.

 Though resentment might not be fitting, anger doesn’t seem out of place in these cases. The anger, insofar as it is warranted, wouldn’t be a response to ill will or indifference, but to a failure to manifest concern for others in one’s actions, when one could reasonably be expected to realize that one’s conduct was wrong, and when one had the ability to do the thing in question.

 Still, we might reimagine the cases such that there *is* some poor quality of will that gives rise to the failures to notice, think of, or remember. If DB is correct, then the agents aren’t directly blameworthy for their vices or objectionable non-voluntary attitudes. And now, if these states don’t arise from prior blameworthy conduct which the agents could reasonably have been expected to see risked giving rise to these subsequent faults, then the agents won’t be blameworthy for these states.

 But it isn’t generally the case that blameworthiness for conduct arising from ill will or indifference requires blameworthiness for that quality of will. And I see no reason to think that it must do so in the case of unwitting wrongful conduct. Thus, even when an agent’s failure to notice, think of, or remember something is due to an objectionable quality of will, direct blameworthiness for unwitting wrongful conduct is not ruled out.

1. *Enhanced Control*

I’ve claimed that a plausible control condition can be satisfied in a case of unwitting wrongful conduct. The agent might freely do what she does, and she might be able to act otherwise, and thus free to do so. But in support of the argument for revision, it has been said that a further kind of control is required for direct responsibility, a kind of control that requires awareness of one’s abilities to act.

 Suppose that an agent is able to *A*, and in *A*-ing she would *B*, but she is unaware of this latter fact, and thus unaware that she is able to *B*. If she is also able not to *B*, then she is in what might be called *standard control* of her *B*-ing. But she lacks what may be called *enhanced control* with respect to her *B*-ing, which, we stipulate, requires awareness of one’s ability to *B*.

 Now, it may be claimed, direct responsibility for omitting to do something requires that one have enhanced control with respect to doing that thing. But when an agent doesn’t even consider the possibility of doing a certain thing, she lacks enhanced control with respect to doing that thing, for even if she has standard control of her doing it, she is unaware that she is able to so act. She can’t then be directly blameworthy for not so acting.[[29]](#footnote-29)

 Why think that direct responsibility requires enhanced control? Michael Zimmerman offers the following case in support of this claim:

Think of Sam, a shopper. Walking down the high-street, he passed a certain department store. Had he gone in, he would have been its millionth customer and won a fabulous prize; but he knew nothing of this, and walked on by. (1986: 205)

Sam was able to walk into the store, and by doing so he would have won the prize. But he isn’t to blame for not winning the prize, and his wife shouldn’t blame him for not winning. The best explanation for his lack of blameworthiness, Zimmerman suggests, is Sam’s lack of enhanced control with respect to winning the prize.

 I contend that there is a better explanation. As the story is told, we’re given no reason to think that it was reasonable to expect Sam to realize that he was failing to win the prize. For it isn’t said that he had any evidence of its existence. If we consider a variant of the story in which he did have such evidence, our judgment might well be different.

 Imagine that Sam and his wife had read in the morning paper that the store would award the prize to its millionth customer. As the article (which they read to the end) explained, when the store reached its millionth customer minus one, a sign to this effect would be posted in the store window. As Sam walked by, he saw the sign in the window. But Sam failed to put two and two together. In this version of the story, absent excusing circumstances, Sam’s wife might have a beef with him. He wasn’t aware that he was failing to win the prize, but it was reasonable to expect him to have been aware of this fact. I submit, then, that the claim that enhanced control is required for direct responsibility is unsupported.[[30]](#footnote-30)

 Note that, in saying this, I’m not denying that the ability to act that is required by the control condition for direct responsibility is an ability to *intentionally* do a certain thing. Ann, Bob, and Carol can realize the need to do things they omit to do, and given this capacity, they can intentionally do those things. Intentionally doing those things might require thinking to do them. Having the ability to intentionally do those things does not.

1. *The Uniqueness of Ignorance*

BI says that one is blameworthy for conduct arising from ignorance of its wrongness only if one is blameworthy for that ignorance. It isn’t generally true, however, that for any mental state *M* of an agent, the agent is blameworthy for conduct arising from *M* only if the agent is blameworthy for *M*. One can be blameworthy for acting from anger, for example, even if one isn’t blameworthy for the state of anger.

