

TRACING CULPABLE IGNORANCE

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ABSTRACT: In this paper, I respond to the following argument which several authors have presented. If we are culpable for some action, we act either from *akrasia* or from culpable ignorance. However, *akrasia* is highly exceptional and it turns out that tracing culpable ignorance leads to a vicious regress. Hence, we are hardly ever culpable for our actions. I argue that the argument fails. Cases of *akrasia* may not be that rare when it comes to *epistemic* activities such as evidence-gathering and working on our intellectual virtues and vices. Moreover, particular cases of *akrasia* may be rare, but they are not exceptional when we consider chains of actions. Finally and most importantly, we can be culpable for our actions even if we do not act from *akrasia* or from culpable ignorance, namely in virtue of our unactivated dispositional beliefs.

KEYWORDS: *akrasia*, culpability, epistemic obligations, ignorance, vicious regress

On May 3rd 1945, Sir Arthur Coningham, commander in the British Tactical Air Force, ordered the attack on three German ships in the Bay of Lübeck. Unbeknownst to him, the Germans had filled these ships with about 10,000 concentration camp survivors. All three ships were sunk. Most of the SS guards survived, but an estimated 7,800 camp survivors died. Was Coningham at least partly culpable for their deaths? The answer, of course, crucially depends on whether his ignorance was culpable or not. If it was not, then it seems unfair to blame him, but if he should have known better, then it seems that he is at least partly blameworthy for the tragedy. When, then, would his ignorance count as culpable? Presumably, if at some earlier time he could have found out that there were prisoners on board but did not investigate the matter sufficiently carefully or failed to listen to certain people who possessed more information than he did.

However, there is a problem here. Imagine that Coningham indeed failed to investigate the matter sufficiently carefully. Then, we may assume that at that earlier time he (falsely) *believed* that he need not gather any additional evidence. But if he falsely believed that, he was ignorant. If he was *inculpably* ignorant, it seems unfair to hold him responsible for acting as he did. If he was *culpably*

ignorant, then presumably he performed a culpable action¹ in the past which resulted in that culpable ignorance. But we can say the exact same thing about that prior culpable action, and about a culpable action prior to that, and so on. It seems we are on the road to a vicious regress. Clearly, the same trouble can be raised for much more mundane situations in which someone acts from culpable ignorance.

One might think that the point even extends to certain cases in which someone clearly displays evil intentions. Joseph Stalin, presumably, thought that it was a good thing to order the massacre of thousands of Polish officers in the Katyn forest. Since that belief was false, he was ignorant of its wrongness. If he should have known better, then there ought to be some prior culpable act from which his ignorance issued. And so on. The problem seems to arise for any situation in which a person acts in or from ignorance – usually a false belief, but sometimes the absence of any belief – but in which she nevertheless seems culpable for what she does. In all those cases, it seems that, ultimately, we cannot explain why that person's ignorance is culpable. The only exception are cases of *akrasia*, scenarios in which a person does or fails to do something despite occurrently (consciously) believing that doing so is wrong. Cases of clear-eyed *akrasia*, however, seem to be rare: it seems that what we believe and what we do hardly ever come apart in this way. It follows that anybody is hardly ever culpable for some action.

This argument, which I dub the Argument from Culpable Ignorance (ACI), has been presented and discussed by William FitzPatrick, James Montmarquet, and Michael Zimmerman.² Before considering how ACI can be met, let me try to be a bit more precise about its structure. I think it can be rendered slightly more formally as follows:

¹ In this paper, I confine myself to actions, but *mutatis mutandis* the same could be said about omissions.

