

# A capacitarian account of culpable ignorance

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## Abstract

Ignorance usually excuses from responsibility, unless the person is culpable for the ignorance itself. Since a lot of wrongdoing occurs in ignorance, the question of what makes ignorance culpable is central for a theory of moral responsibility. In this paper I examine a prominent answer, which I call the “volitionalist tracing account”, and criticize it on the grounds that it relies on an overly restrictive conception of responsibility-relevant control. I then propose an alternative, which I call the “capacitarian conception of control”, and on the basis of it I advance an account of culpable ignorance that avoids the skeptical upshots of the volitionalist proposal. If correct, my account establishes three important truths: agents can be directly in control of their ignorance, they can be directly responsible for more than actions and omissions, and their moral obligations extend beyond the performance of intentional actions and omissions.

## 1. Introduction

Ignorance is standardly recognized as one of the preeminent excuses from moral blame<sup>1</sup>: if you perform a morally wrong action, but you ignore it’s wrong, then you’re off the hook—unless you’re responsible for the ignorance itself. When the latter is the case your ignorance is culpable, and culpable ignorance doesn’t exculpate (at least not completely).<sup>2</sup> But what does it take for ignorance to be culpable? This is the central question I will address in this paper.

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<sup>1</sup> At least since Aristotle (1985), who writes in the *Nicomachean Ethics* that “[actions] receive praise or blame when they are voluntary, but pardon, sometimes even pity, when they are involuntary” (1109b30-33), and then adds: “What comes about by force or because of ignorance seems to be involuntary” (1110a1-2).

<sup>2</sup> It seems plausible to think that even culpable ignorance is exculpating *to some degree*, since it’s always worse to commit wrongdoing knowingly than ignorantly. On this point, see Holly Smith (1983: 569).

You may initially think that the interest of this topic is rather narrow; after all, how common could ignorant wrongdoing be? Well, a moment's reflection suggests that it's likely to be *extremely* common (Rosen 2004; Zimmerman 2008: Ch. 4; Sher 2009; Clarke forthcoming b). This is because only one specific type of wrongdoer fails to act from ignorance, namely the *clear-eyed akratic wrongdoer*. In general, an agent acts akratically when he acts against his best judgment about what he ought to do all things considered; the kind of akratic wrongdoer at issue here does wrong while *consciously* judging that his action goes against what he ought *morally* to do all things considered. In other words, he commits wrongdoing while believing that his conduct is all things considered morally wrong. Of course, the question of how much actual wrongdoing is perpetrated by clear-eyed akratic agents is an empirical one; for present purposes, however, I will assume that very little does. (Taking into account the propensity of human beings to rationalize their conduct so that it appears under a favorable light, this seems like a relatively safe bet.) Now since ignorance normally excuses, ignorant wrongdoers won't be culpable for their actions unless they are culpable for their ignorance. So if ignorance is indeed as pervasive as I have suggested, then the question of what makes ignorance culpable turns out to be central for a theory of moral responsibility.

My negative aim in the paper is to discard a prominent answer to this question, which I call the *volitionalist tracing account* of culpable ignorance.<sup>3</sup> (I henceforth refer to the advocate of this account as “the volitionalist.”)<sup>4</sup> As we'll see, the volitionalist advances two bold claims on the strength of this account: first, that most ordinary ascriptions of culpability for ignorance—and for actions done from ignorance—are mistaken; second, that a form of global skepticism

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<sup>3</sup> The most prominent defenders of the volitionalist tracing account are Michael Zimmerman (1997, 2008: Ch. 4), Gideon Rosen (2004), Carl Ginet (2000), and Neil Levy (2011: Ch. 5). In this paper I focus on Zimmerman's and Rosen's arguments. The seeds of the volitionalist tracing account can be found in Holly Smith (1983).

<sup>4</sup> I employ “volitionalist” alternatively as a noun and as an adjective. I hope the context will make clear which is the use intended in each occasion. The same goes for my use of the term “capacitarian.”

about moral responsibility follows, since most wrongdoers perform their wrong actions ignorantly (Rosen 2004; Levy 2011: Ch. 5). I will attack the volitionalist account by attacking its basic assumption—that ignorance is necessarily beyond the agent’s direct control—and the conception of control that supports it.

My positive aim is to present an account of culpable ignorance that vindicates ordinary attributions of culpability for ignorance and that avoids the skeptical upshot mentioned above. My account is grounded on an alternative conception of the kind of control that is relevant for ascriptions of responsibility, which I call the *capacitarian account of control* since it appeals not to what the person knowingly and intentionally does but rather to a set of responsibility-relevant capacities the person has. (I henceforth refer to the advocate of this account as “the capacitarian”). If correct, my account establishes three important points that are often denied: agents can have direct control over their ignorance, they can be directly responsible for more than actions and omissions, and their moral obligations extend beyond the performance of intentional actions and omissions.

A brief methodological note is in order before we proceed. Since I don’t have a knock-down direct argument against the volitionalist’s conception of control, I concede that he can dig his heels in and refuse to accept the alternative conception I’ll offer as well as my account of culpable ignorance. But my argument isn’t addressed to the volitionalist himself, but rather to those who are worried about the consequences of the volitionalist’s position. I’ll show that the volitionalist is mistaken in assuming that if we accept both the relevance of control for responsibility and the pervasiveness of ignorance a skeptical upshot follows, given that there is a plausible conception of control that isn’t undermined by ignorance—the capacitarian one. I assume that we have an interest in vindicating (at least some of) our ordinary attributions of

blame, including attributions of blame for ignorance and ignorant wrongdoing; if so, my conception of control, along with my account of culpable ignorance, should be preferred over the volitionalist's on this count.

This is the plan of the paper. In section 2 I briefly explain what kind of ignorance is relevant in moral contexts. In section 3 I introduce the volitionalist tracing account of culpable ignorance and bring to light the assumptions I'll be denying. In section 4 I present my capacitarian accounts of control and of culpable ignorance and establish the three important points mentioned above. Finally, in section 5 I consider an argument against the third important point.

## **2. Morally relevant ignorance**

I'll be working with the following conception of morally relevant ignorance, i.e., ignorance that can potentially<sup>5</sup> excuse a wrongdoer from blame:

*Morally relevant ignorance.* An agent's ignorance is morally relevant if he lacks an occurrent true belief (i.e., awareness) of his action's or omission's wrong-making features that together make it all things considered wrong.<sup>6</sup>

Three clarifications are in order. First, ignorance for present purposes is lack of true belief, not knowledge, given that lack of knowledge proper about one's action's wrong-making features is

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<sup>5</sup> I say "potentially" in order to make room for culpable ignorance, which doesn't excuse (or, more plausibly, doesn't excuse completely). See fn. 2 above.

