

A PLEA FOR ACCUSES

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Article:

accuse (o'kju:s), n. The reason or grounds for imputing blameworthiness despite the absence of wrongdoing.

Ever since J. L. Austin's famous "plea for excuses," if not before, the standard account of the distinction between a justification and an excuse has been this: one has a justification for what one has done just in case one did not do wrong in doing it; one has an excuse, just in case one lacks a justification (that is, one did do wrong), but is nonetheless not to be blamed for what one did.¹ There is an excuse, then, if there is reason or grounds for not imputing blameworthiness despite the presence of wrongdoing. There is an analogue to this concept of an excuse that has strangely escaped the notice of all but a few.² There is no common term for this analogue, and so I have coined one: "accuse" (used as a noun, with a hard "s"), defined above.

It may be that some people have overlooked accuses because they have reasoned as follows: the question of whether or not someone has an excuse arises only when it has been established that that person has done wrong; hence, the question of whether or not someone is to blame arises only when it has been established that that person has done wrong. But this is clearly fallacious; for one can be blameless in the absence of wrongdoing, even if one cannot properly be said to have an excuse in the absence of wrongdoing.³ Blamelessness is thus compatible both with the presence and with the absence of wrongdoing. We should take seriously the possibility that blameworthiness is likewise compatible both with the presence and with the absence of wrongdoing.

It may be that the concept of an accuse has no application in certain contexts. Perhaps the law is such a context; perhaps there is some sort of incongruity in the idea of someone's being legally blameworthy (liable) without having committed some legal wrong (some offense). But, even if this is so, we should not take the concept to be inapplicable in all contexts. On the contrary, it seems to me that, in the context of morality, the concept is perfectly applicable. My purpose in this paper is to argue for the possibility that one be morally blameworthy even though one has not done anything morally wrong.⁴

Part I

The sort of moral blameworthiness at issue in this context is that fundamental sort which consists in someone's being worthy — deserving — of being judged in a certain way. (This is often also referred to as moral culpability.) Such judgment is to be distinguished from any form of treatment of the person that gives overt expression to (and thus is founded on) the judgment, whether this treatment involves simply blaming the person "out loud" or something more serious, such as some sort of official censure or punishment. This judgment is a judgment concerning the person's moral worth. However, it is not a judgment of the person *in toto*; rather, it is a judgment of the person with respect to a certain episode in or aspect of his or her life. A person who is blameworthy, in the present sense, is blameworthy *for* something, some *particular* thing (such as an act, an omission, or some consequence of an act or omission). This thing, whatever it is, reflects ill on the person, and the person's moral standing is thus diminished to that extent. Moral culpability, so

understood, is a negative form of one type of moral responsibility, its positive contrary being laudability.⁵

The sort of moral wrongdoing at issue in this context is that sort which it is the concern of the morally conscientious person to avoid. Suppose that Carl is such a person. Though conscientious, he may lack confidence in his own ability to discern right from wrong. For this reason, he consults Wanda, whom he believes to be much wiser than he in this regard. He tells Wanda that he can do either *A*, or *B*, or *C*, or *D*, but he's not sure which he should do. In her wisdom, Wanda tells him that she thinks he should do *A*.

Notice — this is a crucial feature of the case — that both Carl and Wanda recognize that there is a certain "separation," a certain "distance," between act and agent, in the sense that, no matter how well-motivated or well-intentioned Carl may be, he may nonetheless do wrong. (It is precisely in order to avoid this possibility that conscientious people like Carl undertake their conscientious inquiries.) Indeed, the separation is "total," in that the sort of wrongdoing that Carl seeks to avoid is, ultimately, not a function at all of the motive from which or the intention with which he acts. This is not to say that some motive or intention might not be built into the description of some of the acts about which Carl consults Wanda. It could be that *A* is the act of obeying the speed limit out of respect for the law, whereas *B* is the act of obeying the speed limit out of prudence. If Carl is motivated both to do what the law requires and to do what prudence dictates, there seems to be nothing incoherent in Wanda's advising him that he should act on the former motive rather than the latter.⁶ Nonetheless, there is a sense in which this cannot be Carl's *ultimate* motive when he takes Wanda's advice and does *A*. His ultimate motive has already been established by his conscientiousness; it is the motive of doing his duty. In taking Wanda's advice — in obeying the speed limit out of respect for the law — Carl is ultimately motivated by duty. (It might be thought that Carl's duty is not simply to do *A* but to do it from that sense of duty which in fact motivates his doing it. I think this must be mistaken. The argument is complex, however, and I relegate it to the Appendix.)

In virtue of the fact that the sort of wrongdoing at issue is wholly separate from the agent, in the sense just explained, it seems reasonable to call such wrongdoing "*objective*." Sometimes more "subjective" senses of "wrong" are proposed. I have no quarrel with that. Sometimes, however, it is claimed that only when "wrong" is used in some subjective sense is it used in a "specifically moral" sense.⁷ I do have a quarrel with that. The suggestion seems to be that, even if it is appropriate to talk of an objective sense of "wrong," it is not appropriate to talk of an objective sense of "*moral* wrong." But this cannot be right. What else is it but *moral* wrongdoing, in some sense, that the *morally* conscientious person is so keen to avoid? Moreover, the possibility of excuses rests on the possibility of there being the sort of separation between act and agent under discussion; only if there is such separation can it happen that wrongdoing is committed in such a way that it is not to be imputed to the agent. And surely the sort of wrongdoing for which one has a *moral* excuse is properly called a sort of *moral* wrongdoing.