² See William J. FitzPatrick, "Moral Responsibility and Normative Ignorance: Answering a New Skeptical Challenge," *Ethics* 118 (2008): 589-601; James A. Montmarquet, *Epistemic Virtue and Doxastic Responsibility* (Boston: Rowman and Littlefield, 1993), vii-viii, 7-9, 45-8; James A. Montmarquet, "Culpable Ignorance and Excuses," *Philosophical Studies* 80 (1995): 41-43; James A. Montmarquet, "Zimmerman on Culpable Ignorance," *Ethics* 109 (1999): 845; Michael J. Zimmerman, "Moral Responsibility and Ignorance," *Ethics* 107 (1997): 410-8; Michael J. Zimmerman, *Living with Uncertainty: The Moral Significance of Ignorance* (Cambridge: Cambridge University Press, 2008), 173-93. Gideon Rosen offers an argument similar to ACI; see Gideon Rosen, "Skepticism about Moral Responsibility," in *Philosophical Perspectives: Ethics*, Vol. 18, ed. John Hawthorne (Malden, MA: Blackwell Publishing, 2004), 295-311. The conclusion of his argument, however, is that we can hardly ever *know* when someone has performed a culpable action, since we cannot ascribe *akrasia* with any confidence.

- (1) For any person *S*, if *S* is culpable for some action *A*, then *S* does *A* either from *akrasia* or from ignorance. [ass.]
- (2) Cases of *akrasia* are highly exceptional. [ass.]
- (3) If *S* is culpable for *A*, then in nearly all cases, *S* does *A* from ignorance. [from (1) and (2)]
- (4) *S* is culpable for an action *A* done from ignorance only if *S* is culpable for that ignorance. [ass.]
- (5) If *S* is culpable for an action *A*, then in nearly all cases, *S* performed *A* from culpable ignorance. [from (3) and (4)]
- (6) *S* is culpable for *S*'s ignorance only if *S* is culpable for some past action *B* from which that ignorance issued. [ass.]
- (7) If *S* is culpable for an action *A*, then in nearly all cases, *S* is culpable for another culpable action *B* that preceded *A*. [from (5) and (6)]
- (8) If *S* is culpable for an action *A*, then in nearly all cases *S* is culpable for an infinitely long chain of culpable actions each of which precedes the other. [from (7)]
- (9) There are no infinitely long chains of culpable actions each of which precedes the other. [ass.]
- (10) For any person *S* and action *A*, *S* is hardly ever culpable for performing *A*. [from (8) and (9)]

ACI's conclusion is, of course, deeply disturbing: we believe that people are frequently culpable for what they do. Moreover, if culpability for beliefs is due to one's failing to perform certain actions in the past, as the argument presupposes, then it would also follow that we are hardly ever culpable for our beliefs and that would surely be another disturbing conclusion. It is, therefore, important to find a satisfactory way of dealing with the argument. I know of two responses to ACI that have been given in the literature.

According to James Montmarquet and William FitzPatrick, we should reject premise (6): not every instance of culpable ignorance is to be explained by a prior culpable action from which that ignorance issues. There is such a thing as *fundamental* and *undervived* culpability for ignorance. More specifically, ignorance is culpable if it issues from insufficient regard of truth and evidence. Insufficiently regarding truth and evidence, like the exemplification of other epistemic vices and virtues, is not to be considered as an action, but as a modality of the belief-forming process, as a way of believing.³ Perhaps Montmarquet and FitzPatrick are right

³ See Montmarquet, *Epistemic Virtue*, 41-3, 45-7; Montmarquet, "Culpable Ignorance," 843-5.

that insufficient regard of truth and evidence does not count as an action, but their suggestion will not do. For, clearly, people can be inculpable for insufficient regard of truth and evidence. People may be brainwashed or raised in a society which cares very little about truth and evidence. Insufficient regard of truth and evidence cannot be intrinsically culpable. FitzPatrick seems to be aware of this worry, for he adds that one is culpable for exercising some intellectual vice only if one could reasonably have been expected to do better.⁴ Unfortunately, this does not solve the problem either. For, we have not been given an answer to the question of *why* or in *virtue of what* one could reasonably have been expected to do better from an epistemic point of view. We still have not found a source of culpability. Even more importantly, assuming that insufficient regard of truth and evidence is always wrong, it still seems that if people act with insufficient regard of truth and evidence, they either act from *akrasia*, that is, against their better judgement, or from ignorance that acting with insufficient regard of truth and evidence is wrong. Hence, this approach relocates the problem rather than solving it.

