Neither pardon nor blame: Reacting in the wrong way

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Abstract

Why does someone, S, deserve blame or reproach for an action or event? One part of a standard answer since Aristotle: the event was caused, at least in part, by S's bad will. But recently, there's been some insightful discussion of cases where the event's causes do not include any bad will from S and yet it seems that S is not off the hook for the event. Cheshire Calhoun, Miranda Fricker, Elinor Mason, David Enoch, Randolph Clarke, and others include in this category some cases of glitches, forgetfulness, inattentiveness, the actions of one's children or one's country, and certain instances of explicit bias and implicit bias. Enoch and Mason argue that in these cases, S should extend the realm of S's responsibility. Drawing on Aristotle's emphases on retrospective attitudes and the non-voluntary, this paper attempts to clarify the relation between quality of will and blame-worthiness. I analyze cases where (a) S is clearly not morally responsible for an action or event, E, yet (b) S deserves reproach for E unless S has the appropriate retrospective attitudes (such as regret) or the absence of inappropriate attitudes toward E.

Keywords

agency, agent-indifference, agent-regret, agent-satisfaction, Aristotle on responsibility, blame vs. reproach, moral responsibility, non-intentional, nonvoluntary, responsibility vs. criticism
INTRODUCTION

Sam says something hurtful to Charlie. Is Sam blameworthy or not? Following Aristotle and commonly held intuitions about our ordinary practices and concepts, most accounts in the literature give two main exculpatory conditions: ignorance and compulsion. We can call this the standard view. Sam must act knowingly and freely in order to be morally responsible for the hurtful comment. If Sam was forced to say something hurtful to Charlie (at gunpoint, for example), then we might well say that Sam is off the hook. Some call this the control condition for moral responsibility. And if Sam did not know that what Sam said was hurtful (because, for instance, Sam was unaware of Charlie's insecurities), then we might well say that Sam is not blameworthy, after all, for the hurtful comment. This is the epistemic condition for responsibility. The standard view says that quality of will is a crucial condition for moral responsibility. This is construed, generally, as the value of one's regard for others. We blame Sam, it seems, (only) if Sam's hurtful comment is caused by, and/or reveals, Sam's bad will toward Charlie.

But recently, there's been some insightful discussion of cases where an action or event's causes do not include any bad will from a person, S, and yet it seems that S is blameworthy or, at least, not off the hook, for the action or event. Cheshire Calhoun (1989), Clarke (2014), David Enoch (2012), Fricker (2007), Elinor Mason (2018), and others include in this category some cases of glitches, forgetfulness, inattentiveness, the actions of one's children or one's country, and certain instances of explicit bias and implicit bias. Should we blame an old-fashioned sexist for his sexism despite the fact that “he has no idea that he is patronizing or belittling the women around him” (Mason, 2018:163)? Enoch and Mason argue that in (some of) these sorts of cases, S has a duty to take responsibility; that is, S should extend the realm of S’s responsibility. So as to get clearer on the relation between quality of will and deserving blame or reproach, and so as to develop and qualify the thought that sometimes we can, and perhaps ought to, extend our responsibility, I will give, analyze, and discuss interesting implications of cases in which (a) S is clearly not blameworthy or in any way morally responsible for an action or event, E, yet (b) S deserves reproach for E unless S has the appropriate retrospective attitudes toward E (regret or satisfaction) or the absence of inappropriate attitudes toward E. This is novel in some important ways. For example, I’ll argue that cases where (a) and (b) hold include those where S had no knowledge of E and S did not bring about E freely, as well as some cases where S clearly had no causal influence or role in E. These are unlike any cases discussed by Aristotle, Clarke, Enoch, Fricker, Mason, Mele, Williams, and others with work on related problems.

My discussion proceeds as follows. In Section 2, I give some cases that seem difficult to assess using the standard account of the conditions for moral responsibility. I show that existing accounts of cases where the conjunction of “S doesn't seem responsible for E, but nor does S seem off the hook for E” appears to hold, from Calhoun, Enoch, and Mason, do not give a principled way of answering the questions I raise. In Sections 3 and 4, I use Aristotle's account of the non-intentional or non-voluntary, his emphasis on the salience of retrospective attitudes, as well as some distinctions from Calhoun, Enoch, Hyman, Mason, Mele, Moser, and Williams to argue that, in my cases, there is a principled way of showing that S deserves reproach for E unless S has the appropriate retrospective attitudes toward E (such as regret) or the absence of inappropriate retrospective attitudes toward E. Finally, in Section 5, I argue that my analysis of these cases helps us to understand our attitudes toward, for instance, the children and grandchildren of those who had an active role in supporting and sustaining genocide, the descendants of slave-owners, and others who had no causal role in a morally appalling event and yet have some non-trivial, clear association and connection with that event.
Consider whether Joe should be blamed or not blamed for the morally relevant events in the following case:

Angry Truck Driver: Over the past five years, Joe the Angry Truck Driver has grown so angry at pedestrians crossing the road where they shouldn't that Joe wants to hit and kill the next pedestrian who does so. Besides that deadly intention, Joe is an excellent driver: he is remarkably attentive and aware, and he never drives too quickly or aggressively. One day, an explosion occurs to the left of Joe's truck as Joe is driving carefully through a residential area. The explosion would startle and distract any human being with sensory capacities and anywhere near the explosion. As this occurs and Joe is for a moment distracted, a teenager, absorbed in his phone and listening to music playing through his earphones, tries to cross the street from Joe's right. There is no pedestrian crosswalk anywhere in sight. After that split-second of unavoidable distraction, Joe feels a large impact. He realizes that he has hit and killed a young man who was trying to cross the street where pedestrians should not do so. Now, if given the chance to swerve, try to stop or keep going straight, Joe would have kept going straight. He would have hit and killed the young man. Joe confirms this when discussing the incident with witnesses. He takes responsibility for hitting and killing the pedestrian, but not in the way the witnesses expect. For Joe shows absolutely no remorse but, instead, cold and indifferent satisfaction. Joe seems to think that an example had to be made for other pedestrians. Also, Joe wanted an outlet for his anger. Joe claims, in fact, that he would have preferred to run over the pedestrian intentionally rather than unintentionally.

