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Circumstantial ignorance and mitigated blameworthiness

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It is intuitive that circumstantial ignorance, even when culpable, can mitigate blameworthiness for morally wrong behavior. In this paper I suggest an explanation of why this is so. The explanation offered is that an agent's degree of blameworthiness for some action (or omission) depends at least in part upon the quality of will expressed in that action, and that an agent's level of awareness when performing a morally wrong action can make a difference to the quality of will that is expressed in it. This explanation makes use of Holly Smith's (1983) distinction between benighting and benighted actions as well as a notion developed here called "capture."

Keywords: blameworthiness; ignorance; culpable ignorance; mitigated blameworthiness; tracing strategy; tracing.

1. Why circumstantial ignorance mitigates blameworthiness

Although an agent may be blameworthy for wrongdoing done from ignorance, it is intuitive that witting wrongdoers are often more blameworthy than they would have been had they been ignorant of the wrongness of their actions.¹ When discussing the question of when ignorance excuses, Gideon Rosen (2004) offers the following case: "Suppose that there is arsenic in the sugar bowl. You ask for sugar. I put a spoonful of arsenic in your tea, and you drink" (299). Rosen maintains that if he puts the spoonful of arsenic in my tea unaware that it is arsenic (instead of sugar), then whether he is blameworthy for poisoning me depends upon whether his ignorance is culpable. On Rosen's view, an agent is blameworthy for acting from ignorance only if he is culpable for the ignorance from which he acts (2004, 300).^{2, 3} Suppose, then, that he is culpable for his ignorance. Rosen continues: "In that case I am plausibly culpable for the poisoning—*though I am obviously less culpable than I would have been if I had done it deliberately*" (2004, 300, emphasis mine). Rosen's claim implies that ignorance, *even when culpable*, can mitigate blameworthiness. But he does not seek to explain *why* this is so.

In this paper I suggest a consideration that supports this claim and helps explain why it is true. Before proceeding, though, I must qualify it, since there are at least two ways in which an agent may perform a morally wrong action while ignorant of its wrongness. First, an agent may be ignorant of the wrongness of his action because he is unaware of the feature(s) of his action that make it wrong. Second, an agent may be aware of the features of the action that make it wrong but unaware that those features are wrong-making. Call the first type of ignorance circumstantial ignorance and the second kind moral ignorance.⁴ In what follows I restrict my discussion to circumstantial ignorance. I seek to support and explain the claim that circumstantial ignorance, *even when culpable*, can mitigate blameworthiness for morally wrong behavior.

In the remainder of this section I offer an explanation of why circumstantial ignorance can mitigate blameworthiness that appeals to negative quality of will (my explanation in this section does not touch upon whether the ignorance in question is culpable). In Section 2 I offer an account of negative quality of will and use it to explain in more detail how circumstantial ignorance can make a difference to the negative quality of will expressed or displayed by an agent in behavior. In Section 3 I explain why circumstantial ignorance, *even when culpable*, can mitigate blameworthiness for morally wrong behavior. This explanation makes use of Holly Smith's distinction between benighting and benighted actions as well as a notion I develop called *capture*.

To help illustrate why circumstantial ignorance can mitigate blameworthiness, consider the following case:

Hazing: Cody is an older “brother” in a popular fraternity who has the task of initiating new pledges through a series of hazing rites. One of these rites involves coercing pledges to compete with each other to see who can consume the most alcohol before passing out, the expected result being that the pledges will wake up to a terrible hangover the next morning. Cody knows that this risk makes his action impermissibly risky, but egged on by his fellow brothers he commences the hazing. Fortunately, each of the pledges survives the hazing with nothing more than a searing headache the next day. But matters could have been much worse; the drinking rite could have resulted in the need for hospitalization or even death.

Cody is blameworthy for coercing the pledges to drink large amounts of alcohol, and this is partly because he is aware that doing so may have some harmful consequences (e.g., a hangover). But Cody's action is also characterized by a degree of ignorance: he does not consider or realize that there are much more serious risks posed to the pledges by his action such as hospitalization or death.

If in acting Cody had been aware of these more serious risks, he would have been more blameworthy for his action than he actually is. But why? The most obvious answer is that the degree to which an agent is blameworthy for performing an action is sensitive to his degree of awareness with respect to the wrong-making features of his action. Though I believe that this answer is correct, it is not very satisfying. We want a deeper explanation, I suspect—one that explains why an agent's degree of blameworthiness is sensitive to his degree of awareness. What is it about ignorance that can mitigate blameworthiness?

