

## CULPABLE IGNORANCE AND MENTAL DISORDERS

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IGNORANCE, more than pure malice or ill will, explains a great deal of our morally troubling behavior. People who perform morally wrong actions often do not *know* that they do so. Instead, they tend to think that their behavior is morally unimpeachable. This can happen in all kinds of ways. People can engage in self-deceptive rationalization or hypocritical special pleading, but they can also simply fail to pay attention to, and so to notice, the morally relevant features of the situation in which they find themselves. Their ignorance can be clearly negligent, but it can also arise after sincere and extensive moral deliberation. In all such cases, people are ignorant of the moral status of their actions. When wrongdoing emerges from ignorance, how should we react? Should we blame unwitting wrongdoers, or should we—at least sometimes—see their ignorance as an excuse?

To explain when ignorance is (and is not) culpable is to offer an epistemic condition for moral responsibility, akin to the common control condition that has played such an important role in the debates about moral responsibility. Just as it is often suggested that moral responsibility requires the capacity to control our actions, it might also require the knowledge of what it is we are doing. In fact, these conditions might even be linked, since the relevant kind of control might require a form of knowledge.

In this paper, we argue that a range of mental disorders can cause agents to be ignorant of the moral status of their actions, and that a viable epistemic condition of moral responsibility must acknowledge the ways in which such ignorance can serve as a reason to withhold blame from actions that would otherwise be blameworthy.<sup>1</sup> Our argument has important consequences for a range of competing

1 A note on terminology: we will be discussing conditions that are described in the *Diagnostic and Statistical Manual of Mental Disorders*, 5th edition (DSM-5), the most widely used resource for the identification, classification, and diagnosis of mental disorders. We have therefore chosen to follow that source's use of "mental disorder" as the general term for the range of conditions under discussion. But the term "disorder" is problematic, as it threatens

accounts of culpable ignorance and of moral responsibility more broadly. A successful account of moral responsibility must include a broad range of moral agents, and that means taking seriously the moral agency of those with mental disorders.

Section 1 sets the context for the debate about culpable ignorance, section 2 explains George Sher's recent account of the epistemic condition, and section 3 argues that Sher's account unjustly blames those whose ignorance is the blameless result of a mental disorder. In section 4, we begin setting out our own view by distinguishing it from accounts that deny full moral agency to people with mental disorders. Section 5 considers the view that agents are only responsible for actions and attitudes that emerge from features of the self that they *endorse*, and argues that this view also fails to properly account for the ways in which non-culpable ignorance can be caused by mental disorders. Section 6 explains why many cases of mental-disorder-generated ignorance are non-culpable by drawing on an account of moral responsibility that links it to an agent's degree of moral concern. Finally, in section 7, we show that our account is compatible with blame for an important subcategory of mental-disorder-generated ignorance.

## 1. THE CULPABLE IGNORANCE DEBATE

One influential version of the epistemic condition requires conscious awareness. On this view, to be responsible for a wrongful act the agent must have been aware that it was wrongful; to be responsible for the consequences of an action the agent must have been aware that those consequences were possible; and to be responsible for failing to act the agent must have been aware that the unperformed act was a genuine option. George Sher calls this the *searchlight view*, drawing an analogy between conscious awareness and the beam of a searchlight. As he describes the view, "an agent's responsibility extends only as far as his awareness of what he is doing."<sup>2</sup> The searchlight view reflects the idea that assessments of moral responsibility are of agents whose actions emerge from a deliberative perspective that involves the conscious formation of intentions and weighing of reasons.

One consequence of the searchlight view, or so it seems, is that we are rarely responsible for actions that we perform from ignorance. You are not, for example, responsible for failing to help someone if you did not know that she needed help, or for harming someone if you were unaware that your actions might cause

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to both over-medicalize and stigmatize the conditions in question. As we point out below, some of these conditions are not seen as disorders by those who have them, and in such cases "atypicality" may be a more appropriate term.

2 Sher, *Who Knew?* 4.

him harm. This has led some philosophers to argue that people are almost *never* morally responsible for their wrongful behavior.<sup>3</sup>

Despite this radically skeptical implication, the searchlight view has obvious appeal. First, it reflects the link between responsibility and deliberative agency. Assessments of praise and blame are more than evaluations of the consequences of an action; they are also evaluations of an agent's role in bringing those consequences about. What the agent did and did not know is often central to such evaluations, since it can make all the difference to the nature of the agent's deliberative engagement with the action.

Second, it explains common, intuitive reactions to many cases. If Rosa intentionally poisons a dinner guest by putting arsenic in his tea, then she is clearly to blame: she knowingly tried to kill him. But if an assassin snuck into Rosa's house in the middle of the night and mixed arsenic into her sugar bowl, then although it is of course a very bad thing that her guest died, Rosa is not to blame. (If you think she *is* to blame, ask yourself when you last did a chemical analysis of the contents of your sugar bowl before serving tea.) Cases like this suggest that the searchlight view is right that some morally wrong acts are only morally blameworthy if they are done knowingly or with conscious awareness.

One problem for the searchlight view, however, is that it does not seem to explain how Rosa could be blameworthy for unknowingly but *negligently* poisoning her guest. If she stores her arsenic in the kitchen next to the sugar, then even if she did not know she was putting poison in her guest's tea, she probably should have checked, and so *should have known*; this makes it tempting to think that she is responsible for her guest's death. A standard approach to such "should have known" cases traces the wrongdoing back to a previous wrongdoing of which the agent was consciously aware.<sup>4</sup> If Rosa knew when she stored the arsenic next to the sugar that there was a chance that she would later mix them up, *and if she served the sugar anyway without checking*, then her responsibility for the poisoning "traces back" to her responsibility for knowingly storing the poison in a dangerous way. Such an approach arguably captures many cases of negligent wrongdoing while preserving the core commitment of the searchlight view.

That is the terrain on which much of the debate about culpable ignorance takes place. In the abstract, an awareness requirement can seem reasonable, since in some contexts ignorance is a legitimate excuse, and since the requirement captures the sense that responsibility is tied to deliberative agency. A strong con-

3 Smith, "Culpable Ignorance"; Zimmerman, "Moral Responsibility and Ignorance" and *Living with Uncertainty*; Rosen, "Culpability and Ignorance" and "Skepticism about Moral Responsibility."