<sup>6</sup> Peels (2014) argues that morally relevant ignorance concerns ignorance of one's obligations. This conception is at bottom identical to the one discussed in the text, since whenever an action or omission has features that make it all things considered wrong not performing it becomes one of our obligations and, conversely, whenever we're under an obligation not to perform a certain action this is because performing it would be all things considered wrong. (And whenever we're under an obligation to perform a certain action, omitting to perform it would be all things considered wrong.)

never in itself an excusing condition (Rosen 2008: 596; Peels 2014: 493-4). Second, I'll assume that the belief in question must be occurrent rather than dispositional for the following reason: I want to be able to say that an agent who forgets some relevant piece of information acts from ignorance, since many cases that intuitively are cases of culpable ignorance involve forgetful agents. When someone lacks an occurrent true belief about X he lacks awareness of X and so, for present purposes, ignorance is lack of awareness.<sup>7</sup> Third, the 'X' that is relevant here concerns the non-normative features of one's action or omission that make it all things considered wrong, since ignorance of them is what can potentially excuse a wrongdoer.<sup>8</sup>

Let's turn now to the question of what makes ignorance thus understood culpable.

### 3. The volitionalist tracing account of culpable ignorance

The volitionalist tracing account of culpable ignorance emerges from the following quintet of assumptions:<sup>9</sup>

- i) culpability for ignorant wrongdoing requires culpability for ignorance;
- ii) direct (or original) culpability for X presupposes direct control over X;
- iii) one can't have *direct* control over one's ignorance;

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<sup>7</sup> This conception of morally relevant ignorance is in fact the most favorable to the volitionalist account of culpable ignorance I'll be attacking (see Zimmerman 1997: 421-2). By contrast, Peels (2011) argues that having a dispositional belief is enough for avoiding ignorance, and so he has a much easier time discarding Rosen's skeptical argument than I do. The downside is that he fails to attack the strongest possible version of it.

<sup>8</sup> There is also such a thing as moral (as opposed to factual) ignorance, i.e., ignorance of moral truths or precepts. Here I'm concerned exclusively with factual ignorance.

<sup>9</sup> The reconstruction that follows is meant to capture the basics of Zimmerman's (1997, 2008: ch. 4, 2016) and Rosen's (2004) accounts. The label "epistemic duties of care" is mine; Rosen speaks of "procedural epistemic obligations" instead, but the idea is the same. Levy (2011: ch. 5) offers a closely related argument for the conclusion that culpable ignorance is much rarer than usually assumed.

iv) one has control over one's ignorance only through the mediation of epistemic duties of care;

v) the breach of epistemic duties of care usually occurs in ignorance.

Three terminological clarifications are necessary. First, if an agent has control over X only because he has control over Y and there is some sort of connection between Y and X, then the agent's control over X is *indirect* (or *derivative*). Control that isn't indirect is direct. Second, if an agent is responsible (i.e., blameworthy)<sup>10</sup> for X only because he's responsible for another thing Y and there is some sort of connection between Y and X, then the agent's responsibility for X is *indirect* (or *derivative*). Responsibility that isn't indirect is direct (or original). Third, *epistemic duties of care*<sup>11</sup> are duties of care that concern specifically the agent's awareness of the permissibility of his conduct. When an agent is subject to an epistemic duty of care, he must take certain steps to ensure that he learns, notices, remembers, or otherwise is aware of some morally relevant consideration at appropriate times.

I will illustrate the volitionalist's argument with the following example provided by Rosen (2004: 303):

Suppose a surgeon orders that her type A patient be transfused with type B blood, that she does this only because she is mistaken about the patient's blood type, and that she is mistaken about the blood type only because she neglected to double-check his chart (which had just been updated) immediately prior to surgery, as standard practice requires.

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<sup>10</sup> Responsibility also includes praiseworthiness, but in the present context only blameworthiness is at stake.

<sup>11</sup> I will also refer to them simply as "epistemic duties" or "epistemic obligations."

From assumption i) follows that the surgeon is culpable for negligently harming her patient only if she is culpable for her ignorance of the latter's blood type. However, from assumptions ii) and iii) follows that the surgeon can't be directly responsible for her ignorance. Thus, culpable ignorance is always a matter of indirect (or derivative) responsibility. It follows from iv) that the surgeon's responsibility for her ignorance derives from her responsibility concerning her failure to discharge an epistemic duty of care (in this case, to double-check the patient's chart). However, more likely than not—and as v) anticipates—this failure will have been an unwitting one, in which case the surgeon has a potential excuse for it, namely that at the pertinent time she was ignorant of the fact that she was omitting to comply with her epistemic duty. The recursive structure of the argument becomes apparent here: the volitionalist happily concedes that the surgeon should have known better, but then points out that, given that her failure to comply with her epistemic duty occurred in ignorance, assumptions i) through iv) apply all over again. Thus, we must find in the “culpability chain” a *further* failure of the surgeon to comply with a *further* epistemic duty from which her ignorance concerning the original duty (i.e., to double-check the chart) derives.

Now at this point two possibilities arise: either there is such further epistemic duty that was disregarded by the surgeon or there isn't. If there is indeed a further epistemic duty she was subject to (e.g., if she's forgetful, asking a colleague to remind her about the chart), the regress will be stopped at this point only if she *knowingly* disregarded it, in which case the surgeon's culpability for this breach of duty reverberates all the way down, making her culpable for her ignorance of the patient's blood type and for negligently harming him. But if there wasn't such further duty, then it follows from iv), plus the assumption that responsibility requires some form of control, that the surgeon's ignorance concerning her failure to discharge the original epistemic

duty is non-culpable.<sup>12</sup> This entails, in turn, that her first-order ignorance (i.e., of the patient's blood type) and her negligent wrongdoing are non-culpable as well. Thus, we arrive at the following conception of culpable ignorance:

*Volitionalist culpable ignorance.* An agent S is culpably ignorant of some pertinent truth *p* if, and only if, his ignorance of *p* is the *foreseen*<sup>13</sup> upshot of his having *knowingly* disregarded an epistemic duty of care.