Joe killed a pedestrian. He wanted to kill a pedestrian. He has no remorse whatsoever about killing a pedestrian. On the contrary, he is proud of what he did. Should we blame Joe? One reasonable answer, courtesy of the standard account of the conditions for moral responsibility (epistemic condition and compulsion condition, of which quality of will is a crucial part): Yes and no. No, Joe is not blameworthy or in any way responsible for the pedestrian's death, since Joe is an excellent driver, he had no way to avoid the momentary distraction, Joe had no idea that the particular pedestrian was crossing at that particular time, and the pedestrian was crossing where he shouldn't be crossing and in an inattentive way. It's true that Joe wanted to kill a pedestrian; it's also true that he did kill a pedestrian; but it's false that Joe killed a pedestrian because he wanted to do so. At best, there is a counterfactual connection between the pedestrian's death and Joe's bad will. There is no actual connection between the quality of Joe's will and the pedestrian's death. But, yes, Joe is clearly blameworthy for his attitudes toward the pedestrian's death. He should have felt bad about the pedestrian being killed by Joe's truck while Joe driving. So, Joe is both blameworthy and not blameworthy. But there's no contradiction. For Joe is blameworthy for an importantly different thing (Joe's lack of remorse and regret, Joe's satisfaction in killing the pedestrian) from the thing for which he is not blameworthy (the pedestrian's death).

While the answer above is appealing in its simplicity, it is incomplete and perhaps inaccurate. There is something deeply unsatisfactory about saying that Joe deserves blame and negative reactive attitudes solely for his lack of remorse. For Joe has taken responsibility for the pedestrian's death. Joe has owned the morally relevant features of his action (if indeed we want to say that this was an action), as well as the morally relevant consequences of the events, but in the opposite of what we take to be the appropriate ways to do so. He has made it clear that he would have intentionally run over the pedestrian. It seems that mere chance ensured that Joe killed a pedestrian unintentionally rather than
intentionally. Also, probably we would, as result of Joe's expressions of his intentions and retrospective attitudes toward the pedestrian's death, associate Joe's agency with the causes of the pedestrian's death. In contrast, we would hold no such association for someone who was driving the truck in the same situation and involved in the same accident, but who expresses the appropriate intentions and retrospective attitudes. The standard account does not appear to give any clear way of accounting for these important differences and nuances.

So as to further illustrate the need to go beyond the standard account in dealing with cases such as Angry Truck Driver, consider a contrast with Gettier cases. One might argue that in cases such as Angry Truck Driver, there is a kind of double luck in the chain between intention and act similar to the double luck in Gettier cases between truth and justified belief. The essential feature in Angry Truck Driver is that, even though S intended to do A, and does A, still S does not do A because S intends to do A. Since S does not do A because S intends to do A, we hold that S is not morally responsible for A. One might suggest that, similarly, in a standard Gettier case, S believes that p, p is true, S is justified in believing that p, but S does not truly believe that p because S has a justified belief:

Suppose that Smith and Jones have applied for a certain job. And suppose that Smith has strong evidence for the following conjunctive proposition:

(d) Jones is the man who will get the job, and Jones has ten coins in his pocket.

Smith's evidence for (d) might be that the president of the company has assured him that Jones would in the end be selected, and that he, Smith, had counted the coins in Jones's pocket ten minutes ago. Proposition (d) entails:

(e) The man who will get the job has ten coins in his pocket.

Let us suppose that Smith sees the entailment from (d) to (e), and accepts (e) on the grounds of (d), for which he has strong evidence. In this case, Smith is clearly justified in believing that (e) is true.

But imagine, further, that unknown to Smith, he himself, not Jones, will get the job. And, also, unknown to Smith, he himself has ten coins in his pocket. Proposition (e) is then true, though proposition (d), from which Smith inferred (e), is false (Gettier, 1963:122).

Of course, the standard response to Gettier cases is to accept that S does not know that p. Smith does not know that (e) is true. For, first of all, (e) is true in virtue of something Smith does not know, namely, that there are ten coins in Smith's pocket; and, second, Smith bases his belief in (e) on his counting the coins in Jones's pocket while falsely believing that Jones will get the job. Since the JTB account of knowledge insists that a justified true belief counts as knowledge, the JTB account of knowledge is false. The worry is that Angry Truck Driver merely reinforces the standard account of exculpatory conditions. That is, emphasis on this parallel between Gettier cases and cases such as Angry Truck Driver seems to show that the standard account of exculpatory conditions is correct: The truck driver should not be criticized for killing the pedestrian. Just as it's not the case that Smith believes truly because Smith has a justified belief, it's not the case that the truck driver kills the pedestrian because he wants to kill the pedestrian. Joe is off the hook, just as Smith does not know. Or so one might argue.

However, there are salient differences between Gettier cases and cases such as Angry Truck Driver. Gettier cases are supposed to show that a purportedly standard account of knowledge is simply false...
(for there are clear counterexamples to the JTB account), whereas Angry Truck Driver and other such cases below are supposed to show that the standard account of exculpatory conditions is incomplete and a little too coarse-grained. I agree that the truck driver isn't blameworthy for killing the pedestrian. He's blameworthy for his intentions and lack of remorse. But I disagree with the preceding objection's claim that the truck driver should not be criticized and is off the hook for killing the pedestrian. Blame is importantly different from reproach. Moral responsibility is importantly different from being off the hook. I'll develop those distinctions. In particular, I'll develop the thought that, due to the driver's evident lack of remorse, we should not dissociate the truck driver's agency from the pedestrian's death, whereas we should dissociate a remorseful driver's agency from the pedestrian's death. I also think that we would and normally do behave as described in such cases. So, another part of my project below is to examine why we would, and normally do, behave in such a way. That Joe is not blameworthy for the pedestrian's death does not entail that Joe is off the hook for the pedestrian's death. As I discuss in the final section of this paper, I think that cases that share relevant features in common with Angry Truck Driver extend to cases of the descendants of slaveholders, the descendants of those responsible for genocide, those responsible for the COVID-19 pandemic, and other deeply important cases.

