Cultural Membership and Moral Responsibility

Can our cultural membership excuse us from responsibility for certain actions? Ought the Aztec priest be held responsible for murder, for instance, or does the fact that his ritual sacrifice is mandated by his culture excuse him from blame? Our intuitions here are mixed; the more distant, historically and geographically, we are from those whose actions are in question, the more likely we are to forgive them their acts, yet it is difficult to pinpoint why this distance should excuse. Up close, historically or geographically, we tend to be less forgiving: few of us excuse the Taliban (to take an egregious and topical example) for what they did to women and homosexuals; and if there is less of an outcry concerning treatment not all that dissimilar in Saudi Arabia and elsewhere, this is probably only because these actions are less well publicized.

These are questions which, increasingly, matter as much at home as abroad. Consider the increasingly common invocation of "the culture defense" in U.S. courts. We might instance the cases of Latif Al-Hussani and Majed Al-Tamimy, two men charged with statutory rape in Lincoln, Nebraska. The two men married the daughters of a friend of theirs, a refugee from Iraq, in a Muslim ceremony conducted in the girls' home. The girls were thirteen and fourteen years old. A few days after the wedding, the elder girl ran away; her husband reported the disappearance to the police. When the matter came to court, the father of the girls and their husbands testified that they did not know they had done anything wrong. In Iraq, girls frequently marry as young teenagers, or even earlier.[1] The two men were sentenced to four and six years' imprisonment each.

How ought we to react to this case, and to others in which cultures clash, in which immigrants are charged with crimes resulting from actions which, they claim, they thought unproblematically permissible? This is a large question, the complete answer to which requires the resolution of a number of important related questions, concerning, for instance, the proper function of the law, the truth or falsity of cultural relativism, the objectiv-

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ity of ethics, and more besides. Here, we are concerned only with the question of the relationship between cultural membership and moral responsibility; we therefore need to make a number of assumptions and distinctions, in order to set these other questions aside.

We shall assume, in the first place, that the actions in question were morally wrong. We are here concerned with the question of excuses, not justifications, but people can only be excused for performing wrong actions. By making this assumption, we set aside the question of cultural relativism, and concentrate on moral responsibility alone. Very young children and the insane are typically excused from responsibility for their actions, on the grounds that they could not know that they were wrong. If culture excuses, it is presumably on similar grounds: that cultural membership can prevent someone from perceiving the wrongness of an act. This is precisely how the cultural defense is invoked: attorneys do not argue that the acts in question are not, in fact, wrong, but that their clients did not know them to be wrong, and that their ignorance was not itself culpable. In what follows, then, we assume that the acts concerned *are* wrong.

Secondly, we must be careful to distinguish *moral* responsibility, with which we are here concerned, from *legal* responsibility. It is one thing to say that cultural membership might excuse an agent from moral responsibility, and quite another to say that courts ought to recognize so-called cultural defenses. Legal and moral responsibility can come apart, as they do, for instance, in strict liability cases; courts and legislatures sometimes opt to give policy and practical considerations greater weight than questions of moral responsibility. For instance, courts have usually refused to accept a defendant's drug addiction as a defense, for a combination of policy and practical reasons: because they wish to discourage drug use, because of the difficulty of determining whether the defendant really acted from an irresistible urge, as opposed to one which he merely failed to resist, and because they worry that allowing such a defense would set a dangerous precedent (Watson, 1999). It may be that even if we find that cultural membership sometimes excuses agents from moral responsibility, courts should disregard this fact, for analogous reasons: because allowing cultural defenses would create a perverse incentive effect, whereby immigrants would be discouraged from learning about their new land, and because courts are unable to determine whether the claimed ethical disability is actual in particular cases.

Culture and Insanity

Once we have made these assumptions and distinctions, we can begin to examine our question more closely. On what grounds might we think that cultural membership excuses an agent from moral responsibility for a particular act or omission? Susan Wolf has suggested that membership in at least some cultures might be assimilated to insanity (Wolf, 1989). Wolf reminds us that we excuse the insane due to their inability to perceive non-normative facts; but since we are concerned with *moral* responsibility, consistency requires us to excuse those who are equally blind to the normative. Thus, moral responsibility requires "the ability to act in accordance with the True and the Good" (Wolf, 1990: 79). But whether we are able to form our values in accordance with the True and the Good depends, *inter alia*, on our upbringing; upon whether our moral (and non-moral) education developed our ethical sensibilities, or instead stunted and distorted our ability to grasp the True and the Good. Since only those who have the right sort of moral education have the appropriate sensitivity, cultural membership can be ethically disabling (as well as ethically enabling), and those who are so disabled are not morally responsible. Thus, Wolf claims, slave-owners in the American South, German Nazis in the 1930s, even the male chauvinists of earlier generations, might all be excused their acts, because they were not in fact "fully sane":

> their false beliefs in the moral permissibility of their actions and the false values from which these beliefs derived may have been inevitable given the social circumstances in which they developed. If we think that the agents could not help but be mistaken about their values, we do not blame them for the actions which those values inspired (Wolf, 1989: 146).

