Blaming for Unreasonableness: Accountability without Ill Will

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Forthcoming in Journal of Ethics and Social Philosophy

ABSTRACT

Many theorists of moral responsibility endorse the following quality of will condition: X is blameworthy for a wrong act A only if in doing A, X expressed ill will. I argue that the quality of will condition is in fact false to ordinary moral practice, because ordinary practice licenses blame for agents who act wrongly from epistemically unreasonable ignorance of the wrong-making features of their act, even when the act does not express ill will. In response, I provide a theory of culpable ignorance, and blameworthiness more generally, on which ill will is not necessary for blameworthiness. My theory, which I will call Rational Capacitarianism, entails that when an agent acts wrongly from factual ignorance, she is blameworthy if and only if her ignorance is caused by a failure to exercise a rational capacity—a capacity to recognize reasons for believing and desiring and to be generally responsive in one’s beliefs and desires to one’s assessment of reasons. Failures of rational capacities are relevant because only such failures can be attributed to the agent in a distinctive way. My theory shows that we do not need to choose between a quality of will view (which seems too lenient) or a standard Capacitarian view (which seems too harsh).

ACKNOWLEDGEMENTS

For invaluable comments on and discussion about this article I would like to thank Gideon Rosen, Randolph Clarke, Michael Smith, Elizabeth Harman, and three anonymous reviewers for the Journal of Ethics and Social Philosophy.
1. Introduction

Many theorists of moral responsibility endorse the following:

**Quality of Will Condition:** *X is blameworthy for a wrong act A only if in doing A, X expressed ill will*

Ill will is, roughly, an objectionable lack of concern for morality or the morally significant interests of others. Exactly what ill will consists in is controversial. All hands agree that ill will need not involve malice, so the term is something of a misnomer: it would be better to speak of an “insufficiently good will” or perhaps an “objectionable pattern of concern.” However, nothing I say in this paper turns on any particular view of ill will, other than that ill will is a matter of what the agent wants or cares about.

On one prominent conception, an agent’s quality of will is a matter of her responsiveness to moral reasons (Arpaly 2003). A good willed person has a final desire to take courses of action that have right-making features (like kindness or fairness), and a final desire to avoid actions with wrong-making features (like being cruel). In Arpaly’s words: “To say that a person acts out of moral concern is to say that a person acts out of an intrinsic (noninstrumental) desire to follow (that which in fact is) morality” (Arpaly 2003: 84). And a person acts from ill will if she is either insufficiently responsive to moral reasons, or responsive to sinister reasons—“reasons which conflict with morality” (Arpaly 2003: 79). A person who tortures a puppy for fun expresses ill will because she desires the puppy’s pain, and is thus responsive to a consideration that makes the act wrong. A person who fails to aid someone who is suffering might express ill will, not because she is responsive to a sinister reason, but because she is insufficiently responsive to the moral consideration at hand—the person’s suffering.

Proponents of the quality of will condition sometimes argue that it is implicit in our ordinary practice of blaming. Strawson (1962) famously claimed that the *reactive attitudes*—resentment, indignation, gratitude, and the like—are always responses to the good or ill will displayed by others:

The personal reactive attitudes rest on, and reflect, an expectation of, and demand for, the manifestation of a certain degree of goodwill or regard on the part of other human beings towards ourselves; or at least on the expectation of, and demand for, an absence of the manifestation of active ill will or indifferent disregard (1962: 347).

Indeed, the quality of will condition appears to explain central features of our practice, most notably the range of excuses we accept as grounds for withholding blame for wrongful action. It is a central feature of our
blaming practice that we withhold blame when we take the agent to have acted under duress or from certain forms of blameless ignorance. Any theory of blameworthiness must explain why these excuses work when they do, and for the Strawsonian the explanation is straightforward: these excuses negate blameworthiness (when they do) by indicating that the violation was not sourced in any improper concern for the rights or interests of others. It is important to note that the quality of will condition only specifies that ill will is a necessary condition of blameworthiness. It is consistent with thinking there are other requirements, e.g., that the agent acted wrongly, or that she possessed the capacity to recognize and respond to moral reasons. Proponents of the quality of will condition include Strawson, Arpaly (2003), Rosen (2015), Wallace (1994), McKenna (2012), and Graham (2014).

I will, first, argue, against this near consensus, that the quality of will condition is in fact false to ordinary moral practice. This is because ordinary practice licenses blame for agents who act wrongly from epistemically unreasonable ignorance of the wrong-making features of their act, even when the act does not express ill will. This should be especially concerning to Strawsonians, who think the norms implicit in our practice are the inevitable starting point for discerning the real norms of blameworthiness.

Second, I provide a theory of culpable ignorance (and blameworthiness more generally) on which ill will is not necessary for blameworthiness. The theory is an answer to the question: in what might the culpability of unreasonable agents be grounded, if it is not ill will? There is already an answer to this question in the literature: Capacitarianism, which says that an agent is culpable for fully unwitting wrongdoing insofar as she had, but failed to exercise, the capacity to be aware of the wrongness or wrong-making features of her act. But all Capacitarians need to distinguish between capacities that are relevant to responsibility and capacities that are not, as will become clear. The present approach draws this line in a principled way.

My theory, which I will call Rational Capacitarianism, entails that when an agent acts wrongly from factual ignorance, she is blameworthy only if her ignorance is caused by a failure to exercise a rational capacity—a capacity to recognize reasons for believing and desiring and to be generally responsive in one’s beliefs and desires to one’s assessment of reasons. Drawing on the work of Michael Smith, I argue that failures of rational capacities are relevant because only such failures can be attributed to the agent in a distinctive way. My theory shows that we do not need to choose between a quality of will view (which seems too lenient) or a standard Capacitarian view (which seems too harsh).

A few preliminaries: I will consider agent to be blameworthy for an act if she is liable to certain “hot” emotional responses for it, like

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1 Baron (2014) is a fellow traveler in this position.
resentment and indignation. This follows Strawson in reducing of questions to blameworthiness to questions about the appropriateness of the negative reactive attitudes.

I will deviate from the literature in focusing on ignorance that results from epistemic unreasonableness, rather than lapses of memory or inattention. The literature on negligence tends to spotlight forgetful or inattentive agents, e.g., a parent who forgets about a child in a hot car, or a driver who does not check his rear-view mirror and backs into a pedestrian. But I think it is a mistake for ill will skeptics to emphasize these cases, because it is actually less apparent that forgetful or inattentive agents are culpable than it is that unreasonable agents are culpable. This will become clearer when I explicate the notion of a rational capacity.

