ORIGINAL ARTICLE

THOUGHT
A JOURNAL OF PHILOSOPHY   WILEY

Concomitant ignorance excuses from moral responsibility

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Abstract

Some philosophers contend that concomitant ignorance preserves moral responsibility for wrongdoing. An agent is concomitantly ignorant with respect to wrongdoing if and only if her ignorance is non-culpable, but she would freely have performed the same action if she were not ignorant. I, however, argue that concomitant ignorance excuses. I show that leading accounts of moral responsibility imply that concomitant ignorance excuses, and I debunk the view that concomitant ignorance preserves moral responsibility.

KEYWORDS

compatibilism, excuse, free will, ignorance, libertarianism,
moral responsibility

Culpable ignorance about a morally relevant feature of an action or consequence can preserve moral responsibility for it. For example, a friend ignorantly makes an offensive comment. She is blameworthy for making the comment, because she should have known better; her ignorance is no excuse. But when ignorance is *non-culpable*, it can excuse. For example, a person poisons her friend's drink. Given that she non-culpably believes that she put only sugar in it, she is not morally responsible (or blameworthy) for her friend's death.

Kevin Timpe (2011, p. 20), following Thomas Aquinas (1948, IaIIae 6.8, 76.3–4), contends that there is a particular kind of non-culpable ignorance that preserves moral responsibility and so does not excuse. An agent is *concomitantly ignorant* concerning some wrongdoing if and only if she is non-culpably ignorant with respect to its wrong-making features, and she would freely have acted in the same way if she had not been ignorant. To be concrete, consider an example inspired by Aquinas:

> Bill intends to kill Vic and makes assassination plans. In the meantime, Bill aims to secure dinner. He tracks a deer to a thicket of trees and sees a deer's hide moving in the thicket. Bill deftly shoots and kills his target. Unbeknownst to Bill, it is Vic wearing his new deerskin coat! Bill could not reasonably have been expected to foresee that it was Vic in the thicket, because he had very good evidence that it was a deer and that the area is restricted for hunting. Even so, Bill is thrilled by the outcome. If Bill had known it was Vic, he would have freely killed him all the same.[1]

Bill's ignorance about the action's wrong-making features is non-culpable, but he would have killed Vic in the same way if he had believed that Vic, rather than a deer, was in the thicket. Thus, Bill's ignorance makes no difference to his killing Vic. Based on this no difference explanation, Timpe (2011, p. 24) contends that Bill is morally responsible (and blameworthy) for killing Vic. Timpe concludes that concomitant ignorance can preserve Bill's being blameworthy for killing Vic; it does not excuse.[2] If this conclusion is correct, it would enlarge the scope of events produced in ignorance for which an agent can be morally responsible beyond events produced in culpable ignorance.

Timpe neglects the most interesting dialectical feature of this case. If the intuition that Bill is blameworthy for killing Vic is strong and cannot plausibly be accounted for in other ways, it could motivate a revision of leading libertarian and compatibilist accounts of moral responsibility, because, as I soon argue, leading accounts imply that Bill is not blameworthy for killing Vic. This revision would be like one instigated by Harry Frankfurt. Frankfurt (1969) famously offered a case in which it seemed intuitively plausible to many philosophers that a person can be morally responsible for an action even when she could not have done otherwise. This intuition motivated a revision, or rejection, of leading libertarian and compatibilist accounts of moral responsibility, because those accounts made alternative possibilities a necessary condition on acting freely and responsibly (see Sartorio, 2017).

I argue that leading accounts of moral responsibility imply that concomitant ignorance excuses from moral responsibility, and that these leading accounts should not be revised to allow concomitant ignorance to preserve moral responsibility. I proceed as follows. In the first section, I show that leading accounts of moral responsibility imply that Bill is not blameworthy for killing Vic, because cases of concomitant ignorance plausibly lack the right kind of connection between the person and the event to ground moral responsibility.[3] The theoretical fruitfulness of these leading accounts provides a compelling reflective equilibrium-style reason to reject the proposition that Bill is blameworthy for killing Vic. Of course, if the intuition that Bill is blameworthy for killing Vic is sufficiently strong and cannot adequately be explained away, it is possible that the reflective equilibrium process should go the other way and that we should revise the leading accounts to accommodate the intuition. In the second section, I offer debunking explanations to show that the intuition is not strong in a way that motivates revising leading accounts. Bill's killing Vic nearly exemplifies, but does not in fact exemplify, the schematic conditions of being blameworthy for an event, and there are alternative grounds for Bill's badness or blameworthiness that are intimately related to his killing Vic such as his intention to kill Vic. These considerations explain away the intuitive appeal of the proposition that Bill is blameworthy for killing Vic, because they highlight an understandable mistake in reasoning that bumps up against nearby moral reality.