The more satisfying explanation that we are looking for, I believe, is this: an agent's degree of blameworthiness for some action (or omission) depends at least in part upon the quality of will expressed in that action, and an agent's level of awareness when performing a morally wrong action can make a difference to the quality of will that is expressed in it.⁵ The more that an agent is aware of the wrong-making features of his action, the more ill will or disregard for others he displays in acting despite that awareness. As it happened, Cody failed to consider that his actions posed risks to the fraternity pledges more serious than a headache. His conducting the hazing rite involved willingness on his part to bring about some temporary pain and discomfort to the pledges, and his willingness to do so is morally objectionable. But suppose instead that Cody had been aware, when conducting the hazing rite, that one or more of the pledges might end up hospitalized or dead as a result, and proceeded anyway. His commencement of the rite in spite of this awareness would have reflected a seriously objectionable cruelty or indifference toward the young men pledging his fraternity. Cody's quality of will toward the young men expressed in his action is significantly worse in the counterfactual case than it is in the actual case. It is his increased awareness of the risks that allows for his action to express a greater disregard for the people at risk.⁶

2. Negative quality of will

So far I have discussed negative quality of will either as a matter of ill will or lack of due regard. For reasons that will soon become clear it is helpful to distinguish the two. When in performing some morally wrong action an agent expresses ill will towards another person, he either desires or intends that his action harms (or results in harm to) that person; he sees the fact that his action may result in harm to the person as a reason to perform it, and is motivated (at least in part) by the awareness that it may.⁷ In contrast, when in performing some morally wrong action, an agent displays a lack of due regard for another person, he fails to see the fact that his action may harm (or result in harm to) the person as a reason not to do it.^{8,9}

With this distinction in hand we can explain more perspicuously how circumstantial ignorance can make a difference to the quality of will expressed by an agent in an action. If an agent is unaware of some wrong-making feature, *H*, of his action, then the action cannot express a certain kind of negative quality of will with respect to *H*. To illustrate, Cody's ignorance of the risk that the hazing ritual might result in the death of one or more of the pledges (substitute this risk for *H*) precludes him being motivated by the awareness of that risk. Because of this, it prevents Cody from expressing *ill will* in his action toward the pledges with respect to *H*.

While ignorance precludes the expression of ill will, it is not as clear that it also precludes the display of lack of due regard. Since seeing something as a reason not to perform an action requires an awareness of it, Cody's ignorance of *H* entails that he fails to see *H* as a reason not to perform the action. Above I claimed that when an agent displays a lack of due regard for another person he fails to see *H* as a reason not to do it. Does this, then, entail that Cody's action displays a lack of due regard with respect to *H*?

Before we can answer this question we must recognize the ambiguity lurking here, for there are different ways in which Cody may fail to see *H* as a reason not to perform the action in question. First, Cody may fail to see *H* as a reason not to perform the action simply because he is unaware of *H* and does not consider whether his action poses more serious risks than he is aware of at the time (or does consider this but nevertheless fails to become aware of *H*). Second, Cody may fail, *while aware of H*, to see *H* as a reason not to perform the action (this may be so even if he does not see *H* as a reason *to* perform the action).¹⁰ The difference between these two possibilities is important: there is a callous disregard for others that is displayed in action with the second kind of failure that is not with the first. It is the second possibility that an agent's ignorance of *H* obviously precludes.

Ignorance of some wrong-making feature of an action *H*, then, precludes the display of a *callous* disregard for others with respect to *H*. In doing so, the agent's ignorance may mitigate his blameworthiness for the relevant action. But does ignorance preclude the display of lack of due regard *altogether*? And does it always mitigate the agent's blameworthiness? Recall that Cody may fail to see *H* as a reason not to perform the relevant action simply because he is ignorant of *H*. In this case, one of the following counterfactuals is true:

- (1) If Cody were to become aware of *H*, then he would see it as a reason not to perform the action.
- (2) If Cody were to become aware of *H*, then he would *not* see it as a reason not to perform the action.

One *might* insist that, if (2) is true, then Cody's blameworthiness for the action in the actual case is not mitigated by his circumstantial ignorance.¹¹ After all, one might continue, the truth of (2) indicates a callous disregard on his part for the pledges. Though this line of thought may seem plausible on the face of it, it conflates an important distinction. The truth of (2) would not bear on the degree to which (in the actual case) Cody is blameworthy for the *action* in question.