I do not mean to presuppose any particular account of objective moral wrongdoing here. Any account that is even remotely plausible will admit the possibility of excuses; any such account, I shall argue, will also admit the possibility of accuses. I take it that the various main versions of consequentialism and nonconsequentialism that have been proposed in the past are all to be understood as accounts of objective moral wrongdoing (and of the associated concepts of objectively morally right and objectively morally obligatory action). Each of these accounts admits the possibility of excuses (I may fail to achieve the best possible actual or probable consequences, or fail to respect someone's rights, or fail to do that act whose *prima facie* obligatoriness is most stringent, and so on, without such failure being imputable to me); each ought to be seen to admit the possibility of accuses. (Kant's theory may pose a problem here. Although Kant acknowledges that I may act in accordance with duty without such success being imputable to me, it is not clear that he acknowledges that I may fail to act in accordance with duty without such failure being imputable to me. Even if he doesn't acknowledge this, though, he should. Similarly, even if Kant wouldn't acknowledge the possibility of accuses, I think he should.)

Part II

Whether or not someone is morally blameworthy for something is intimately tied to whether or not he or she believes that he is doing objective moral wrong. The sort of independence of blameworthiness from wrongdoing that both excuses and accuses represent, then, is closely tied to the question whether there is an independence of the belief that one is doing moral wrong from one's actually doing moral wrong.

There are two questions to be asked here:

First Question: Can⁸ one do objective moral wrong and yet not act in the belief that one is doing objective moral wrong?

Second Question: Can one act in the belief that one is doing objective moral wrong and yet not do objective moral wrong?

It seems plain to me that the answer to both questions is yes. Although it is only on an affirmative answer to the Second Question that my case for accuses essentially relies, a discussion of why the First Question should receive an affirmative answer may help to show why the Second Question should also receive such an answer.

Some claim that the answer to the First Question is no, because, they say, it is a necessary, analytic truth that, if one does objective moral wrong, then one acts in the belief that one is doing objective moral wrong. There are two ways to construe such a claim: as a claim about analysis, or as a claim about synonymy. Either way, it cannot be accepted.

A strong endorsement of this claim, understood as a claim about analysis, is to be found in the work of Galen Strawson, who says: "While it may perhaps be too simple, it is not in any way illegitimate . . . simply to *define* morally wrong action as action that is (i) of a certain kind . . . and (ii) believed by its performer to be morally wrong."⁹

Although Strawson doesn't unequivocally embrace such an analysis (for fear it may be "too simple"), he clearly accepts that it would not involve any logical or conceptual incoherence (it would not be "illegitimate"), and it is clear from other things he says that he thinks that a belief about wrongdoing is, as he puts it, a "necessary constitutive condition" of wrongdoing. As I understand him, Strawson is talking here about objective wrongdoing, but, even if he is not, his claim is unacceptable; for it involves conceptual circularity. There is a constraint that any alleged analysis must meet, and it is this: if a concept *F* is constituted by, or analyzable in terms of, a concept *G*, then *G* is conceptually prior to *F* (that is, *G* can be grasped without *F*'s being grasped). Strawson's claim about wrongdoing violates this constraint and is therefore to be rejected. It might be objected that it must be possible to grasp *F* (the analysandum) without grasping *G* (the analysans), for otherwise proposed analyses could never be assessed for accuracy. But this is beside the point. Although it surely is true that an analysandum can be grasped in some way and to some extent without its respective analysans being grasped, a successful analysis is one that shows that the analysandum is *best* and *most fully* grasped by means of grasping the analysans, and this cannot be the case if grasping the analysans requires grasping the analysandum; for that would be viciously circular.

It might be said that the alleged analytic truth in question involves synonymy rather than analysis, but this too is unacceptable. If two expressions are synonymous, then what one expresses is identical with what the other expresses, and so what one expresses cannot be entertained without that which is expressed by the other being entertained. But it is clear that one can entertain the notion of one's doing moral wrong without entertaining the notion of one's believing that one is doing moral wrong.

It might be said that the answer to the First Question is no because it is a necessary, synthetic truth that, if

one does moral wrong, then one acts in the belief that one is doing moral wrong. Although this claim cannot be rejected for either of the purely formal reasons just given, it is surely highly suspect nonetheless. Remember that it is objective moral wrongdoing that is at issue. Anyone who believes that Adolf Hitler or Charles Manson or Jeffrey Dahmer did objective moral wrong (regardless of whether they believed they did) will want to reject this claim; and surely we should believe this. It is absurd to ascribe to agents the sort of moral infallibility that this claim implies they have. Hence the First Question is to be answered yes.¹⁰

Similar, but not identical, remarks pertain to the Second Question. A negative answer to this question requires that it be a necessary truth that, if one acts in the belief that one is doing objective moral wrong, then one does objective moral wrong. Clearly, just as with the obverse claim, this cannot be an analytic truth that involves synonymy; for the consequent of this claim can be entertained while its antecedent is not. However, the contention that this is an analytic truth that involves analysis cannot be dismissed on the basis that it would be circular, and I know of no other, purely formal reason for rejecting it. Nonetheless, we can say this. Inasmuch as an affirmative answer to the First Question indicates that doing wrong is to be prised loose, conceptually, from acting in the belief that one is doing wrong, so that the former can occur without the latter, it becomes difficult to see why someone should wish to insist that the latter cannot occur without the former. For this would involve another sort of infallibility, one that it seems equally absurd to ascribe to agents. If one can be mistaken in *failing* to believe that one is doing wrong, why can one not be mistaken (by virtue of an overly sensitive conscience, perhaps, or simply by virtue of a misreading of one's situation) in *believing* that one is doing wrong?