Since cultural membership can blind agents to the True and the Good, but moral responsibility requires that we be able to act in their light, cultural membership can excuse an agent from responsibility.

Wolf's claim is highly controversial. Though everyone acknowledges that ignorance concerning the consequences of an act can excuse, it is difficult to find an uncontroversial case in which a psychologically normal adult is non-culpably ignorant of the moral wrongness of an action.[2] This asymmetry is the result, I suggest, of the fact that, as we all know, causal relations can be difficult to discern (as the very existence of our specialized sciences attests); for this reason, our failure to be aware of such causal

connections is explicable and excusable. However, it is far from clear that knowledge of the moral properties of actions requires special skills; certainly, we do not have moral experts in just the same way as we have scientific experts.

However, if cultural membership can excuse an agent from moral responsibility, it will be by ensuring that such members are ignorant of the wrongness of their acts. To begin with, I will simply assume that the agents in question are thus ignorant, for though the assumption is controversial, it allows us to break down the question whether culture can excuse into its components. The claim that cultural membership excuses an agent from moral responsibility could refer to responsibility for the *actions* she performs, or responsibility for her *ignorance* concerning her actions. By making the assumption that she is so ignorant, we are enabled to focus on this latter question. After we have concluded our examination of it, we shall return to the question whether this assumption is itself plausible.

Culpable Ignorance and Culture

Under what conditions is an agent responsible for her ignorance? Ignorance is culpable only so long as it can be traced back to an act or omission by the same agent concerning which she was not ignorant. Thus, for instance, my ignorance of university regulations is no excuse so long as I had the opportunity to familiarize myself with the regulations and knew that I was expected to do so. It is my knowledge with regard to what Holly Smith calls my benighting act which ensures that I remain responsible for my unwitting transgressions of the regulations (Smith, 1983: 547).

Some philosophers have objected to this analysis, on the grounds that someone's failure to be aware of their obligations is often itself culpable. Specific roles carry with them specific obligations, 'role oughts', in Richard Feldman's phrase (Feldman 2001: 87). Such 'oughts' are incumbent upon each of us as a consequence of our filling particular roles, and this remains the case whether or not we are aware of our obligations. However, while it is true that particular roles imply special responsibilities, it cannot be the case that ignorance goes all the way down, as it were. If I ought to have been aware that I was expected to familiarize myself with the university regulations, then this culpable ignorance must itself be traceable to an act or omission of mine concerning which I was not ignorant. Perhaps I failed to read the information pack with which I was provided upon joining the university, despite being asked to do so; in any case, there must be some

such act or omission, or I am not culpably ignorant. Unless there is an act or omission concerning which I was not ignorant, the analysis of culpable ignorance would present us with an infinite regress.

Now, is it plausible to think that agents concerning whom we might be tempted to invoke a cultural excuse are guilty of such a witting act or omission? Have they, for instance, ever been presented with what they knew to be an opportunity to learn moral truths, of which they culpably failed to take advantage? Some of Wolf's critics appear to believe that we can answer this question in the affirmative. Lawrence Vogel, for instance, points out that the *milieux* in which Wolf's paradigms of culturally-induced insanity lived were not culturally homogeneous; thus, it is not true that knowledge of the Good was unavailable to these agents. Consider JoJo, whom Wolf apparently considers the clearest example of an agent excused from moral responsibility due to an insanity limited entirely to an inability to grasp the Good:

> JoJo is the favorite son of Jo the First, an evil and sadistic dictator of a small undeveloped country. Because of his father's special feelings for the boy, JoJo is given a special education and is allowed to accompany his father often and observe his daily routine. In light of this treatment, it is not surprising that little JoJo takes his father as a role-model and develops values very much like his dad's. As an adult, he does many of the same sorts of things his father did, including sending people to prison or to death or to torture chambers on the basis of the slightest of his whims. (Wolf, 1989: 143).