4 Smith, "Culpable Ignorance."

scious awareness condition, however, has radically skeptical implications, and moreover does not seem to capture the sense that it can be appropriate to blame people who *should have* been aware, even if in fact they were not. So the challenge, for those who reject the skeptical implications of an epistemic condition that includes a strong knowledge requirement, is to develop an account of the conditions in which it is justified to say that someone *should have known*, and so to hold them responsible for their ignorance.

## 2. SHER'S EPISTEMIC CONDITION

Sher's aim is to replace the searchlight view with an alternative account of the epistemic conditions of moral responsibility that does not depend on conscious awareness and so better handles culpable ignorance.

His argument begins by pointing out that, in a broad range of cases, the searchlight view conflicts with "our actual ground-level judgments about who is responsible for what."<sup>5</sup> We hold people responsible for unwitting wrongdoing brought on by things like involuntary lapses of attention, the exercise of poor judgment, and a lack of moral insight, and we do so even when "tracing" explanations are unavailable.<sup>6</sup> Sher's aim is to make sense of why blame is appropriate in such cases, and so he offers an account of the epistemic conditions of moral responsibility that draws on *both* facts about what the agent believed *and* objective facts about the agent and her situation. He calls it the partial epistemic condition (PEC). Here it is:

When someone performs a wrong or foolish act in a way that satisfies the voluntariness condition, and when he also satisfies any other conditions for responsibility that are independent of the epistemic condition, he is responsible for his act's wrongness or foolishness if, but only if, he either

- (1) is aware that the act is wrong or foolish when he performs it, or else
- (2) is unaware that the act is wrong or foolish despite having evidence for its wrongness or foolishness, his failure to recognize which
  - (a) falls below some applicable standard, and
  - (b) is caused by the interaction of some combination of his constitutive attitudes, dispositions, and traits.<sup>7</sup>

<sup>5</sup> Sher, *Who Knew?* 23.

<sup>6</sup> Sher, *Who Knew?* 24.

<sup>7</sup> Sher, *Who Knew?* 88. He later defends the full epistemic condition (FEC), which also accounts for neutral and praiseworthy actions (Sher, *Who Knew?* 142–44).

The crucial conditions are 2a and 2b. Condition 2a is a normative condition—it says that we can be responsible for our ignorance whenever we have sufficient access to evidence that it is fair to say that someone in our position *should have* known—and 2b specifies more precisely what kinds of ignorance in the face of sufficient evidence are blameworthy by appeal to a causal, and so descriptive, criterion. Ignorance is blameworthy when it can be explained by reference to facts about the agent: in particular, facts about her characteristic psychological traits and dispositions that cause her to be unaware of the morally relevant facts of which she ought to have been aware. So according to the PEC, someone who behaves negligently because he has just suffered a concussion in a car crash is not necessarily blameworthy for his negligence. On the other hand, someone who behaves negligently simply because he characteristically forgets to consider the riskiness of his behavior *is* culpable for that negligence.

We have, then, a clear alternative to the searchlight view's emphasis on conscious awareness. According to the PEC, an agent can be responsible for unwitting wrongdoing so long as (a) she *should* have known that her behavior was wrong, and (b) her failure to know it was caused by facts about *her*—that is, by her constitutive attitudes, dispositions, and traits. If successful, the PEC would offer a clear account of the conditions of culpable ignorance.

### 3. THE PEC AND MENTAL DISORDERS

The PEC has its strengths, but it faces a very significant problem: it unjustly blames some people whose ignorance is not blameworthy. Here is the argument for that conclusion:

1. According to the PEC, ignorance is culpable if it falls below the relevant standard and is caused by the ignorant person's constitutive attitudes, dispositions, and traits.
2. There is a range of mental disorders that both (a) involve the agent's constitutive dispositions and traits and (b) explain the agent's ignorance.
3. Mental disorders are sometimes *excusing conditions*: they explain why the agent is not to blame for their ignorance.
4. Therefore, the PEC is mistaken, since it sometimes blames those whose ignorance is caused by what are in fact excusing conditions.

Consider some examples of the ways that mental disorders can lead to ignorance. The diagnostic criteria of intellectual disability include "deficits in intellectual functioning, such as reasoning, problem solving, planning, abstract thinking,

judgment, academic learning, and learning from experience.”<sup>8</sup> These deficits can make it more difficult for someone with an intellectual disability to, for example, draw inferences from evidence, make successful generalizations and apply them in new cases, and identify the optimal solution to a complex problem.<sup>9</sup> These deficits can therefore prevent the formation of true belief and correct judgments, and so can lead to ignorance in contexts where the knowledge is necessary for performing the morally correct action.

Among the symptoms characteristic of those on the *autism spectrum* are deficits in “social communication,” “social emotions reciprocity,” “non-verbal communicative behaviors used for social interactions,” and “understanding relationships.”<sup>10</sup> These traits can make it more difficult for those on the autism spectrum to recognize that others are angry, upset, or in need of comfort, or to recognize some of the ways in which their behavior violates conventional social norms.

The “essential feature” of *attention deficit and hyperactivity disorder* (ADHD) is “a persistent pattern of inattention ... that interferes with functioning.” This can include “wandering off task, lacking persistence, having difficulty sustaining focus, and being disorganized.”<sup>11</sup> ADHD can make it much more difficult for someone to notice or properly appreciate morally relevant facts, and so can lead to ignorance of those facts.

These three disorders are very different, but each of them involves deficits that are primarily *intellectual* or *cognitive*: impairments in the ability to acquire or process information, and so to form true beliefs. In some contexts, the missing information is important for making the correct moral judgment. These deficits are not all domain general: those on the autism spectrum, for example, have deficits in understanding a range of social information, but need not have any intellectual deficits about acquiring or processing other sorts of information.

Not all mental disorders are primarily intellectual or cognitive, however. A broad range of disorders is instead *affective* or *motivational*. While such disorders are not primarily characterized by deficits in acquiring or processing information, they can nevertheless also lead to ignorance, since intellectual, affective, and motivational processes are often closely connected. Consider two examples. *Generalized anxiety disorder* is characterized by “excessive anxiety or worry” that

8 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 33.