There are helpful discussions, in the existing literature, of cases that involve no bad will and yet seem to suggest blameworthiness. We might be tempted to borrow a distinction and strategy nicely deployed by Chesire Calhoun (1989). She emphasizes the difference between reasons to blame in light of blameworthiness and reasons to blame so as to bring about social change. Those who behave in sexist ways without meaning to be sexist can be blamed, or at least reproached, for the sake of helping to contributing to important social reform. But I don't think this strategy works for our case. It seems odd to say that Joe is a proper object of blame for unintentionally killing a pedestrian not because he really is blameworthy but because seeing him as such for the pedestrian's death helps to make it clear, both to Joe and to the general public, that accidentally killing pedestrians is blameworthy. Joe is an excellent driver. It wasn't careless driving that killed the pedestrian. Increased social emphasis on the importance of careful driving misses the point. If instead we use Calhoun's distinction to lay further blame on Joe's lack of remorse, then that doesn't clarify Joe's responsibility (or lack thereof) for the pedestrian's death.

We might, instead, consider using some of David Enoch's (2012) distinctions along the way to his arguing that, in cases such as one's country or one's children behaving badly (and even in the case of a non-negligent driver who kills a pedestrian), (a) there is no responsibility but (b) there is a duty to take responsibility. Enoch is interested in cases of penumbral agency. That is, Enoch is interested in cases where some events (the actions of your son or daughter, the actions of your country) are “not within the core of your agency, but it is not too far from it either” (2012:100). Enoch would say that Joe is not responsible for the pedestrian's death. But Enoch would also say that Joe has a duty to take responsibility for the pedestrian's death. In particular, Enoch (2012:118) argues for the following biconditional (Enoch's Biconditional, EB):

\[ EB = \text{df} S \text{ is responsible (in Enoch's specialized sense) for } X \text{ to } P \text{ if and only if, if } X \text{ is wrong or otherwise morally problematic, } S \text{ owes it to } P \text{ to justify } X \text{ (or the relevant } X\text{-related thing), or to offer an excuse for it, or to apologize for it, or to explain it, or something of this sort.} \]

So, Enoch would argue that Joe is responsible (in Enoch's specialized sense) to the pedestrian's family and friends, for the pedestrian's death, if and only if, if killing the pedestrian is wrong or otherwise morally problematic, Joe owes it to the pedestrian's family and friends to justify the pedestrian's death, or to offer an excuse for it, or to apologize for it, or to explain it. This case would not involve justification but, rather,
an apology and perhaps an explanation. But is it morally problematic or wrong to kill someone as a result of a shear accident, without any intentionality involved, and where the fault lies exclusively with (a) the killed person's negligence before being killed and (b) factors entirely outside the control of the killer, such as a loud and sudden explosion distracting a non-negligent driver? Enoch does not give sufficient attention to the matter of whether he conflates its being wrong for S to do A, on the one hand, with whether A is something that is morally wrong or problematic no matter who does A, on the other.

Also, I am skeptical about the claim that a case such as *Angry Truck Driver* is a case of agency or even penumbral agency; it seems importantly different from Enoch's other cases. The case of one's children behaving badly does seem like a case of penumbral agency. If I spend fifteen years raising my child, and then my child murders someone, it's clear that there will be legitimate questions raised about whether at least part of the fault lies with the way I raised my child. Parents, and other people who know those parents, tend to connect their agency with their children's agency. Parents tend to live vicariously through their children's accomplishments, and parents tend to feel (at least part of) the pain of their children's failures. More to the point, it seems exceedingly difficult to eliminate all possibilities of relevant causal efficacy—and thus all possibilities of any fault and standard responsibility—of the parents who spent fifteen or twenty years raising children who grow up to become murderers. Was there really *nothing at all* in the parents' behavior, over the course of, say, eighteen years, that gave rise to their child becoming a murderer? Those sorts of cases seem to be importantly different from a case of a non-negligent driver accidentally killing a pedestrian. In such a case, we can very clearly eliminate all possibilities of relevant causal efficacy. The explosion is so loud and close that anyone in Joe's position would have been momentarily distracted. And Joe is an excellent driver.

In fact, even if Enoch is correct to claim that cases of one's children behaving badly, one's country behaving badly, and a non-negligent driver killing a pedestrian all highlight the same features of penumbral agency, Elinor Mason argues that Enoch conflates responsibility with liability. Taking on liability, Mason argues, “is just willingness to perform acts of recompense in the event of a bad outcome; it does not involve ownership, or the attendant feelings of remorse” (Mason, 2018:176). None of Enoch's cases, in Mason's view, involve agency or responsibility: “the area of 'penumbral agency' is not really an area of agency at all” (ibid.) Rather, Enoch's cases involve mere liability, for Mason. I am sympathetic to Mason's criticism. But, at the very least, I think that Enoch does not give a clear, principled way of determining which cases count as those of penumbral agency and satisfy the right side of Enoch's biconditional. That is, even if we grant that Enoch's cases all count as cases featuring penumbral agency, and even if we suppose that he has a rejoinder for Mason's claim that Enoch conflates responsibility with liability, the right side of EB seems unclear.

Finally, we might consider using distinctions nicely emphasized and applied by Mason. She argues that, in some cases, “one can change one's standing with regard to an inadvertent action, and if one takes on responsibility for it, one really is responsible” (2018:179). We should be careful to separate Mason's account from Enoch's. Enoch is interested in diagnosing a moral fault. For Enoch, Joe (a non-negligent driver who kills a pedestrian) has violated his moral duty to take responsibility for killing the pedestrian. For Mason, Joe has a moral duty to apologize “and to make amends in other small ways if possible” but “he has no duty to take on responsibility or blameworthiness” (ibid.). Joe must merely take on liability. For, Mason argues, the relationship in play requires Joe's taking on liability; it does not require Joe's taking on responsibility. More to the point, Mason and Enoch focus on markedly different sorts of cases. Mason is primarily focused on cases of implicit or explicit bias, especially bias relating to issues of sexism. Enoch, on the other hand, is focused on instances of penumbral agency and, in particular, cases where it's clearly false that E occurred because S wanted E to occur. In Mason's cases, S wants E to occur but S does not realize that E is morally wrong (such as an old-fashioned sexist who does not realize or understand his own sexism). This difference is vital. It
entails that, in Mason's areas of interest, there is a much deeper connection between S’s agency and E (the event or action in question) than there is between S and E in Enoch's areas of interest. It is why Mason concludes that, in her cases, “such acts are our acts, in that they come from our agency in a broad sense” (2018:180). In contrast, I am interested in cases where S is clearly not responsible for E, cases where S clearly had no causal influence or role in E. I will, though, apply some of Mason's distinctions to help fill in my analysis in Section 4.