Still, I can imagine someone arguing for a negative answer to the Second Question along the following lines: "Rule-utilitarianism (of a certain sort) is true. Moreover, it would be better in general if people acted in the belief that they were doing the right thing than if they acted in the belief that they were doing the wrong thing. Hence there is a relevant rule to this effect. Hence it is right to act in the belief that one is doing the right thing and wrong to act in the belief that one is doing the wrong thing." This argument rests on two very questionable assumptions: that rule-utilitarianism (of the sort in question) is true, and that it would be better in general if people acted as stipulated. But even if we grant both assumptions, the argument is unsuccessful in establishing a negative answer to the Second Question. For, even if it is the case that it would be better in general if people acted in the belief that they were doing the right thing, this is at best a contingent truth. As long as it does not hold of necessity, an affirmative answer to the Second Question has not been ruled out.

I can also imagine someone arguing for a negative answer to the Second Question as follows: "If one acts in the belief that one is doing wrong, then one is thereby showing disrespect to someone, and that is wrong." But even if it is granted (which is again, surely, quite questionable) that it is, of necessity, wrong to show disrespect to someone, it is surely false that acting in the belief that one is doing wrong involves, of necessity, such disrespect. After all, the action that one takes to be wrong might involve, and one might know it to involve, no victim of disrespect at all. (One might, for example, deliberately destroy some beautiful object to which no one else has or ever will or can have access, believing that one is thereby violating some basic moral rule, but without thereby victimizing, and without believing that one is thereby victimizing, anyone at all.) I suppose that it might be responded that, even in such a case, one is showing disrespect to or for morality as such, and that this is wrong. But this simply constitutes a re-insistence on a negative answer to the Second Question, rather than a fresh argument for such an answer. Besides, it is apparent that this response fails to recognize that what is at issue is objective moral wrongdoing, in the sense described earlier. When consulting Wanda, Carl might tell her not only that he isn't sure which of *A*, *B*, *C*, and *D* to do, but also that he is currently of the somewhat tentative opinion that his doing *A* would be wrong. He would thereby be indicating both that, if he were to do *A* (without the benefit of Wanda's counsel), he would be acting in the belief that he was doing wrong, and that he recognizes that, in the sense of "wrong" at issue, he might nonetheless *not* in fact be doing wrong. It seems clear, then, that the sort of wrongdoing that conscientious agents like Carl are concerned with is one which requires that the Second Question be answered in the affirmative.

Part III

My remarks in the preceding section suffice to establish the logical independence of doing objective moral wrong and believing that one is doing objective moral wrong. What is crucial to my purpose here is that it be acknowledged that the answer to the Second Question is yes; that is, that it is possible that one believe that one is doing objective moral wrong without in fact doing such wrong. If it were the case that such a belief is sufficient for moral blameworthiness, then my case for the possibility of accuses would be complete. And the truth is almost that simple — but not quite.

It is commonly recognized that moral blameworthiness presupposes a sort of freedom on the part of the agent that presumably is not required for the belief that one is doing wrong. This has been disputed on the grounds that it is clear that sometimes people who do not exhibit such freedom are nonetheless open to some sort of negative moral evaluation.¹¹ The proper response to this perfectly correct observation is to discriminate between different types of moral evaluation and to say that, while freedom is not a requirement for one's being morally evaluable in certain ways, it is a requirement for one's being morally blameworthy (culpable) for one's behavior. There is more that can be said on this issue, of course, but there is no need to take the matter any further here. For even granting that freedom is a necessary condition of blameworthiness, I can claim that accuses are possible, as long as it is accepted that acting freely in the belief that one is doing objective moral wrong is sufficient for being morally blameworthy for one's behavior (but not sufficient for actually doing objective moral wrong). This, I believe, is precisely what should be accepted.¹² But, of course, there are reasons for thinking that it should be rejected, and I shall now turn to some of these.

We may distinguish two groups of cases. In the first group are cases where, it may seem, one acts freely and in the belief that one is doing objective moral wrong, but one is nonetheless *not* to be blamed for one's behavior; in the second are cases where, it may seem, one acts freely and in the belief that one is doing wrong and one is to be blamed for one's behavior, but one also does wrong. If all pertinent cases fall into one or the other of these groups, then my plea for accuses must be rejected. I shall consider examples from each group.