1 | LEADING ACCOUNTS OF MORAL RESPONSIBILITY

Leading approaches to moral responsibility are control-based or character-based (or some combination). Control-based accounts make all moral responsibility depend on choices, and

character-based accounts make all moral responsibility depend on character or quality of will. As Neil Levy (2014, p. 1) writes, "These conditions—the expression of our practical identities [character-based accounts] and the possession of a kind of control [control-based accounts]— are the two primary contenders for [necessary and] sufficient conditions on moral responsibility available today."

I argue that there is at least one unmet necessary condition of control-based and character-based accounts of moral responsibility in cases of concomitant ignorance, and thus I maintain that the leading accounts imply that Bill is not blameworthy for killing Vic.

Control-based accounts of moral responsibility describe choices as the ultimate source of all moral responsibility, because we enjoy immediate control only over our choices. Proponents of libertarian and compatibilist control-based accounts agree that controlling a choice suffices for being directly morally responsible for it when relevant epistemic criteria are satisfied (see, e.g., Fischer & Ravizza, 1998; Kane, 1996; Sartorio, 2016; van Inwagen, 1989).[4] They also agree that a person is indirectly morally responsible for a consequence if and only if the consequence depends on a choice for which she is directly morally responsible *and* she could reasonably have been expected to foresee at least the general morally significant features of the consequence as following, with some contextually determined probability, from the choice for which she is directly morally responsible (Fischer & Ravizza, 1998, pp. 48–51; Kane, 2008, pp. 148–151; see also Fischer & Tognazzini, 2009, pp. 532–533; Sartorio, 2016, pp. 77, 80–84, 96; van Inwagen, 1989, p. 419).[5]

The reasonable foreseeability requirement of control-based accounts shows why concomitant ignorance excuses. The requirement is necessarily unmet in cases of concomitant ignorance, because an agent who brings about an event through non-culpable ignorance cannot reasonably have been expected to foresee that she would bring about the event with the general morally significant features about which she is non-culpably ignorant. In concrete terms, Bill is concomitantly ignorant about his killing Vic in part because he non-culpably believes that he is shooting a deer. But this non-culpable ignorance implies that Bill cannot reasonably have been expected to foresee the general morally significant features of the consequence—namely, that he is killing a person.[6] Thus, Bill cannot be morally responsible for killing Vic. Therefore, control-based accounts imply that concomitant ignorance excuses, because foreseeable consequences are the only consequences for which a person can be morally responsible and cases of concomitant ignorance necessarily involve unforeseeable consequences.

Can a proponent of a control-based account of moral responsibility consistently abandon the reasonable foreseeability requirement? It is not incoherent to revise control-based accounts by discarding that requirement.[7] But the revision is unmotivated. The core motivation for control-based accounts is that people are morally responsible only for events that are within their control or should have been within their control. But the revised view allows an agent to be morally responsible for consequences such that it is not even true to say that they should have been within her control, because the consequence's being one that she could not reasonably have been expected to foresee implies that she had no reasonable or adequate opportunity to prevent the outcome. Thus, it does not seem plausible for control-based accounts to give up the reasonable foreseeability requirement or even to make the account disjunctive to allow for concomitant ignorance to preserve moral responsibility.[8]

Character-based accounts describe moral responsibility as necessarily grounded in the agent's character construed broadly to include cares and commitments (see, for example, Shoemaker, 2015, pp. 37–63; Smith, 2005; Sripada, 2016).[9] On this view, agents are morally responsible for events that express their character such as their having an attitude or

performing an action. One might think that such accounts can allow for concomitant ignorance to preserve moral responsibility, because they do not make foreseeability a prerequisite. A person can be morally responsible for forgetting her friend's birthday if it is an expression of her character, even if the forgetting does not foreseeably trace back to past choices for which she is directly morally responsible (Smith, 2005, p. 236; Sripada, 2016, p. 1213).