 Zimmerman notes this fact, but he argues that ignorance of the wrongness of one’s conduct is a special case. What distinguishes such ignorance, he argues, is the following:

typically, one can act angrily while being aware that one ought not to perform the act in question, whereas one of course cannot act in or from ignorance of the fact that one ought not to do something while being aware that one ought not to do it. Thus one can be culpable for acting angrily in a way in which one cannot be culpable for acting ignorantly. (2008: 177)

 There is indeed the indicated difference between acting angrily (or, as Zimmerman adds, cruelly or jealously) and acting from ignorance of the wrongness of one’s conduct. But note that there is a parallel difference between acting angrily (or cruelly or jealously) and acting from ignorance of various other facts. One can act angrily while being aware that Paris is in France, whereas one can’t act in or from ignorance of the fact that Paris is in France while being aware that Paris is in France.

 Of course, the fact that one’s conduct is wrong, when that is a fact, is pertinent to whether one is blameworthy in a way in which the location of Paris generally isn’t. But what shows that awareness of this fact is required for direct blameworthiness?

 It might be thought that what makes one blameworthy, when one acts angrily, is that one’s conduct expresses anger. Analogously, one might think, if one is blameworthy for unwitting wrongful conduct, what makes one blameworthy is that one’s conduct expresses one’s ignorance. One can express anger in one’s conduct while being aware that one is behaving wrongly, but one can’t express ignorance of the wrongness of one’s conduct while being aware of its wrongness.

 But this way of putting things mistakes the point of citing the faultiness of the agent’s cognitive state. The point isn’t that the agent is blameworthy because her conduct expresses this fault; it is that given the fault, she has no excuse.

1. *Irrationality*

Neil Levy, in his argument for revision, offers the following line of thought. There are two senses of ‘rational’ that can be distinguished, an externalist and an internalist sense. On the latter, Levy stipulates, “what an agent can do rationally…is a function of what she takes her reasons to be” (2011: 127). Further, he maintains, when it comes to what we can reasonably demand agents to do, it is this internalist sense that matters: “it is only reasonable to demand that someone perform an action if performing that action is something they can do rationally,” (128) in the internalist sense. If an agent takes herself to have best reason to do one thing but does something else instead, she acts irrationally. It isn’t reasonable to demand that someone act irrationally in this way.

 I take it that Levy isn’t denying that an agent can be *morally obligated* to do something that, as it happens, isn’t rational in light of what she takes her reasons to be. Generally, even a selfish person or one who forgets a promise ought to do what she has promised. Perhaps, then, what is being claimed is just that such an agent isn’t *blameworthy* for not doing such a thing. And the idea seems to be that one is not blameworthy for failing to do such a thing because one could only do it irrationally, “by chance, or through a glitch in [one’s] agency, or what have you” (Levy 2011: 128).

 That idea is mistaken. Even if an agent doesn’t see that she has best reason to do a certain thing, it doesn’t follow that she can’t do it rationally, in the internalist sense; for it might be the case that she can come to see that she has best reason to do that thing.

 Ann doesn’t see that she has best reason to stop at the intersection. She doesn’t notice the stop sign. But (up to a certain point in time) she can maintain or return her attention to her driving and notice the sign. And she can thus come to see that she has best reason to stop and can rationally (in the internalist sense) stop before entering the intersection. To demand that she stop, then, isn’t to demand that she do something that she can only do irrationally.

 Can she rationally maintain or return her attention to her driving? In his contribution to this volume, Levy says that Ann can’t “exercise her power to attend *by a reasoning procedure*.” But (we may suppose) she is capable of realizing the need to attend, and she is able to act rationally in response to that recognition. Thus, she has an ability to attend in response to recognition of sufficient reason to do so.

 There is no apparent reason to think, then, that to demand that Ann stop at the stop sign is to demand that she do something that she can’t do rationally. To blame her for not stopping isn’t to blame her for failing to do what she couldn’t have done rationally.[[31]](#footnote-31)

**References**

Aristotle. 1999. *Nicomachean Ethics*. Trans. Terence Irwin. Indianapolis, Ind.: Hackett.