It is very understandable, Vogel argues, that given the circumstances of his upbringing, JoJo turned out the way he did. But it is implausible to claim that he *had* to turn out that way. In particular, it is implausible to claim that JoJo fails (non-culpably) to know any better. For this to be the case, Vogel suggests, it would have to be true that JoJo was not exposed to better values at *any* stage, but this is unlikely to be the case. JoJo was probably exposed to better values from a variety of sources; the moral traditions of his country, international standards of morality and justice, and the values embedded in the interpersonal contacts he has with those around him. Thus, Vogel argues, his environment was unlikely to be "so seamless that it did not allow for a criticism of the values he held." JoJo's failure to learn the lesson of these alternative values is not surprising, "but it is his fault" (Vogel, 1993: 134).

Vogel's claims suggest a principle, which we can use to test whether someone is culpable for their ignorance (call it CI)

> An agent, A, is responsible for her ignorance concerning some object or action if and only if (a) at some time in the past she has been told the truth about that object or action and chose to disbelieve it, or (b) at some time in the past has been given the opportunity (and knows or knew that she had been given this opportunity) to discover this truth and chose not to take up this opportunity.

It is not clear which disjunct Vogel believes applies to JoJo; has he chosen not to believe what is in fact true, or has he chosen not to take up an opportunity to learn the truth? If he is indeed culpable for his ignorance, then one or other of these things must be true.[3]

It might seem that the first disjunct cannot be the case; that it is in fact incoherent. We cannot *choose* to disbelieve something that we know to be true, it might be claimed. It is indeed true that I cannot choose *directly* to disbelieve something I know to be true (or believe something I know to be false), but it is possible for me deliberately to adopt a strategy which will have the result that I no longer believe something which I now know to be true. An atheist can set herself the task of becoming a believer, by attending a place of worship regularly, reading inspiring religious books, associating only with believers, especially those she respects or loves, and so on. Though this strategy is not guaranteed to work, if she dedicates herself to it she has a far from negligible chance of success. Similarly, a believer might adopt an inverse strategy, as a means of ridding herself of her belief. Now, it is conceivably the case that JoJo chose an analogous path. It might be that one or more of the sources of better values that Vogel mentions convinced him of the truth of these values, but for some reason—perhaps because accepting their truth meant seeing his beloved father for what he was—he chose to reject that truth. He might have decided to alter his beliefs, and deliberately chosen what he (rightly) took to be effective means to that end. He might, for instance, have adopted the strategy of reflecting upon the hypocrisy all too often exhibited by self-appointed guardians of morality, or that of reading Nietzsche and other sceptics about morality. Perhaps by these means JoJo convinced himself that morality is no more than a lie, designed by the weak in order to subjugate the strong. In that case, he is ignorant of the Good, but he is culpable for his ignorance.

Or perhaps the second disjunct is true of JoJo. Perhaps there was no time at which he had a better grasp of moral truth than he does now, but his ignorance is (in part) the result of turning down one or more opportunities to learn this truth. Perhaps at some time in the past JoJo was aware that he was being offered an opportunity to test the truth of his father's views, by further investigating the alternatives Vogel mentions. He does not now, and never has in the past, grasped the Good, but that fact is itself the product of his choice, and he is culpable for his ignorance.

Do these considerations establish that, despite what Wolf would have us believe, JoJo is responsible for his ignorance?[4] They do so only if certain assumptions we have made in discussing CI are in fact true. It must be the case that either JoJo knew the alternative moral outlooks offered to him were true (on the first disjunct) or had some non-negligible chance of being true (on the second). Of course, these alternative conceptions *were* true, or at least much closer to the truth than the view offered by JoJo's father, but it is not necessarily the case that JoJo was in a position to grasp this. Consider an analogy from the non-moral realm. Imagine a doctor in early nineteenth-century Europe, who is told that the diseases that he treats are caused by invisible germs, and not the "miasma" he believes to be responsible. Is he responsible for his ignorance? It is far from clear that he is, because merely being *exposed* to the truth is not a sufficient basis upon which to attribute culpability for ignorance. Imagine our doctor to be the product of the finest medical schools, where he has been taught the miasma theory; imagine him to have been told, by people he respects, that the germ theory is the work of cranks. Under these conditions, he has no reason to believe it, nor any reason to investigate it for himself.