The cases I’ve raised are not extraordinary in their relevant features. There are many cases similar (in relevant respects) to Angry Truck Driver (and in Section 5, I’ll discuss still other types of cases with the same relevant features).8 Consider the following:

**Cold Punch:** Jeff is trying to learn how to ice skate. He moves slowly, cautiously, and clumsily over the ice, and falls down several times. At this rink, there are two excellent skaters who keep whizzing by Jeff, lapping him over and over again. Those two skaters have looked back at Jeff and laughed several times, seeming to joke about him as they whizz by him and continue on their way. Incensed by their behavior, Jeff decides to hit one of them the next time they go by. He wants to make at least one of them take a nasty fall and put an end to their snickering. As they come up behind Jeff, ready to lap him for the umpteenth time, and before Jeff has made any motion whatsoever to hit them, Jeff slips and loses his balance. He flails his arms so as to try to regain his balance, and in doing so he hits one of the arrogant skaters very hard. Both of the arrogant skaters crash to the ice. Jeff regains his balance, sees what has happened, and laughs at the two skaters on the ice. He takes responsibility for knocking over the skaters, but not in the way that they expect. Jeff does not make any movement to help either of them up, and feels no remorse whatsoever. Jeff plans to do similar things in future with arrogant skaters, and confirms this in conversation with someone shortly afterwards.

It seems clear that Jeff is blameworthy for his behavior after accidentally knocking over the skaters. But is Jeff blameworthy for knocking over the skaters? It seems odd to say that he is. For it was, after all, an accident. Though Jeff intended to knock them over, he did not, in fact, knock them over because he intended to knock them over. But it also seems odd to say that Jeff is off the hook for knocking them over, given that he intended to knock them over, given that he shows absolutely no regret or remorse despite their injuries, and given that he intends to do similar things in the future.

One might suspect that these sorts of cases are limited to cases of blame. But there are analogous cases for praise as well:

**Favorable Wind:** Raquel sees a man with a ski mask running very quickly, roughly toward her but in a way and direction that suggests that he intends to pass by her. The man is clutching a woman's purse, and he is being pursued by a woman. Raquel reasonably (and correctly) infers that the woman in pursuit is the owner of the purse, and that the man fleeing is a thief who has stolen the purse. Raquel decides that she ought to try to physically stop the thief. But before Raquel can do anything to that effect, a remarkably strong gust of wind pushes her in front of the thief. The thief careens into Raquel, injuring her. Several people nearby come to her aid, restrain the stunned thief on the ground, and the purse-owner has her purse returned to her. Despite suffering a broken collarbone and a concussion as a result of tackling the much larger person, Raquel does not feel any regret. She proudly takes responsibility for what she did, even though the strong gust of wind made it physically impossible for her to do otherwise. She feels that she would have
tackled the man without the help of the wind, and she does not feel bad for herself. She is proud of what she did and plans to do something similar in the future if opportunities arise.

Somnolent Charity: Belinda has a small amount of non-essential income, $100 (US). She decides that she should donate it to an excellent charity. But she has been working extremely long hours, and her partner has noticed. Belinda is refusing to sleep enough to maintain her health, and her partner worries about her. So, her partner puts some liquid melatonin in Belinda’s tea, without Belinda’s knowledge. Physically unable to stay awake, Belinda falls fast asleep by her computer. This occurs before Belinda has had a chance to make the donation she was planning to make, at the charity’s web site. However, while sleeping, Belinda shifts her arm and hand. Her fingers fumble over her laptop, pressing several keys including the “Enter” key several times. In doing so, and with “autocomplete” activated so that her bank account info needn’t be manually filled in, Belinda makes a $100 (US) donation to an excellent charity. When she wakes up to see what has happened on her laptop, Belinda is confused but pleased. She does not regret her donation, and she does not try to get her money back. She plans to make future donations, but in a more deliberate way.

One might argue that we have an easier time praising than blaming. So, we might say that Belinda and Raquel are praiseworthy for the tackle and the donation even though Jeff and Joe are not blameworthy for the pedestrian’s death and the skaters’ injuries. For my purposes, it’s fine if we accept such a claim. But it is puzzling to say that Raquel is praiseworthy for doing something that was not caused by her good will, just as it seems incorrect to hold Joe and Jeff blameworthy for doing things that was not caused by their bad will. It also seems odd to dissociate Raquel from the tackle, Belinda from the donation, Jeff from the punch, and Joe from the pedestrian’s death. For each of these people clearly intended to do what they did. What happened was exactly what they wanted to happen, even if it happened inadvertently or accidentally. They took responsibility for what happened. They owned the event. So, we need a principled way of diagnosing these cases. That’s my focus in Section 3.