Michael Zimmerman, on the other hand, proposes that we accept ACI. On his view, the argument surprisingly shows that we are far less often culpable for our ignorance and for actions performed from ignorance than we might initially think. Thus, we should blame each other only in cases in which an act is done either from *akrasia* or from ignorance which issued from an act done from *akrasia*.⁵ This option is clearly highly unattractive: we should be very suspicious of philosophical arguments that call for a substantial revision of one of our socially most important and deeply entrenched practices. We should take this route only if each of the premises of the argument is at least as convincing as the thesis that people are frequently blameworthy for their ignorance and for actions performed from ignorance.

If Montmarquet's and FitzPatrick's response to the argument fails, is there a way to avoid the disturbing conclusion and Zimmerman's strongly deflationary proposal? It is implausible to deny (9), the premise that there are no infinitely long chains of culpable actions. For one thing, even if we *could live* forever, none of us *has lived* forever and, hence, there are no such things as infinitely long chains of culpable actions. (6), as we saw above, is also plausible: if one *should* have known better, then there must be something such that if one had done that thing, one *would* have known better. It is especially plausible because, as William Alston has

⁴ See FitzPatrick, "Moral Responsibility," 606-10.

⁵ See Zimmerman, "Moral Responsibility," 421-6; Zimmerman, *Uncertainty*, 173-93.

famously argued, we do not have direct control over our beliefs.⁶ We do not freely choose to hold some belief. Thus, we are responsible for our beliefs in virtue of our control over such epistemic activities as evidence gathering and working on our intellectual virtues and vices. For instance, we may have an obligation to check whether anyone is lurking behind the target area before firing the gun, or an obligation to read certain articles in medicine before performing a complicated operation. These obligations are such that if we fail to meet them, we risk ignorance. As to (4), ever since Aristotle, philosophers have defended this premise.⁷ It just seems unfair and incorrect to blame someone for some action if she did it from blameless ignorance, that is, if it is not the case that she should have known better. Hence, (9), (6), and (4) are unproblematic. The problem with ACI, I will argue, is rather that (1) and (2) are false and that (8) does not follow from (7).

Starting with the latter, let us assume that (7) is true, that is, that if *S* is culpable for *A*, then in nearly all cases she is culpable for another culpable act *B* that preceded *A*. Imagine, for instance, that if *S* is culpable for *A*, then the probability that *A* is preceded by another culpable act *B* is .95. The probability that *B* is preceded by another culpable act *C* is, of course, also .95, so that the probability that *A* is preceded by two culpable acts *B* and *C* is $.95 \times .95 = .9025$. Clearly, the longer the series of actions, the more likely it is that some action performed from *akrasia* occurs at some point in the series. It may be unlikely that a *particular* act is done from *akrasia*, it is not unlikely that *some act or other* in a chain of actions is done from *akrasia*. But if (8) is false, only a significantly weaker conclusion than (10) can be established.

Second, (2) says that actions from *akrasia* are rare. This may be true for actions *in general*. It does not follow that acting from *akrasia* is rare for *all* particular kinds of actions. More specifically, it does not seem that exceptional when it comes to such *epistemic* actions as gathering evidence and working on our intellectual virtues and vices. Students frequently violate an obligation to prepare an exam, policemen often violate an obligation to gather all the relevant evidence, and many of us fail to become more open-minded in the course of our lives. I think there is a particular reason for this. For *most morally important actions*,

⁶ See William P. Alston, "The Deontological Conception of Epistemic Justification," in his *Epistemic Justification: Essays in the Theory of Knowledge* (Ithaca: Cornell University Press, 1989), 115-52. This also seems to be the view of Holly Smith, according to whom one is culpably ignorant only if that ignorance is due to some prior benighting act. See Holly Smith, "Culpable Ignorance," *The Philosophical Review* 92 (1983), 547-8.