For a case that falls into the first group, consider Christine, who acts freely and in the belief that she is doing wrong, but whose action is quite out of character. Normally she walks the straight and narrow; just this once, though, she breaks loose from the shackles of conscience and takes a walk down (what she regards as) some unseemly side-alley. Some would deny that Christine is to blame for her behavior because, they say, blameworthiness has to do with an imputation of fault to one's *character*,¹³ and Christine's character is not in question in this little episode. (Of course, if Christine continued to stray — made a habit of it — then that would be another matter.) But I see no reason to accept this claim. As explained earlier, the sort of blameworthiness at issue here has to do with how an agent is to be judged in light of a certain episode or aspect of his or her life. This is a judgment of the agent (as reflected in or by this episode or aspect); it is not a judgment of the agent's character. An agent's character can of course itself be a fitting object of moral evaluation, but this is not the same sort of judgment as that involved in evaluating the agent him- or herself. For, while one *has* a character, one *is* not one's character; a judgment of oneself, then, is not identical with a judgment of one's character. Of course, one can be blameworthy *for* at least some of the character traits that one has; this involves these traits, and to that extent one's character, reflecting ill on oneself. But this simply serves to dramatize the distinction between judging an agent's character and judging the agent in light of his or her character. And surely other things (such as Christine's decision to break loose) can also reflect ill on oneself, whether or not they are representative of one's character. Perhaps there is some sort of mitigation (either in terms of culpability or, as I believe, in terms of some other sort of negative moral evaluation) that is afforded by the fact that one's behavior is out of character rather than in character, but, as long as some degree of culpability is recognized in such cases, it must also be recognized that culpability is not necessarily just a matter of character-evaluation.

Consider, next, Sarah, a saintly person who has overly demanding moral standards. She believes that it is her moral obligation to exhaust herself in the service of others, although this is in fact (let us suppose) supererogatory. Early one morning her alarm awakes her and, contemplating yet another exhausting day of labor, she collapses back into bed and decides to sleep in an extra hour, feeling guilty about doing so because she believes that this is the wrong thing to do. If acting freely in the belief that one is doing wrong is sufficient for blameworthiness, then this poor woman is to be blamed for her decision to stay in bed. But surely, it may be urged, she is not; hence my account is to be rejected.

In response, I would make four points. First, I am assuming that Sarah is acting freely, in the requisite sense, when she stays in bed. There is undoubtedly an element of weakness of will operating in this sort of case, and, if such weakness were incompatible with the sort of freedom that blameworthiness presupposes, then my account would not imply that she is blameworthy after all. But it is at best an exaggeration to say that weakness of will eliminates freedom, and so I am willing to concede that Sarah does act freely in this example. Second, however, I am also willing to admit that Sarah is probably admirable in many ways: for her high moral standards, for her sensitivity to and sympathy with the needs of others, for the many fine services that she has rendered to others in the past, and so on. But all of this is quite consistent with her being blameworthy for her present decision to stay in bed. For, third, we must not downplay the fact that Sarah has indeed, on this one occasion, deliberately and freely decided to do something that she regards as wrong. This, I contend, is sufficient for her being culpable for the decision. The fact that *we* don't regard her behavior as wrong is of no moment; what is important is that *she does* so regard it and has, *despite* this fact, deliberately chosen it. Finally, recall that, in the present sense, one's being blameworthy simply involves one's being worthy of a certain sort of judgment. This is consistent with its being wrong for some reason to give overt expression to this judgment (since such expression might be misconstrued or have some other undesirable effect). Hence the claim that Sarah is blameworthy does not imply even that she should be blamed "out loud," let alone that she should be adversely treated in some more serious manner. And I am quite willing to concede that it may well be wrong to engage in such behavior toward such a saintly person as Sarah.

As an example of a type of case where one's admirable trait is not linked to one's belief about wrongdoing, consider a parent, Peter, who, moved by sympathy for his child, deliberately refrains from disciplining the child as he thinks he ought. Or consider the case of Huckleberry Finn, who, again moved by sympathy, deliberately refrains from thwarting his slave friend Jim's bid for freedom as he thinks he ought. Surely, it may be said, blaming these people is inappropriate; hence, once again, my account is to be rejected.¹⁴

In response, I would again point out, first, that one's being blameworthy for a certain item of behavior is consistent with one's being admirable in certain respects; second, that it is important not to lose sight of the fact that, in these cases, the agent is indeed doing wrong *from his perspective* even if not in fact; and third, that it might be wrong or otherwise inappropriate to *treat* Peter or Huck in some adverse manner, even if it is not inappropriate to blame them in the relevant sense, that is, to *judge* them negatively. I suspect that some may be more inclined to blame Peter than to blame Huckleberry Finn, because they may be more inclined to say that Peter has in fact done the wrong thing. But this is to confuse agent-evaluation with act-evaluation, the very sort of confusion that invocation of the concept of an excuse (and that of an accuser) seeks to avoid. It might also be that some are less inclined to blame Huck because they suspect that he did not believe, deep down, that it was wrong to help Jim to escape. Of course, if this were in fact the case, then my account would not imply that Huck is to blame. But, at least as I understand Twain's intent in telling the story, this was not the case;¹⁵ and so Huck is to blame.

Let us turn now to a case that falls into the second group mentioned earlier. Here there will be no temptation to say that the agent escapes blame due to the presence of some admirable trait, for no such trait will be exhibited. But here, it may be thought, there is a temptation to say that the agent has acted wrongly. Suppose, then, that Dan, a small child, is in danger, but that Paul does not realize this. Nonetheless, Paul picks Dan up and runs off with him, thereby in effect rescuing Dan from danger. The reason why Paul did what he did was

that he thought that he would thereby upset Dan, and this was what he wanted to do, despite recognizing the wrongness of doing it. As it happens, though, Paul has upset Dan not at all; on the contrary, Dan is profoundly relieved to have been rescued by Paul.

Is Paul to be blamed for acting as he did? Many would say so, and my account concurs (on the assumption that Paul acted freely). But many would also say that Paul acted wrongly, so that this case does not support the possibility of accuses. This seems to me untenable. What wrong is it that Paul is supposed to have done? After all, he rescued Dan from danger, and this was surely the right thing to do under the circumstances.