3 | ARISTOTLE ON REGRET, THE NON-INTENTIONAL, AND PARDON

Aristotle’s Nicomachean Ethics (EN) iii 1, iii 5, and v 8, and Eudemian Ethics (EE) ii 6–910 contain interesting discussions of the differences between voluntary actions and involuntary actions, and their connections to responsibility.11 Praise (ἔπαινος) and blame (ψόγος), Aristotle says, are given for actions (πράξεις) and passions (πάθη) that are voluntary (ἔκοσια) (EN iii 1.1109b30-31). In contrast, for involuntary (ακούσια) actions, pardon (συγγνώμη) and sometimes also pity (ἐνίοτε δὲ καὶ ἐλέου) are given (1109b31-32). The involuntary (τὰ ἀκούσια) actions occur (a) by force (βίᾳ), that is, when the cause is in the external circumstances and the agent contributes nothing, such as being carried somewhere by the wind, or (b) by reason of ignorance (δί ἀγνοιαν) of the particular circumstances of the action, such as being ignorant of what one is doing, who one is, what or whom one is acting on, and to what end one is acting (1110a1-2, 1110b1-3, 1110b25-1111a20.). Acting by reason of ignorance is different, for Aristotle, from acting in ignorance: If S hits a pedestrian due to S’s decision to get drunk and drive home, then, for Aristotle, S “is thought to act as a result not of ignorance… yet not knowingly but in ignorance” (EN iii 1.1110b27-28). The voluntary (τὰ ἔκοσια) actions are those in which
“the moving principle [ἡ ἀρχὴ] is in the agent himself, he being aware of the particular circumstances of the action” (1111a22-24). The causes of the action must be in the agent rather than external to the agent in order for the action be considered voluntary. In general, for Aristotle, S does A voluntarily if and only if the cause of A is in S, and neither force nor ignorance cause S to do A. And if an action is involuntary, then we (should) pardon or even pity S for doing A.

But Aristotle does not simply discriminate between the voluntary and the involuntary, and between actions we praise or blame and those we pardon or pity. He also discusses cases and agents that he calls ‘non-voluntary’ (οὐχ ἐκοσιου) or ‘not willing’ (οὐχ ἐκτιμ) (1110b18, 23). He argues that there are cases in which S does A neither voluntarily nor involuntarily. An action done due to ignorance of the particular circumstances of the action is not voluntary. But it might also fail to be involuntary. If S does not feel pain, regret, or whatever are the appropriate retrospective emotions and attitudes given the nature of A, and S did A because of ignorance of the particular circumstances, then, according to Aristotle, S “has not acted voluntarily, since [S] did not know what [S] was doing, nor yet voluntarily, since [S] is not pained” (1110b21-22). Since, for Aristotle, we ought to pity or pardon S for doing A only if S did A involuntarily, and since he clearly separates actions done non-voluntarily from those done involuntarily, it follows that, for Aristotle, there are actions that are not done voluntarily where S should not be pardoned for doing A. One helpful way (courtesy of Brown (2009:218)) of clarifying Aristotle's distinction is by understanding the voluntary as the intentional and the involuntary as the unintentional. For it would be odd to label ‘unintentional’ an action that S does not regret, even if S's doing A satisfies a condition for being not voluntary. Aristotle seems to reason as follows: “if you don't regret the unintentional action, once you discover the mistake, that shows you would have done it intentionally if you had known, hence it cannot be called involuntary, since that equates to contrary to one's intention (and not merely unintentional)” (ibid.). Aristotle holds, then, that we should not pardon (let alone pity) S for doing A if S does not feel the appropriate retrospective attitudes toward S’s doing A, even though S did A non-intentionally or non-voluntarily. If S is forced to do A but S takes pleasure (rather than the appropriate remorse) in having done A then, Aristotle seems to think, we have good reasons to believe that A was in line with S's intentions even though S did not do A because S wanted to do A. So, it's inaccurate to say that S did A intentionally, but also inaccurate to say that S did A unintentionally.

Note that Aristotle does not seem to go in for the much stronger view that, in a case where S was physically unable to avoid doing A, S goes from not morally responsible for A to morally responsible for A due to S's not feeling the appropriate retrospective attitudes (such as pity or regret) for A. Rather, for Aristotle, if S was physically unable to avoid doing A, such that it is obviously not the case that S did A voluntarily, then, for Aristotle, S is not blameworthy (or praiseworthy) for A. For instance, if a gust of wind pushes my umbrella into someone's back as I walk past her, where I was physically unable to stop the umbrella from hitting that person's back, I am not morally responsible for my umbrella hitting that person's back. I am pardoned for hitting that person with my umbrella if I show the appropriate retrospective attitudes such as regret. For if I have and express regret then I did not act voluntarily but, rather, involuntarily. If, instead, I do not show any regret for having hurt someone with my umbrella, then I acted neither voluntarily nor involuntarily, neither intentionally nor unintentionally. So, I shouldn't be pardoned. I acted non-voluntarily but not voluntarily, non-intentionally but not unintentionally. That doesn't entail that I ought to be blamed or held morally responsible for hurting the person with my umbrella (though, of course, I am probably blameworthy for my lack of remorse). For if it is obvious that the gust of wind is the main cause of the injury to the person, rather than any malicious intention of mine, then I should not be morally responsible for hitting the person with my umbrella. After all, no one is morally responsible for the unavoidable effects of the weather.
One might worry that it is contradictory for an action to be neither pardoned nor blamed. For when Aristotle says that pardon, excuse or lenient judgment (συγγνώμη) is the appropriate judgment for agents who perform actions that are not voluntary, what he means, one might think, is precisely that S should not be blamed for A. Therefore, what Aristotle means for an agent not to deserve pardon, when an agent does not express the appropriate remorse, is that S should be blamed for A (or, more precisely, that S shouldn’t not be blamed for A). So, to say that S should be neither blamed nor pardoned for A is to say that S should be both blamed and not blamed for A. That’s a contradiction. But in response, I should note that Aristotle certainly makes room for a category wherein S is neither pardoned nor blamed for A. For, as I explained above, (a) Aristotle says that the voluntary is the category containing those cases where S is praised or blamed for A; (b) Aristotle says that the involuntary is the category containing those cases where S is pardoned for A; and (c) Aristotle says that there are cases and agents where S neither acts voluntarily or intentionally or willingly (ἑκὼν) nor involuntarily or unintentionally or unwillingly (ἄκων) (EN iii 1.1110b18, 23). From (a)–(c), it follows that there are some cases, for Aristotle, where S should be neither blamed for A nor pardoned for doing A, neither held morally responsible for A nor judged kindly, excused, or pardoned for A. In addition, as I explained above, actions that are forced in the proper sense (βία), that is, where S physically can do nothing but A, are, for Aristotle, the paradigmatic examples of actions that do not deserve blame. Therefore, Aristotle does leave room for actions to be neither pardoned nor blamed.