Rather, it could only indicate that Cody may be blameworthy for lacking certain *attitudes* or *beliefs*.^{12, 13}

The distinction overlooked here is between an agent's *bearing* a negative quality of will toward another person (a matter of the attitudes the agent possesses) and the agent's *expressing* or *displaying* that quality of will in action (a matter of how those attitudes are related to the action). The expression of ill will in an agent's behavior involves both doxastic and motivational relations between the attitudes the agent holds and the action the agent performs: the agent believes that the fact that his prospective action has some feature *H* is a reason to perform it, and the agent is (at least in part) motivated by this belief to perform that action. The display of callous disregard involves a relation between the agent's epistemic state and the action: the agent is aware that the action has feature *H*, the agent fails to see this feature as a reason not to perform the action, and the action is performed in light of this awareness, *thereby* displaying the agent's lack of due regard with respect to *H*. If Cody were aware of the more serious risks of harm and proceeded with the hazing rite, his behavior would reflect or display a callous disregard toward the pledges with respect to those risks *precisely because* he performed the action in light of that awareness. So, neither the expression of ill will nor the display of callous disregard in one's behavior is merely a matter of the attitudes that the agent *bears* toward another person.

In contrast, consider cases in which the agent is ignorant of *H* and in which a counterfactual like (2) is true. The truth of the relevant counterfactual indicates that the agent lacks due regard for another person: he fails to recognize (at least to a sufficient degree) that the other person *qua person* provides him with reasons against performing certain actions. But, in the absence of the awareness of *H*, the agent's behavior has no relationship to this lack of due regard. He may indeed have insufficient regard for the other person *while* he acts, but this is mere coincidence. We can illustrate the more general point by recalling Rosen's arsenic case. Rosen may desire that things go poorly for me or be completely indifferent about whether they do. But, if he is blamelessly ignorant that what he is putting in my tea is arsenic and not sugar then *his doing so* does not express or display a negative quality of will toward me. While he may bear condemnable attitudes toward me, they are not reflected in his action.¹⁴ As such, they cannot affect his degree of blameworthiness for performing that action.¹⁵

In sum, while the failure to see some risk of harm *H* as a reason not to perform some action is necessary for the display of lack of due regard in that action, it is not sufficient. The display of lack of due regard in action with respect to *H* also requires the awareness of *H*. An agent's ignorance of some wrong-making feature of his action, *H*, precludes both the expression of ill will and the display of lack of due regard with respect to *H*.

3. Why even culpable ignorance can mitigate blameworthiness

It is commonly accepted that when an agent's circumstantial ignorance in performing a morally wrong action is *blameless* it at least mitigates (or can mitigate) his blameworthiness for performing the action.¹⁶ However, one might hold that if an agent is *culpable* for his ignorance, then that ignorance is a result of some prior behavior that expressed ill will or (what is more likely when it comes to failing to meet epistemic obligations) displayed a lack of due regard.¹⁷ Holly Smith (1983) for example, states that all cases of culpable ignorance involve the following: "an initial act, in which the agent fails to improve (or positively impairs) his cognitive position, and a subsequent act in which he does wrong because of his resulting ignorance" (547). Call the former *benighting* actions (or omissions), and the latter kind *benighted* actions (or omissions).¹⁸ If an agent's culpable ignorance at the time of the benighted action is itself due to an earlier benighting action that expressed or displayed a negative quality of will, then it may be

difficult to see how that ignorance can mitigate blameworthiness for the benighted action. Because of the foregoing considerations, it might be thought that blameworthiness for benighted actions cannot be mitigated by considerations concerning the agent's quality of will.

This, however, is mistaken. If the quality of will expressed in an action can make a difference to the agent's degree of blameworthiness for performing that action, then an agent's ignorance can mitigate blameworthiness even when culpable. This is because even culpable ignorance can preclude the expression or display of a negative quality of will with respect to certain wrong-making features of a benighted action. In order to explain why this is so, we must recognize that culpable ignorance does not always mitigate blameworthiness. Central to whether (and to what extent) it does is the notion I call *capture*.