If we add the assumption that the epistemic duty in question wasn't counterbalanced by any other duty, and the assumption that undefeated duties give rise to all things considered reasons to act, it follows that an agent is culpably ignorant if and only if he akratically flouted an epistemic duty at some point. Therefore, and as Rosen (2004: 307) brazenly puts it, according to the volitionalist "the only possible locus of original responsibility is an akratic act." Ignorance is culpable when, and only when, it can be traced back to such an act—or so the volitionalist claims.

### *3.2 Unpalatable consequences of the volitionalist account*

The volitionalist account of culpable ignorance entails two unpalatable consequences, which are nevertheless happily endorsed by volitionalists themselves. First, that our ordinary judgments about culpability for ignorance are mistaken or, at least, unfounded. For, the volitionalist will ask

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<sup>12</sup> The volitionalist maintains that if an agent is ignorant of *p* but there was no precaution that he ought to have taken to prevent his ignorance, then he's blameless for the latter given that it was beyond his control. For this point see Rosen (2004: 312, n.11).

<sup>13</sup> The volitionalist claims that mere foreseeability doesn't suffice for culpability for ignorance. Rather, it must have been the case that, besides the agent's knowing breach of an epistemic duty of care, he also had an occurrent belief about the likely consequences of doing so—namely, to remain or become ignorant of *p* at a later time. Zimmerman (1986: 206-10) explains in detail why he thinks that mere foreseeability isn't enough to ground culpability for results.



rhetorically, how often are we warranted in assuming that putative instances of culpable ignorance are rooted in the akratic failure to discharge an epistemic obligation? Consider the surgeon. I presume that ordinary intuitions in this case lean heavily towards the judgment that, absent some pretty compelling excuse such as extreme fatigue or other kind of overwhelming mental incapacity, the surgeon is culpably ignorant of the fact that her patient's blood type is A rather than B. I also presume that we emphatically wouldn't count the retort "But I never even thought about checking the chart or taking any other precaution!" on the surgeon's part as being such an extenuating circumstance. However, the volitionalist will insist that the intuitive judgment about the surgeon's culpability isn't warranted unless and until we have evidence of her having akratically flouted an epistemic duty at some point. It thus follows from the volitionalist's position that the aforementioned retort is, if true, an extenuating circumstance after all.

The second unpalatable consequence of the volitionalist account is that it leads to global skepticism about moral responsibility by extending the reach of the regress argument.<sup>14</sup> In effect, Rosen (2004) begins by noting that most ordinary wrongdoers act from one or another type of ignorance (factual or moral). At the minimum, most wrongdoers "act from ignorance about what is to be done all things considered" (Rosen 2004: 307). If this is indeed the case, then the regress argument implies that, in order to judge them blameworthy for their ignorant wrongdoing, we need to ascertain first whether they're culpable for the ignorance from which they act—which, as per the regress argument, forces us to locate an akratic act in the culpability chain. Of course, there is a type of wrongdoer who doesn't act from ignorance about what should be done all things considered, namely, the akratic wrongdoer. So we face Rosen's dictum again: "the only

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<sup>14</sup> This kind of global skepticism about responsibility is explicitly endorsed by Rosen and Levy, but not by Zimmerman. However, there is just a small step from Zimmerman's argument in his (1997) to the full-blown skepticism based on it that Rosen (2004) develops.

possible locus of original responsibility is an akratic act” (idem). If we add the observation that in making ordinary judgments of blameworthiness we’re rarely (if ever)<sup>15</sup> justified in thinking that either the wrong act was akratically performed or that an instance of akrasia lies somewhere in the culpability chain, the skeptical upshot follows: we’re rarely (if ever) justified in making judgments of blameworthiness.

### 3.3 *Finding a way out*

Three basic assumptions stand out in the volitionalist’s account:

- a) culpability for ignorant wrongdoing requires culpability for ignorance;
- b) culpable ignorance results from (must be traced back to) the agent’s failure to discharge an epistemic obligation;
- c) ignorance is necessarily beyond the agent’s direct control.

I think that a)—what I call the Culpable Ignorance Principle—is correct, although I can’t provide a defense here. Concerning b), I will argue below that a restricted version of this claim is

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<sup>15</sup> Rosen (2004: 308-10) provides a brief defense of the idea that we’re never justified in thinking that a presumptive akratic act was indeed akratic. He appeals to Richard Holton’s (1999) idea that in many cases where it may initially seem that the agent acts against his best judgment what really occurs is that he undergoes a “judgment shift”, which means that at the time of action he no longer thinks that the hitherto best option is indeed best. In this sort of case the condition of original responsibility laid down by Rosen won’t be satisfied, since the agent would be acting from ignorance about what’s to be done all things considered. On the other hand, Levy (2011: Ch. 6) attempts to bolster Rosen’s argument by claiming that, *even* if we could identify a case of what Rosen calls “genuine akrasia”, that wouldn’t defeat the skeptic, since, according to Levy, either akratic agents always fail to satisfy one or another of the necessary conditions of moral responsibility (freedom or awareness), or their akratic actions are subject to responsibility-undermining luck. Thus, Levy concludes that not even akratic acts are a locus of original responsibility. As we’ll see below, my response to the skeptical argument consists in denying that original responsibility necessitates an akratic act.

plausible;<sup>16</sup> in other words, tracing *per se* isn't the problem. Rather, what fuels Rosen's skeptical argument is c). In effect, it's the latter that gets the regress argument going, for it implies that an agent who is unaware of a morally relevant consideration is never directly blameworthy for his ignorance. Why does Rosen (and other volitionalists) find c) obviously true? The reason, I suggest, is that c) follows almost by definition from the *volitionalist conception of control* that Rosen and other volitionalists accept. This conception can be stated along these lines:

*Volitionalist control.* An agent S has direct control over an action or omission if, and only if, S performs it intentionally and in full awareness of its moral valence.<sup>17</sup>

Assumption c) obtains almost by definition from this conception of control by way of the following reasoning. Begin by noting that an agent's ignorance is a passive matter in this respect: whether an agent recalls something he should—for instance, whether the surgeon recalls that she should double-check the chart before ordering a transfusion—isn't something he does *intentionally*. In effect, recalling that *p*, along with noticing that *p*, foreseeing that *p*, being aware that *p*, etc., aren't themselves actions<sup>18</sup> and so failures to recall, notice, foresee, or be aware of something aren't omissions to act. This means that they don't fall under the purview of the above definition of direct control. As a consequence, ignorance that results from the agent's failure to recall, notice, foresee, or be aware of a morally relevant consideration isn't under his direct

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<sup>16</sup> The restricted version of b) I endorse states that *many* cases of culpable ignorance involve the violation of an epistemic obligation. However, in 4.3 and 4.4 I will argue that the volitionalist is mistaken in thinking that *all* cases of culpable ignorance necessarily involve such violation.