Clarke, Randolph. 2014. *Omissions: Agency, Metaphysics, and Responsibility*. New York:

 Oxford University Press.

-----. 2015. “Negligent Action and Unwitting Omission.” In *Surrounding Free Will: Philosophy,*

 *Psychology, Neuroscience*, ed. Alfred R. Mele, 298-317. New York: Oxford University

 Press.

------. Forthcoming. “Blameworthiness and Unwitting Omissions.” In *The Ethics and Law of Omissions*, ed. Dana Kay Nelkin and Samuel C. Rickless. New York: Oxford University Press.

Fischer, John Martin and Mark Ravizza. 1998. *Responsibility and Control: A Theory of Moral*

 *Responsibility*. Cambridge: Cambridge University Press.

Fischer, John Martin and Neal A. Tognazzini. 2009. “The Truth about Tracing.” *Noûs* 43: 531-

 56.

FitzPatrick, William J. 2008. “Moral Responsibility and Normative Ignorance: Answering a New

 Skeptical Challenge.” *Ethics* 118: 589-613.

Ginet, Carl. 2000. “The Epistemic Requirements for Moral Responsibility.” *Philosophical*

 *Perspectives* 14: 267-77.

Guerrero, Alexander A. 2007. “Don’t Know, Don’t Kill: Moral Ignorance, Culpability, and

 Caution.” *Philosophical Studies* 136: 59-97.

Harman, Elizabeth. 2011. “Does Moral Ignorance Exculpate?” *Ratio* 24: 443-68.

Levy, Neil. 2011. *Hard Luck: How Luck Undermines Free Will and Moral Responsibility*.

 Oxford: Oxford University Press.

------. 2016. “Methodological Conservatism and the Epistemic Condition.” This volume.

Mason, Elinor. 2015. “Moral Ignorance and Blameworthiness.” *Philosophical Studies* 172: 3037- 57.

Mele, Alfred. 2010. “Moral Responsibility for Actions: Epistemic and Freedom Conditions.”

 *Philosophical Explorations* 13: 101-11.

Montmarquet, James A. 1995. “Culpable Ignorance and Excuses.” *Philosophical Studies* 80: 41-

 49.

Nelkin, Dana Kay. 2011. *Making Sense of Freedom and Responsibility*. Oxford: Oxford

 University Press.

Rosen, Gideon. 2004. “Skepticism about Moral Responsibility.” *Philosophical Perspectives* 18:

 295-313.

------. 2008. “Kleinbart the Oblivious and Other Tales of Ignorance and Responsibility.” *The*

 *Journal of Philosophy* 105: 591-610.

Scanlon, T. M. 1998. *What We Owe to Each Other*. Cambridge, Mass.: Harvard University

 Press.

Sher, George. 2009. *Who Knew? Responsibility without Awareness*. New York: Oxford

 University Press.

Smith, Angela M. 2005. “Responsibility for Attitudes: Activity and Passivity in Mental Life.”

 *Ethics* 115: 236-71.

Smith, Holly. 1983. “Culpable Ignorance.” *Philosophical Review* 92-543-71.

------. 2011. “Non-Tracing Cases of Culpable Ignorance.” *Criminal Law and Philosophy* 5: 115- 46.

Strawson, P. F. 2003. “Freedom and Resentment.” In *Free Will*, 2nd edition, ed. Gary Watson,

 72-93. Oxford: Oxford University Press.

Talbert, Matthew. 2016. “Akrasia, Awareness, and Blameworthiness.” This volume.

------. Forthcoming. “Unwitting Omissions and Attribution Error.” In *The Ethics and Law of Omissions*, ed. Dana Kay Nelkin and Samuel C. Rickless. New York: Oxford University Press.

Wallace, R. Jay. 1994. *Responsibility and the Moral Sentiments*. Cambridge, Mass.: Harvard

 University Press.

Williams, Bernard. 1981. “Moral Luck.” In *Moral Luck*, 20-39. Cambridge: Cambridge

 University Press.

Wolf, Susan. 1990. *Freedom within Reason*. New York: Oxford University Press.

Zimmerman, Michael J. 1986. “Negligence and Moral Responsibility.” *Noûs* 20: 199-218.