The expression relation in character-based accounts shows why concomitant ignorance excuses. The expression relation between character and event is at least a causal influence relation (Björnsson, 2017, pp. 149–153; Shoemaker, 2015, p. 48; Sripada, 2016, p. 1216), because such a relation ensures dependence of the event on the fundamental ground for moral responsibility. As such, a person's character must at least be a causal influence on her having an attitude or performing an action to be morally responsible for it.

In many cases of concomitant ignorance, however, the agent's non-culpable ignorance prevents her character from causally influencing the event. In our example, Bill is hunting for dinner. As such, his malice for Vic plays no causal influencing role in his killing Vic. Thus, Bill's malice is not expressed in his killing Vic, and so he is not blameworthy for killing Vic.[10]

Some cases of concomitant ignorance do preserve causal influence. Suppose instead that Bill hunts to sharpen his skills for the future assassination attempt on Vic. In this variation, Bill's malice does causally influence his killing Vic.

But mere causal influence does not suffice for the expression of character, because the expression relation requires *the right kind* of causal influence. To see why, consider an example from Chandra Sripada (2016, p. 1216): Jimmy worries about his son, and these worries give him a headache, which prompts him to take an aspirin. Jimmy's care for his son causally influences his taking aspirin, but, plausibly, Jimmy's care for his son is not expressed in his taking aspirin. Mere causal influence is not sufficient for expression of character. Sripada (2016, p. 1216) suggests that the right kind of causal influence occurs when the agent's character exerts *direct motivational influence* on the event, and direct motivational influence rules out character expression in an event brought about purely by accident (see also Björnsson & Persson, 2012; Levy, 2011). This explains why Jimmy's care for his son is not expressed in his taking aspirin—namely, Jimmy's care for his son does not directly motivate the event of his taking the aspirin; they are accidentally related. In a similar way, Bill's malice does not directly motivate his killing Vic, because Bill's malice does not non-accidentally influence his killing Vic. Thus, although Bill's killing Vic might reflect and match his malicious character—and thus his malice would directly motivate killing Vic in relevantly similar circumstances in which he is not ignorant—his character is not expressed in killing Vic.[11] Therefore, concomitant ignorance also excuses for character-based accounts, because the non-culpable ignorance necessary to concomitant ignorance precludes either mere causal influence or direct motivational causal influence between character and event.

Can a proponent of a character-based account of moral responsibility consistently abandon the causal influence expression relation? It is not incoherent to revise character-based accounts by removing causal influence from the expression relation. But this revision is unmotivated. First, it implies that an agent can be morally responsible for an event that in no way causally depends on its grounding object of moral responsibility. Second, a non-causal relation such as a mere content match relation that would imply that Bill is blameworthy for killing Vic would also imply that a person can be morally responsible for events for which she is obviously not morally responsible. For example, suppose that Todd intends to bring about the death of everyone in a town via a tornado-making machine, and it just so happens that a tornado rolls through that town and causes their death. A mere content match relation would imply that

Todd is blameworthy for their death, which is implausible. Thus, character-based accounts cannot plausibly discard the causal influence expression relation or even make the account disjunctive to allow for concomitant ignorance to preserve moral responsibility.[12]

I conclude that at least one necessary condition of control-based and character-based accounts plausibly imply that concomitant ignorance excuses and that the necessary condition cannot be abandoned in a theoretically motivated way. Hybrid control-based and character-based accounts of moral responsibility that make their necessary conditions stronger as a conjunction or weaker as a disjunction likewise imply that concomitant ignorance cannot preserve moral responsibility, because all those potential conjuncts and disjuncts fail to preserve moral responsibility in cases of concomitant ignorance.