2. Epistemically Unreasonable Ignorance

There are two relevant kinds of ignorance: factual and moral. A factually ignorant agent is unaware that her act has certain empirical features that make it wrong (like being risky or harmful); a morally ignorant agent may be aware of these features, but ignorant that her act is wrong (or cruel or unfair). There has been much discussion of moral ignorance of late, but I will focus on factual ignorance, because it is more difficult to see how an agent whose pertinent ignorance derives entirely from factual ignorance might be culpable. Factual ignorance is often a complete excuse. Suppose X poisons Y by putting a substance in her coffee. If X innocently believed that the substance was sugar (perhaps because it was mislabeled, and she had no reason to doubt the labeling), then X is excused—she is not blameworthy for the wrong she committed. Strawsonians explain this in a straightforward way: if X was ignorant of the harm she would cause and acted only because she was ignorant in this way, the wrong was not sourced in any improper concern.

Factual ignorance is only an excuse, of course, when it is not the foreseeable upshot of some prior blameworthy act which expressed improper concern (Rosen 2003). If to relieve the boredom of a long drive I ingest a mind-altering drug and hit a pedestrian whom I don’t notice

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2 There is an obvious way in which morally ignorant agents can still express ill will, by being insufficiently responsive to the reasons that make their act wrong. A Nazi who tortures innocent prisoners fully convinced he is doing the right thing is still insensitive to the suffering of the prisoners. This is why many quality of will theorists do not think moral ignorance is exculpating.

3 Harman (2011) points out that it is not ignorance that is potentially exculpating, but false belief. If you have a .5 credence that a substance is poison and a .5 credence it is sugar, then you’re ignorant that it is poison, but this doesn’t get you off the hook for poising someone. You’re only off the hook if you have the false belief that the substance is not poison. This point is well-taken. “Ignorance” of p in this paper should be construed as shorthand for false belief that not-p; further qualifications may also be needed (see Harman 2011 for discussion).
crossing the street, it is no excuse that I didn’t know he was there. Since I am blameworthy for recklessly taking the drug, I am blameworthy for my ignorance.

Ignorance may also not excuse if it is motivated by ill will, as when a racist’s racial animus leads him to falsely believe a black candidate is unqualified for a job. If an agent acts from motivated ignorance, she acts from improper concern, since her ignorance expresses improper concern. Call ignorance that satisfies neither of these conditions — that is neither motivated by ill will nor the upshot of prior blameworthy conduct — morally blameless ignorance (leaving open that it may be criticizable in some other way, e.g., epistemically criticizable). In what follows I set aside morally blameworthy ignorance. The plan is to focus on blameless ignorance and to ask when and why it amounts to an excuse.

Most theorists hold that acts performed from blameless factual ignorance are always blameless. For instance, Rosen says:

If [the agent] has been neither negligent nor reckless in the management of his opinion, then his ignorance is blameless and so is the act done from ignorance (Rosen 2003: 63)

(Rosen’s view is actually more extreme, as he thinks that blameless moral ignorance is also always excusing; many people disagree. But we can set this aside). And Zimmerman says, “culpability for ignorant behavior must be rooted in culpability that involves no ignorance” (Zimmerman 1997: 417). Indeed, it may seem almost a truism that an agent is not blameworthy for a wrong act if she was blamelessly unaware of its wrong-making features.

But Rosen’s view, even restricted only to factual ignorance of this sort, is not as obvious as it may first appear. We must distinguish epistemically reasonable from epistemically unreasonable ignorance. The cases that support the view that blameless ignorance is always exculpating tend be cases of epistemically justified ignorance: cases in which the agent drew sound conclusions based on the evidence available to her. I am clearly off the hook for poisoning you if my belief that the substance was sugar was not only unsourced in ill will, but completely reasonable (for instance, because the canister was labeled “sugar”). But what if the false belief from which an agent acts is, though blameless, highly irrational? Suppose the canister was labeled “cyanide—not for consumption!” but I unreasonably, though innocently, assumed it was a joke. Am I still off the hook?

Now, irrationality is sometimes the result of underlying bad will. I wish to set these cases aside (since they are instances of motivated ignorance), but since it may be hard to distinguish them from cases of innocent irrationality, it is worth saying a bit more about them. In

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4 By “neither negligent nor reckless,” Rosen means that the person’s ignorance is not the upshot of a previous negligent or reckless act. It does not cover pure epistemic irrationality, which will be my focus.
Unprincipled Virtue, Arpaly asks us to consider someone who claims “I hate him because he is disgusting.” We are likely to infer that the speaker “puts the cart before the horse: the truth would be more likely expressed in the words, ‘I see him as disgusting because I hate him’” (Arpaly 2003: 105). It is the hate that motivates the belief that he is disgusting, not vice versa. Consider a young academic who irrationally believes that women are awful at abstract thought, despite being surrounded by brilliant female colleagues. Again, we would quite reasonably surmise that the man’s irrational belief is rooted in some unsavory motive, perhaps a discomfort with women’s presence in academia. Same with an anti-Semite who believes that Jews are monstrously evil international conspirators (Arpaly 2003: 103). These cases of motivated irrationality or motivated ignorance are clearly possible. And when an agent acts from motivated ignorance, she acts from ill will in a straightforward sense, because her ignorance itself is the result of a bad desire.5

The cases that interest me are not like this. They are ones in which the agent’s irrationality is unmotivated. It is clear that human beings are sometimes just poor thinkers. As Kahneman and Tversky (1986) have shown, we are subject to a range of cognitive biases. We tend to be bad at reasoning about probabilities, interpret new evidence as confirmation of our existing beliefs, assess the probability of an event by the ease with similar events come to mind, underestimate the time it will take to complete a task, think of ourselves as more unique than we actually are, neglect base rates, and so on. Some of these biases might be based in motivations (like a desire to see one as special and unique), but these motivations aren’t themselves intrinsically morally problematic, unlike, say, a hatred of women. And sometimes, of course, people simply form beliefs that are incongruent with the overall balance of their evidence, even when they are not affected by one of these biases.