<sup>17</sup> I distill this definition of control from the writings of Zimmerman, Rosen, and Levy, none of whom present it explicitly in this form. However, it's patent that all three adhere to it or something very close. Notice that the fact that this condition of control explicitly incorporates epistemic requirements goes against the usual assumption that the control and epistemic conditions on responsibility are separate ones. Levy (2011: ch. 5) argues against this separation (see also Zimmerman 1986: 205).

<sup>18</sup> I say more about this point in subsection 4.1.1 below.

(volitionalist) control either. The volitionalist insists that one can *do* things to influence one's state of awareness—this is precisely the point of the agent's being subject to epistemic duties of care. But, the volitionalist concludes, this fact only reinforces the point that agents necessarily lack *direct* control over their ignorance, as well as the corollary that responsibility for ignorance is necessarily derivative.

If what I just said about the origin of assumption c) is correct, then in order to discard it we need to provide an alternative to the volitionalist conception of control. Such alternative conception must be able to make sense of the seemingly puzzling idea that agents can have direct control (in the responsibility-relevant sense) over their ignorance and so can be directly responsible for it.<sup>19</sup> With such conception of control at hand, it will be possible to offer an explanation of culpable ignorance that short-circuits the regress present in the volitionalist account without needing to postulate an akratic act in which the culpability chain bottoms out.<sup>20</sup>

#### **4. A capacitarian account of culpable ignorance**

I'll argue now that a suitable *capacitarian conception of control* provides the needed cornerstone to build a more appealing account of culpable ignorance. The basic idea of my account can be simply stated as follows: an agent is culpably ignorant of some pertinent consideration if, and only if, he *should* and *could* (in a sense to be made precise below) have been aware of it. So, for example, if it's true of the surgeon not only that she should have been aware of the need to

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<sup>19</sup> James Montmarquet (1999) also rejects Zimmerman's assumption that ignorance is necessarily beyond the agent's direct control, but he doesn't reject Zimmerman's conception of control. Rather, he tries to show that one can have direct volitionalist control over one's beliefs in virtue of having direct volitionalist control over the degree of care one exhibits in their formation (he employs the analogy of having direct control over one's whistling by way of directly controlling the degree of care with which one whistles). To my mind, Zimmerman (2008: 183-9) rebuts this suggestion convincingly. My proposal is that the best way to counter Zimmerman's account of culpable ignorance is to reject his conception of control outright.

<sup>20</sup> Just to be clear: I accepted at the outset that only clear-eyed akratic wrongdoers fail to act from ignorance, but what I'll be denying is that clear-eyed akrasia is required for direct (or original) responsibility.

double-check the chart, but also that she had the requisite capacities for realizing this plus a fair opportunity to exercise them,<sup>21</sup> this suffices in my view for her to be culpably ignorant both of the need to discharge this epistemic duty and of her patient's blood type—so no akratic act is needed. I proceed to unpack this basic idea, beginning with a characterization of capacitarian control.

#### *4.1 Capacitarian control*

The key insight of the capacitarian conception of control is that the control that matters for ascriptions of direct responsibility consists in the possession, rather than the actual exercise, of a set of responsibility-relevant capacities or abilities (I use these terms interchangeably). I divide these abilities in two main camps: awareness-related and moral ones.

##### 4.1.1 Awareness-related abilities

What I call awareness-related abilities are a suit of psychological abilities that allow an agent to be aware of relevant considerations (moral and non-moral ones). Clarke (forthcoming a: 6) provides a nice summary of these abilities:

Some are capacities to do things that are in a plain sense active: to turn one's attention to, or maintain attention on, some matter; to raise a question in one's mind or pursue such a question; to make a decision about whether to do this or that. Some are capacities to do things that aren't intentional actions. These include capacities to remember, to think of relevant considerations, to

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<sup>21</sup> I borrow from Hart (1962) the idea that a fair opportunity to exercise one's responsibility-relevant capacities is necessary for blameworthiness. Such fair opportunity amounts to what one might call "situational aptness": basically, the agent's situation being apt for the deployment of his responsibility-relevant capacities. See fn. 23 below for more on this point. Brink and Nelkin (2013) also develop Hart's suggestion in detail.

notice features of one's situation and appreciate their normative significance, to think at appropriate times to do things that need doing.

It's crucial to emphasize a point Clarke mentions here: not all the awareness-related abilities are "active", that is, not all of them are abilities to perform intentional actions. So, for instance, whereas asking oneself a question in order to be sure that one doesn't forget anything important—"Is there anything else I had to do before leaving the office?"—is clearly an intentional action (albeit a mental one), recalling isn't itself an intentional action. And the same occurs with the ability to notice normatively salient features of one's situation. One can tell oneself "I must be very attentive because I might miss something relevant" or take active steps to focus one's attention on something, but the fact remains that noticing relevant features isn't itself an intentional action. As will be patent in the discussion that follows, in my view the awareness-related abilities that are central for cases of culpable ignorance aren't abilities to perform intentional actions. This is because ordinary cases of culpable ignorance involve agents who forget important considerations, fail to think of them at appropriate times, or fail to notice significant features of their situation and yet, as I will argue, they can be directly responsible for such failures despite not being omissions to perform intentional actions.<sup>22</sup>

#### 4.1.2 Moral abilities

The moral abilities that matter for moral responsibility are standardly factored into cognitive and executive (or volitional) abilities: these are, respectively, the abilities to recognize and respond to moral considerations (Wolf 1990; Wallace 1994; Fischer and Ravizza 1998; Vargas 2013).

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<sup>22</sup> So although I agree with Clarke's characterization of what I call awareness-related abilities, we disagree sharply about their normative relevance for cases of culpable ignorance, since he denies that agents can be directly responsible for a failure to remember or notice something morally relevant and for the resulting ignorance (see Clarke 2014: 168-174). By contrast, I defend both points in 4.3 and 4.4 below.