9 In making this claim, we do not mean to suggest either that those with intellectual disabilities are *incapable* of these tasks, or that those who lack mental disorders are infallible at them. All we intend to claim is that intellectual disabilities—and the other mental disorders discussed below—make it *more difficult* for a person to acquire the relevant knowledge.

10 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 50.

11 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 61.

is difficult to control. Its symptoms include “difficulty concentrating or mind going blank,” and individuals with this disorder “find it difficult to ... keep worrisome thoughts from interfering with attention to tasks at hand.”<sup>12</sup> Anxiety can therefore lead to ignorance in much the same way as more purely cognitive disorders, since difficulty concentrating and paying attention to the task at hand can impair a person’s ability to acquire and process information, including morally relevant information.

Finally, *major depressive disorder* is characterized by a “depressed mood most of the day, nearly every day” and by “markedly diminished pleasure in all, or nearly all, activities.”<sup>13</sup> But while it is primarily characterized in terms of a person’s mood, its symptoms also include a “diminished ability to think or concentrate, or indecisiveness.”<sup>14</sup> Severe cases can be accompanied by delusions and hallucinations. All of these symptoms can cause a person to fail to notice things, forget things she once knew, form false or unjustified beliefs, and make poor judgments and decisions.

Depression and anxiety are not primarily cognitive or intellectual disorders. The main ways in which they impair a person’s functioning have to do with their effect on moods, emotions, and motivations, and they need not directly impair a person’s ability to acquire and process information.<sup>15</sup> Nevertheless, since our cognitive capacities are significantly dependent on our moods, emotions, and motivations, mood disorders can also contribute to impairments in acquiring and processing information and, when they do, they can lead to ignorance. This means that a very broad range of mental disorders is potentially associated with an increased risk of ignorance across a range of contexts, including moral contexts.

Intellectual disability, autism spectrum disorder, ADHD, anxiety, and depression are all very different conditions. They have different etiologies and different characteristic manifestations. They are experienced as very different by those who have them, who face different social uptake and stigma, and they impair individual functioning in different ways and to different extents. In raising the examples, we do not intend to simply group everyone together into the category of “people with mental disorders”; the differences both within and between disorders are as significant as the similarities. We group them together only to highlight two features they share that are relevant to the PEC. First, each involves specific psychological traits and dispositions; indeed, most of them are defined in terms of those traits and dispositions. Second, those psychological traits and

12 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 222.

13 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 160.

14 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 161.

15 Our thanks to Kate Norlock for encouraging us to clarify this point.



dispositions can cause the agent who has them to lack awareness of facts that an agent without the condition would more easily recognize.<sup>16</sup> So according to the PEC, agents are blameworthy if their potentially culpable ignorance is caused by a mental disorder.

If the PEC does indeed require us to blame people whose ignorance reflects conditions such as major depression or moderate intellectual disability, then the PEC is dramatically out of step with our ordinary practices of assigning blame. Consider first the legal assignment of blame. Many jurisdictions employ some version of the M’Naghten test, according to which a defendant is not criminally responsible if, at the time of action, a mental disorder prevented her from knowing the act was wrong.<sup>17</sup> Such legal tests aim to distinguish cases of blameworthy negligence from blameless ignorance by appeal to the cause of the ignorance. If the ignorance was caused by a mental “disease, defect, or disorder,” then the person is not criminally responsible. So the criminal law, at least, recognizes that certain mental traits and characteristics can cause a person’s ignorance in ways that either *diminish* blame or *excuse* them from blame, rather than *explain* why they are blameworthy.<sup>18</sup>

Legal responsibility is often closely connected to moral responsibility, but the two are not identical; not all judgments of legal responsibility carry implications of moral responsibility, and vice versa. Perhaps more relevant, then, is that our ordinary, on-the-ground practices of assigning praise and blame are sensitive to the reasons for an agent’s ignorance, inattention, forgetfulness, poor judgment, and lack of moral imagination. Consider some everyday examples: a stranger does not see you and cuts in front of you in a queue, a friend forgets to wish you

16 None of the conditions make it *impossible* for those who have it to recognize the relevant facts. Those on the autism spectrum, for example, are capable of social communication and of understanding nonverbal communication used in social relationships. Many, however, have a deficit in these abilities relative to the norm set by the neurotypical population.

17 In the United States, a judgment of not criminally responsible is appropriate if “the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts.” 18 U.S.C. § 17. In Canada, “no person is criminally responsible for an act committed or an omission made while suffering from a mental disorder that rendered the person incapable of appreciating the nature and quality of the act or omission or of knowing that it was wrong.” Criminal Code, R.S.C. 1985, c. C-46, s. 16(1).

18 These are not perfectly analogous: in the legal case the mental disease or disorder can be temporary and so need not be seen as constitutive of the agent. In many cases, however, the disease is *not* a temporary one. A recent Canadian study of individuals found not criminally responsible on account of mental disorder found that 72 percent had at least one previous psychiatric hospitalization, and that the most common diagnosis—at 71 percent—was a psychotic spectrum disorder. Crocker et al., “The National Trajectory Project of Individuals Found Not Criminally Responsible on Account of Mental Disorder in Canada.”



a happy birthday, or a colleague tells a story that thoughtlessly reminds everyone of your recent embarrassing misadventure. These are all low-stakes, everyday instances of behavior that would typically merit low-level blame or resentment. But if you learned that the stranger who cut in front of you has a general anxiety disorder triggered by something in the immediate area, or you know that your friend who forgot your birthday is suffering from clinical depression, and that your colleague who tells the embarrassing story is on the autism spectrum, these facts will likely color your reaction to their behavior. Behavior that would have otherwise seemed objectionably thoughtless and selfish can be reinterpreted as entirely blameless in light of this knowledge.