Given the prevalence of garden-variety irrationality, it is clearly possible that someone might act badly from ignorance that reflects unmotivated irrationality but which is not further sourced in some improper pattern of concern. Whether or not such cases are common is, of course, another matter. But what I hope the reader will appreciate at this point is that such cases are possible, and that the right theory of blameworthiness should properly classify them. I will provide some examples shortly. My question is: Are agents who act wrongly from unmotivated irrational ignorance culpable?

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5 Ill will need not directly produce a false belief. It can lead to false beliefs by affecting what we attend to, remember, perceive, notice, find credible or incredible, dwell on, and so on. As Arpaly says, “a person who does not care much about morality may not give much thought to some things to which a more morally concerned person would pay more attention, and she may thus be less competent in perceiving other people’s feelings, putting herself in their shoes, and so on” (Arpaly 2003: 83). A person who is unconcerned with cleanliness is less likely to notice the dust on the floor — and less to recognize the house needs cleaning — than a person with greater concern.
Of course, it can be very hard to tell in any given case whether the agent’s irrational ignorance is badly motivated or not. That’s why, in constructing cases for the purposes of inspecting our sense of culpability, we should make it as clear and vivid as possible that the agent’s pattern of concern is entirely appropriate. The reader should imagine the characters as being as good-willed as they could possibly be—as the sort of people who really are concerned with morality and others’ interests as much as they should be, but who suffer from bouts of ordinary unmotivated irrationality.

3. Some Cases

In *Who Knew? Responsibility Without Awareness*, Sher discusses cases of “poor judgment” for which we are likely to blame the agent (Sher 2009: 26). In *Home for the Holidays*, Joilet, a homeowner afraid of burglars, hears movement in the kitchen. She grabs her gun, runs downstairs, and shoots the intruder, only to discover that it was her son who came home early for the holidays. In *Colicky Baby*, Scout, a woman gives a crying baby a mixture of vodka and juice to ease its digestive pains.

In each of these cases, it is possible—in fact, easy—to interpret the agent as acting from improper concern. We suspect that Scout knows, at least at some level, that giving a baby vodka is dangerous and just doesn’t care enough. But it is also possible that the agent is properly concerned but merely foolish. Perhaps Scout would never give a baby something she thought was dangerous, but received some bad advice about how to calm crying babies which she credulously accepted and now sincerely believes that giving a baby vodka is normal and safe. Sher contends that these agents are blameworthy, despite the absence of ill will, and I agree.

But given it is so tempting to read improper concern into these agents, I think it is helpful to focus on a more detailed case. Consider the following:

*Bridge Collapse*: Marie is in charge of conducting a stress test on a local bridge, which involves placing weights on the span to see how it responds. Marie has the option of closing the bridge during the test, which is costly and inconvenient, but sometimes required as a precaution. Whether to close the bridge is a matter of judgment reserved to the engineer; the engineer is charged with determining whether the risk of harm is ‘significant’ and then determining whether it should be closed based on this classification. Marie is an experienced and responsible engineer, who always closes the bridge when she believes a stress test is too risky, and usually makes the right call.

But as Marie deliberates on this occasion, she commits a serious error of professional judgment. Given the magnitude of the
stress test being conducted and the age of the bridge, it would in fact be *highly* imprudent not to close it. Marie ought to know this, given her training and the evidence (which is extremely clear). She should conclude that the risk of collapse is significant and bring to bear her knowledge that in such cases the bridge should be closed. She was fully capable of drawing this inference; but she doesn’t.

Tragically, the stress test places too much weight on the bridge span and the bridge collapses, violently killing a pedestrian. Marie blames herself for the death, as does the public, once they realize it was the result of her serious error. It is wholly clear to Marie after the collapse that her decision to keep the bridge open was highly irrational, a textbook case of poor judgment on the part of an engineer.

Marie is not improperly concerned. For Marie to have acted from improper concern, her failing to close the bridge must have expressed either indifference to moral considerations, or responsiveness to sinister considerations. The relevant moral consideration is the danger that the stress test poses to bridge users. However Marie is not indifferent to the risk she imposes on others; she always closes the bridge when she believes a stress test is too risky. Her pattern of concern is impeccable in this respect. The problem is that she is unaware, on this occasion, that the stress test is too risky, so she doesn’t know to close the bridge. Might her ignorance express improper concern? It would if it were motivated by say, a desire to avoid having to close the bridge on this occasion (perhaps out of laziness). If it were, Marie’s ignorance would express a pattern of improper concern consisting of her over-valuing her own convenience, even at the cost of serious risk to others. But Marie’s ignorance was simply the result of a concern-neutral cognitive error, not improper concern of this sort.

If one is still tempted to posit improper concern to explain Marie’s error, it may be helpful to think of her ignorance as produced by the operation of a cognitive bias (since this can positively replace an explanation that appeals to insufficient concern). Perhaps it is a bright sunny day and Marie has difficulty imagining the possibility of a disaster on such a lovely day. People tend to underestimate the probability of bad outcomes on sunny days because bad outcomes are less likely to come to mind on sunny days, and thanks to the *availability heuristic*, people often estimate the probability of an event based on the

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6 Nor is Marie’s ignorance the result of an epistemic vice. FitzPatrick argues that we can be responsible for ignorance that was the result of “voluntary exercise of vices,” such as “overconfidence, arrogance, dismissiveness, laziness, dogmaticism, incuriosity, self-indulgence, contempt, and so on” (Fitzpatrick 2008: 605); this is not one of these cases.
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ease with which similar events come to mind. Since Marie’s ignorance can be fully explained by the operation of this “cold” bias, there is certainly no need to posit improper concern to explain why Marie neither knows nor suspects the stress test is risky.

Perhaps there is another way Marie could be improperly concerned: maybe Marie just doesn’t care enough about the rationality of her own beliefs. Rosen observes that “we are under an array of standing obligations to inform ourselves about matters relevant to the moral permissibility of our conduct: to look around, to reflect, to seek advice, and so on” (Rosen 2003: 63). We are not always morally obligated to check ourselves for bias; I do nothing morally wrong when I complacently believe that Linda is more likely to be a feminist and a bank teller than a bank teller, or idly question whether the moon landing really took place. But there are cases in which one plausibly should check oneself for irrationality, because the stakes are high, and the cost of checking oneself is low. Maybe Marie displays improper concern by not taking more measures to ensure that her judgment is sound, for instance, by seeking advice.