Now, something like this might be true in the case of JoJo as well. Perhaps he has been explicitly told that the values he learned from his father are false, or perhaps he is simply aware that there is an alternative set of values available. In neither case is he necessarily culpable for disregarding these values. After all, they are being propagated by people he is taught to despise, weaklings, who cannot bear to face the universe as it is, or evil men and women who lay cunning traps for the unwary, no doubt for their own advantage. After all, JoJo does not believe himself to have false or bad beliefs and values; instead, he attributes false and bad beliefs to others. In the absence of good antecedent reason to respect these others, he has no reason to question his values or to adopt theirs. It would be ir-

rational for JoJo to abandon his beliefs, since they are supported by all the evidence to which he has good reason to give weight.[5]

Thus, there is no reason to think that JoJo's ignorance is culpable; that it is necessarily traceable back to an act or omission which was not itself ignorant, and for which he is therefore responsible. JoJo's ignorance might go all the way down: he is ignorant of the Good, of the reasons for believing the Good if, by chance, he is exposed to it, and of reasons for investigating his own reasons further. So long as JoJo's moral and non-moral beliefs form a minimally coherent set, and he is not responsible for having come to have them, he is not culpably ignorant. JoJo is ethically disabled, through no fault of his own.[6]

If JoJo can be ethically disabled by his upbringing, through no fault of his own, then how much more will this be the case for the members of cultures with systematically distorted beliefs and values? JoJo was exposed to alternative values on all sides, but the members of such cultures will typically have their bad views reinforced by almost everyone around them. A member of a slave-owning society *might* be exposed to alternative views, to be sure; these views might be expressed by the slaves themselves.[7] But we need to bear in mind the facts concerning moral education here. Our agent has grown up in a slave-owning society, and has been taught by everyone she most loves and respects—her parents and other close relatives, her teachers, the authorities in her society—that slaves are (say) subhuman. Now, if a slave tells her otherwise, has she any reason to believe him? Surely she ought, rationally, to give the views which have been inculcated in her, and which are held by those who, it is acknowledged on all sides, are the wisest members of her culture, greater weight than the views of someone she at least suspects of being subhuman (and therefore of being very unlikely to be a reliable informant)? Moral reasoning is an essentially coherentist affair; we accept and reject propositions according to how well they cohere with the set of beliefs with which we compare them. Thus, our agent ought rationally to reject the word of her slave, which is to say that she is rationally compelled to reject the truth. It is simply not true, then, that the typical member of a slave-owning culture is culpable for her ignorance of the humanity of her slaves.

If this is the case, then members of certain cultures might not be morally responsible for their actions. This will be the case, at least conceivably, not only for those who live far away, historically or geographically,

from us, but also for some of those who have immigrated to live among us. If they hold a set of moral beliefs quite different from ours, and, in the light of these beliefs, have good reason to reject some of our values, then they might be excusable for their ignorance of the Good, *even if they are aware of the content of our morality and our law*. In such a case, though they might know what our system of laws dictates and what it forbids, for them this is no more than a set of arbitrary (or false) rules, whose only force derives from the coercive institutions which back them up. Such people might reasonably hold that, though they are obligated to obey those laws, by virtue of having come to live in a foreign country, as far as their dealings with the natives of their new land are concerned (who, they might think, are ignorant of the Good, but are not culpable for their ignorance!), they are not so obligated with regard to their own families. Indeed, natural affection might obligate them to educate their families into living by the True and the Good so far as they can, regardless of the mistaken laws of their adopted country. They might therefore transgress those laws in dealing with their families; perhaps when they do so, they should be excused moral responsibility for their ignorance.

This will seem a threatening prospect to many people, who will see in it a license to immigrants to engage in practices we (rightly) regard as abhorrent. In fact, it need not be threatening at all. As we saw, to excuse someone from moral responsibility is not (necessarily) to excuse them from legal responsibility; we might have overwhelming reason to ban (say) female circumcision, and to punish those who carry it out, despite excusing them from moral responsibility. As Strawson noted, to abandon the view that someone is morally responsible (in general or with regard to aspects of her behavior) is not to offer her a blanket permission to act as she wishes; instead, it is to abandon treating her as a fitting target for the "reactive attitudes" (anger, indignation, resentment, and so on) and instead adopt the "objective attitude" according to which she becomes something to be manipulated and controlled (Strawson, 1993). This is not necessarily, from the point of view of the agent herself, a lighter punishment.