------. 1997. “Moral Responsibility and Ignorance.” *Ethics* 107: 410-26.

------. 2008. *Living with Uncertainty*. Cambridge: Cambridge University Press.

1. Throughout the paper, I’ll use ‘wrong’ to mean all-things-considered morally wrong. ‘Permitted’ and ‘required’ will likewise be used to indicate all-things-considered moral status. [↑](#footnote-ref-1)
2. Ignorance of the first sort is often called circumstantial, factual, or non-moral ignorance; that of the second sort is often called moral or normative ignorance. [↑](#footnote-ref-2)
3. A further possibility is that the agent judges it probable to some (nonzero) degree that her conduct is wrong and probable to some (nonzero) degree that it is right. For discussion, see Guerrero (2007) and Harman (2011). Although cases of this sort present a difficulty for the formulation of revisionism that I’ll examine, I set them aside to focus on a different kind of challenge.

 Also worth noting are cases of *dim* awareness that one’s conduct is wrong. Attention to these, too, offers a way of resisting revisionism, though, again, one that I won’t focus on here. [↑](#footnote-ref-3)
4. For a similar understanding of “acting from ignorance,” see, e.g., Zimmerman (1997: 424). In contrast, Rosen understands an agent to act from ignorance even when the agent’s ignorance plays no “operative or causal role in bringing about the act” (2008: 598: n. 14). [↑](#footnote-ref-4)
5. The expression here is taken, with a minor change, from Smith (1983: 547). I’ve used ‘conduct’ rather than ‘act’ in order to encompass both action and omission, the latter of which is commonly not an act of any kind. For defense of this last claim, see Clarke (2014: ch. 1-2). [↑](#footnote-ref-5)
6. A case of this general kind is discussed by Rosen (2004: 303); I’ll add some details as I proceed. [↑](#footnote-ref-6)
7. Some writers (e.g., Rosen [2004: 300] and Zimmerman [1997: 414]) state this claim in terms of a requirement that the ignorance be *culpable*. Indeed, sometimes the discussion of our main topic here is couched in terms of culpability for unwitting wrongful conduct. But ‘culpability’ in these texts is simply a different term for blameworthiness. [↑](#footnote-ref-7)
8. Harman (2011: 459) proposes a view on which an agent can be blameworthy for unwitting wrongful conduct only if she is blameworthy for some false moral belief, but on which blameworthiness for the conduct need not trace back to blameworthiness for the false belief; as she sees it, blameworthiness for each thing may have a common source. A similar position couched in terms of ignorance rather than false belief would accept BI but reject BTI. [↑](#footnote-ref-8)
9. Different terms are sometimes used to draw this distinction. For example, Rosen (2004: 299) uses ‘original’ where I’ve used ‘direct’ and ‘derivative’ where I’ve used ‘indirect’. [↑](#footnote-ref-9)
10. Human agents gradually become fully morally responsible for what we do, with our later full responsibility for things often stemming, at least in part, from earlier partial responsibility for things. Rosen raises the possibility that, since it is a vague matter whether a child is partially responsible for what she does, “there can be derivative responsibility without original responsibility for the same reason that there can be chickens even if there was no original chicken” (2004: 299). The issue is interesting and underexplored. However, Rosen sets it aside, and I’ll do the same here. [↑](#footnote-ref-10)
11. I adapt Smith’s (1983: 547) expression ‘benighting act’. Smith observes, as I have here, that omissions as well as actions can play this role. [↑](#footnote-ref-11)
12. Arguments of this sort are advanced by Levy (2011: ch. 5) and Zimmerman (1986, 1997, 2008: ch. 4). Ginet (2000) advances a very similar argument, though he does not draw the revisionist conclusion. Rosen (2004, 2008) argues in a similar way, and with further claims, for the conclusion that confident judgments of blameworthiness are never justified. [↑](#footnote-ref-12)
13. Fischer and Tognazzini (2009), in their defense of tracing, state the cognitive requirement for tracing in terms of an outcome’s being “reasonably foreseeable” for the agent. I’ll endeavor in later sections to spell out what I take to be required for it to be reasonable to expect an agent to be aware of a certain thing. [↑](#footnote-ref-13)