The ability to recognize moral considerations is grounded on the awareness-related ability to appreciate the normative significance of features of one's situation but goes beyond it. Whereas the latter capacity allows one to realize that certain facts constitute reasons for action, the former does the same but concerning a more specific class of reasons, namely moral ones. It's worth noting that even though I have referred to the ability to recognize moral considerations as a "cognitive" one, this shouldn't be interpreted as excluding emotional elements from it. Rather, it also seems plausible that certain emotional capacities (a capacity for empathy, say) may be necessary for an agent to be able to recognize certain moral reasons (Nelkin 2011: 22-3).

Turning to the executive (or volitional) capacity to respond to moral reasons, it suffices to state the obvious point that it amounts to the capacity to choose and act in accordance with the moral reasons one has recognized. In the cases of interest here, it includes the capacity to take precautionary measures against ignorance in cases where epistemic duties of care are involved. Importantly, neither the capacity to detect nor the capacity to respond to moral reasons are impervious to situational influences. On the contrary, an agent's moral abilities can be deeply affected by features of his situation, some of which can significantly impair their adequate exercise. This is fully acknowledged in the account of responsibility for ignorance I present below, which states that, beyond the possession of the relevant capacities, an agent is responsible only if he has a fair opportunity to exercise them—or, in other words, if nothing in his situation significantly interferes with (or makes excessively difficult) the exercise of the relevant capacities.<sup>23</sup>

In sum, I propose the following conception of responsibility-relevant control:

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<sup>23</sup> Someone might complain that the fairness invoked here is a very indeterminate notion and of no help in actual practice. But this is not the case; we aren't at a loss concerning which influencing factors deprive an agent of the fair opportunity in question by significantly interfering with the deployment of his responsibility-relevant capacities. This can be seen by noting that we have a pretty good grasp of the kind of situational factors that play the role of excuses, e.g., coercion, duress, extraordinary distractions, extreme mental fatigue, etc.

*Capacitarian control.* An agent S has direct control over  $\phi$  if, and only if, S has the requisite awareness-related and moral abilities to make it the case that  $\phi$  occurs and a fair opportunity to exercise them.

Crucially, in this definition the variable “ $\phi$ ” is *not* restricted to actions and omissions. Thus, in my account an agent can have direct control (in the responsibility-relevant sense) over “doings” that aren’t actions such as recalling, noticing, or being aware of morally relevant considerations, provided that he has the requisite abilities to do these things and a fair opportunity to exercise them.<sup>24</sup>

#### 4.1.3 Attributing unexercised capacities

A central thesis of my capacitarian account of control is that blameworthiness is intimately tied to the agent’s having, but failing to exercise, certain responsibility-relevant capacities despite having a fair opportunity to do so. That is: if an agent has the requisite abilities (moral and non-moral) to recognize and respond to relevant considerations, and yet disregards the latter and commits wrongdoing (however unintentionally) despite having had a fair opportunity to exercise those abilities, then he’s a fitting target of blame both for the wrongdoing and for his ignorance.<sup>25</sup>

Given this conception of blameworthiness, the capacitarian must explain on what basis unexercised capacities and the fair opportunity in question are attributed to agents.

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<sup>24</sup> Wolf (1990), Wallace (1994), Nelkin (2011), Brink and Nelkin (2013), and Clarke (2014, forthcoming a, b) offer conceptions of responsible agency that are broadly in the spirit of my capacitarian account of control. A crucial difference among us is that they restrict their attention to responsibility for actions and omissions, and so fail to develop the more radical implications of the capacitarian account. For these implications, see subsection 4.4 and section 5 below.

<sup>25</sup> Notice that one can be a fitting target of blame without being as blameworthy as one could have been for a particular bit of wrongdoing. In my account, agents who commit wrongdoing ignorantly and unintentionally are fitting targets of blame if they possess capacitarian control, but they are less blameworthy than they would have been had they done wrong knowingly. See fn. 2 above.



At this point I adopt what I call a “commonsensical view of unexercised capacities and fair opportunity.” In essence, the view is that the default stance, when considering whether a particular person has the requisite abilities and fair opportunity to count as responsible for what he does or fails to do, consists in assuming that seemingly normal adults do have those abilities even when they fail to exercise them, and do have such opportunity even when they fail to take advantage of it. At the same time, we—that is, the ones trying to determine whether a particular agent is blameworthy for a bit of wrongdoing—are open to the possibility that certain pieces of evidence might defeat this default assumption. The kind of evidence that is relevant to play this role can be roughly divided in three camps:

- i) evidence concerning impairments of the person’s mental capacities (for instance, we might get some evidence that the surgeon’s memory is damaged by a neurological disease);
- ii) evidence concerning the person’s past performances in similar situations (for instance, there might be evidence showing that the surgeon nearly always forgets to double-check her patients’ chart before ordering a procedure);<sup>26</sup>
- iii) evidence concerning situational factors that might interfere significantly with the deployment of the relevant abilities (for example, we might learn that, since the surgeon’s

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<sup>26</sup> This, of course, wouldn’t automatically let the surgeon off the hook, for in this case she might be subject to a further epistemic duty, like asking her colleagues to remind her to check the chart. However, if we obtain further evidence that the surgeon nearly always forgets to comply with *all* of her epistemic duties, then this might give us pause in attributing to her the capacities needed to avoid ignorance and so we might be inclined to let her off the hook after all—unless, of course, we have grounds to suspect that her obliviousness is the result of her lack of commitment to her profession or of some other failure for which we can hold her accountable.

hospital is heavily underfunded, she was, at the time she forgot about the chart, in her third consecutive 12-hour shift and was completely exhausted as a result).

Evidence pertaining to these categories can defeat the initial assumption that the agent in question has the requisite capacities or fair opportunity that are necessary and sufficient for moral accountability. However, as I said above, it's my view that we don't need to gather *positive* evidence before attributing to him the requisite capacities or opportunity.<sup>27</sup>

#### 4.2 A capacitarian tracing account of culpable ignorance

I turn now to put to work the capacitarian conception of control to address the problem of culpable ignorance. As I said in 3.3, the appeal to tracing isn't the substantial problem with the volitionalist account. On the contrary, tracing is a basic component of a comprehensive account of culpable ignorance because in many (though not all) cases the agent's ignorance does derive from a failure to comply with an epistemic duty of care. Thus, in these cases the agent's culpability for his ignorance must indeed be traced back to such failure. What needs to be resisted is the volitionalist's further claim that this breach of duty must necessarily be a *knowing* one. If we reject this claim, a plausible tracing account of culpable ignorance emerges.