Affected Ignorance and Culture

Thus far, we have been assuming that the agent whose moral responsibility is in question is ignorant of the wrongness of her actions, and investigating whether she should be held responsible for her ignorance. As

we have seen, the answer is typically negative. But perhaps we have been too lenient in making this assumption. At the very least, it requires further investigation: Is it plausible that the agent does not know that her actions are wrong? I shall investigate this question through a consideration of the work on this topic of Michele Moody-Adams.

When we are dealing with cases in which ignorance is supposed to excuse, Moody-Adams claims, typically the agent whose responsibility is in question is someone who benefits from the maintenance of the cultural practices or beliefs which are morally wrong. Slave-owners benefit from the institution of slavery; male chauvinists benefit from patriarchy, Nazis from anti-semitism (or at least each such group believes itself to benefit from the practice in question). But we know very well that when people are ignorant of the details of a practice that benefits them, it is frequently the case that they choose to be so ignorant. Moody-Adams presents us with several examples of such affected ignorance, actual and imagined:

(1) The euphemisms which torturers commonly employ to mask the reality of their activities;

(2) An investment banker who demands that her employees increase profits, but insists that she does not want to know how they intend to go about it;

(3) A mother who fails to ask how her unemployed son comes by the money with which to present her with frequent expensive gifts;

(4) The manner in which so many of us avoid acknowledging our own fallibility; Moody-Adams here has in mind Mill's claim, in *On Liberty*, that each of us tends to be satisfied with the truth of whatever opinions we have been brought up to hold, without reflecting on the fact that we have them merely as a result of our upbringing, and that other people, with different backgrounds, hold opposing views (Moody-Adams, 1994: 301–02).

These cases are of crucially different types. In (1), the torturers presumably know full well that their activities are wrong; their language is an attempt to avoid acknowledging what they know. I shall call this a case of directly affected ignorance. In (2) and (3), the affected ignorance concerns a suspicion; the mother and the banker do not know that they are the ben-

eficiaries of wrongdoing, but they have good reason to suspect it. This is a case of indirectly affected ignorance (there is direct affected ignorance concerning the suspicion, and indirect affected ignorance of the wrongdoing itself). (4) is different again; in this case, the people concerned simply avoid investigating the grounds of their opinions, probably as much from intellectual laziness as from the suspicion that they are not well-founded; if Mill and Moody-Adams are right that this tendency is widespread, then presumably many of the claims that go unexamined are in fact true. In those cases in which the agent is ignorant of the truth, their affected ignorance would once again be indirect.

Moody-Adams's suggestion, then, seems to amount to this: In cases in which we are tempted to excuse someone from wrongdoing on the grounds of ignorance, we shall (typically, at least) be able to find them culpable of some offense. Sometimes, they will simply fail to be ignorant at all, as in (1). In other cases, though they are indeed ignorant of the truth concerning some act or practice, this ignorance is culpable because it is the result of affecting ignorance concerning something else, to which the real ignorance is traceable (and to which the agent is aware that it is traceable). Thus, in (2) and (3) the agents are culpable for their ignorance because it is the result of affecting ignorance of their reasonable grounds for suspicion.

Thus, in the kind of cases with which we are here concerned, either the members of cultures with false and bad practices and beliefs will know that these practices and beliefs are wrong, or they will be culpable for failing to investigate whether they are wrong. In neither case does their (apparent) ignorance constitute an excuse.

There are two claims here which need to be untangled. The first is what Moody-Adams calls "the inability thesis about cultural impediments" (Moody-Adams, 1994: 293), according to which members of a particular culture are unable to discover that certain actions and beliefs are wrong. It is this claim which receives most attention from Moody-Adams. But there is also a second claim, which is independent of the first: that (whether or not an agent is able to discover the truth concerning a particular action or belief) she is culpable for not investigating that action or belief. It may be the case that my belief that p is false, that I am able to discover that p is false, and yet that I am not culpable for failing to make that discovery, even if some of my morally significant acts are predicated upon the belief that p. This is particularly the case when investigating p

would be a long and involved process. Think once more of our nineteenth-century doctor, convinced of the falsity of the germ theory of disease. It might be that if he devoted sufficient time and thought to the problem, he would be able to devise a test which would confirm the germ theory. However, given that he has limited time, so that he must choose between testing the theory and treating his patients, and given that (as we suppose) he has little reason to believe the germ theory, he is rational in refusing to investigate the theory. He is wrong in his belief that the germ theory is false, and his patients suffer for it. But he is not culpable for his ignorance.