But, it may be retorted, no one wishes to blame Paul for rescuing Dan. What he is to be blamed for is his attempt to upset Dan, and that was wrong, even if his rescuing Dan was not.

I agree that it would be misleading to say that Paul is to be blamed for rescuing Dan; for his rescuing Dan is not that in virtue of which Paul incurs his blameworthiness. (Similarly, it would be misleading to say that Sarah is to blame for staying in bed, or that Huck is to blame for helping Jim to escape.) On the contrary, it is the attempt to upset Dan that is the occasion of Paul's being to blame. But I deny that his making this attempt constituted wrongdoing on his part. As best I can tell, the inclination to say that it was wrong of Paul to make this attempt stems from the view that it is always wrong to attempt to do wrong—and this view is to be rejected.

There are two ways in which to read "it is wrong to attempt to do wrong." The first is this: if one attempts to do something and that thing is (or would be) wrong, then one's attempt is also wrong. The second is this: if one attempts to do something that one takes to be wrong, then one's attempt is wrong.

As to the first reading: I doubt that there are many who would want to insist that Paul would have acted wrongly simply in virtue of his attempting (but failing) to upset Dan, if it had been the case that he did *not* believe that upsetting Dan was wrong and, moreover, was not to be blamed for not believing this. Suppose, for example, that Paul had mistakenly but nonculpably believed that it was his duty to upset Dan (Dan had misbehaved, say, and for some reason Paul believed that his upsetting Dan would be a morally appropriate response to Dan's misbehavior), and that that was his reason for attempting to upset Dan. If it is admitted that Paul would not have acted wrongly in such a case, then the view in question is, on the present reading, to be rejected.

As to the second reading: I doubt that there are many who would want to say that Huckleberry Finn did wrong — objective moral wrong — to (attempt to) help Jim to escape, or that Sarah did wrong to (attempt to) stay in bed an extra hour. Moreover, as noted at the end of the last section, if Carl were to do *A* in the belief that this was the wrong thing to do, that would not make his doing *A* wrong, in the relevant sense. Nor would it make his attempting to do *A* wrong. For suppose that, despite his belief that *A* is wrong, *A* is in fact what Carl ought to do. And suppose, furthermore, that he cannot do *A* without attempting to do it. Then, given that any act that is a prerequisite of an obligatory act is itself obligatory, it follows that Carl ought to attempt to do *A*.¹⁶ Hence his attempting to do *A* is not wrong. Hence the view is to be rejected on this reading, too.

It might be insisted that it is always wrong to attempt to do wrong, when this is understood in terms of a conjunction of the two readings just considered, that is, in terms of the attempted action's *both* being wrong *and* being believed to be wrong. But I know of no reason to accept the view on this "conjunctive" reading, once it is recognized that it is to be rejected on each of the "nonconjunctive" readings.

It is worth noting also that the view that it is always wrong to attempt to do wrong is, on any reading, inconsistent with many prominent theories of what objective moral wrongdoing consists in. I won't try to establish this in detail here, but it will be readily acknowledged that most familiar versions of

consequentialism and also many versions of nonconsequentialism imply that the view is false. Of course, this by itself doesn't show the view to be false, since the theories in question might be mistaken.¹⁷ But it does provide some further confirmation of its implausibility.

Note, furthermore, that in saying that it is not necessarily wrong to attempt to do wrong, I do not mean to deny that there is something morally untoward about (freely) attempting to do wrong. On the contrary, there is always something untoward about such an attempt. According to the second reading, one is acting in the belief that one is doing wrong; this renders one morally blameworthy, and hence something morally untoward has occurred.¹⁸ On the first reading: if one is attempting to do something that is in fact wrong but one is nonculpably ignorant of the fact that it is wrong, then there is no blameworthiness involved; but there is, of course, moral ignorance, which is morally unfortunate, and hence morally untoward.

I conclude, then, that the possibility of accuses is confirmed rather than refuted by consideration of the sorts of cases just mentioned.

Let me address, finally, two objections to my account that do not turn on a consideration of particular cases. The first is this. It may appear that my account collapses the distinction between one's being blameworthy and one's believing that one is blameworthy, for the following reason. Suppose that Alice freely performs some act, believing that it is wrong for her to do so. On my account, she is to blame. But, if she believes that it is wrong for her to do this act, then she believes that she believes this, and vice versa. Thus, if she is blameworthy, she believes that she is, and vice versa. But, even if we accept the principle that beliefs and beliefs about beliefs are equivalent in this way (and I won't question it here), this argument is fallacious. On my account, Alice may believe that she is doing wrong, and thus be blameworthy, without believing that she is blameworthy; and she may believe that she is blameworthy without being blameworthy. This is possible simply because Alice may not herself subscribe to my account. Of course, if Alice does subscribe to my account (and makes the relevant inferences), then (given both the principle about beliefs and the fact that she is not mistaken in believing that she is acting freely) her belief that she is blameworthy for her action cannot be mistaken, and her being blameworthy will suffice for her believing that she is. But this does not pose a problem for the account.