An agent's ignorance traces back to the breach of an epistemic obligation whenever he *can't* become aware of the relevant consideration without first doing what an epistemic obligation he's subject to asks him to do. Take the case of the surgeon again. At the time she orders the transfusion, she's ignorant that her patient's blood type is A rather than B and consequently is ignorant that her action of ordering a type B transfusion is all things considered

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<sup>27</sup> This feature of my account bears comparison with the anti-reductionist position in the epistemology of testimony literature, according to which the default stance when we confront a speaker is to presume that he's trustworthy—a presumption that can be defeated if we get contrary evidence. See, for example, Coady (1992) and Burge (1993).

wrong. Since she can't become aware of these facts (which by hypothesis she should be aware of) without first checking the patient's chart, she's under an epistemic obligation to do so. So if she's culpably ignorant of her patient's blood type and of the moral status of her action, her culpability must be traced back to her culpability for failing to check the chart. So what we need to find out is whether she had capacitarian control over her checking the chart—that is, whether she had the requisite abilities to do so and a fair opportunity to exercise them.

Now, more likely than not, the surgeon's omission to check the chart will have been an unwitting one. But this by itself doesn't deprive her of the requisite abilities to recall her obligation to check the chart and to comply with it, nor does it deprive her of the fair opportunity to exercise them. Thus, assuming that certain evidential defeaters of the kind discussed above are absent, we can attribute to the surgeon direct capacitarian control over her checking the chart, and so she's directly blameworthy for her unwitting failure to do so. And since as a result of such failure she's ignorant of relevant facts awareness of which would have been secured (or at least made highly probable) had she complied with the obligation in question, her ignorance of such facts is derivately culpable. Therefore, according to the capacitarian account the culpability chain stops here: with the surgeon's direct culpability for her unwitting omission to check the chart.

So there's this crucial difference in the way the volitionalist and the capacitarian employ tracing. Whereas the volitionalist attempts to anchor responsibility in a previous moment in which the agent *actually* exercised control—a moment in which the agent knowingly and intentionally performed some action, or omitted to perform one, from which his subsequent ignorance derives—the capacitarian anchors responsibility in a previous moment in which the agent was *capable* of exercising control and, had he done so, he would have avoided being ignorant of the relevant considerations. Thus, the capacitarian is able in this way to short-circuit

the regress that, according to the volitionalist, must continue unless and until an akratic act is found.<sup>28</sup>

#### 4.3 A capacitarian non-tracing account of culpable ignorance

Now consider this objection from the volitionalist, answering which will allow me to introduce the non-tracing component of my account:

So far you have given us a story according to which the surgeon is derivatively blameworthy for her ignorance of the patient's blood type and of the wrongness of her action because she's directly blameworthy for her unwitting omission to pay heed to her epistemic duty to check the chart. Now since this omission was an unwitting one, the agent was, at the time it occurred, ignorant of the fact that she was failing to comply with such duty. But an agent is blameworthy for what he does, or omits to do, from ignorance only if he's blameworthy for the ignorance itself. So the surgeon is culpable for her unwitting omission to check the chart only if she's culpable for her *ignorance* concerning the need to do so. So at this point a dilemma arises for your account. On the one hand, suppose that the surgeon was subject to a further epistemic duty to do something to make sure she didn't forget about the chart, like asking a colleague to remind her about it. If this is the case, presumably you will insist that the surgeon's ignorance about the chart

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<sup>28</sup> My capacitarian tracing account resembles in some respects the account of culpable ignorance William FitzPatrick (2008) offers, for he claims that ignorance can be culpable even in the absence of an episode of akrasia so long as "the agent could reasonably have been expected to take measures that would have corrected or avoided it, given his or her capabilities and the opportunities provided by the social context" (p. 609). However, a crucial difference with my account is that FitzPatrick goes on to stipulate that the agent's failure to take those precautionary measures must have been "the result of *voluntary* exercises of vices such as overconfidence, arrogance, dismissiveness, laziness, dogmaticism, incuriosity, self-indulgence, contempt, and so on" (p. 605, italics added). In my view, this stipulation is doubly problematic. On the one hand, it's problematic because it requires that a vice or a defect of character be at the root of every culpable failure of awareness. On the other, because it reintroduces the volitionalist conception of control through the back door, since according to FitzPatrick a voluntary act must be the ultimate cause of the agent's ignorance. By contrast, in my account it's sufficient if we can trace the agent's ignorance back to his failure to comply with an epistemic obligation despite being capable of complying with it (and lacking an excuse for this failure). In my view, then, a defect of character or the voluntary exercise of a vice aren't required. I think this is all to the good, since the surgeon in the example can be culpably ignorant despite having a virtuous character and despite her ignorance not being the product of a voluntary vicious action or omission.

is derivatively blameworthy because it resulted from her omission to ask her colleagues to remind her about it. But if, as seems likely, she will have omitted this other precaution while ignorant too, the same question about her culpability for *this* bit of ignorance will arise again. So we must search further in the culpability chain. On the other hand, suppose that there wasn't a further epistemic duty the surgeon was subject to beyond her obligation to check the chart. If this was the case and she forgot about the chart all the same, then her ignorance wasn't the result of a further unwitting omission, in which case your tracing account fails to apply. So in this case, although the culpability chain does come to an end, it's an abortive one: the surgeon's ignorance of the need to check the chart isn't culpable, and consequently she's culpable neither for her failure to check it nor for the resulting ignorance concerning her patient's blood type. In sum: either your tracing account must go on forever or it must come to an abrupt and abortive end. (Or else it must stop where I—the volitionalist—say it does: in an akratic act.) So in either case the culpability chain *cannot* successfully stop where you claim it does: in the surgeon's unwitting omission to check the chart.<sup>29</sup>

Unlike some recent writers (Guerrero 2007; Clarke 2014, forthcoming a, b; Talbert 2013), I do accept the Culpable Ignorance Principle—i.e., culpability for ignorant wrongdoing requires culpability for the ignorance itself—that gets this objection going. But I don't need to reject this principle in order to rebut the objection, since it follows from my capacitarian account of control that the surgeon is directly blameworthy not only for her unwitting omission to check the chart, but also for her *ignorance* concerning her failure to do so. She's directly blameworthy for this bit of ignorance because she had *direct* (capacitarian) control over recalling the need to check the chart, and she had the latter insofar as she possessed the requisite abilities to recall this fact (which we can confidently attribute to her in the absence of contrary evidence) and nothing

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<sup>29</sup> I have concocted this objection based on Rosen (2004).

in her situation significantly interfered with her doing so (e.g., another patient of hers suffering a heart attack at precisely that moment). So she's blameworthy for her ignorance of her failure to check the chart despite the fact that *this* bit of ignorance, unlike her ignorance of the patient's blood type, doesn't derive from—and so doesn't trace back to—any prior failure to discharge an epistemic duty. These are the bare bones of my capacitarian *non-tracing* account of culpable ignorance.