To put the point another way: your reaction to someone who does not notice your distress because he is an inconsiderate jerk is (we hope!) quite different from your typical reaction to someone who does not notice your distress because she is depressed or on the autism spectrum.<sup>19</sup> Reactive attitudes like blame and resentment are standard in the first case, but inappropriate in the second, which might call instead for understanding and, sometimes, compassion.<sup>20</sup>

Sher, however, does not distinguish between ignorance-causing constitutive traits that are responsibility *generating* and those that are *exculpatory*. It is not just that he does not consider this distinction: rather, his view is explicitly committed to its denial. He argues that a person can be held responsible for their ignorance if it is caused by their constitutive psychological traits, and, on his view, a constitutive trait is simply one that “is among the elements of the system whose causal interactions determine the contents of the conscious thoughts and deliberative activities in whose absence [the agent] would not qualify as responsible at all.”<sup>21</sup> For Sher, ignorance caused by “aspects of [an agent’s] mental make-up—*whatever they are*” is ignorance for which the agent can be blamed.<sup>22</sup> As a result of his view of what makes a condition constitutive, Sher requires us to blame

19 Eric Schwitzgebel defines a jerk as someone who “culpably fails to appreciate the perspectives of others around him,” and so links being a jerk to a kind of ignorance (“A Theory of Jerks”).

20 For another example, consider the extensive philosophical literature on addiction. A common view is that one of the crucial distinctions between addiction and mere weakness of will concerns moral responsibility: the merely weak-willed can be blameworthy for actions for which addicts are not (Yaffe, “Recent Work on Addiction and Responsible Agency”). That is not to say that addicts are treated as entirely *blameless*: having addiction as the cause of a crime or of immoral behavior does not typically serve to let the offender off the hook entirely. It often does serve, however, to *diminish* responsibility (Yaffe, “Lowering the Bar for Addicts”).

21 Sher, *Who Knew?* 121.

22 Sher, *Who Knew?* 8, emphasis added.

those whose ignorance is caused by the kinds of conditions that should often be treated as excusing conditions.

In assigning blame to ignorant wrongdoing where the ignorance was caused by the agent's constitutive attitudes, traits, and dispositions, then, the PEC is in conflict with our ordinary practices of assigning blame, and it unjustly and mistakenly blames a group of often-vulnerable people whose mental disorders should be recognized as a reason to withhold blame.

#### 4. AVOIDING AN OBJECTION

Before we evaluate alternative approaches to culpable ignorance and mental disorders, we want to be clear about the aims of the previous argument, so as to prevent a potential misunderstanding. We are not arguing (and we do not believe) that people with mental disorders cannot be held responsible because they are incapable of full moral agency. Our argument should therefore be distinguished from several arguments that also explore the connection between mental disorders and moral responsibility.

First, Nathan Stout argues that autism spectrum disorder presents a substantial challenge to two distinct accounts of moral responsibility. In a recent pair of papers, he argues that people on the autism spectrum satisfy the conditions for moral responsibility set out in both the influential "reason-responsiveness" account, and Michael McKenna's "conversational" account.<sup>23</sup> Stout therefore concludes that both theories are mistaken, since on his view those on the autism spectrum are not in fact "fully responsible agents."<sup>24</sup>

Second, David Shoemaker has recently argued that a range of conditions, including clinical depression, autism spectrum disorder, dementia, and intellectual disability, can preclude an agent from being full-fledged members of the moral community. On his view, such agents represent cases of "marginal agency," in which agents are responsible in some ways but not in others.<sup>25</sup>

Finally, some accounts of moral agency include a form of moral or normative competence as a requirement for moral responsibility. In order to be responsible on such views, an agent must be capable of appropriately responding to moral reasons.<sup>26</sup> Those who lack such competence are not appropriate targets of blame,

23 Stout, "Reasons-Responsiveness and Moral Responsibility" and "Conversation, Responsibility, and Autism Spectrum Disorder"; Fischer and Ravizza, *Responsibility and Control*; McKenna, *Conversation and Responsibility*.

24 Stout, "Conversation, Responsibility, and Autism Spectrum Disorder."

25 Shoemaker, *Responsibility from the Margins*.

26 See, e.g., Wallace, *Responsibility and the Moral Sentiments*; Wolf, "Sanity and the Metaphys-

since it is not reasonable to expect them to adjust their behavior in light of moral considerations.<sup>27</sup>

Each of these three very different positions depends on the idea that mental disorders can prevent fully competent recognition of and engagement with moral reasons, such that the respective disorders are a barrier to full moral agency and responsibility. Whether or not this moral competence requirement is a good one, it is not one that plays a role in our argument. We do not claim that those with mental disorders lack moral competence, and we accept that those with mental disorders are often capable of recognizing and responding appropriately to a range of moral reasons. Our claim is much narrower: some mental disorders can lead agents to fail to recognize *particular* morally relevant facts, and these particular cases of ignorance serve to exempt them from blame. This exemption is compatible with the robust possession of moral competence.<sup>28</sup> So our objection is with *how* the PEC treats people with mental disorders as agents, not *that* it treats them as agents. It is often unfair to blame them for their unwitting wrongdoing, but that does not mean that they are beyond moral responsibility altogether, or indeed that they are anything less than fully responsible moral agents.

In fact, we accept that agents with mental disorders can be culpably ignorant. First, many mental disorders are episodic: while bipolar disorder is typically a lifelong condition, those who have it can experience long stretches between manic or depressive episodes. If they negligently harm someone between such episodes, their condition might not be reason at all to withhold blame.<sup>29</sup> Second, someone with a condition that is not episodic can nonetheless be culpably ignorant if the ignorance is unconnected to the disorder. Finally, foreseeable cases of mental disorder-generated ignorance that are avoidable with advanced plan-

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ics of Responsibility” and “Character and Responsibility.”

27 For a criticism of the moral competence requirement, see Talbert, “Moral Competence, Moral Blame, and Protest.” One worry about the moral competence requirement is that it seems to leave us unable to blame psychopaths. For discussion of this issue, see Shoemaker, *Responsibility from the Margins*.

28 Our argument is *also* compatible with the claim that such agents lack full-fledged moral agency. We are not contradicting Shoemaker’s and Stout’s claims: we are simply approaching the question in a different way. Given the broad spectrum of impairments included in intellectual disability or autism spectrum disorder, for example, it is likely that some people with those conditions *do* lack the capacities required for full moral agency, while others do not. Our claim is that even those who possess full-fledged moral agency can be excused for local cases of ignorance.