An agent's quality of will at the time of a benighting action captures some wrong making feature of the benighted action, *H*, if and only if *H* is foreseen by the agent at the time of the benighting action. Given that foresight of some feature can be accompanied by different subjective probabilities and degrees of clarity, capture may come in degrees that correspond to these.¹⁹

In cases of lack of due regard, at least, it may be that the agent's quality of will at the time of the benighting action captures a wrong-making feature, *H*, to a greater degree if he accurately estimates the probability that *H* would obtain than if he underestimates this probability. The higher the agent's subjective probability that *H* will obtain, the more that the agent's indifference with respect to *H* is displayed.²⁰

Furthermore, not all foresight is occurrent to the same degree. While no one doubts that an experienced baseball player with two strikes is aware that he is at risk of striking out, it may be better for him not to focus too much on this fact (Husak 2011, 209). It would seem that an agent's quality of will at the time of the benighting action captures a wrong-making feature to a greater degree the higher his level of attention to that feature is.

We must also be careful in individuating wrong-making features of an action. To use an example, the wrong-making feature *killing* is not identical to the wrong-making feature *harming*, since an action can possess the latter feature without possessing the former. Because of this, an agent may (at the time of the benighting action) foresee at least one wrong-making feature of the benighted action (*harming*) while being ignorant of another wrong-making feature of the benighted action (*killing*).²¹

Awareness of wrong-making features does not always increase the degree of capture in a morally significant way. An agent's foresight that the benighted action might *seriously* harm someone would increase the degree of capture in a morally significant way beyond that of the foresight that the benighted action might harm someone. In contrast, foresight that the benighted action might injure someone's *right* leg would not (normally) increase the degree of capture in a morally significant way beyond that of the foresight that the benighted action might injure someone's leg. This is so because there is a morally significant difference between the two wrong-making features in the former case, but no morally significant difference between the two wrong-making features in the latter case.

When an agent performs a morally wrong action while aware of its wrong-making features his action expresses a negative quality of will, and does so *directly*; it is the awareness that he has *at the time of the action* that allows his negative quality of will to be expressed or displayed in it. In cases of ignorance, of course, things are different; the agent's ignorance with respect to wrong-making features of the action precludes a direct expression or display of negative quality of will in it. If the agent is ignorant that his action may result in serious harm to another person, for example, the agent cannot be motivated by the fact that it may, nor can his action be performed with callous disregard for that wrong-making feature. The notion of capture, however, explains how an action performed from circumstantial ignorance can still express a negative

quality of will. When an agent's quality of will at the time of some action or omission captures the wrong-making features of some subsequent morally wrong action, the quality of will is expressed or displayed (albeit *indirectly*) in the subsequent action with respect to the features of the subsequent action that are captured.

In this way the notion of capture can operate as a supplement to the so-called *tracing strategy*, a tool that aims to make sense of blameworthiness for consequences of behavior. According to the tracing strategy, the fact that some item is a bad consequence of some behavior for which an agent is blameworthy is not sufficient for the agent to be blameworthy for that consequence. The agent must also fulfill an epistemic requirement. While some tracing theorists require only that the consequence was reasonably foreseeable for the agent at some earlier time (Rosen 2004, Fischer and Tognazzini 2009), others maintain that actual foresight is required (Zimmerman 1997). Importantly, the notion of capture helps explain blameworthiness in tracing cases *only if* the relevant epistemic requirement is a matter of actual foresight: the expression or display of negative quality of will requires awareness, so mere foreseeability cannot account for the fact that blameworthiness is sensitive to the quality of will expressed or displayed in some behavior or consequence.²²

We can imagine first an agent who at some earlier time intentionally acted to bring it about that, when the time came to act, he would be ignorant of precisely what he becomes ignorant of. One of the most striking examples of this is portrayed in the film *Memento*. In the film the character Leonard is bent on finding and killing the man who murdered his wife. Due to a head injury inflicted by the culprit at the time of the attack, Leonard cannot form new memories. In order to find the murderer, then, Leonard writes notes to himself on scraps of paper and tattoos his body with clues to the identity of his wife's murderer. At one point, the man assisting him on his pursuit of vengeance, Teddy, reveals to Leonard that they had already found his wife's murderer and that Leonard had killed him. Due to his condition, of course, Leonard had forgotten. Teddy explains to Leonard that he has continued helping Leonard track down other suspects in order to give purpose to Leonard's life. Realizing in that moment how Teddy has been manipulating him, Leonard resolves to make Teddy his next kill. He writes notes to himself implicating Teddy, aware that this will lead him to kill Teddy from ignorance of Teddy's innocence.