Of course, if we stipulate that the surgeon, in virtue of her being prone to forget customary medical precautions, was subject to a further epistemic duty then the culpability chain won't stop at her unwitting omission to check the chart. In effect, as the objector anticipates, in this case I will insist that the surgeon's culpability for her ignorance concerning the duty to check the chart must be traced further back to her omission to fulfill another epistemic duty, like asking a colleague to remind her about the chart. And it's true that, if the surgeon unwittingly omitted to do the latter, the same question about whether she's culpably ignorant of this further duty will arise once again. But what's false is that tracing must necessarily go on forever. If the surgeon had the requisite awareness-related abilities and fair opportunity to recall her epistemic obligation to ask for help, then her ignorance turns out to be culpable at this point (this is again the non-tracing element at play). On the other hand, if she also lacked capacitarian control to recall this further epistemic duty, then we may need to search for a further duty she may have breached. However, what's more plausible is that in a case like this we would start wondering whether the surgeon lacked (capacitarian) control altogether and so whether she's a responsible agent after all.<sup>30</sup>

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<sup>30</sup> This is as it should be, since we cannot rule out the possibility that some culpability chains are indeed abortive. What I need to dispute is the objector's claim that in my account these chains are *necessarily* abortive (or else go on forever).

Thus, the objector is wrong to suggest that on my account tracing must either go on forever or come to an abortive end. Once we countenance the possibility of *direct* capacitarian control over one's state of awareness, and consequently the possibility of *direct* blameworthiness for a bit of ignorance, a non-tracing component can be added to the capacitarian tracing account offered above in order to provide a successful completion of the culpability chain.

Putting together the tracing and non-tracing components of my account, we arrive at the following conception of culpable ignorance:

*Capacitarian culpable ignorance.* An agent S is culpably ignorant of some pertinent truth *p* if, and only if, S's ignorance of *p* is either: i) the *foreseeable*<sup>31</sup> upshot of having disregarded an epistemic duty of care he had the abilities and fair opportunity to comply with; or ii) results from his failure to exercise an awareness-related ability despite having a fair opportunity to do so.<sup>32</sup>

#### 4.4 Pure non-tracing cases of culpable ignorance

So far I have showed that a successful capacitarian account of culpable ignorance must incorporate both tracing and non-tracing components in order to accommodate cases like the surgeon's, where epistemic duties of care are at play. But not all cases of culpable ignorance are like this. There are many cases in which an agent seems to be culpably ignorant of some relevant consideration and yet there was no epistemic duty he failed to comply with at any point.

Consider the following case:

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<sup>31</sup> Unlike the volitionalist, the capacitarian maintains that mere foreseeability suffices for the ignorance that results from a breach of epistemic duty to be culpable. For the contrary volitionalist's view, see footnote 13 above.

<sup>32</sup> Note that the surgeon's ignorance is culpable under both disjuncts of my definition: her ignorance of the patient's blood type is culpable under i), whereas her ignorance of her failure to check the chart is culpable under ii).

*Nut cake.* Jill is preparing a small birthday party for his five-year old son. She's about to bake a cake and other treats for the children when it occurs to her to check with other parents whether any of the kids has a food allergy. Only one of them, Rob, tells Jill that his daughter is severely allergic to nuts. However, as soon as she hangs up the phone and turns her attention to other tasks, Jill forgets what Rob has just told her and so when she's finally mixing up the ingredients for the cake she isn't aware that she shouldn't put nuts in it. Later on Rob's daughter eats a piece of cake and suffers an anaphylactic shock.

In this case, Jill has performed a wrong action from ignorance and she's intuitively blameworthy for it and for its consequences. (Let's stipulate that she's a competent moral agent and that her situation wasn't excessively taxing: it was after all a small party she was preparing and only one kid turned out to have dietary restrictions.) Moreover, the Culpable Ignorance Principle seems to hold good in her case: she's blameworthy for her action only because she's blameworthy for the ignorance from which she acted. And she's blameworthy for the latter given that she had the requisite capacities to recall what Rob had told her about his daughter's allergy and nothing in her situation made it excessively difficult for her to exercise them. Thus, she has no excuse for having forgotten about the girl's allergy and for being unaware of her obligation to bake a nut-free cake.

At the same time, it's plausible to suppose that Jill wasn't subject to any epistemic duty of care on this occasion. If Jill isn't an especially forgetful person, it was permissible for her to have entrusted to memory the very relevant piece of information Rob had transmitted to her. This doesn't mean that there was no precaution Jill *could* have taken: for instance, she could have painted a huge sign above the oven that said "Warning! Do not put nuts in the cake", or she could have asked her husband to text her every ten minutes to remind her about this. But, absent



special circumstances, these aren't the kind of precautions that a *reasonably* prudent person would take, and so Jill wasn't under an epistemic duty of care to take them.<sup>33</sup> (Taking them would have been supererogatory, so to speak.) If this is correct, then we cannot trace Jill's ignorance<sup>34</sup> of the girl's allergy back to any breach of epistemic duty on her part. So this is a "pure" non-tracing case of culpable ignorance: Jill's culpability for her ignorance is grounded simply on the fact that she could have remembered the relevant consideration and has no excuse for her failure to do so.<sup>35,36</sup>

In this sort of case the three central features of my account mentioned at the outset stand out even clearer than in the previous "mixed case" (the surgeon's).<sup>37</sup> First, an agent can be *directly* in control (in the responsibility-relevant sense) of his ignorance, since he can have direct capacitarian control over whether he notices, remembers, or otherwise is aware of a relevant

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<sup>33</sup> Someone may disagree with my claim that Jill wasn't under any epistemic duty, but this won't matter for my overall point so long as the objector agrees that there are cases with the following two features: i) the agent forgot, or failed to notice, a morally relevant fact he should have recalled or noticed; ii) there was no epistemic precaution the agent should have taken to ensure that he remembered or noticed. Such cases aren't hard to find. For instance, suppose that Paul arrives home and finds his wife lying on the sofa with red watery eyes but fails to notice this fact or to infer its relevance. If Paul is a normal agent, we can say that he should and could have noticed that his wife had been crying and so he's blameworthy for his failure to do so. And yet it seems clear that, absent very peculiar circumstances, there wasn't any epistemic precaution Paul ought to have taken in advance to bolster his perceptual or inferential capacities.