But this is not plausible in Marie’s case, because whether to close the bridge is a matter of judgment reserved to the engineer according to the operative procedural norms. The engineer is given latitude to determine whether the risk of harm is ‘significant’, so Marie is entirely within protocol when she makes the call based on her own deliberation. It is not plausible that Marie displays insufficient concern for others’ safety by failing to go above and beyond the protocol, which she has no reason to suspect is flawed. We can even imagine that Marie re-checks her informal calculation, but is subject to the same bias each time, so continues to underestimate the danger posed by the stress test.

There is thus no reason to think that Marie’s pattern of concern is defective (and in any case, we can stipulate this is so). Now the critical question: Are Marie and other comparably irrational agents blameworthy for their foolish decisions? I believe they are. Consider the sort of excuses they might make. Scout in Colicky Baby might sincerely plead that she didn’t know that vodka was dangerous, that she meant well. Marie might maintain that she followed proper protocol, that she just made an honest mistake. These assertions would all be true, and they justify a certain amount of sympathy for Scout and Marie. But I’m inclined to think that they are only partial excuses, even though they establish the good will of the agents. Marie’s foolishness killed a person. Scout gave a baby alcohol poisoning. These agents were not incapable of exercising better judgment. Marie had never made an incorrect call before, and while a sunny day might affect our judgment, nobody can claim it rationally debilitated them and made them incapable of reasoning correctly. And Scout is a normal adult perfectly capable of recognizing

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7 It is not that the bias renders Marie incapable of getting the right answer; she is a competent engineer and so fully capable of making the right classification. The sunny day makes the problem slightly harder, but not beyond her power by any means.
that “just give the baby vodka” is poor advice. Our complaint against these agents is simply that they could have and should have known better.

To be clear, my claim is not just that these agents are liable to criticism, or that they should compensate the victims if they can. I think they are fully blameworthy, in the sense of meriting “angry blame”: resentment and indignation. To be sure, they merit much less blame than agents who perform comparable acts intentionally. But they are culpable nonetheless.8

One might worry that despite every stipulation to the contrary, our sense of culpability is influenced by an inclination to attribute ill will or “mismanagement of opinion” to these agents. Rosen argues that though we are sometimes inclined to blame agents who act wrongly from blameless ignorance, this is due to a failure to hold clearly in mind all the relevant facts. When we do manage to bear in mind that the agent’s ignorance was blameless, our resentment evaporates, as Rosen claims in this discussion of our reaction to an ignorant ancient slaveholder:

…we are no doubt powerfully inclined to blame [the ancient slaveholder]—so long as we ignore the stipulated fact that he is blameless for not knowing that his slave deserves much more. When we bear this in mind—when we “zoom out”, as it were—then (I claim) our sense of his culpability evaporates. It is as if in blaming him we are thinking that he should have known better; he should have known that his action expresses an attitude that would merit intense resentment; he should have known that his act is the sort of act for which one should feel shame in retrospect. When we remind ourselves what it would have taken for him to know these things, and in particular that it’s not his fault that he doesn’t know them, then our resentment is properly blocked… (Rosen 2003: 73).

So, for instance, if we manage to hold in mind that Marie followed proper protocol—and hence, her ignorance was blameless—our sense of culpability should evaporate according to Rosen. But I do not find

8 It is also worth noting that Anglo-American criminal law allows liability in some cases of unreasonable ignorance without requiring any further finding of ill will. A successful mistake of fact defense requires the defendant demonstrate his mistake was reasonable: one that an ordinary person would (or might) have made under the circumstances. In Commonwealth v. Pierce (1884), a leading case on ignorance of fact, the defendant was a doctor who attempted to cure a patient by wrapping her in kerosine-soaked clothes. Though the doctor was determined to be acting without knowledge of the risk, he was convicted of involuntary manslaughter on the ground that his ignorance was unreasonable. Such agents may be less culpable than people who cause harm knowingly or recklessly. But it is simply not part of law to excuse them altogether on the ground that they were irrational or stupid or otherwise unreasonable rather than ill willed.
Rosen’s claim persuasive here. Rosen claims that the “should” thoughts that sustain resentment are falsified when an agent’s ignorance is blameless: “he should have known better,” “he should have known that his action expresses an attitude that would merit intense resentment,” and so on. These thoughts are indeed false if the “should” is interpreted (as Rosen does)⁹ as indicating the agent should have done something differently in the management of her opinion. But if the agent’s ignorance is unreasonable, then a different, epistemic version of the “should” thought is available: “X rationally should have known better.” Her epistemic performance fell below some operative standard. I maintain that thoughts about the agent’s epistemic failings suffice to sustain resentment and indignation in these cases. These emotions are stoked simply by the thought that the agent could have and should have (according to some operative epistemic standard) known better, and this is so even if we expressly cancel the thought that the agent’s failure of rationality is fueled by ill will on her part. We imagine the agent having all the evidence in front of her, in full possession of her cognitive faculties, yet drawing an utterly unreasonable conclusion, to dire effect. This is enough to fuel resentment’s fire.

Of course, just because we tend to resent agents who exercise poor judgment does not mean we are correct to resent them. One might dismiss this inclination, as well as the “reasonable person” standard in law, as seriously misguided, and call for major revision to our ordinary practice of blame and punishment. But I do want to point out that this is in some tension with the Strawsonian approach to moral responsibility that originally motivated the ill will condition. Strawson believed that any credible account of the conditions of responsibility must vindicate ordinary practice at least to a significant degree: our practice of holding one another responsible is an “essential feature of our way of life” and therefore “neither calls for nor permits, an external ‘rational’ justification” (Strawson 1962: 23). Strawson thought ill will was necessary for blameworthiness because this is what ordinary practice reflects: “The personal reactive attitudes rest on, and reflect, an expectation of, and demand for, the manifestation of a certain degree of goodwill or regard on the part of other human beings towards ourselves” (Strawson 1962: 17). But I’ve claimed that ordinary practice with the reactive emotions does not always reflect a demand for good will: it sometimes reflects a demand for reasonableness, as when we resent agents for their poor judgment. If that’s right, then Strawsonians who consider the ill will condition to be vindicated by the standards of ordinary practice have a predicament.