29 Whether they are to blame may depend in part on the potential residual effects of previous episodes.

ning—either through medication, the adoption of a routine, or some other indirect method—may be blameworthy, at least if the “tracing” accounts of blame for ignorance are correct.<sup>30</sup>

There are, then, several ways in which people with mental disorders can nonetheless be culpably ignorant. None of them, however, undermines the argument that ignorance caused by a mental disorder is often non-culpable, and the PEC is therefore a misguided account of the epistemic conditions for moral responsibility.

### 5. CONSTITUTION AS ENDORSEMENT?

How might a plausible account of culpable ignorance avoid unjustly blaming those whose ignorance is caused by a mental disorder? One clear virtue of Sher’s argument is that it connects our responsibility for our ignorance to facts *about us* and our character. Something, after all, does seem plausible about the idea that you are more likely to be blameworthy for ignorance that is the result of your selfish character than you are for ignorance that is a result of a concussion or a plot by others to keep you in the dark. This idea also fits more broadly with the common idea that we are most responsible for actions that flow from our most settled character, and that we are less responsible for actions that are entirely out of character.<sup>31</sup>

The core problem with the PEC is Sher’s entirely descriptive understanding of what counts as a constitutive condition. So perhaps one approach would be to adopt a normative interpretation of constitutive traits that could *deny* that mental disorders are constitutive of the agent. In other words, perhaps mental disorders are properly understood as external to the self in the sense relevant to moral responsibility; this would explain why the ignorance they cause is non-culpable.

This suggestion, of course, raises the question of just what it means for an attitude, trait, or disposition to count as “constitutive.” One way of pursuing this approach would be to say that a trait, attitude, or disposition is constitutive of an agent only if it would be endorsed by the agent upon reflection. Harry Frankfurt’s influential model of agency, for example, draws the distinction

30 Whether this tracing account of blame will apply in any particular case will depend in part on whether the agent is to blame for not taking earlier steps to prevent it. If the medication is prohibitively expensive or has particularly unpleasant side effects, for example, then it could be that the agent is not to blame even if they know that a consequence of not taking the medication is future instances of forgetfulness or inattention that would otherwise be blameworthy.

31 We can find varying expressions of this idea in Aristotle, Hume, contemporary virtue theory, and contemporary “true self” or “deep self” theories of moral responsibility.

between attitudes that are “internal” to the agent and those that are “external” in something like this: for a desire to count as an agent’s own, it should be one that the agent *wants* to want, or that the agent reflectively endorses.<sup>32</sup>

This approach could be extended beyond attitudes like desires to include psychological traits and dispositions such as mental disorders of the kind that cause ignorance. On this view, an agent’s mental disorder would not be constitutive if she experienced it as an external imposition on her agency that she wished to be without and that she did not endorse. This likely reflects the internal perspective of many people with mental illness, who often see their condition as an external imposition, something that gets in the way of their being who they really are.

Since the endorsement proposal would allow for a degree of normativity that Sher’s descriptive approach rules out, it might offer a way of preserving the basic insights of his account of the epistemic condition while still properly accounting for those with mental disorders.

This proposal, however, faces significant challenges.<sup>33</sup> First, its scope is too broad. Many lazy, inattentive, and thoughtless people do not endorse their traits: they really do wish that they were more dedicated or had keener moral insight and better judgment. These faults are far from the exclusive domain of those with mental disorders, and while a desire to be better might be admirable, it does not by itself exempt someone from blame. You might want very much to be a kinder person and lament your quick temper, but on its own that does not make your relative lack of kindness blameless. “Lack of endorsement” seems too broad a criterion, as it can be too easily satisfied by those who are, nonetheless, responsible for the actions that emerge from the character trait that they do not endorse.

Second, and more importantly, the scope of the proposal is too narrow, as it would apply to only some agents and some excusing conditions. Many people on the autism spectrum, for example, resist the suggestion that they have a disability that is external to them and that they would be better off without, and instead see their condition as part of their identity and as a source of pride.<sup>34</sup> The same is true of some people with other mental disorders. The Icarus Project, for example, recasts such atypicalities as “a dangerous gift to be cultivated

32 Frankfurt’s model has evolved: his early work emphasized the hierarchical ordering of desires (“Freedom of the Will and the Concept of a Person”), while in more recent work he has shifted the focus to “endorsement” or “wholeheartedness” (“Identification and Wholeheartedness”).

33 Sher himself calls this approach “distorting and tendentious” (*Who Knew?* 135). Our own objection is very different from his.

34 Autistic Pride Day has been celebrated since 2005 (Gander, “Autistic Pride Day”). See also Humphrey and Lewis, “‘Make Me Normal’”; and Hurlbutt and Chalmers, “Adults with Autism Speak Out.”

and taken care of rather than as a disease or disorder needing to be ‘cured.’”<sup>35</sup> Perhaps some of these claims are mistaken, or are simply manifestations of the conditions in question, but to insist that they are all mistaken would be to categorically deny a central element of the agency and self-conception of many people with mental disorders.

More generally, an approach that treated all mental disorders as alienated and external impositions that played no constitutive role in a person’s identity would face resistance from social models of disability that emphasize the ways in which disabilities are “mere differences” that only make people worse because of how society treats those differences.<sup>36</sup> On such views, there need be nothing shameful about disability, and no reason for disabled people to treat their conditions as externally imposed constraints that they would be better to be without. Instead, such models can treat a disabled agent’s *condition* as a constitutive part of her, while treating the *impairment* linked to the condition as externally imposed and created by inadequate social supports.

To treat all mental disorders as external impositions, then, would be to deny a central element of the agency and self-conception of many people. So even if we recast our understanding of an agent’s constitutive conditions to build in an explicitly normative criterion, the idea that we are responsible for any ignorance that arises from an endorsed constitutive condition would still threaten to unjustly blame those whose ignorance is the non-culpable result of a mental disorder.