Moreover, Meyer (1993) helpfully points out that Aristotle's word translated as “pardon” or “excuse” or “lenient judgment,” namely, συγγνώμη, has a wide range of uses: It can refer to a judgment that S “should not be blamed or receive legal sanction for the injustice (Rhetoric 1374b4-22, 1374a21-25; cf. Magna Moralia 1201a4-5)” (p.86). But, Meyer says, the renunciation of blame is not as important a feature of συγγνώμη as is the renunciation of anger and resentment toward S: “to have συγγνώμη toward someone is to renounced anger or resentment toward him (EN 1126a1-3)” (ibid.).

It is quite reasonable in some cases to not renounce anger or resentment toward an agent (such as Joe or Jeff) without blaming that agent or holding that agent morally responsible. So, it does not seem unreasonable to read Aristotle's account in this way, so that his account leaves us room to neither pardon nor blame S for doing A. Nor does it seem unreasonable to extend Aristotle's account to cases where we're interested in a relation between S and a mere event, E, rather than an action, A. This allows us to identify a useful middle ground, a way of associating S with A or E in a reasonable way, and leaving room to criticize S for A or E, to hold S as a proper object of reproach for A or E, without holding S genuinely morally responsible (blameworthy) for A or E.

The connection Aristotle draws between retrospective attitudes and the non-intentional is one of the least studied elements of his account. Anscombe's well-known book Intention (1957) does not attend to this area, taking involuntariness to be the negation of voluntariness. And though John Hyman (2015:77–91) gives a fresh and careful examination of Aristotle's different answers to the question of what counts as a voluntary action (and, in particular, whether the scope of compulsion includes pressure that fall short of main force and do not leave a person so psychologically debilitated that he is literally unable to resist the demands of the one who exerts pressure), Hyman does not attend to Aristotle's account of the deeply important connection between retrospective attitudes and the non-voluntary. Instead, Hyman focuses on Aristotle's accounts of the distinctions between voluntariness and involuntariness, concluding that Aristotle's Eudemian doctrine (which holds, unlike Aristotle's Nicomachean doctrine, that duress does negate voluntariness) must be right.13

But Aristotle is by no means unique in emphasizing the non-intentional. Some contemporary philosophers of action also argue for a third category, the non-intentional, outside the usual categories of the intentional and the unintentional. But they do so without appealing to retrospective attitudes. Chan (1995), for example, argues that mannerisms and habitual actions are non-intentional since they are
not done in the course of acting for a reason. Alfred Mele and Paul Moser begin by considering Gilbert Harman's example of a sniper who, in firing his gun and trying to kill a soldier, knowingly alerts the enemy to his presence (1997:121). The sniper “does not intend to alert the enemy to his presence. But he still intentionally alerts the enemy, thinking that the gain is worth the possible cost” (ibid.). Mele notes, “many will deny that the sniper unintentionally alerted the enemy… But that denial does not, in any obvious way, commit one to insisting that the actions in question are intentional” (1997:20).

So, Mele suggests, “there is a middle ground between intentional and unintentional action” (ibid.). Specifically, those actions that an agent does not at all aim at performing but which are nonetheless performed without understanding or by accident or inadvertently “are properly located on that middle ground. They might be non-intentional, as opposed to unintentional [and as opposed to intentional]” (ibid.). Moser and Mele argue that side-effect actions, such as the sniper's alerting the enemy by firing his gun, are located on “a middle ground between A-ing intentionally and A-ing unintentionally” (1997:231).

Moser and Mele do not, though, discuss whether ascribing non-intentionality to some actions has some interesting implications for moral responsibility. In addition, my cases (Joe's killing a pedestrian, Jeff's punching the skaters) are not side-effect actions. Indeed, my cases seem like accidents, in an important sense, so that Moser and Mele might suggest that we see Jeff's punch as unintentional or involuntary rather than non-intentional or non-voluntary. Now, taking a cue from Moser and Mele, I might argue that Jeff's punch is neither unintentional, because Jeff is aiming at the performance of this action as an end (as Moser and Mele put it), nor intentional, because Jeff hit the pedestrians accidentally, unknowingly, and inadvertently. But I think that the more natural and reasonable way to place Jeff's punch in the non-intentional category is to be attentive, as Aristotle is, to the relevant parts of Jeff's bad will, intentions, and retrospective attitudes. In particular, as Lesley Brown nicely interprets Aristotle, “if you don't regret the unintentional action, once you discover the mistake, that shows you would have done it intentionally if you had known” (2009:218). But if you would have done it intentionally if you had known, then this seems to show the action cannot be involuntary. For if an action is involuntary then it is, for Aristotle (and, I think, plausibly for many of us), contrary to your intention and not merely unintentional. It seems, then, that Aristotle's delineation of a third category or middle ground between the intentional and unintentional, between the voluntary and the involuntary, is plausible by the lights of (at least some of) contemporary philosophy of action. But the way in which Aristotle delineates that third category, by paying careful attention to an agent's remorse and other retrospective attitudes, is underexplored. It's also deeply relevant to the sorts of cases and questions in which I'm interested here.

To be clear, my discussion does not require uncritical endorsement of the claim that anytime S does A without showing any remorse for A, S therefore performed A non-voluntarily (rather than involuntarily). For instance, if I pick up a blue pen and in doing so shift a piece of paper a couple of inches to my right, and I feel no remorse whatsoever for shifting the paper (since the paper's motion was completely irrelevant to me), one might argue that my shifting the paper does not therefore go from involuntary to non-voluntary. The paper's motion remains involuntary despite the fact that its motion was not contrary to my intentions. Even here, though, I do not think it implausible to say that if I show satisfaction with my action's effects on the paper's motion, then those effects are not properly regarded as involuntary. To show satisfaction is importantly different from merely failing to show remorse. Returning to Harman, Mele, and Moser's sniper example, if the sniper were to fire a shot and remain unaware of the fact that she alerted the enemy, and therefore had no opportunity to show remorse for alerting the enemy, I see no issue in labeling her alerting the enemy as involuntary. But if the sniper were to become aware of the fact that she alerted the enemy, and if the sniper were to show satisfaction with her alerting the enemy, then it seems inaccurate to say that the sniper involuntarily...
alerted the enemy. The sniper did not voluntarily alert the enemy. But nor did she involuntarily do so. Or, to take a deeply relevant contemporary example: those responsible for starting the COVID-19 pandemic might well have not intended to start the pandemic. If they were unaware of their having started the pandemic then there would be no reason for them to show remorse. But if they became aware of their accidentally having started the pandemic then we would expect them to show remorse. If they were to show satisfaction, it still seems wrong to say that they started the pandemic intentionally: they did not start it because they wanted to start it. But if they show satisfaction then it also seems wrong to say that the action or event was strictly unintentional. For satisfaction with the pandemic suggests that they intended the pandemic to occur. This appears to be a helpful way of connecting insights from Aristotle, Mele, and Moser with respect to a third category outside the voluntary and the involuntary.14