The second objection is this. If the notion of wrongdoing with which I am concerned is, as I have claimed, the notion of that sort of wrongdoing that the conscientious person seeks to avoid, how can it be that blameworthiness is divorced from wrongdoing in the way that I allege? For isn't a conscientious person just as eager to avoid blameworthiness as to avoid wrongdoing? There is some confusion here. Of course, a conscientious person may be eager to avoid blameworthiness, although in some cases this may not be so. (Some conscientious people might regard such concern as sinful self-indulgence.) Moreover, I am quite willing to admit that a conscientious person, even if he (or she) *doesn't* avoid wrongdoing, will in fact avoid blameworthiness (as long as he is not culpable for the misguided conscience on which he acts). But none of this affects my case for the possibility of accuses. For what it is important to recognize is that the sort of wrongdoing that the conscientious person is eager to avoid is not the sort of wrongdoing that only a conscientious person can commit. Thus, even if a conscientious person seeks to avoid blameworthiness as well as wrongdoing, and even if he would be successful in avoiding the former if he avoided the latter, that does not imply that everyone who avoids the latter succeeds in avoiding the former.

Part IV

There are at least two lessons to be learned from acknowledging the possibility of there being accuses as well as excuses.

The first lesson is this. It has recently been argued that the principle that "ought" implies "can" entails what Harry Frankfurt has called the Principle of Alternate Possibilities (namely, the principle that one is morally responsible for what one has done only if one could have done otherwise), so that it is a mistake to accept the

former but not the latter.¹⁹ This argument rests on the claim that there cannot be moral blameworthiness without moral wrongdoing. If I am correct in denying this claim, the argument collapses. This is significant because there is good reason to accept both that "ought" implies "can" and that Frankfurt has shown the Principle of Alternate Possibilities to be false. Furthermore, it is particularly important to recognize the truth of a certain "unifying thesis," and that is that, even if Frankfurt is right, there is nonetheless a *fundamental common property* shared by all the basic concepts having to do both with objective moral obligation (obligation, right, wrong) and with moral responsibility (praiseworthiness, blameworthiness), and that is that *each* of them implies "can." I have argued for this thesis elsewhere, however, and so will not pursue the matter here.²⁰

The second lesson is more general and more straightforward. It is simply this: to justify an agent's actions is not to exculpate the agent. The failure to appreciate this fact can lead, and often does lead, to a premature termination of our moral inquiries. We should not think that the discovery that no wrong has been done justifies us in thinking that there are no further moral discoveries to be made.

APPENDIX

It was said in Section I that objective moral wrongdoing of the sort under discussion is, ultimately, not a function at all of the motive from which an agent acts. This is at odds with a thesis that some attribute to Kant and which may be put as follows:

It is a necessary truth that, for any act, if it is one's moral duty to do that act, then it is one's moral duty to do it from the sense of duty.

Many have declared this thesis to be incoherent.²¹ Some have said that for that reason Kant did not accept it.²² Others have declared the thesis coherent.²³ Much of this discussion has been both suggestive and obscure. Here I propose to explore the issue in my own way; it is quite possible that the points I shall make are those that others have taken themselves to have made.²⁴

I shall assume that one's doing an act "from the sense of duty" is to be understood in terms of one's *belief* that it is one's duty to do it motivating one's doing it. So understood, the thesis amounts to this (call it *T*):

It is a necessary truth that, for any act, if it is one's moral duty to do that act, then it is one's moral duty to do it on the basis of the belief that it is one's moral duty to do it.

The issue here is: is *T* true?²⁵ The answer is easy if the proposition is intended as analytic: no. For then it would involve just the same sort of incoherence (concerning either circularity of analysis or nonidentity of synonymous expressions) involved with responding to the First Question with a negative answer that is intended to be analytic. But what if the proposition is intended to be understood as synthetic? Should it then be accepted?

The answer is again: no. There are two main cases to consider. Suppose, first, that it is one's duty to do *A* but one does not believe that it is one's duty to do *A*. Then, given that beliefs are at best only indirectly in one's control, one cannot, at least for a while, induce in oneself the belief that it is one's duty to do *A*.²⁶ Thus one cannot, at least for a while, do *A* on the basis of this belief. Given that "ought" (or "duty") implies "can," it follows that it is not one's duty, at least for a while, to do *A* on the basis of this belief.²⁷ Given *T*, it would follow that it is not one's duty, at least for a while, to do *A*. But this general conclusion is surely to be rejected. Consider again Hitler, Manson, and Dahmer and suppose (as seems plausible) that they did not believe that it was their duty to refrain from their heinous acts. It is surely false that they had no duty to refrain from these acts (even during those periods when they could not induce the relevant belief).

Suppose, secondly, that one does believe that it is one's duty to do *A*. Then we must concede that often one

can do *A* on the basis of this belief. For, contrary to what some philosophers appear to have suggested,²⁸ even if it is true that whether or not one *has* a certain belief is beyond one's control, whether or not one *acts on it* (whether or not the belief *actually motivates* one to act) when one does have the belief is, often, in one's control. Just *how* often this is so is, of course, a difficult question. It may sometimes happen that one has a certain belief but cannot act on it because one cannot summon it to consciousness,²⁹ or because one has an overwhelming contrary impulse, and so on. But that one often is in control of which belief or beliefs it is that one acts on is pretty clear; otherwise one could never be morally responsible for one's actions, since such responsibility is a function of freely acting on the basis of certain beliefs.³⁰ And there is no reason to deny that, often, one belief which is such that one is in control over whether or not one acts on it is the belief that it is one's moral duty so to act. (For example, I may believe both that it is my moral duty to obey the law and that it would be prudent to do so, and yet I may deliberately choose to obey it for the former reason and not for the latter.) Thus in such a case we may *not* conclude, simply by appealing to the principle that "ought" implies "can," that one has no duty to do *A* on the basis of the belief that it is one's duty to do *A*.