Still, we are closer to being able to see the shape of a successful account of the epistemic condition for moral responsibility. It will have a normative, rather than thoroughly descriptive, understanding of which kinds of explanations for ignorance in the face of evidence are sources of blame, and which are genuine excusing conditions. Moreover, it will avoid a too-narrow focus on idealized, neurotypical, nondisabled agents. This focus excludes far too many people from the account, and deeply misunderstands the kinds of ignorance that are blameworthy. A proper epistemic condition for moral responsibility must instead take into account the full range of responsible moral agents in all of their variety. It is to the development of such an account that we now turn.

## 6. IGNORANCE AND MORAL CONCERN

Our account builds on the prominent approach to moral responsibility according to which judgments of praise and blame involve an assessment of the depth of an agent’s moral concern. On this view, the degree of praise or blame an ac-

35 DuBrul, “The Icarus Project,” 259.

36 Barnes, “Valuing Disability, Causing Disability.”

tion merits reflects the degree to which the action displayed (or failed to display) the right kind of attitudinal outlook on morality. Part of the aim of this approach—an aim it shares with Sher—is to offer a way of understanding moral responsibility that does not ultimately depend on an agent's conscious control, since many of the most important attitudes of moral concern are not directly under our conscious control.

This view can take different forms, depending on the attitudes it identifies as most fundamental to moral concern. Arpaly and Schroeder link an agent's blameworthiness for an action to the degree of ill will or moral indifference that the action manifests.<sup>37</sup> Ill will and moral indifference, in turn, are defined in terms of the agent's *intrinsic desires*: ill will is “an intrinsic desire for the wrong or the bad” and “moral indifference is a lack of good will” with goodwill understood as “an intrinsic desire for the right or good.”<sup>38</sup> So on Arpaly and Schroeder's view, the blameworthiness or praiseworthiness of an action is a function of the attitudes—and in particular the intrinsic desires—that motivate the action. And one important way in which an action can be blameworthy is if it reflects moral indifference—an insufficient concern for moral considerations.

Angela Smith argues that we can be held morally responsible for our attitudes, even though they are not always under our voluntary or conscious control, because of the ways in which our attitudes reflect our evaluative judgments. We can be asked to provide reasons and justifications for such judgments, and asked to “give them up or modify them if an adequate defense cannot be provided.”<sup>39</sup> Such demands for rational justification are, on her view, at the core of the normative demands involved in holding agents morally responsible. So for Smith, assessments of praiseworthiness and blameworthiness are often fundamentally assessments of an agent's (often nonvoluntary) attitudes, since those attitudes reflect reason-responsive evaluative judgments.

There are significant differences between Arpaly and Schroeder's and Smith's respective views. Arpaly and Schroeder's is grounded in an agent's intrinsic desires, while Smith's emphasizes an agent's reason-response evaluative judgments. These are very different attitudes, of course, and the distinction between them is at the heart of a number of intense debates in moral philosophy. As important as these differences are, however, we can set them aside for the time being in order to note some important similarities between the two views. First, both Smith and Arpaly and Schroeder argue that assessments of praiseworthiness and blameworthiness for *actions* are fundamentally tied to the (often nonvoluntary)

37 Arpaly and Schroeder, *In Praise of Desire*, 170.

38 Arpaly and Schroeder, *In Praise of Desire*, 162–63.

39 Smith, “Culpable Ignorance,” 270.



*attitudes* that underpin them. An agent's degree of engagement with morality is often revealed by those attitudes, and the nature of that engagement is at the heart of assessments of moral responsibility. Second, both argue that our moral concerns (whether measured in terms of intrinsic desires or evaluative judgments) significantly influence what we attend to, notice, and remember, and of course what we ignore, overlook, and forget. A lack of moral concern, on both accounts, can therefore contribute directly to an agent's ignorance.

As Arpaly puts it, someone who "does not care very much about morality may not give much thought to some things to which a more morally concerned person would pay more attention."<sup>40</sup> This is because "desire influences our attention patterns."<sup>41</sup> Other things being equal, the more someone has an intrinsic desire to, for example, reduce suffering, the more they will be disposed to not only *act* to prevent suffering, but also to *notice* and indeed *look for* instances of suffering to address. Someone who does not notice the suffering of those around them would not normally be described as having a strong intrinsic desire to reduce suffering, even if she did act to reduce it on the rare occasions that she took any notice.

Smith makes a very similar point in terms of evaluative judgments. In fact, her argument that we can be held responsible for our attitudes opens with a case of small-scale culpable ignorance: she suggests that if a friend forgets your birthday, you could be justified in feeling hurt and resentful because of the way that his oversight might reveal something about how much he cares about you and your relationship. If your friend really did judge your relationship to be important, he would have remembered your birthday. There is, as Smith puts it, a "rational connection between what we notice and what we evaluate or judge to be important or significant" and so we can be "criticized or asked to acknowledge fault for failing to notice something if this failure can reasonably be taken to reflect an [objectionable] judgment that the thing in question is not important."<sup>42</sup>

Both Smith and Arpaly and Schroder, then, argue that one's attitudes of moral concern (whether these are understood as intrinsic desires or evaluative attitudes) often influence what one notices, looks for, and pays attention to, and also what one ignores, overlooks, or fails to notice. This failure to notice something morally significant can reflect one's relative lack of moral concern. A lack of moral concern can therefore lead to ignorance by affecting one's patterns of attention.

This "moral concern" account of moral responsibility offers a compelling way of explaining both what makes ignorance culpable (when it is) and why igno-

40 Arpaly, *Unprincipled Virtue*, 233.

41 Arpaly and Schroeder, *In Praise of Desire*, 125.

42 Smith, "Culpable Ignorance," 244, 270.

rance generated by mental disorders is so often *non*-culpable. Ignorance in the face of available evidence is culpable when it reflects a lack of moral concern, whether we take that to be moral indifference or misplaced evaluative judgments. If you are ignorant because you do not care enough to notice or learn, then you are to blame. But ignorance that does *not* reflect a lack of moral concern need not be blameworthy at all. That is because, while attention and ignorance are certainly *evidence* of a person's moral concerns—whether that be her intrinsic desires or her evaluative judgments—that evidence is defeasible: not all ignorance in moral contexts reflects a lack of moral concern.