14. H. Smith (2011), drawing on the account of moral responsibility advanced by A. Smith (2005), offers such a view, though not in response to the argument for revision. [↑](#footnote-ref-14)
15. Although FitzPatrick (2008) puts his response to the argument mostly in terms of direct culpability for *voluntary exercises* of vices such as overconfidence, arrogance, dismissiveness, incuriosity, and contempt, he also briefly suggests (606) that agents can be directly blameworthy for *possessing* such vices. [↑](#footnote-ref-15)
16. Harman (2011) maintains that we can be directly blameworthy for false moral beliefs. Montmarquet (1995) holds that we can be directly blameworthy for beliefs formed with or characterized by intellectually irresponsible attitudes, such as overconfidence. [↑](#footnote-ref-16)
17. I’ll deal only with cases of what is called circumstantial or non-moral ignorance. For responses that deal with moral or normative ignorance, see FitzPatrick (2008), Harman (2011), and Mason (2015). [↑](#footnote-ref-17)
18. The proposal advanced here is influenced by, and in many respects resembles, the account set out by Sher (2009). Differences between Sher’s view and my own are discussed in Clarke (forthcoming). [↑](#footnote-ref-18)
19. Why not for thinking about her work? It isn’t wrong to think about such things while driving. What might be wrong is failing to continue to attend sufficiently to one’s driving. [↑](#footnote-ref-19)
20. I take the failure to maintain attention to be an omission to act; I’ll say more about this point in section 6. [↑](#footnote-ref-20)
21. I’ll support these claims later, in sections 5 and 6. [↑](#footnote-ref-21)
22. Aristotle is frequently cited as distinguishing these requirements; see *Nicomachean Ethics* 1109b30-1111b5. Recent theorists who follow Aristotle in drawing the distinction include Fischer and Ravizza (1998: 12-13) and Sher (2009: 3). Note that what I call the cognitive condition is often called the epistemic condition. I prefer the former name since, as Rosen (2008: 595-98) explains, it isn’t *knowledge* but rather *awareness* that the condition concerns. [↑](#footnote-ref-22)
23. Mele (2010) shows that on the view of responsibility for actions offered by Fischer and Ravizza (1998), the control condition encompasses several cognitive requirements. Levy maintains that “the epistemic condition isn’t independent of the control condition but built right into it” (2011: 110). [↑](#footnote-ref-23)
24. See, e.g., Fischer and Ravizza (1998), Nelkin (2011), Wolf (1990), and Wallace (1994). Others reject such a requirement; see, e.g., Scanlon (1998: 284). [↑](#footnote-ref-24)
25. Levy (2016) grants the antecedent but denies the consequent of this conditional. I address his argument in section 11. [↑](#footnote-ref-25)
26. Zimmerman says, “To say [of some agent] that he should have known what he didn’t know is, presumably, to attribute his ignorance to some *wrongdoing* on his part” (2008: 178). If by wrongdoing is meant failure to fulfill an obligation to act or omit action, then I don’t think that the presumption is always correct. [↑](#footnote-ref-26)
27. FitzPatrick (2008) and Montmarquet (1995) focus on agents with moral or epistemic vices of one kind or another. Although Smith (2011) isn’t responding to the revisionist argument, her account of blameworthiness for ignorance that doesn’t trace back to blameworthiness for prior actions or omissions requires that the agent have an objectionable configuration of attitudes that gives rise to the ignorance. [↑](#footnote-ref-27)
28. Talbert (2016; forthcoming) advances this line of argument. [↑](#footnote-ref-28)
29. The objection wouldn’t apply to Bob’s failure to deny his son permission to take the dog, since Bob considered doing this. But it would apply to several omissions in the cases I’ve discussed. [↑](#footnote-ref-29)
30. Here I’ve borrowed from Clarke (2014: 178-80). [↑](#footnote-ref-30)
31. For comments on drafts of this chapter, I’m grateful to Matt King, Dan Miller, Phil Robichaud, Matt Talbert, Jan Willem Wieland, and an anonymous referee. I’ve benefitted also from correspondence with Neil Levy and, especially, discussion with Dan Miller. [↑](#footnote-ref-31)