But this conclusion may be reached by another route. Let us assume, for purposes of *reductio*, not only that it is one's duty to do *A*, and one believes this, but also that it is one's duty to do *A* on the basis of this belief — in symbols: $OA \ \& \ B(OA) \ \& \ OA[B(OA)]$. We still need to ask: precisely what is one's belief-state when one has the belief in question? There are two basic possibilities.

First, one may believe that it is one's duty to do *A* and yet not believe that it is one's duty to do it on the basis of the belief that it is one's duty to do it; that is: $B(OA) \ \& \ \sim B(OA[B(OA)])$. (One variation on this worth noting is the following: one may believe that it is one's duty to do *A* and believe that it is not one's duty to do it on the basis of the belief that it is one's duty to do it; that is: $B(OA) \ \& \ B\sim(OA[B(OA)])$.) Second, one may believe that it is one's duty to do *A* in that one believes that it is one's duty to do it on the basis of the belief that it is one's duty to do it; that is: $B(OA) \ \& \ B(OA[B(OA)])$. In principle, then, we have three cases to assess here. They may be represented as follows:

1. $OA \ \& \ B(OA) \ \& \ OA[B(OA)] \ \& \ \sim B(OA[B(OA)])$;
2. $OA \ \& \ B(OA) \ \& \ OA[B(OA)] \ \& \ B\sim(OA[B(OA)])$;
3. $OA \ \& \ B(OA) \ \& \ OA[B(OA)] \ \& \ B(OA[B(OA)])$.

The first case is problematic in that, according to *T*, one's belief-state is said to be crucial to the full determination of one's duty, and yet, given $\sim B(OA[B(OA)])$, one's belief-state does not accurately reflect what it is that is crucial to this determination. This is odd. Why should we think that it is one's duty to act "from the sense of duty" when the belief in which this sense consists is uninformed with respect to what it is one's duty to do?

The second case is odder still. Here the belief in which the sense consists is not merely uninformed but misinformed.

The third case seems the oddest of all. *T* tells us that, if ever it is the case that OA , then it is the case that $OA[B(OA)]$, and we are now imagining that one's belief-state is such that not only does one believe that OA but one believes, more particularly, that $OA[B(OA)]$. Here there are two possibilities for the advocate of *T*. Either he (or she) will declare that: $OA[B(OA)] \ \& \ \sim OA[B(OA[B(OA)])]$; or he will declare that: $OA[B(OA)] \ \& \ OA[B(OA[B(OA)])]$. The first alternative is difficult to understand: we are being told that one ought to act on the basis of a certain belief but that it is not the case that one ought to act on the basis of a certain other belief, even though the latter belief is more precise than and, moreover, constitutes the ground of the former. The second alternative is unacceptable: it leads to a regress that can be halted only by adopting at a higher level of inquiry one of the moves deemed inadmissible at this level. One might of course deny that the regress needs to be halted, declaring it benign rather than vicious. But this cannot be right, for it involves agents having an infinite series of ever more complicated beliefs (here is a relatively low-order one:

B(OA[B(OA[B(OA[B(OA[B(OA)DDB])])])]) — I shall not attempt to express it in plain English!) and declaring that each of these beliefs is such that the agent ought to act on the basis of it. This seems clearly absurd.

My conclusion is that T is to be rejected.³¹

NOTES

1. J. L. Austin, "A Plea for Excuses" (*Proceedings of the Aristotelian Society*, 57 (1956-57): 1-30), p. 1ff.
2. Two of the few in question are Richard B. Brandt in "Blameworthiness and Obligation" (in A. I. Melden, ed., *Essays in Moral Philosophy*; Seattle: University of Washington Press, 1958: 3-39), pp. 38-39, and Ishtiyaque Haji, *Moral Appraisability* (Oxford: Oxford University Press, forthcoming), Ch. 9.
3. It is not at all clear to me that one cannot properly be said to have an excuse in the absence of wrongdoing. On the contrary, it seems likely that one can. But my purpose here is not to challenge the standard account of excuses.
4. This is a major theme in my book *An Essay on Moral Responsibility* (Totowa: Rowman and Littlefield, 1988). This paper constitutes an attempt to elaborate what is said in the book (especially in Chapter 3) in defense of this theme.
5. See my *An Essay on Moral Responsibility*, Chapter 3, for a considerably fuller discussion of such moral blameworthiness (and praiseworthiness).
6. Cf. Steven Sverdlik, "Motive and Rightness," *Ethics*, 106 (1996): pp. 327-349.
7. See A. C. Ewing, *The Definition of Good* (London: Routledge and Kegan Paul, 1948), p. 130.
8. "Can" is here used to express logical possibility.
9. Galen Strawson, *Freedom and Belief* (Oxford: Clarendon Press, 1986), p. 220.
10. The First Question is of course to be distinguished from the following closely related question: Can one do objective moral wrong and yet not be such that one is or would be *justified* in believing that one is doing objective moral wrong? I think that the answer to this question also is yes, but I won't press the point here, since my case for accuses will rest on the agent's *actual* beliefs about wrongdoing, rather than on any such beliefs that the agent is or would be *justified* in holding. It may be, of course, that some would want to answer this question about justified beliefs negatively. Doing so is perfectly consistent with answering the First Question affirmatively and should not be thought to provide any reason to answer it negatively.
11. See Robert M. Adams, "Involuntary Sins," *The Philosophical Review*, 94 (1985), pp. 3-31; Eugene Schlossberger, *Moral Responsibility and Persons* (Philadelphia: Temple University Press, 1992), pp. 4-7, 79, 101, 112, 117-118.
12. There are some who would say that a freedom-independent condition of "autonomy" or "authenticity" is also necessary for moral blameworthiness. (See, for example, Haji, Chs. 5-7.) I am unpersuaded by this claim, but accepting it would not affect my case for accuses, as long as it is recognized (as it surely should be) that one can act freely *and* autonomously (or authentically — however this is to be understood, precisely) in the belief that one is doing wrong, without in fact doing wrong.
13. See, among others, Brandt, "Blameworthiness and Obligation," p. 13ff., and *Ethical Theory* (Englewood Cliffs: Prentice-Hall, 1959), p. 468; Norman Dahl, "'Ought' and Blameworthiness" (*The Journal of Philosophy*, 64 (1967): 418-428), p. 420; Lloyd Fields, "Moral Beliefs and Blameworthiness" (*Philosophy*, 69 (1994): 397-415), p. 404ff. On p. 411, Fields seems to suggest that actions that are truly out of character must be in some sense involuntary, but there is no need to accept this. If true, however, this claim would appear to imply that acting in character is required for acting freely, in which case this condition has already been accommodated by my foregoing remarks.
14. Cf. Brandt, "Blameworthiness and Obligation," p. 37, and *Ethical Theory*, p. 359.
15. See Jonathan Bennett, "The Conscience of Huckleberry Finn" (*Philosophy*, 49 (1974): 123-134), pp. 126-127.
16. This principle needs refinement in order to avoid Good Samaritan-type paradoxes. The following