Thus, the hypothesis that cultural membership can excuse someone from moral responsibility does not stand or fall with the inability thesis. There may be cases in which someone is able to discover that their moral beliefs and practices are false, but in which they are not culpable for their failure to investigate these beliefs and practices. Take a member of a slave-owning society, in which slavery is justified by the belief that slaves are naturally inferior as a class, an inferiority which they pass on to their children. It would be possible, in this situation, for the members of that culture to test this hypothesis; they might remove the children of slaves from their parents, and bring them up as free citizens, to test whether their supposed inferiority is really natural. This experiment would require a great deal of time and effort (many children would have to be involved to reach a result which is significant); I take it that it is unreasonable to expect anyone actually to conduct it, since it is unreasonable to expect anyone to expend a great deal of effort in investigating the truth of something which they have very good reason to believe to be false.[8] Again: moral reasoning is a coherentist affairs (as Moody-Adams herself seems to admit[9]); given that is the case, we ought, rationally, to expend our energy in attempting to make our moral beliefs more consistent, not in attempting to overthrow them completely. If you reject this line of reasoning, you commit yourself to the task of testing each one of your beliefs separately; it would take many lifetimes for you to complete your task.

We might put the point this way: though it may sometimes be true that the members of a culture are able (possess the physical and mental capacities necessary) to investigate the truth of certain of their beliefs and practices, very often they lack a reason (accessible to them) so to investigate, and when this is the case, they are not culpable for their failure to investigate. These remarks can be clarified by considering Moody-Adams's

comments on Greek slavery. According to Jonathan Barnes, she tells us, the Greeks did not generally think that slavery was just. However, since they also could not imagine how a society could function without slaves, they did not regard it as a possible topic of moral debate. Moody-Adams denies the very possibility that the Greeks could not imagine a world without slaves:

> merely in virtue of learning a language, every human being has the capacity to imagine (to conceive) that her social world might be organized on quite different principles [. . .] one has the capacity to question existing social practices merely by virtue of learning to form the negation of any statement (Moody-Adams, 1994: 296, n. 14).

No doubt it is true that Greeks could form sentences like "A world without slavery is possible." But bare ability to imagine a possibility, in this sense, is very far from constituting a reason to take the proposal seriously. I can form the sentence "It is not necessary to eat to live a long, healthy life," but that does not give me a reason to take the fantasies of the Breatharian cult seriously.[10]

This is the difference between cases of culturally induced moral ignorance, and the kind of case which Moody-Adams rightly instances as examples of affected ignorance. In the latter, the agent has good reason to know, or to suspect, wrongdoing; the investment banker has practically called upon her employees to engage in it, the mother has good reason to suspect it, and so on.[11] But the kind of case with which we are concerned are, by hypothesis, ones in which almost all members of the culture would react the same way to the same evidence: they might not even grasp that there is a moral issue at stake (Isaacs, 1997). Lacking a good reason to investigate, the agent is not culpable for her failure to do so.

I have argued that the inability thesis, *per se*, is irrelevant to the question of moral responsibility; that possession of the mere capacity, physical and mental, to question a practice is insufficient to ground moral responsibility. I have buttressed this argument by claiming that the kind of investigation required will be arduous and difficult. However, Moody-Adams rejects this latter point. To the contrary, she holds that affected ignorance involves a choice "not to know something that is morally important and that would be easy to know but for that choice" (Moody-Adams, 1997: 102). Why does she believe that these moral facts—concerning the wrongness of slavery, and the moral equality of others—are

easy to know? I suggest that underlying her arguments must be a controversial meta-ethics, according to which moral facts are open for inspection to the normal person. Normally, we think that the moral facts in question supervene upon physical facts, facts concerning the intellectual ability of slaves, or of women, but these facts are not open to inspection, especially not in a culture which discriminates against them, and therefore systematically limits their intellectual opportunities.[12] Moody-Adams clearly thinks that moral facts are a special case; they are self-presenting. But this is simply implausible; certainly no meta-ethical theory currently on offer seems to vindicate the suggestion.[13] The empirical facts upon which moral facts supervene must usually be discovered before those moral facts are accessible to us.

Individual Agency and Responsibility

Moody-Adams has one final strategy open to her, to vindicate her insistence that cultural membership cannot excuse an agent from moral responsibility. Throughout her work on the question, she points out that cultures are never themselves agents; that it is individuals alone who act. She invokes this claim in order to make two closely related points

(a) that the agents who act never simply follow a culturally prescribed script; that they are active interpreters of their cultures' norms and practices, and

(b) stereotyped behavior mandated by a culture or not, it remains the case that individual action is intentional, and therefore responsible.