The theoretical fruitfulness of these leading accounts provides a good reason via reflective equilibrium to reject the proposition that Bill is blameworthy for killing Vic if that proposition's seeming to be true is not too strong and stubborn. How strong and stubborn is the intuition that Bill is blameworthy for killing Vic? I do not myself have the intuition, and do not believe that the intuition is widespread among philosophers who have thought hard about this kind of case (see, e.g., Levy, 2014, pp. 103–106). Even so, enough people have informally reported to me having the intuition to motivate debunking explanations.[13]

2 | DEBUNKING THE INTUITION

Cases of concomitant ignorance bear a striking resemblance to paradigm events for which people are blameworthy. A basic schema of such an event includes three components: (a) a bad mental state, (b) a bad event, and (c) a causal relation that occurs in a normal way between the bad mental state and the bad event (Björnsson, 2017, p. 151; see also Björnsson & Persson, 2012). Cases of concomitant ignorance perfectly exemplify (a)–(b): Bill is malicious, and Vic is killed. Cases of concomitant ignorance, however, do not perfectly exemplify (c). After all, Bill's bad mental state does not produce the bad event in the normal way; Bill kills Vic by accident. Even so, the case does nearly exemplify (c). Bill's bad mental state would have produced the bad event in the normal way in relevantly similar counterfactual circumstances. In this way, cases of concomitant ignorance closely match but do not fully match the schema of a paradigmatic event for which a person is blameworthy.

Furthermore, there are two alternative grounds for Bill's badness or blameworthiness that can make apt negative or blaming attitudes toward Bill, and these alternative grounds are intimately related to Bill's killing Vic via concomitant ignorance. First, Bill is malicious, and he can be blameworthy for being malicious. Character-based and control-based accounts appeal to different facts to substantiate this claim. For example, Bill's malice is morally bad and is sensitive to his judgments (see Smith, 2005); Bill performed past bad actions for which he is blameworthy that formed his malice in a foreseeable way (see Kane, 1996, 2008). Bill's malice also plays a central role in his concomitant ignorance, because it grounds the truth of the claim that if Bill had known it was Vic, he would have freely killed him all the same. Second, Bill takes pleasure in having caused the death of Vic, because he has accidentally accomplished his heart's desire. Bill can be blameworthy for this spiteful reaction in the ways previously specified by control-based and character-based accounts of moral responsibility. Bill's spiteful reaction is also intimately related to his killing Vic via concomitant ignorance. In particular, Bill's spiteful reaction to his killing Vic depends on the event of his killing Vic.[14] Thus, these two potential alternative grounds for Bill's blameworthiness can preserve a kernel of moral truth from the intuition

under scrutiny, because there is something for which Bill can be blameworthy, and that is at least bad, that is intimately related to his killing Vic via concomitant ignorance. These alternative grounds are compatible with the claim that Bill is not blameworthy for killing Vic.

These three explanations work together. They explain how we could be mistaken in its seeming true that Bill is blameworthy for killing Vic, because some people confuse the case's being a near exemplification of a paradigm event for which a person is blameworthy with its being a full exemplification. Even so, their intuition that Bill is blameworthy for killing Vic may be tracking two nearby moral facts about Bill's blameworthiness depending on how the details are filled out, and is at least tracking two facts about Bill's badness related to his concomitantly ignorantly killing Vic. Putting these explanations together, such persons come to believe correctly that Bill is bad or blameworthy in some way related to his concomitant ignorance but wrongly infer that Bill is blameworthy for killing Vic due to the similarity of that event to an event for which a person is blameworthy. Philosophers who had the intuition that Bill is blameworthy for killing Vic at the beginning of the paper may find that their intuition disappears after these explanations or that these explanations mitigate its strength. If that intuition is eliminated or weakened, the debunking project is successful.

3 | CONCLUSION

I have argued that leading accounts of moral responsibility imply that concomitant ignorance excuses, and I have debunked a case intuition used to support the idea that concomitant ignorance preserves moral responsibility. Thus, the scope of ignorantly produced events for which an agent can be morally responsible should not be enlarged beyond culpable ignorance to include concomitant ignorance, and leading accounts of moral responsibility should not be revised to allow for concomitant ignorance to preserve moral responsibility.[15]

ENDNOTES

[1] If it is morally wrong to hunt deer, this case would have some unfortunate moral noise. People with that moral belief can eliminate that noise by swapping Aquinas's example for this one: Bill throws a large rock overboard in the middle of Lake Michigan in a blameless way. Unbeknownst to Bill, however, Vic is scuba diving there, and Vic's head is cracked by Bill's rock. When Vic floats to the surface, Bill yells with delight. Bill would freely have done the same thing if he had known where Vic was.