refinement would appear adequate: If one cannot do some act *X* without doing some act *Y*, and if one can refrain from doing *Y*, then, if one ought to do *X*, one ought also to do *Y*. This principle is discussed in my book *The Concept of Moral Obligation* (Cambridge: Cambridge University Press, 1996), Section 2.3.

17. Similarly, if some theory — such as, perhaps, Kant's theory concerning the universalizability of maxims — implies the view in question to be true, that by itself does not show it to be true.
18. On pp. 158-159 of her article "Moral Relativism" (printed on pp. 152-166 of *Relativism: Cognitive and Moral*, edited by Jack W. Meiland and Michael Krausz; Notre Dame: University of Notre Dame Press, 1982), Philippa Foot reports Aquinas as saying that one acts "badly" whenever one either does an evil deed or goes against one's conscience. This is correct, and I would put the point this way: something "morally untoward" occurs in either case. But Foot herself goes on to say that, because this is so, one does wrong whenever one believes that one is doing wrong. This is an unnecessarily confusing way of making the point that something morally untoward occurs whenever one acts in the belief that one is doing wrong. At least, we should beware inferring from this that the answer to the Second Question is no; that is, that, necessarily, if one acts in the belief that one is doing *objective* moral wrong, then one does *objective* moral wrong.
19. See David Widerker, "Frankfurt on 'Ought Implies Can' and Alternative Possibilities," *Analysis*, 51 (1991): pp. 222-224.
20. See my "Obligation, Responsibility and Alternate Possibilities" (*Analysis*, 53 (1993), pp. 51-53). There is a response to this argument in David Widerker and Charlotte Katzoff, "Zimmerman on Moral Responsibility, Obligation and Alternate Possibilities" (*Analysis*, 54 (1994), 285-287), in which the complaint is made that I have not argued adequately for the falsity of the claim that moral blameworthiness requires moral wrongdoing. This paper is intended in part as an attempt to respond to this complaint.
21. See, e.g., W. D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930), p. 5; H. A. Prichard, *Moral Obligation* (Oxford: Clarendon Press, 1949), p. 7; Robert Paul Wolff, *The Autonomy of Reason* (New York: Harper and Row, 1973), p. 80; Onora Nell, *Acting on Principle* (New York: Columbia University Press, 1975), p. 99.
22. E.g., Wolff, p. 81; Nell, pp. 99-100.
23. E.g., Ewing, pp. 140-144; Mark Strasser, "Ross on the Sense of Duty" (*Philosophical Papers*, 16 (1987): 195-207), pp. 195-199.
24. Ross, pp. 4-6 in particular.
25. Note that its converse must be true, as long as the principle cited in note 16 above is true. For one cannot do some act on the basis of a certain belief without doing that act. Cf. Ewing, p. 143.
26. Or, more precisely, if it is the case that it is now open to one so to act that one has this belief at some time *T*, *T* lies at some distance, some "while," in the future.
27. Or, more precisely, if it is the case that it is now obligatory for one to do *A* at some time *T* on the basis of this belief, *T* lies at some distance, some "while," in the future. For a treatment of obligation that employs such a double time index, and for a defense of the principle that "ought" implies "can," see my *The Concept of Moral Obligation*, Chapters 2 and 3.
28. E.g., C. D. Broad, *Ethics* (Dordrecht: Martinus Nijhoff), pp. 190-191.
29. See my "The Range of Options" (*American Philosophical Quarterly*, 27 (1990): 345-355) for an argument that this occurs more frequently than is commonly recognized.
30. Cf. Dahl, p. 426; Strasser, p. 201.
31. Many thanks to Randolph Clarke, Ishtiyaque Haji, Tenance McConnell, Gary Rosenkrantz, and Walter Sinnott-Armstrong for comments on earlier drafts.