⁹ According to Rosen, someone is blameworthy her ignorance only if it can be traced to some prior blameworthy act or omission, like a failure to satisfy one’s procedural-epistemic obligations. Rosen stipulates that the slaveholder complied with his procedural-epistemic obligations and hence his ignorance is blameless; “we are under no obligation to rethink the uncontroversial normative principles that form the framework for social life” (2003: 65).
To see why Strawsonians of this sort are in trouble, consider Rosen’s view. Rosen is a Strawsonian in the sense that he both (1) endorses the ill will condition and (2) believes this is vindicated by an aspect of ordinary practice, “what the personal reactive attitudes rest on” (Strawson 1962: 347). According to Rosen, resentment does not only depend on the belief that the agent expressed ill will, but constitutively involves this thought. That is, just like fear of X contains the thought “X is dangerous,” resenting X for A contains the thought that “X’s doing A expressed an objectionable pattern of concern” (Rosen 2014: 14). And this is why, for Rosen, agents are blameworthy when they express will: expressing ill will makes ordinary resentment appropriate, given its constituent thought. (Just like fear of X is appropriate just in case X is in fact dangerous).

But is this right? On a view like Rosen’s, we can get a handle on the thoughts implicit in an emotion by asking which sort of discoveries cause it to evaporate. (For instance, if fear usually evaporates upon learning or perceiving that X isn’t dangerous, this is evidence that “X is dangerous” is a constituent thought of fear). Rosen contends that resentment always evaporates when we “zoom out” and bear in mind the agent’s ignorance was blameless. But I have argued that the thought “X could have and should have known better” is enough to sustain resentment, even in the absence of ill will. If that’s right, this suggests the ill will thought is not constitutive of resentment.10 And this is trouble for the foundation of Rosen’s account, since it removes the very justification for the ill will condition.

I concede that these arguments are not decisive. Whether we regard unreasonable ignorance as sufficient for blameworthiness should ultimately depend on the overall plausibility of a theory that rejects the quality of will constraint and provides alternative conditions of blameworthiness. My aim in what follows is to sketch the beginnings of such a theory.

4. Recovering the View of Blameworthiness

One might object to this argument on grounds that it is clearly possible to experience a reactive emotion inappropriately. Fear contains an “X is dangerous” thought, but someone can recoil in fear at the sight of what she knows to be a harmless snake. Might resentment for unreasonableness be like this—possible and understandable but not appropriate?

It is worth noting that even when one knows that a snake is harmless, it can still give the appearance of being dangerous—we are hardwired to see the serpentine silhouette as indicating “danger.” Hence one might have a quasi-perceptual “X is dangerous” thought, in spite of one’s explicit knowledge. But we resent for unreasonableness even when it is manifestly clear that the agent was not ill willed (as in Bridge Collapse). Though it is always possible that our resentment is based on some illusion of ill will, the best explanation for this, I believe, is simply that we can resent without thinking anything like the ill will thought. As Rosen acknowledges: “An account of the thoughts implicit in resentment is unacceptable if it is clear on reflection that we can resent X for A without thinking the thoughts posited by the account” (Rosen 2015: 75).
Ill will theorists have a pleasingly simple theory of blameworthiness: X is blameworthy for a wrong act A iff in doing A, X expressed ill will (and, perhaps, possessed a certain requisite capacity, like the capacity to assess and respond to moral reasons—what Strawson called a “moral sense”) (Strawson 1962). This theory must be revised if we are to account for the culpability of unreasonable but non-ill-willed agents. How might we do so? One possibility is to resign ourselves to a rather unappealing disjunctive account: X is blameworthy for a wrong act A iff in doing A, X expressed objectionable will, or unreasonable ignorance (perhaps, again, against the backdrop of possessing the capacity to assess and respond to reasons). This would be to concede that sometimes we resent agents in virtue of ill will, and sometimes unreasonable ignorance, and that no more unified account of our practice can be given.

But a disjunctive account is, I believe, unnecessary. There is a unified view of moral blameworthiness consistent with our practice which accounts for the blameworthiness of agents who act from unreasonable ignorance, and ill will (though the blameworthiness of ill-willed agents will not lie in their ill will, per se, but in their unreasonableness). On this account, agents are blameworthy whenever they act wrongly from an unreasonable attitude—a belief, intention, or desire—that is attributable to them, in a sense I will explain. Acting from unreasonable ignorance and acting from ill will are both ways of acting from unreasonable attitudes attributable to the agent.

To see how cases of blameworthy ill will and blameworthy ignorance might be unified, let us observe that in both sorts of cases, the agent’s wrong act reveals an unreasonable attitude (belief, intention, or desire): one that is held on the basis of bad reasons, or is insufficiently sensitive to the reasons the agent has. This assumes that there are rational norms on final desires as well as beliefs, something that Humeans have long denied. But let us suppose that final desires are rationally criticizable, so that, for instance, a person who finally desires to inflict suffering on others wants something she has no good reason to want. Then wrong action from bad desire and wrong action from irrational ignorance both express unreasonableness, as can be seen in the following pair of cases:

- **Ill Will**: Suppose Smith kills Jones out of malice. There are conclusive reasons for Smith not to kill Jones (just as there are conclusive reasons for anyone not to kill gratuitously), but Smith is irrationally insensitive to these reasons. Hence the intention or desire that moves Smith to act is unreasonable.

- **Unreasonable Ignorance**: Suppose Smith shoots and kills Jones while horsing around due to a false belief that playing around with a gun isn’t risky. Smith has conclusive reason to believe that...
horsing around with a gun is risky, but is irrationally insensitive to these reasons. Hence the belief from which Smith acts is unreasonable.

Of course, the sort of reasons the agent improperly assesses in each case are different. In Ill Will, the relevant reasons are reasons for intending or desiring. In Unreasonable Ignorance, the relevant reasons are reasons for belief. But insofar as each is subject to rational norms, both agents act from attitudes that are rationally criticizable.

To be sure, in Ill Will Smith also expresses ill will in the ordinary sense; he has a final desire to do what is in fact wrong. A traditional Strawsonian will say that this bad desire suffices to make him blameworthy, regardless of whether it is rationally faulty. What I am considering is that it is not the badness of the desire that renders Smith culpable, but its unreasonableness.