Leonard's ignorance is culpable, and this is at least in part due to the fact that the benighting act (i.e., his implicating Teddy) that led to his ignorance expressed ill will. Leonard's ignorance at the time of the benighted action (i.e., his killing Teddy) does not mitigate his blameworthiness for the benighted action, and the explanation for this is straightforward: the quality of will expressed in making himself believe incorrectly that Teddy is his wife's murderer *completely captures* the wrong-making features of his killing Teddy out of ignorance, and so is expressed (indirectly) in it. Put more perspicuously, there are no wrong-making features of the benighted action that Leonard was unaware of at the time of the benighting action.^{23, 24}

More often than not, of course, an agent's quality of will at the time of a benighting action does not capture all of the wrong-making features of the benighted action. When a doctor fails to look at his patient's medical chart before prescribing medication to the patient, he may be aware that his failure to do so might result in his being ignorant of special conditions the patient might have and in turn prescribing medicine that will (due to some such condition) harm the patient. But the doctor may know that he is risking harm to the patient without being aware of *how* serious the harm might be (due to his ignorance of the patient's particular medical conditions). Suppose that the patient dies as a result of the prescription. The doctor's earlier failure to check the patient's medical chart displayed a lack of due regard for the patient's health.²⁵ However, if the death of the patient did not fall within the scope of foreseen outcomes, then the doctor's lack of due regard for the patient at the time of his benighting omission only partially captured the

wrong-making features of his prescribing the medication: there are wrong-making features of the benighted action (his prescription of the medicine) that he was unaware of at the time of his earlier benighting failure to check the patient's medical records. In particular, his lack of due regard captured the risk of harm to the patient but not the risk of death. The lack of due regard displayed in the doctor's benighting omission (i.e., his failure to check the medical records) does not include a conscious lack of care concerning whether the patient would die as a result of a harmful prescription.

Let's return once more to Rosen's arsenic case. If his circumstantial ignorance is non-culpable, Rosen maintains, then he is blameless for ignorantly putting arsenic in my tea. Rosen's judgment that non-culpable circumstantial ignorance *excuses* can be explained by my claims concerning the expression or display of negative quality of will in actions and omissions. As I explain above, if Rosen is blamelessly ignorant that what he is putting in the tea is arsenic and not sugar then his doing so does not express or display any negative quality of will; his ignorance precludes these (and this is so even if he happens to *bear* a negative quality of will toward me). But what if Rosen's ignorance was culpable? Recall what he says: "In that case I am plausibly culpable for the poisoning—*though I am obviously less culpable than I would have been if I had done it deliberately*" (2004, 300, my emphasis). What I have said in this section helps explain why this is so. Rosen's ignorance with respect to the wrong-making features of his action precludes a direct expression of negative quality of will in it. If his ignorance is culpable, however, then it is still likely that his action expresses or displays a negative quality of will *indirectly*. If Rosen's culpable ignorance is the result of an earlier benighting action, then the quality of will expressed in the benighting action may (to one degree or another) capture certain wrong-making features of his putting arsenic in the tea, and thereby be expressed or displayed indirectly in the benighted action. But if there are wrong-making features of Rosen's unwitting wrong (benighted) action that were not foreseen at the time of the earlier benighting action, then the quality of will expressed or displayed indirectly in the benighted action is not as bad as it would have been were it either performed with full awareness of its wrong-making features or if the quality of will expressed or displayed in the benighting action captured all of the wrong-making features of the benighted action.

4. Conclusion

An agent's ignorance, even when culpable, can mitigate his blameworthiness for acting from ignorance. Whether and to what extent an agent's ignorance mitigates his blameworthiness for morally wrong actions or omissions, I have suggested, depends upon the extent to which the agent's negative quality of will is expressed or displayed in the action or omission. In the case of non-culpable ignorance with respect to all of the wrong-making features of the action, the expression or display of a negative quality of will is precluded entirely. In the case of culpable ignorance, the degree to which the ignorance mitigates blameworthiness depends upon the degree to which the agent's quality of will at the time of the benighting action captured the wrong-making features of the subsequent (benighted) action performed from ignorance.