⁷ See Aristotle, *The Nicomachean Ethics*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 2003), 145-7 (III.v.7-8); Gideon Rosen, "Culpability and Ignorance," *Proceedings of the Aristotelian Society* 103 (2003): 64-6; Zimmerman, "Moral Responsibility," 412.

such as sentencing a criminal or buying an expensive car, we have a pretty firm grasp of at least some of the consequences. We easily foresee that the criminal ends up in jail and that the amount of money on my bank account is significantly reduced. With *epistemic actions*, however, things are different. Here, we usually do *not* foresee which particular ignorance will result from that and which actions we will perform from that ignorance. That makes it much easier to violate such obligations, even if we believe that we should not do so (which makes them cases of *akrasia*). We know that we run a certain risk, but since we do not foresee the precise consequences, we are more likely to succumb to the temptation of violating the obligation in question, despite our belief that we should not.⁸

Finally and most importantly, (1) is false: it is *not* the case that if *S* is blameworthy for some action *A*, then *S* does *A* either from *akrasia* or from ignorance. Someone with dispositional beliefs about her circumstances or about the normative status of an action can be blamed for not activating those dispositional beliefs.⁹ Imagine that I am babysitting and that my friend tells me that her four year old daughter, Sarah, is seriously allergic to milk. If, an hour later, I completely forget about that and give Sarah a glass of milk, I am clearly blameworthy for that, simply because I had the dispositional, but unactivated (non-occurrent) belief that I should not give Sarah any milk. I could and should have thought about it or remembered it. I clearly did not act from *akrasia*: it is not that I was fully aware of the danger but succumbed to the temptation by weakness of will. Nor was I *ignorant* that Sarah is allergic to milk or *ignorant* that I should not give Sarah any milk.¹⁰ Surely, I *knew* that Sarah is allergic to milk and that

⁸ Zimmerman, *Uncertainty*, 190, leaves some room for the idea that what kind of consequences is involved makes a difference to how easy or difficult it is to act from *akrasia*. He fails to notice the crucial point, though, that we fairly easily act from *akrasia* when it comes to epistemic obligations, since in such cases we do not foresee which particular doxastic attitudes we will come to hold as a result of violating or meeting them. This point is crucial, for culpable ignorance will often be due to the violation of such obligations.

⁹ The false premise implicit in (1), then, is that only occurrent beliefs can count as reasons for which one acts or should act. For this premise, see Rosen, "Skepticism," 307; Zimmerman, "Moral Responsibility," 421-422; Zimmerman, *Uncertainty*, 190-1. For another example against this principle, see Keith Frankish, "Partial Belief and Flat-Out Belief," in *Degrees of Belief*, ed. Franz Huber et al. (Dordrecht: Springer, 2009), 86.

¹⁰ I will not address the issue of precisely what it is to be ignorant, that is, under which conditions one is ignorant. I have defended a particular answer to this question elsewhere; see Rik Peels, "What Is Ignorance?," *Philosophia* 38 (2010): 57-67, and Rik Peels, "Ignorance Is Lack of True Belief: A Rejoinder to Le Morvan," *Philosophia* 39 (2011): 345-55. In those two articles, I argue that ignorance is lack of true belief rather than lack of knowledge. The truth of the claim that I make here, namely that one is *not* ignorant that *p* if one dispositionally

dispositional belief, perhaps in combination with the absence of excusing circumstances, is sufficient to properly blame me for giving Sarah milk. The same applies to many other situations, such as forgetting one's friend's birthday and violating one's promise by forgetting to take some groceries along on the way home.¹¹ Not all situations in which one performs a blameworthy action are situations of clear-eyed *akrasia* or ignorance.