Michael Smith argues for something like this view: it is irrationality in either in an agent’s beliefs or desires that renders her “at fault” for wrong conduct. First, consider Gary Watson’s contrast between self-indulgence, weakness, and compulsion, which Smith appeals to:

Suppose that a particular woman intentionally takes a drink. To provide an evaluative context, suppose she ought not to have another because she will then be unfit to fulfill some of her obligations. Preanalytically, most of us would insist on the possibility and significance of the following three descriptions of the case: (1) the reckless or self-indulgent case; (2) the weak case; and (3) the compulsive case. In (1), the woman knows what she is doing but accepts the consequences. Her choice is to get drunk or risk getting drunk. She acts in accordance with her judgment. In (2) the woman knowingly takes the drink contrary to her (conscious) better judgment; the explanation for this lack of self-control is that she is weak-willed. In (3), she knowingly takes the drink contrary to her better judgment, but she is the victim of a compulsive (irresistible) desire to drink. (Watson 1977: 324)

Smith contends that we blame both the self-indulgent woman and the reckless woman. We blame the self-indulgent woman for “having the wrong belief about what she should do in the circumstance” when she could and should have known better. We blame the weak woman, “[not] for her belief—she has the belief she should have, after all—but rather for her failure to act on that belief” when she could have (Smith 2003: 18). By contrast, we do not blame the woman who acted compulsively at all, because she believed correctly and could not have done otherwise than she did.

Having the wrong belief (like the self-indulgent woman) and having the wrong intention or desire (like the weak woman) are both
forms of irrationality. The self-indulgent woman fails to recognize the reasons against intending to take the drink; the weak woman recognizes these reasons, but fails to intend in accordance with them. Says Smith: “If people possess, but fail to exercise the relevant [rational] capacities, then there is something that they could have done in a perfectly mundane sense: they could have exercised the capacity to access the available evidence, or to believe in accordance with their evidence, or to... desire, in the way that’s rationally required. Their failure to access or believe or... desire correctly is therefore their fault... and so too is their failure to perform the act that they would otherwise have performed” (2013: 11).

As Smith is careful to emphasize, agents must have the capacity to assess reasons, and to modulate their beliefs and desires accordingly, in order to be held responsible for their unreasonable conduct. Nearly everyone agrees that very young children, animals, and the psychotic are not liable to blame even when their acts are sourced in unreasonable intentions, desires, or beliefs. This is presumably because they substantially lack the capacity to assess reasons and to believe and desire in line with assessments of reasons, so their failures to do so are not their fault.

In saying their unreasonableness is not their “fault,” we are not yet making a point about moral blameworthiness or the lack thereof in the sense at issue in this paper. As I read him, Smith’s talk of ‘fault’ in this context concerns a different notion: whether the failure is properly attributable to the agent, i.e., whether she is properly criticized qua agent on the basis of it. If an agent possesses the relevant capacity, then—assuming the capacity is not masked (because she has been drugged or is excessively tired or whatnot)—failures to properly exercise the capacity are “down to her.” But if she lacks the capacity, they are not “down to her” (they are, rather, attributable to the absence of the capacity), and she is not criticizable for these rational failings.

So, having the relevant capacity—that is, the capacity to assess reasons and modulate one’s attitudes in light of these assessments—renders one responsible, in the attributability sense, for one’s attitudes. That is Smith’s point to which I add: agents are blameworthy in the resentment-involving sense when they act from unreasonable attitudes that are attributable to them.

Taking account of all this, the resultant theory of blameworthiness, which I will call Rational Capacitarianism, is as follows:

\[\text{My account bears similarity to Fischer and Ravizza’s reasons-responsiveness account of moral responsibility, but should be distinguished. Fischer and Ravizza provide a necessary condition for responsibility: a condition that an agent must satisfy if she is to be morally responsible for her actions. By “responsible,” they simply mean an apt target of the reactive attitudes, both negative and positive; as they say, “Our Strawsonian view of moral responsibility allows for responsibility for ‘morally neutral’ behavior. For instance, one can be morally responsible for simply raising one’s hand”}\]
**Conditions of Blameworthiness:** X is blameworthy for a wrong act A iff X’s doing A expressed an unreasonable attitude which is attributable to her.\(^{12}\)

where

**Theory of Attributability:** An attitude is attributable to X iff X has the capacity to assess the reasons for and against the attitude and modulate her attitude in light of this assessment during the period in which the attitude was formed and sustained.

Take again a case of blameworthy ill will: Smith Kills Jones out of malice. On Rational Capacititarianism, Smith is blameworthy because his wrongful act is rooted in some unreasonableness that is down to him:

1. What is the unreasonable attitude expressed? The intention or desire to kill Jones.
2. Why is the intention attributable to Smith? Smith is a competent adult and had the ability assess reasons for and against intending/desiring, and to modulate his intentions/desires accordingly when the attitude was formed and/or sustained.
3. Why is the intention unreasonable? There are two possibilities. If Smith fails to recognize that there is conclusive reason not to kill Jones despite awareness of the pertinent facts (analogous to the self-indulgent woman), his unreasonableness lies in his flawed belief. If he recognizes there is conclusive reason not to kill Jones but kills him anyway (analogous to the weak woman), his unreasonableness lies in his flawed intention or desire.

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\(^{12}\) The “expression” of an irrational attitude, we might say, involves its appearance in a certain standard story of action. On the standard story, an agent’s  φ-ing is an action when it results non-deviantly from her beliefs and desires combining in a certain way, i.e., when she (1) Has some final desire to ψ and (2) A belief that φ-ing is likely to bring about her ψ-ing, which results in an instrumental desire to φ. An action “expresses” an irrational belief or desire when one of the beliefs are desires that produces the action in this way is irrational.
Now return to Marie in *Bridge Collapse*. Marie also acts from an unreasonable attitude which is attributable to her: the irrational belief that the stress test isn’t risky. Why is the attitude unreasonable? It reflects an improper assessment of the considerations that favor closing the bridge. Why is it attributable to Marie? Marie could have evaluated the evidence properly and believed in accord with it; she was not rationally debilitated. Hence the collapse is Marie’s fault, and she is blameworthy for it.

It is not obvious that what makes an attitude attributable to an agent, of course, is that it expresses the failure to exercise a rational capacity of this sort, though this is what bad desires and unreasonable ignorance appear to have in common. One might alternatively maintain that an attitude is attributable to an agent only if it actually reflects her evaluative judgments. This is the view of Angela Smith:

> To say that an agent is morally responsible for some thing … is to say that that thing reflects her rational judgment in a way that makes it appropriate, in principle, to ask her to defend or justify it …. Most of our desires, beliefs, and other attitudes seem to meet this condition of judgment-dependence, even though they do not commonly reflect a choice or decision, and are not normally under our voluntary control (2008: 369-370).