4 RETURNING TO JEFF AND JOE: NEITHER PARDON NOR BLAME

Consider, again, Joe's killing a pedestrian in *Angry Truck Driver* and Jeff's punching and injuring some skaters in *Cold Punch*. Joe and Jeff intended to do what they accidentally did. They take responsibility for what they did. They own their actions. Or, if you prefer, they own the morally relevant events. Rather than showing remorse and regret, Jeff and Joe show pride and satisfaction in the death of the pedestrian and the serious injuries suffered by the skaters. They intend to do similar things in the future. In fact, Jeff and Joe say that they would rather have done these things intentionally rather than accidentally. It's clear that Jeff and Joe are blameworthy for their lack of remorse. But are they blameworthy for unwittingly and accidentally causing death (in Joe's case) and serious injury (in Jeff's case) to other people? And these are not extraordinary cases. How do we assess similar cases? It seems odd to hold them morally responsible: as the standard account of moral responsibility makes clear, it is incorrect to hold someone morally responsible for something he did in ignorance and not at all freely. But it also seems odd to let them off the hook: what happened was exactly what Jeff and Joe wanted to happen, and it's clear that they would have done the same thing (intentionally) if given the chance.

I suggest that we apply Aristotle's distinctions to such cases so as to nicely motivate an intuitively and theoretically attractive diagnosis: Joe is not morally responsible (blameworthy) for doing something he was physically unable to avoid doing, but Joe should not be pardoned let alone pitied for hitting and killing a pedestrian. That is a plausible and principled way to assess those cases, in my view. Moreover, as I’ll discuss after applying Aristotle’s distinctions below, some helpful points from the contemporary literature (from Calhoun, Enoch, Mason, and Williams) help to fill in this Aristotelian answer. In particular, to say that Joe should not be pardoned for the pedestrian's death is consistent with saying that Joe is an appropriate target for reproach for the death. It is also consistent with holding Jeff and Joe justifiably liable. We ought to associate Joe's agency and intentionality with the pedestrian's death even if we do not firmly connect the two. If Joe had shown and felt remorse and regret, and taken responsibility in the appropriate way, then Joe would indeed be pardoned and would not be an appropriate target for reproach. We would, in that case, firmly separate and dissociate Joe's agency and intentionality from the pedestrian's death. And even if we were to hold them at all liable in this different sort of case, we would do so in a much lighter and more understanding way.

In particular, Aristotle's account helps us to understand that and why Joe is not blameworthy for hitting and killing a pedestrian. It is not just true but also obvious, on Aristotle's account, that Joe did not act voluntarily or intentionally, because the moving principle and the cause of the action was not in Joe, but, rather, in the speed and size of the truck, the timing and placement of the large explosion that distracted Joe and would have distracted any human being with a sense of hearing, the
comparative (absence of) friction of the surface on which the truck was traveling, the timing of the teenager's carelessness, and other such factors other than (physical and psychological) factors in Joe. This is importantly different from arguing that, because it was the case that Joe couldn't have done anything other than what he did, it must therefore be true that Joe isn't morally responsible for what he did. It is also importantly different from arguing that, because it was the case that Joe couldn't have done anything other than what he did, it must therefore be true that Joe didn't act voluntarily. Rather, applying Aristotle's account highlights the fact that the causes of the pedestrian's death were external to Joe: he is a good and careful driver; it was the pedestrian's carelessness and the explosion to Joe's left, rather than Joe's speeding or Joe's targeting a pedestrian on the road, that resulted in the teenager's death. When we look for evidence of the voluntary, then, we look for evidence that the causes of the action or event were in S, whether we construe those causes as physical or psychological or some combination of the two. This is not even to mention, of course, the fact that Joe was unaware of the particular circumstances of the action, such as the fact that there was a careless and unaware pedestrian wondering into the street in front of Joe's truck. So, Joe isn't morally responsible for hitting and killing a pedestrian. We shouldn't blame him for that specific event.

However, Joe's total lack of regret shows that Joe definitely did not act involuntarily or unintentionally. Joe's retrospective attitudes (and his expressions of those attitudes) are key, for Aristotle. Those attitudes show that, even though Joe did not kill a pedestrian because he wanted to do so, Joe would have killed a pedestrian if circumstances had been different such that Joe had a choice. His lack of regret, his cold and indifferent satisfaction, and his resolve to do similar things in the future show that what happened was what Joe wanted to happen. Joe didn't kill a pedestrian intentionally, but the evidence suggests that killing a pedestrian was nevertheless in line with Joe's intentions. As such, Joe did not act unintentionally or contrary to his intentions, even though Joe did not act intentionally. Or: Joe acted neither voluntarily nor involuntarily. So, Joe should be neither pardoned nor blamed for hitting and killing a pedestrian.

But it isn't ideally informative to say that someone should be neither pardoned nor blamed for something. To fill in this picture, I suggest that we draw on some helpful distinctions from more recent literature on related puzzles. Consider, first, Bernard Williams’s (1976) insightful discussion of regret. As Williams observes, if a non-negligent driver accidentally kills a pedestrian, both the driver and a bystander can and normally do regret the pedestrian's death. But Williams argues that there is a particular feeling about the pedestrian's death that is unavailable to bystanders. This retrospective attitude is only available to someone whose agency is, or seems to be, clearly connected to the pedestrian's death. The driver can experience a kind of agent-regret, whereas the bystander (and others whose agency is not, or does not seem to be, in any way connected to the pedestrian's death) cannot. Enoch thinks that Williams is right. Enoch (2012) is especially interested in the normative aspect of agent-regret. That is, Enoch is interested in the distinctive duty of the driver (as opposed to the bystander), for example, to feel agent-regret.