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Notes

1. H. Smith (1983) briefly discusses this (557-558), as does Björnsson (2017, 147).
2. This principle is held in one form or another by a number of other authors writing in the relevant literature, including Zimmerman (1997, 411), FitzPatrick (2008, 601-602), Levy (2009, 741), Fischer and Tognazzini (2011, 390), and H. Smith (2011, 118).
3. I use “blameworthy” and “culpable” interchangeably. Rosen’s understanding of culpability and blameworthiness make it clear that he also uses these two terms interchangeably.
4. Rosen (2003) also makes this distinction, calling the first type factual (or non-moral) ignorance, and the second moral ignorance. Fitzpatrick (2008) and Talbert (2013) both use the term “circumstantial ignorance.”
5. The account of quality of will that I offer in Section 2 is similar to that of Arpaly (2002) and Talbert (2012) insofar as it is framed in terms of an agent’s responsiveness to moral reasons.
6. Cody may have non-occurrent beliefs that, taken together, entail that by acting he is taking a more serious risk (e.g., that drinking large amounts of alcohol can result in death and that the pledges are drinking large amounts of alcohol), and nevertheless fail to make the relevant inference. One might wonder whether, if this is so, it makes a difference to Cody’s blameworthiness in the action. The view I propose in this paper implies that this is so only if his failure to become aware of the risks, *F*, is the result of some prior behavior, *B*, conjoined with the foresight that *B* may result in the type of result of which *F* is an instance. This implication (concerning what I understand as the *indirect* expression or display of negative quality of will) will become clearer in Section 3.
7. I leave it open that an agent may desire that his action result in harm to another person without intending that it do so because of a failure to meet certain epistemic constraints on intention. Plausibly, intending that one’s action result in harm *H* requires that the agent must at the very least lack the belief that the action will not or probably will not result in *H*. Mele (1992) discusses this epistemic constraint on intention (176).
8. We can suppose that these actions are morally wrong because of the risk of harm that they pose to others.
9. I say that ill will may be *expressed* in an action or omission because the agent’s awareness of the risk of harm in these cases plays a motivational role in the agent’s performance of the action. Because this is not so for lack of due regard, I speak of lack of due regard being *displayed* in an action or omission.
10. In this counterfactual Cody suffers from *moral* ignorance. It is a separate question whether his moral ignorance in this supposed counterfactual would mitigate his blameworthiness in that counterfactual; at this point I am only concerned with whether his circumstantial ignorance in the actual case can mitigate his blameworthiness in the actual case. Notably, Cody’s circumstantial ignorance in the actual case precludes moral ignorance.
11. I am grateful to Sam Sims for suggesting that one might maintain this view.
12. Whether Cody would be blameworthy for his negative quality of will in this counterfactual depends upon the conditions on blameworthiness for non-voluntary states (e.g., beliefs, attitudes). Theorists disagree over whether agents can be directly blameworthy for non-voluntary states, or whether blameworthiness for non-voluntary states always traces back to blameworthiness for behavior. Those who hold the latter view (called *volitionism*) point out that one’s attitudes, beliefs, etc. are not under an agent’s direct control as behavior typically is. If such control is required for direct blameworthiness, then an agent might be *bad* without being *blameworthy* for being bad (Levy 2005). And if volitionism is true, then the distinction I draw here leaves open two possibilities. First, an agent might be blameworthy for having a certain quality of will (if it is traceable to earlier blameworthy behavior) without being blameworthy (or being less blameworthy) for acting *while* having that quality of will, since (due to ignorance) the quality of

will may not be expressed or displayed in the action. Second, an agent might be blameworthy for acting in a way that displays a negative quality of will (something often under an agent's direct control) without being blameworthy for having that quality of will, since one's quality of will may not be something traceable to earlier behavior. I do not take a stand here on whether volitionism is true. I am grateful to two anonymous reviewers from *Philosophical Explorations* for suggesting that I expand upon the significance and implications of this distinction.