[2] Some experimental philosophy lends support to the claim that the Aquinas/Timpe view may not be uncommon among the folk. Suppose that Dale is given a drug that makes him do whatever some scoundrels tell him. The scoundrels tell Dale to kill Frank, and Dale does so; thus, Dale is forced to kill Frank. But Dale's wife cheated with Frank. For this reason, Dale had already decided to kill Frank, and Dale was just waiting for the opportunity. According to Woolfolk, Doris, and Darley (2006, p. 299), the folk report their intuition that Dale is morally responsible for killing Frank, because Dale would have done it even if he were not forced to do so. Notice that the cases of Dale and Bill are structurally similar. They both have excuses highlighted by Aristotle (2002, 1110a10)—namely, force and ignorance—and they both would freely have done the same thing without the excuse. These similarities suggest that it may not be uncommon for the folk also to believe that Bill is morally responsible for killing Vic.

[3] Aquinas's view that concomitant ignorance can preserve moral responsibility is inconsistent with his other commitments about moral responsibility (see Furlong, 2017; Hause, 2006; McCluskey, 2017, p. 120).

[4] One might think that there can be no concomitant ignorance for leeway libertarians, because the alternative possibilities required to act freely rule out truths about what the agent would *directly* freely do in counterfactual circumstances (van Inwagen, 1997). Even if that argument is correct, there may still be true

counterfactuals of *indirect* freedom. An agent acts *indirectly freely* if she has performed character forming directly free acts with alternative possibilities in the past and that character determines her action (Hartman, 2020). Such actual character could ground what an agent would indirectly freely do in a counterfactual circumstance (Hartman, 2017, pp. 78–80). Thus, there can be cases of concomitant ignorance for leeway libertarians.

[5] One might think that Bill's killing Vic is an action rather than a consequence, for example, because fine-grained action individuation is correct (see Goldman, 1971). In that case, substitute "non-basic act token" for "consequence," and, roughly, a person is morally responsible for a non-basic act token x if and only if x depends on a basic act token y and one could reasonably have been expected to foresee that x is likely to be performed by performing y.

[6] What about a case in which Bill tries to kill Sven but accidentally kills Vic through non-culpable ignorance, and Bill would have freely killed Vic if he had known that Vic was standing there? This is not a case of concomitant ignorance. In it, Bill is aware of the general wrong-making features of the action or consequence, and, for the case to be a case of concomitant ignorance, Bill must be ignorant on this score.

[7] There is a cost. The requirement is "deeply embedded in common sense" (Vargas, 2005, p. 274).

[8] Rogers (2015, pp. 226–235) and Shabo (2015) are the only two control-based theorists of whom I am aware that deny the reasonable foreseeability requirement. They worry that this requirement implies that people would be morally responsible for too little (see also Vargas, 2005 on this point). But I have argued elsewhere that this concern is overblown, and so do not here engage their argument (see Hartman, 2020).

[9] Shoemaker thinks that this is true for only one kind of moral responsibility; Shoemaker is a responsibility pluralist.

[10] Bill may be morally responsible in a morally neutral way, because his action expresses morally neutral hunting values. But that is not the blameworthiness that Timpe is after.

[11] Levy (2011, pp. 248–249) nicely distinguishes between expression, reflection, and matching. An *expression* relation between character and event is a causal, nonaccidental, and direct relationship between their content. A *reflection* relation between character and event is a causal but accidental relationship between their content. A *match* relation between character and event is a non-causal relationship between their content.

[12] Even Michael Zimmerman's (2002) counterfactual account of moral responsibility does not imply that Bill is blameworthy *for* killing Vic; all that follows is that Bill is blameworthy *in virtue of* its being true that he would have freely killed Vic if he knew where Vic was.

[13] As I highlight in endnote 1, the Aquinas/Timpe view may not be uncommon among the folk.

[14] Bill may not be wholeheartedly malicious and so may also experience minor guilt and regret. Someone might be confusing these weak self-blaming emotions in response to his killing Vic with his being blameworthy for killing Vic (cf. Williams, 1981).

[15] I thank the following philosophers for their input: Gunnar Björnsson, Benjamin Matheson, Kevin Timpe, two anonymous referees and an editor for this journal, and the participants at the practical philosophy seminars at Stockholm University and Uppsala University.

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