The first claim is invoked in order to point out that cultures are ongoing enterprises, which are as much shaped by their members as shaping them in turn. Thus, "cultural conventions are modified, reshaped, and sometimes radically revised in individual action" (Moody-Adams, 1994: 306). Thus agents choose between alternatives, and are responsible for their choices. Since they do not follow scripts written for them, but creatively interpret their cultures, they cannot blame their cultures for their actions.

It is, of course, true that cultures never completely determine the way in which their members act. All leave some greater or lesser space for im-

provisation; indeed, they require it in order to adapt to new circumstances. But the space of choice which they open up, and the alternatives which are available within that space, are themselves a product of the culture. We can illustrate this point with one of Moody-Adams's own examples:

> Many of the most important details of our decisions, even about how to conform to important cultural conventions, are simply not determined by culture. Let's take the institution of marriage as an example: some people get married in conventional houses of worship, while others get married at the end of a pair of bungee cords (Moody-Adams, 1994: 305).

It is true that our culture opens a space within which we can choose how —and whether—to marry. But it does not follow that our choices are not strongly shaped by our culture, in ways we cannot fully bring to awareness. "Unconventional" marriages like the ones she instances themselves follow a fairly conventional script. This is a point that has been made many times before, of course; there is nothing more conventional than the ways in which we typically rebel. Such marriages are especially common in the United States, with its strongly individualistic culture; the members of such a culture do not somehow exist beyond all culture, but instead internalize its individualistic norms.

Moody-Adams's second claim is more interesting. It amounts, I think, to a variation on the proposition, now well-established, that alternative possibilities are not necessary for moral responsibility. The principle of alternative possibilities has rightly come under considerable suspicion in the light of what have come to be called Frankfurt-type cases (after Frankfurt, 1986). In such cases, it is apparent that an agent is responsible for an action which she freely chooses to perform, despite the fact that a counterfactual intervener waits in the wings to ensure that she performs it. Since her actual action is neither coerced nor defeated by any of the other familiar conditions which undermine moral responsibility (irresistible urges, direct brain manipulation, and so on), the fact that no alternative action was open to her does not affect her responsibility.

It is this kind of thought, I take it, which Moody-Adams attempts to express when she points out that the actions of a (normal) agent are intentional (Moody-Adams, 1990: 125); that cultures never act, only the individuals who belong to them. "A culture—independent of agents who perpetuate culture—cannot be an 'agent' of anything" (Moody-Adams,

1994: 304). The fact that the agent could not have acted otherwise is simply irrelevant to the question whether or not she is morally responsible; the fact that her actions were voluntary is sufficient.

Though the claim is interesting, I think it is quite easy to show that it is misguided. The analogy (admittedly, not one that Moody-Adams, or other defenders of this kind of line of thought,[14] explicitly make) to the Frankfurt-type cases is mistaken. Responsibility in Frankfurt-type cases is undiminished because the intervention is *counterfactual*; it plays no role in the actual sequence. It is for this reason alone that its presence is irrelevant to the question of moral responsibility. The situation here is crucially different; though cultures don't determine actions, they close off certain possibilities, to the extent to which a moral (and non-moral) education of a certain type is necessary for an agent to be able to grasp certain facts. They shape the moral perceptions of their members, not counterfactually but in actuality. Voluntariness is not sufficient for moral responsibility; if it were, then we would have no reason to excuse young children and sociopaths. The fact that we do so excuse at least some people who act voluntarily can only be explained by the fact that certain cognitive abilities are necessary for moral responsibility; it is these abilities which are nurtured or stunted by, among other things, our cultures.

Conclusion

We have seen that there are good reasons to believe that cultural membership can be ethically disabling: that our moral education, which is systematically related to the culture to which we belong, can prevent us from grasping important moral facts. This is a conclusion which will be strongly resisted by many, on the grounds that it is dangerous; it allows people to get away with the very worst of crimes (child abuse, murder, rape; the cultural defense has been invoked in all of these and more). But this reaction is based upon a misunderstanding of the claim that cultural membership can excuse from moral responsibility. Moral responsibility is not legal responsibility; the truth of our conclusion does not commit courts to acquitting the culturally disabled. If we take seriously Wolf's claim that membership of certain cultures might best be understood on the model of insanity, we see immediately that our conclusion does not require us to allow the culturally insane the freedom to act as they like; instead, it mandates that we treat them with the objective attitude, so far

as their actions and dispositions in certain spheres are concerned. Finally, we need to realize that though people who are culturally disabled might be prevented (temporarily or permanently, depending on the degree of the disability) from grasping certain facts, they are not prevented from understanding systems of prohibitions, or the consequences attendant upon violating the laws. Indeed, they can (typically) even understand the moral point of having such a system, and the moral point in punishing transgressors, even when those transgressors do not grasp the point of some of the laws themselves. Thus excusing the culturally disabled from moral responsibility is a lot less threatening to our moral life and our legal system than many people fear. Once this fact is understood, the conclusion itself will be much more easily accepted.