In explaining the link between moral concern and ignorance, Smith argues that valuing something “should (rationally) have an influence on our unreflective patterns of thought and feeling. We commonly infer from these unreflective patterns, or from their absence, what a person really cares about and judges to be important.”<sup>43</sup> These common inferences are often warranted, and when we rightly infer that moral ignorance was caused by a lack of moral concern, we are justified in treating the ignorance as culpable. But while such inferences are often justified, they can be mistaken. Smith emphasizes that while the connection between what we notice and what we take to be important is close, it is also indirect and not conceptual.<sup>44</sup> Not all ignorance reflects an evaluative judgment of the potential object of attention's importance. Arpaly and Schroeder make a similar point about the nature of intrinsic desire on attention: while desire is often reflected in what an agent attends to, notices, and remembers, this effect on cognition is “typical of desire, but do[es] not constitute its essence.”<sup>45</sup>

Both Smith and Arpaly and Schroeder, then, acknowledge that attention and ignorance are often, but not *always*, evidence of moral concern. And when ignorance is *not* a reflection of the agent's evaluative judgments or lack of moral concern, the ignorance could qualify as non-culpable. This broad account seems to capture much of what is plausible in Sher's own alternative to the standard searchlight view, since like Sher it explains culpable ignorance by appeal to facts about what the agent is *like*: an agent's intrinsic desires and evaluative judgments are, typically, relatively stable and well-integrated into their broader set of attitudes, traits, and dispositions. But this account also avoids the pitfalls of Sher's account, since its understanding of the way our psychological dispositions can make ignorance culpable is thoroughly normative. It can recognize that different constitutive sources of ignorance should be treated differently from the perspective

43 Smith, “Culpable Ignorance,” 247.

44 Smith, “Culpable Ignorance,” 205, 270.

45 Arpaly and Schroeder, *In Praise of Desire*, 125.

of moral responsibility. This means that it does not unjustly blame those whose ignorance is the result of a mental disorder, *rather than* a lack of moral concern.

Our proposal for explaining the ways in which mental disorders can generate non-culpable ignorance builds on this moral concern account of responsibility. Ignorance can be culpable when it reflects a lack of moral concern; failing to recognize that someone is in distress can be caused by a selfish lack of concern for their welfare, since such a lack of concern influences what you are inclined to notice. Such ignorance is blameworthy. A failure to recognize someone's distress can *also* be caused by clinical depression, or anxiety, or by some common diagnostic features of autism spectrum disorder. As we argued above, a range of mental disorders can lead to ignorance by affecting an agent's attention, concentration, or ability to take in relevant information. In such cases, we need not suppose that a failure to recognize someone's distress reflects a lack of moral concern for their welfare. The inference from ignorance to a lack of concern is defeated by an alternative, and better, explanation: the ignorance is caused by a mental disorder that is unconnected to the agent's goodwill or her evaluations of what is and is not morally significant. Someone with clinical depression may care a *great deal* about the welfare of others, but one of the effects of her depression might include an impairment in the ability to translate that concern into awareness of their distress. By pointing to the existence of a mental disorder in explaining otherwise culpable ignorance, we are often identifying reasons withholding blame, precisely because we are identifying explanations of the ignorance that do not reflect a lack of moral concern.

The moral concern account of moral responsibility therefore offers a plausible explanation of the ways in which mental disorders can serve as genuine excuses for what would otherwise be blameworthy ignorance. Moreover, it does not do so by arguing that those with mental disorders lack full moral agency. The presence of a mental disorder can make awareness of some specific morally relevant facts much more difficult, and so block the inference from ignorance to lack of moral concern, but this is compatible with the full possession of moral competence and moral agency. The impairment may well be local and limited, and not undermine the agent's broader moral competence. Fatigue and stress can likewise affect our ability to acquire and process information in ways that do not necessarily reflect our depth of moral concern, but this does not mean that fatigue and stress should be understood as conditions that undermine our moral agency. Those of us with mental disorders can be—and indeed, often *are*—full moral agents whose actions reflect appropriate moral concern.

## 7. CULPABLE IGNORANCE AND PERSONALITY DISORDERS

One important consequence of our account is that mental disorders, as a class, do not serve as a blanket exemption from blame for ignorance. On the view that we have defended, mental disorder-generated ignorance is non-culpable when that ignorance does not reflect a lack of moral concern. Some mental disorders, however, are primarily characterized by impairments in interpersonal functioning that include concern for others. The “essential feature” of antisocial personality disorder, for example, is “a pervasive pattern of disregard for, and violation of, the rights of others.”<sup>46</sup> Persons with the disorder tend to display “reckless disregard for safety of self or others” and are often “indifferent to . . . having hurt, mistreated, or stolen from someone.”<sup>47</sup> The diagnostic features of narcissistic personality disorder include a “lack of sensitivity to the wants and needs of others” and “difficulty in recognizing the desires, subjective experiences, and feelings of others.”<sup>48</sup>

Some DSM-5 mental disorders, in other words, seem to include something very close to “lack of moral concern” as an essential *diagnostic criterion*. We argued above that a lack of moral concern can lead to moral ignorance, and that when it does, that lack of concern explains why the ignorance is culpable. In mental disorders where a lack of moral concern is among the core diagnostic criteria, ignorance generated by those disorders may well be culpable. That is because, in such cases, identifying a personality disorder as the cause of the ignorance is not an *alternative* explanation, making the inference to a lack of moral concern unjustified; rather identifying the personality disorder as the source of the ignorance is simply another way of describing that lack of concern.

At this point, a skeptical reader might be tempted to accuse us of running afoul of our own argument. Our main objection to Sher’s account was that he unjustly blames those whose ignorance is caused by conditions like depression and autism spectrum disorder. Since our own account *also* blames those whose ignorance is caused by some mental disorders, it might seem as if our own view is vulnerable to the very same objection. Is blaming someone whose ignorance is the result of antisocial personality disorder not just the same as blaming someone whose ignorance is the result of anxiety disorder?

There are two points to make in response to this objection. First, we have not claimed that those with personality disorders ought to be blamed for their moral ignorance. Perhaps there are independent reasons for supposing that they

46 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 659.

47 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 660.