<sup>34</sup> It may sound odd to say that Jill was *ignorant* of the girl's allergy, given that she was just told about it by Rob. But recall that in section 2 I defined morally relevant ignorance as lack of *occurrent* true belief or as lack of awareness. And in this sense it's perfectly legitimate to say that Jill was, at the time she was baking the cake, ignorant of the fact that Rob's daughter is allergic to nuts.

<sup>35</sup> An additional cost for the volitionalist account of culpable ignorance is that it entails that agents are *never* blameworthy for their ignorance in this sort of case, since according to the volitionalist ignorance is necessarily blameless if it doesn't derive from a failure to comply with an epistemic obligation (see again Rosen [2004: 312, n.11] for this point).

<sup>36</sup> Holly Smith (2011) also discusses non-tracing cases of culpable ignorance. However, her treatment of these cases is very different from mine, since she proposes an "attributionist" account according to which agents are blameworthy for their ignorance in non-tracing cases only if their lack of awareness reveals an objectionable underlying attitude. I think this account isn't very promising, since there are many non-tracing cases that intuitively involve culpable ignorance despite the agent's lack of an objectionable attitude that caused his failure of awareness. Jill's case can be taken as an example, for I haven't said anything about an objectionable attitude on her part that prompted her failure to recall. Oddly enough, Smith herself concludes (for other reasons) that the attributionist account can't vindicate most ordinary intuitions about culpable ignorance in non-tracing cases and so she ends up doubting the accuracy of these intuitions. My capacitarian account alleviates these doubts.

<sup>37</sup> The surgeon's is a mixed case because it incorporates both tracing and non-tracing elements. Of course, the three key features of my account listed in the text are already present in the non-tracing component of the surgeon's case.

consideration. Second, an agent can be directly blameworthy for something that isn't an action or an omission to act:<sup>38</sup> in effect, Jill is directly blameworthy for her failure to remember, which isn't an omission to perform an intentional action. Third, an agent can have an obligation to do something that isn't an action:<sup>39</sup> Jill, for instance, was under an obligation to remember what Rob had told her about his daughter's allergy, and yet remembering isn't itself an action.

I will close by reviewing a volitionalist argument against my claim that the obligations of agents extend beyond the performance of intentional actions or omissions.

## **5. Expanding the range of what agents ought to and can do**

The most striking consequence of my account of culpable ignorance is that the range of what agents ought morally to do extends well beyond the performance of intentional actions and omissions. This result clashes with the widely accepted view according to which our moral obligations—and consequently the things for which we're directly responsible—are limited precisely to actions and omissions to act.<sup>40</sup> An important argument in favor of this view appeals to the “Ought Implies Can” (OIC) principle:

*OIC principle.* Necessarily, S ought to  $\phi$  only if S can  $\phi$ .

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<sup>38</sup> Adams (1985) and Angela Smith (2005) have also argued in favor of this thesis, but they have done so by *rejecting* the importance of control for responsibility. The distinctiveness of my account is that it preserves the centrality of control and at the same time argues that a proper understanding of it entails that one can be directly responsible for more than actions and omissions.

<sup>39</sup> Harman (2011) also adheres to this thesis, since she defends the existence of “moral norms that apply to *beliefs* themselves, not to the management of one's beliefs,” for example the norm that “we morally ought to believe the moral truth” (p. 459). However, she fails to explain *why* we have obligations like these—i.e., obligations that go beyond the performance of intentional actions and omissions. I sketch such explanation below.

<sup>40</sup> In addition to the philosophers I have argued against here, see for example Finkelstein (2005), Alexander et al. (2009), and Clarke (forthcoming a).

Roughly, the argument I have in mind can be summarized as follows:<sup>41</sup>

- i) An agent ought to  $\phi$  only if she can  $\phi$ ;
  
- ii) the “can” in question is an agential can, that is, the “can” of personal possibility;<sup>42</sup>
  
- iii) but what agents can do in this sense is restricted to those things they can intentionally do or refrain from doing;
  
- c) therefore, what agents ought to do is restricted to those things they can intentionally do or refrain from doing.

I accept premises i) and ii), but reject premise iii) and with it the conclusion of the argument. So the central dispute is about how to understand the notion of agential “can”: the proponent of the argument affirms, while I deny, that it’s restricted to intentional actions and omissions. A way to resolve the dispute is this. It’s very plausible to think that the “can” that is operative in the OIC principle is intimately related to the notion of responsibility-relevant control. After all, this is the kind of control that renders agents potentially blameworthy for a wrong action. And since an action is wrong when it constitutes the violation of an obligation, it’s natural to suppose that the sense in which the potentially blameworthy agent can comply (or

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<sup>41</sup> Zimmerman (1986) argues in this way, although he doesn’t explicitly draw the conclusion of the argument (which he would clearly accept, though). Clarke (forthcoming a) tentatively endorses this conclusion.

<sup>42</sup> Zimmerman (1986) contrasts personal possibility with logical and metaphysical possibility and claims that the latter two are irrelevant for the OIC principle. I agree with him on this point, but disagree about what personal possibility involves.

could have complied) with his obligation must be related to the control that renders him blameworthy when he fails to do so. If this is correct, then the OIC principle reads thus:

*OIC*-control. Necessarily, S ought to  $\phi$  only if S has responsibility-relevant control over  $\phi$ -ing.

But if, as I have argued, responsibility-relevant control is capacitarian control, it follows that the obligations agents have are directly tied to those things over which they have capacitarian control. As we have seen, some of those things will be actions and omissions (like checking the patient's chart), but others won't (such as recalling the need to check the chart). So one can have a moral obligation to be in a certain mental state when that mental state is the product of exercising an awareness-related ability, and one has obligations like these because one *can* indeed fulfill them. Importantly, this last "can" is indeed an agential one: when a person exercises his awareness-related abilities, this is an exercise of his agency. It's true that this isn't an exercise of *intentional* agency; but, as I have tried to show here, our agency—in the sense relevant for ascriptions of direct responsibility—isn't restricted to those things we can intentionally do.

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