The problem with this view is that it cannot explain responsibility in cases of weakness of will. Both the self-indulgent and the weak woman are responsible in Watson’s example, but only the self-indulgent woman’s act reflects her evaluative judgment. The weak woman acts *against* her better judgment, taking the drink when she knows she shouldn’t.

What unifies the class of attitudes that are attributable to us, I believe, is not that they actually reflect our evaluative judgments, but merely that they are *apt* to reflect them—they are the sorts of attitudes that *could* be brought into alignment with our evaluative judgments. These attitudes, which include beliefs, desires, and intentions, are under a kind of “rational control,” in the sense that they are capable of being regulated by, hence controlled by, an agent’s recognition of norms, however imperfectly.13,14 Some writers (e.g. Smith and Pettit) see this

13 The presence of “rational control” is what leads Pettit and Smith to remark that “[An agent’s] beliefs do not just come and go in a natural procession of events…the subject is certainly not a mere passive or mechanical system. She does not just revise her beliefs and desires autonomically, or at any rate, not when they operate beyond the reach of the occasional disabling obstacles that get in her way. She revises them under the spur of recognizing what the relevant norms require of her” (1996: 442)

14 Some have argued that a kind of capacity-relative control suffices for an agent’s ignorance to itself be blameworthy (Rudy-Hiller 2017). For instance, on Rudy-Hiller’s Capacitarian account, “an agent can be directly in control (in the responsibility relevant sense) of his ignorance, since he can have direct capacitor control over whether he notices, remembers, or otherwise is aware of a relevant consideration” (415). And this
sort of “control by the agent’s view of the reasons” as strongly analogous to voluntary control, and so as amounting to a kind of freedom akin to free will. But that is not necessary for present purposes. All that matters is that when an attitude is formed in an agent who possess the capacity to respond appropriately to reasons and to modulate his attitudes in light of his assessment of the reasons, that attitude is, in every morally relevant sense, his own.

5. Capacitarianism

There is another account of responsibility, which widens the scope of attributable attitudes; on this view, not only failures of rational capacities are attributable to the agent, but failures of any capacity, or perhaps of any “psychological capacity.” Capacitarians (Sher 2009, Rudy-Hiller 2017, Clarke 2014, Murray 2018, Amaya & Doris 2015) agree with me that quality of will is not necessary for blameworthiness. Capacitarians contend that agents with a decent quality of will are blameworthy for wrong acts performed from ignorance if, roughly, they could have and should have known the act had the relevant features (Rudy-Hiller 2017: 405)—that is, if their ignorance is the result of the improper exercise of some capacity.

Capacitarians tend to take cases of forgetful negligence as staple cases, which I have deliberatively avoided doing. For instance, Sher focuses on a case which he calls Hot Dog, in which Alessandra forgets her dog Sheba in a hot car. Alessandra forgets about Sheba not because she cares too little about Sheba, but because she gets distracted by an unpredictable and emotionally charged situation occurring at her child’s school. Sher contends that Alessandra is blameworthy because she could have and should have remembered that Sheba was in the car; her failure of memory fell below some applicable standard which she could have met (Sher 2009: 88).

But we must be careful, as we are not always responsible for failing to exercise capacities we possess. Consider Cheerleading Disaster: Sarah is a base on the cheerleading squad tasked with catching Jane, a flyer, after an air flip. Sarah is strong enough to catch Jane and has done so many times before, so she has the capacity to catch her. But on this occasion, her muscles fail her, and Jane falls through her grip, resulting in serious injury to Sarah. The problem is not a failure of intention or effort on Sarah’s part; Sarah exerted more than enough effort as would normally be needed. She intends to catch Jane, and tries as best she can, but her muscles simply don’t cooperate with her intention. It is true that Sarah “could have and should have” caught means an agent can be “directly responsible” for his ignorance (in the sense of being culpable for it) (407). Contra Rudy-Hiller, think agents can be blameworthy for these attitudes themselves; an agent’s defective attitude must be expressed in volitional action to be blameworthy.
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Jane, but this is intuitively insufficient for her moral blameworthiness when we’re clear about why she didn’t do what she could have and should have done. Sarah is not answerable for the failure of her muscles. The challenge for Capacitarians is to distinguish morally relevant capacities from irrelevant ones.¹⁵

Rational Capacitarian draws the line at rational capacities; all and only failures of rational capacities (including the capacity to form evaluative judgments, and modulate one’s attitudes accordingly) are attributable to the agent. The underlying idea is that an agent is responsible only for her attitudes that are apt to reflect her evaluative judgments, that could be brought into alignment with them, and would if we were perfectly rational; the attitudes that are under “rational control.”

This raises the question: Is what we remember under rational control? Are failures of memory attributable to us; are we answerable for them? This is a difficult question. To be sure, what we remember is sensitive to some degree to our judgments about reasons. Suppose at 8am I think to myself that I really ought to pick up some groceries after work. This makes me more likely to remember to pick up groceries after work, compared to a situation in which I have no thoughts about groceries, or in which I think picking up groceries would be prudent but not critically important. If one judges something to be very important, this increases the chance that thoughts about it will come to mind at the right time, that one’s memory will be jogged by things pertaining to it, and so on. If a failure of memory is traceable to a failure to recognize the strength of the reasons for carrying out the task, it is traceable to a failure of a rational capacity and the agent is responsible for it.

The harder case is when an agent recognizes the importance of performing the task, plans to do it, and then forgets to bring about the planned action. This sort of mnemonic failure seems relevantly different from a failure to intend or believe in accordance with one’s reasons. With belief and intention, rationality concerns roughly the synchronic harmony between one’s assessments of reasons and one’s first order attitudes: ideally rational agents bring them into synchronic consistency. When a rational agent is aware of a reason, forms a judgment about what reason requires, and adjusts her first order attitudes so as to bring them into conformity with this judgment, the episode, though not strictly voluntary, does seem to involve a kind of activity and is properly read as the agent’s making the resulting attitudes her own.