48 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 670.

ought to be exempt from blame; if so, those reasons will be very different from the reasons we have offered here. Second, the objection misunderstands the aim of our argument. We have not argued that mental disorders offer a blanket exemption from blame, and we have insisted that those of us with mental disorders can nonetheless be fully responsible moral agents. The reason to withhold blame from ignorance caused by, e.g., depression, anxiety disorder, ADHD, and autism spectrum disorder is that such ignorance need not reflect any core lack of moral concern on the part of the agents who have the conditions. Their conditions can sometimes make it harder for them to notice or appreciate morally significant facts, but this impairment does not necessarily reflect their values, intrinsic desires for the good, evaluative commitments, or moral motivations. Our objection to Sher's account is not simply that it blames people with mental disorders, since we accept that those of us with mental disorders can be legitimate targets of blame. Our objection is rather that the PEC blames people with mental disorders when their ignorance does not reflect any failure of moral concern. Our aim is not to treat mental disorders as conditions that put people entirely outside the reach of responsibility and blame. In fact, the conclusion that mental disorder-generated ignorance can be culpable fits with our broader aim to give an account of moral agency and culpable ignorance that takes seriously the idea that those with mental disorders are capable of full moral agency, and that their conditions do not leave them outside, or even on the margins, of the moral community.<sup>49</sup>

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## REFERENCES

- American Psychiatric Association. *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. American Psychiatric Association: Washington, DC, 2013.
- Arpaly, Nomy. *Unprincipled Virtue*. Oxford: Oxford University Press, 2002.
- Arpaly, Nomy, and Timothy Schroeder. *In Praise of Desire*. Oxford: Oxford University Press, 2014.
- Barnes, Elizabeth. "Valuing Disability, Causing Disability." *Ethics* 125, no. 1 (October 2014): 88–113.
- Crocker, Anne, Tonia Nicholls, Michael Seto, Yanick Charette, Gilles Côté, and Malijai Caulet. "The National Trajectory Project of Individuals Found Not Criminally Responsible on Account of Mental Disorder in Canada. Part 2: The People behind the Label." *Canadian Journal of Psychiatry* 60, no. 3 (March 2015): 106–16.
- DuBrul, Sascha Altman. "The Icarus Project: A Counter Narrative for Psychic Diversity." *Journal of Medical Humanities* 35, no. 3 (September 2014): 257–71.
- Fischer, John, and Mark Ravizza. *Responsibility and Control: A Theory of Moral Responsibility*. Cambridge: Cambridge University Press, 1999.
- Frankfurt, Harry. "Freedom of the Will and the Concept of a Person." *Journal of Philosophy* 68, no. 1 (January 1971): 5–20.
- . "Identification and Wholeheartedness." In *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*, edited by F. D. Schoeman, 27–45. Cambridge: Cambridge University Press, 1987.
- Gander, Kashmira. "Autistic Pride Day: Why We Are Proud to Have Autism." *The Independent*, June 18, 2016. <http://www.independent.co.uk/life-style/health-and-families/autistic-pride-day-2016-why-we-are-proud-to-have-autism-neurotypical-a7085066.html>.
- Humphrey, Neil, and Sarah Lewis. "'Make Me Normal': The Views and Experiences of Pupils on the Autistic Spectrum in Mainstream Secondary Schools." *Autism* 12, no. 1 (January 2008): 23–46.
- Hurlbutt, Karen, and Lynne Chalmers. "Adults with Autism Speak Out: Perceptions of Their Life Experiences." *Focus on Autism and Other Developmental Disabilities* 17, no. 2 (Summer 2002): 103–11.
- McKenna, Michael. *Conversation and Responsibility*. Oxford: Oxford University Press, 2012.
- Rosen, Gideon. "Culpability and Ignorance." *Proceedings of the Aristotelian Society* 103, no. 1 (June 2003): 61–84.
- . "Skepticism about Moral Responsibility." *Philosophical Perspectives* 18, no. 1 (December 2004): 295–313.

- Schwitzgebel, Eric. "A Theory of Jerks." *Aeon*, June 4, 2014. <https://aeon.co/essays/so-you-re-surrounded-by-idiot-guess-who-the-real-jerk-is>.
- Sher, George. *Who Knew? Responsibility without Awareness*. Oxford: Oxford University Press, 2009.
- Shoemaker, David. *Responsibility from the Margins*. Oxford: Oxford University Press, 2015.
- Smith, Angela. "Responsibility for Attitudes: Activity and Passivity in Mental Life." *Ethics* 115, no. 2 (January 2005): 236–71.
- Smith, Holly. "Culpable Ignorance." *Philosophical Review* 92, no. 4 (October 1983): 543–71.
- Stout, Nathan. "Conversation, Responsibility, and Autism Spectrum Disorder." *Philosophical Psychology* 29, no. 7 (2016): 1–14.
- . "Reasons-Responsiveness and Moral Responsibility: The Case of Autism." *Journal of Ethics* 20, no. 4 (December 2016): 401–18.
- Talbert, Matthew. "Moral Competence, Moral Blame, and Protest." *Journal of Ethics* 16, no. 1 (March 2012): 89–109.
- Wallace, R. Jay. *Responsibility and the Moral Sentiments*. Cambridge, MA: Harvard University Press, 1996.
- Wolf, Susan. "Character and Responsibility." *Journal of Philosophy* 112, no. 7 (July 2015): 356–72.
- . "Sanity and the Metaphysics of Responsibility." In *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*, edited by F. D. Schoeman, 46–62. Cambridge: Cambridge University Press, 1987.
- Yaffe, Gideon. "Lowering the Bar for Addicts." In *Addiction and Responsibility*, edited by Jeffery Polland and George Graham, 113–38. Cambridge, MA: MIT Press, 2011.
- . "Recent Work on Addiction and Responsible Agency." *Philosophy and Public Affairs* 30, no. 2 (April 2001): 178–221.
- Zimmerman, M. J. *Living with Uncertainty: The Moral Significance of Ignorance*. Cambridge: Cambridge University Press, 2008.
- . "Moral Responsibility and Ignorance." *Ethics* 107, no. 3 (April 1997): 410–26.