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NOTES

1. For this case and others in which the cultural defense is invoked, see Talbot, 1997.
2. This way of putting the issue might seem to beg the question against Wolf, since she holds that the members of some cultures are not in fact fully sane. However, as Wolf herself admits, this use of the notion of insanity stretches our standard meaning of the term to near breaking point. In any case, we can avoid this difficulty by adopting a notion of sanity which is itself relativized to the culture in question, without begging any questions: it is precisely these (statistically) normal members of certain cultures of whom Wolf denies, and her critics assert, moral responsibility.
3. Of course, there is a third possibility: that JoJo grasps the relevant moral facts fully, but chooses to ignore them. We shall need to return to this possibility; here I set it aside, in order to focus on the question of culpable ignorance.
4. Note that if this argument is successful, it would establish *only* that he is responsible for his ignorance, not that he was also responsible for the actions she performs out of this ignorance. Philosophers differ on whether culpable ignorance transfers its culpability to the unwitting acts themselves; see Smith, p. 548.
5. There is one group of people who JoJo might have good reason to respect or feel affection toward, and who demonstrate to him the possibility of alternative values. They are those people who show love and kindness to JoJo. Does not this love and kindness itself show the way to better values? Unfortunately for JoJo, it is far from clear that we are rationally compelled to alter bad values in the light of such love. Instead, it might teach us to love those who love us (and show no compassion to anyone else), or, worse, it might be

taken as a sign that the loved person, JoJo, is special, better than anyone else, just as his father teaches him.

6. I take the notion of ethical disability from Jacobs, 2001. For Jacobs, ethically disabled people are typically responsible for their disability; I have presented reasons why this may not be the case.

7. In fact, slaves frequently do not hold alternative views at all; very often, the slave is as convinced of the justice of her position as is her master. The phenomenon of what Jon Elster calls *adaptive preference formation*, the adjustment of our wants and our beliefs to our possibilities, is pervasive. See Elster, 1983.

8. As Paul Benson points out, it is not inability which is at issue, but the reasonableness of the expectation that an agent will reflect upon a practice and discover the moral truth concerning it (Benson, 2001: 613).

9. I attribute this recognition of moral holism to her on the basis of her invocation of Neurath's Boat, in Moody-Adams, 1990: 128. As she points out there, though we cannot stand outside our morality, we are able to examine our beliefs one by one, each in the light of the others. However, so long as our moral beliefs are minimally coherent, this process will not lead to a major revision in our outlook. What reason is there to believe that slaveowners, chauvinists and anti-semites *necessarily* possess internally inconsistent moral beliefs?

10. Benson comments that Moody-Adams here "appears to conflate the ability to conceive with the ability to imagine, where the former clearly does not suffice for the latter" (Benson, 2001: 619, n. 13). In other words, though the Greeks could form sentences such as the one I instanced, this did not give them ability to represent to themselves what such a world without slaves would be like. This is true, but my point is somewhat different; I can imagine what it would be like not to need food, but I have no reason to investigate the claims of the Breatharians (despite the fact that if they were true they would be of astounding moral significance).

11. It is less clear that this is so in (4), the example drawn from Mill. The fact that other people have opinions which are opposed to ours does not necessarily give us reason to investigate our beliefs, though it might in some circumstances.

12. As Benson points out, "oppressive practices sustain themselves partly by systematically covering up evidence that the persons they oppress deserve better treatment" (611).

13. Some moral theories would allow that we do not need to have a clear grasp of the base upon which a moral property supervenes in every case in which we perceive that moral property. However, I think it is uncontroversial that when an empirical property frequently makes an important moral difference, we must be able to understand that empirical property *somewhere* if we are to perceive the moral properties which supervene upon it.

14. Similar claims, that voluntariness, not the ability to act otherwise, is sufficient for moral responsibility have been made by several authors examining the topic of responsibility for character. See, for instance, Jacobs 2001, and Sher 2001.

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