13. An anonymous reviewer for *Philosophical Explorations* points out an interesting implication of this: in some cases an agent could have been blameworthy for a consequence more serious (e.g., a death) than what he is actually blameworthy for (e.g., some minor harm) without thereby being more seriously blameworthy for that consequence (i.e., blameworthy to a greater degree). On my view, the seriousness of the consequence does not directly affect the degree of the agent's blameworthiness for that consequence. Rather, an agent's blameworthiness for consequences is largely determined by whether and how those consequences are related to the agent's internal states (e.g., beliefs, desires, intentions). I take this to be a favorable implication, at least for those who believe that consequential luck should play as small of a role as possible in affecting an agent's blameworthiness.
14. This distinction is important for understanding certain views about the conditions on blameworthiness. For example, McKenna (2012) seems to require the expression or display of negative quality of will in action (and not merely having a negative quality of will) for blameworthiness for morally wrong actions (57-64).
15. Björnsson (2017) maintains that an agent is blameworthy for some behavior only if it is explained by the agent's quality of will (151-152). While all actions that express ill will are *explained* (at least in part) by the agent's ill will (because the agent's desires motivate him), it is less clear whether the same goes for all actions that display lack of due regard, since it seems that lack of due regard needn't play any causal role in bringing about an action that displays it. If Rosen was aware that he is putting arsenic in my tea but merely indifferent to my well-being, then his lack of due regard is displayed in his action (since he performs the action in light of this awareness) but wouldn't *cause* it. Rather, his lack of due regard would only make it so that he wouldn't be motivated to *refrain* from performing it.
16. I leave it open whether such an agent is blameworthy *at all* for a morally wrong action performed from ignorance (where that ignorance is blameless). As noted above (n. 2), it is widely maintained that blameless circumstantial ignorance excuses.
17. While some theorists believe that culpability for ignorance must somehow trace back to some earlier act for which the agent is blameworthy, others argue that agents can be directly culpable for ignorance (Adams 1985, A. Smith 2005). Though I maintain that ignorance is culpable if it is the foreseen upshot of some earlier failure for which an agent is blameworthy, I do not take a stance here on whether *all* culpability for ignorance must trace back to an earlier failure in this way.
18. Smith calls the former kind "benighting acts," and the latter kind "unwitting wrongful acts," although I will (following Ginet 2000) call them "benighted" acts or actions. As I note parenthetically here, there can be benighting and benighted *omissions* as well as actions. For simplicity I often use the terms "benighting action" and "benighted action" to refer to both.
19. Arpaly (2002) maintains that the degree to which one is motivated by certain reasons affects the degree to which one is praiseworthy or blameworthy for an action (233). Because I am concerned here with considerations that may affect the degree to which an agent's quality of will *captures* certain wrong-making features, I focus on the considerations related to an agent's *awareness* rather than those related to the strength of an agent's *desire*. It is important to note, though, that because an agent can only be motivated by some wrong-making feature through an awareness of it, considerations concerning awareness and those concerning desire will often be interrelated in bearing on an agent's degree of blameworthiness.

20. There is reason to think that this is not so in cases of ill will, since, regardless of what the agent's subjective probability of *H*'s obtaining is, in such cases the agent intends or desires that *H will* obtain (and not merely that it *might*). I offer an example of this below.
21. Although I opt to use the term "feature," these can be understood as wrong-making *properties* of an action.
22. In Miller (2017) I argue that, given certain commitments, "foreseeability theorists" have reason to abandon their view in favor of an actual foresight version of the tracing strategy.
23. This is not to say that, at the time of his benighting act, Leonard foresaw what the benighted act would be "in all its florid particularity," (to borrow a phrase from Fischer and Tognazzini 2009, 538). He would not have known, for example, exactly where he would kill Teddy, what each of them would be wearing, what particular weapon he would use to do it, and so on. My claim here is that Leonard was aware, at the time that he set himself up to kill Teddy, of all of the features of that action that would make it *morally wrong*.
24. McKenna (2009) suggests that it does not make sense to blame Leonard for his actions, since "an agent who simply could not remember his acts could not see the blame or the punishment as responding to the character traits in him as they were revealed in his actions" (39). Even so, McKenna explains, this does not preclude Leonard from being *blameworthy* for his actions. In the end, however, McKenna claims that, if Leonard is responsible and blameworthy for his actions, "his moral responsibility is so vanishingly minimal that it seems not to amount to much" (41). Part of the reason for this judgment, I take it, is that Leonard's agential capacities are severely impaired by his continual memory loss. In order to avoid this broader concern about Leonard's agency for the case I discuss here, we can imagine a similar case in which an otherwise normally functioning agent intentionally induces the sort of memory loss and ignorance that comes naturally to Leonard with the aim of killing someone out of ignorance.
25. Depending on the nature of doctor's motivational state when omitting to look at his patient's medical chart, it may also be that this failure expressed ill will.

Notes on Contributor

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