¹⁵ Sher contends that for an agent to be responsible for a failure of a capacity, the failure must be “caused by the interaction of some combination of his constitutive attitudes, dispositions, and traits” (Sher 2003: 88). I’m skeptical that Sher’s proposal can explain all the cases. Marie’s failure to draw the correct conclusion in Bridge Collapse is the result of her being subject to certain biases; and being subject to these doesn’t seem constitutive of who she is.
Remembering, on the other hand, does not seem to involve a kind of activity. Resolving to remember seems more like setting an alarm clock, and hoping it goes off at the right time; the episode of recollection itself either happens or not, though not in a way traceable to the self. Failures of memory seem more like “glitches” analogous to the failure of strength in Cheerleading Disaster than defects in the agent. Consider that in forgetting to perform some task, one’s beliefs about the reasons to perform the task are not occurring, so remembering is not merely a matter of bringing one’s assessments of reasons and one’s first-order attitudes into synchronic consistency. It seems to me, therefore, that a failure of memory of this sort is not a failure of a rational capacity in the relevant sense, so is not attributable to the agent.

This may be controversial; to the extent that memory is under rational control in the sense in which beliefs, desires, and intentions are, it may make sense to blame agents for failures of memory. But precisely because this is unclear, I think it is a mistake for ill will skeptics to emphasize forgetting cases. When we focus on cases of glitchy memory in good willed agents and stipulate beyond all doubt that at every stage along the way they responded appropriately to the reasons of which they were aware, exercising impeccable rational control, it is hard to see the agent as anything but the passive victim of a glitchy sub-personal module on which he was fully entitled to rely. Cases of this sort are at any rate certainly not clear cases of responsibility. Cases of rational failure on the part of competent agents, I believe, are much clearer.

This theory is, of course, only a sketch; but it shows how blame for “ill will” may be more continuous with blame for unreasonable ignorance than one might have initially supposed. I hope to have shown that we do not need to choose between a quality of will view (which seems too lenient) or a standard Capacitarian view (which seems too harsh). All Capacitarians need to distinguish between capacities that are relevant to responsibility and capacities that are not, as will become clear. Rational Capacitarianism—on which only rational capacities are relevant—draws this line in a principled way.

6. Conclusion

I have argued that agents are blameworthy when they act wrongly from unreasonable ignorance even in the absence of ill will, and provided a theory that ratifies this verdict. The theory entails that when an agent acts wrongly from factual ignorance, she is blameworthy only if her ignorance derives from a failure to exercise a rational capacity—a capacity to recognize reasons for believing / desiring / intending and to be responsive in one’s beliefs / desires / intentions to one’s assessment of reasons.

The plausibility of a theory that licenses blame for non-ill-willed unreasonableness in part depends on what blame and blameworthiness
consists in. In closing I will say a few words about this issue. Like Rosen (2015), Gibbard (1992), and Wallace (1994), I have fastened on a conception of blame according to which the primary forms of blame are the negative reactive emotions like resentment and indignation, and on which an agent is blameworthy for an act iff she is liable to resentment and indignation for it. But this isn’t a complete analysis, because it doesn’t specify what being “liable” to the negative reactive attitudes amounts to. How we fill this gap is important.

Rosen’s view, for instance, is that since resentment and indignation are emotions, their appropriateness conditions are given by their constitutive thoughts. Emotions involve belief-like mental states; fear involves the thought that X is dangerous, misery the thought that things are going badly, and so on, and an emotion is appropriate just in case its constituent thoughts are true (Rosen 2015: 71-72). Accordingly, for it to be appropriate to resent X for A is for the thoughts implicit in resentment to be true of X and A (Rosen 2015: 72).

Everything I have said in this paper is consistent with this general view. If we adopt this framework, I should be read as contesting Rosen’s view of the constitutive thoughts of resentment. Rosen thinks there is a “quality of will thought” contained in resentment (“in doing A, X expressed an objectionable pattern of concern”), and I disagree. My argument for this is simply that it is possible to resent X for an act that expresses unreasonable ignorance, but not ill will, clearheadedly, in full awareness of this fact. Resentment is stoked in these cases by the thought that X could have and (rationally) should have known better.16

If we reject Rosen’s account of what it is to be “liable” to the reactive emotions, it may be harder to see how resentment directed at unreasonableness could be appropriate in the absence of ill will. The “fairness view” (Wallace 1994) specifies that X is liable to resentment for A just in case it would be morally fair to resent her for A, and the “fittingness view” appeals to a primitive, sui generis relation of fittingness (see Rosen 2015: 70). But how could it be fair, or fitting, to resent—which involves the withdrawal of some amount of good will—if there was no comparable ill will on the part of the target of the resentment?

I do not have a complete answer to this question, but I will outline the beginnings of a response. The fairness of resentment plausibly depends on whether the target of the resentment had a fair opportunity to avoid being a target of resentment. Rudy-Hiller contends, for instance, that blaming for ignorance is appropriate because an agent “can have direct capacititarian control over whether he notices, remembers, or otherwise is aware of a relevant consideration” (2017: 415), which is simply a matter of having the “requisite abilities to do these things and a fair opportunity to exercise them” (407). I differ from

16 As Rosen acknowledges, “An account of the thoughts implicit in resentment is unacceptable if it is clear on reflection that we can resent X for A without thinking the thoughts posited by the account” (Rosen 2015: 75).
Rudy-Hiller in thinking that resentment is only appropriately directed at attitudes which are under the agent’s rational control, but the spirit of my view is the same. Agents can avoid being the target of resentment by exercising their capacity to recognize reasons for believing and desiring and to be responsive in their beliefs and desires to their assessment of reasons. This is enough, it seems, for a fair opportunity to avoid.

Resentment plausibly is a sort of sanction directed at agents who we think could have done better, aimed at ensuring the agent will do better in the future. The attitudes with respect to which this corrective activity makes sense are precisely the ones that are under the agent’s rational control—the attitudes which she can modulate according to her evaluative judgments. What resentment “wants,” so to speak, is for the agent to recognize and revise her defective attitude (for instance, by adopting the appropriate belief or desire); this is why resentment is often not satisfied unless the agent recognizes why what she did was wrong. If resentment is a correctional activity of this sort, it is easier to see how it could be appropriately directed at all forms of unreasonableness, not just ill will.

I will conclude by stressing that the justification of serious punishment is another matter. Resentment and indignation are moderate, temporary responses which tend to lessen when the agent corrects the attitudes toward which resentment is directed. Serious punishment (e.g., a restriction of agent’s liberty) of the sort that conveys serious moral condemnation is plausibly inappropriate unless the agent expressed improper concern; as the costliness to the agent of a blaming response increases, the more it seems reasonable to require some morally objectionable feature of the agent’s will to be involved.¹⁷

¹⁷ Thanks to an anonymous reviewer for this point.
Works Cited