One could, of course, bite the bullet and stick with the claim that only *occurrent* beliefs give rise to obligations and, unless certain excuses hold, to blameworthiness. Since this assertion clearly contradicts our intuitions in the examples that I just gave it seems that we should not accept that claim without an argument of some kind. Such an argument is provided by Michael Zimmerman. According to Zimmerman, only occurrent beliefs can render one blameworthy for the violation of an obligation because only occurrent beliefs play a role in the reasons for which one performs an action. And unless something plays a role in the reasons for which one performs an action one cannot in virtue of that thing be blamed for performing the action. Zimmerman qualifies his position in one regard, though. He grants that one can be blameworthy in virtue of one's dispositional beliefs in cases of *routine* or *habitual* actions, cases in which one performs actions for reasons to which one does not advert at the time at which one performs them.¹²

However, I think that there is good reason to reject Zimmerman's claim. Imagine that I am teaching a class on evolutionary theory and, in the course of my lecture, tell the students that Darwin's *On the Origin of Species* was published in 1859. This is something I tell them because I believe it, because I take it to be something that the students ought to know, because I believe that there are students in the room, because I believe that I can transfer knowledge to my students by telling them something, and so forth. But, clearly, I need not consciously consider all these reasons in order for it to be true that my telling the students that Darwin's *On the Origin of Species* was published in 1859 is based on those reasons. It seems that in this case my dispositional (dormant, tacit) beliefs play a crucial role in my reasons for performing this particular action. Something similar seems to apply in cases in which I am blameworthy rather than

believes that *p*, does not depend on whether ignorance is lack of true belief or lack of knowledge.

¹¹ Thus also Angela M. Smith, "Responsibility for Attitudes: Activity and Passivity in Mental Life," *Ethics* 115 (2005): 236; Brian Weatherson, "Deontology and Descartes' Demon," *The Journal of Philosophy* 105 (2008): 552; Susan Wolf, "Asymmetrical Freedom," *Journal of Philosophy* 77 (1980): 164.

¹² See Zimmerman, *Uncertainty*, 190-1. This also seems to be the view of Rosen, "Skepticism," 307.

praiseworthy or neutrally appraisable for what I do.¹³ Now, I do not think that there is any natural sense in which the action of my saying that *On the Origin of Species* was published in 1859 is a routine or habitual action. It may be the very first time in my life that I utter this sentence, but, as the example shows, I may still do it for reasons that at that time I am not consciously considering. If Zimmerman were to insist that this action is habitual, then it seems that we would have to say that many of our actions, if not the majority, are habitual. Since Zimmerman allows that in the case of habitual actions we can be blameworthy in virtue of our dispositional beliefs, it would follow that we could still be blameworthy for many of our actions.

In summary, we have traced two ways of acquiring or maintaining blameworthy ignorance. First, one can perform the action from which one's ignorance issued from clear-eyed *akrasia*. As we saw, such *akrasia* is not as rare in the case of evidence gathering and working on our intellectual virtues and vices as it is when it comes to other actions. Second, one can perform an action resulting in ignorance with unactivated dispositional beliefs about one's circumstances or the normative status of that action that one should have activated. It seems highly likely that for a substantial number of our actions that make a difference to what we believe, one or both of these options are realized at that moment or at some earlier moment to which that action is relevantly related. I conclude that the argument fails to establish that we are hardly ever blameworthy for our actions or for our beliefs.¹⁴

¹³ The view that beliefs need not be occurrent in order to guide action is also adopted by Robert Audi, "Acting for Reasons," *The Philosophical Review* 95 (1986): 515, 521, and Eleonore Stump, "Intellect, Will, and the Principle of Alternate Possibilities," in *Perspectives on Moral Responsibility*, ed. John M. Fischer et al. (Ithaca: Cornell University Press, 1993), 254.

¹⁴ I would like to thank Anthony Booth, Herman Philipse, Michael Zimmerman, and the audience at the 85th Joint Session of the Aristotelian Society and the Mind Association at the University of Sussex (Summer 2011) for their valuable comments on earlier versions of this paper.