I think that both Williams and Enoch make helpful and relevant points. Williams is right to emphasize the descriptive side of agent-regret: normally, someone whose agency is, or seems to be, connected to a morally awful event such as a pedestrian's death does feel a special kind of regret. We feel remorse when we see someone suffer an injury. But we usually feel a different kind of remorse, altogether, when we believe that our agency is connected to the person’s injury. And I think that Enoch is right to emphasize the normative side of agent-regret: even if a driver is non-negligent, such as in Joe's case, the driver ought to feel a special kind of regret if he is was driving the truck when the truck hit and killed a pedestrian. In particular, “there is something morally amiss with the non-negligent driver who kills a pedestrian, and feels nothing except for the sorrow the bystander feels” (Enoch, 2012:96). Notice that Williams and Enoch bring out a subtly but importantly different observation from the one
Aristotle brings out: it isn’t just that the presence or absence of regret in general tells us something significant about how we ought to associate or dissociate a person’s will and intentions from the action or event but, also, there is a special kind of regret that is and ought to be felt by the driver (for example) as opposed to the bystander. Jeff and Joe ought to feel not just regret in general, not just the kind of regret felt by a nearby shopkeeper or someone skating on the opposite side of the rink; rather, Jeff and Joe ought to feel a special, distinctive kind of regret. Moreover, in my cases, it isn’t merely the case that Jeff and Joe fail to feel the appropriate agent-regret. On top of that, Jeff and Joe feel and express precisely the opposite retrospective attitudes. They feel agent-satisfaction.

Even with Jeff and Joe's duty to feel a particularly important kind of regret, they should not (as I’ve argued) be blamed for the death or the injury. But Williams and Enoch emphasize additional reasons to reproach Jeff and Joe for the death and the injury. There are reactive attitudes such as reproach that fall importantly short of blame but which also make it clear that we do not pardon Jeff and Joe. We can direct reproach toward Jeff and Joe in a way that shows that we do not dissociate their agency from the death and the injury. As discussed earlier, Chesire Calhoun (1989) helpfully distinguishes between different reasons for blame. Calhoun argues that men who are not responsible for their participation in sexist practices should not be excused or pardoned for their participation. She argues that we should reproach those men, even though they are not responsible, for the sake of helping to bring about important social reform. Of course, I do not think that Jeff or Joe should be blamed for the death or the injury. But if I take Calhoun to be distinguishing between reasons to blame (being blameworthy) and reasons to reproach (for social reform), rather than between different reasons to blame, her emphasis on social reform is helpful. It seems appropriate to reproach Joe for the pedestrian's death not as a public message about the importance of careful driving (for, after all, Joe is an excellent driver, and anyone in Joe's position would have been distracted) but, rather, so as to make it clear that Joe and others in similar positions have a duty to feel and express agent-regret. At the very least, it is appropriate to reproach Joe for the pedestrian's death so as to make it clear that Joe has a duty not to express agent-satisfaction. We should blame Joe for his agent-satisfaction. But we might also reproach Joe for the pedestrian's death because of his agent-satisfaction, where reproach is understood to be importantly distinct from any ascription or accusation of moral responsibility (blameworthiness).

There is, I think, still more to this assessment. Here I turn to two distinctions from Mason (2018), one of which I reject and the other I qualifiedly accept and apply. Whereas Enoch (2012) sees taking responsibility as an act of will, Mason argues that taking responsibility is more like a disposition. People who take on responsibility “do not actively do it so much as discover that they have done it” (Mason, 2018:178). If S appropriately respects the relevant people then S will just automatically take responsibility for E, Mason argues. One important feature my cases bring out, which Mason leaves unmentioned, is that, if S appropriately respects the relevant people, S will take responsibility for E in the right way. Jeff and Joe illustrate the qualitative ambiguity in “S takes responsibility for E”; it is possible to take responsibility in the wrong way, which might well be much worse than not taking responsibility at all. But something else that I think Mason misses is that, even if it's true that the feeling of responsibility is more like a disposition than an act of will, there are elements of taking on responsibility, such as public expressions of responsibility, that seem more like an act of will than a disposition. Joe might very well have a disposition to feel agent-satisfaction rather than agent-regret. But Joe's decisions to leave that disposition and its effects unchecked, as well as his decision to publicly express his agent-satisfaction, are acts of will. Mason confounds dispositions with explicit (and public) expressions of those dispositions and their effects. Similarly, even if we accept that Jeff and Joe have a disposition to feel agent-satisfaction rather than the appropriate agent-regret, we can maintain that Jeff and Joe's expressions of their agent-satisfaction are acts of will. It is important that someone in Joe's position expresses agent-regret. Since he fails to (even try to) express agent-regret,
Joe deserves reproach, as does Jeff. And since they not only fail to express agent-regret but, indeed, express agent-satisfaction, Jeff and Joe certainly deserve a good deal of reproach for events that they are, nonetheless, not responsible for (namely, the death and the injury, respectively). We should not suddenly pretend that the actions are genuinely Jeff's and Joe's. But nor should we dissociate Joe's agency and intentionality from pedestrian's death. It's importantly false that Joe hit the pedestrian because he wanted to do so, even though he did want to do so. But it's also importantly false that Joe felt and expressed the appropriate agent-regret.

A second distinction Mason draws, and one I accept with some qualifications and wish to apply, is between liability and moral responsibility. Mason argues that Enoch conflates liability and responsibility. Responsibility for what one's child does is an example of what Enoch calls “penumbral agency,” as briefly discussed earlier on. But Mason argues that “'penumbral agency’ is not really an area of agency at all” (2018:176). Instead, on Mason's account, what one's child does, for example, is “an area in which we might reasonably be held liable, but it would be stretching things to say that we might be genuinely responsible, or blameworthy” (ibid.). When we take on responsibility, Mason claims, we must own the action. It is appropriate to feel remorseful when an action is our own. But when we take on liability, such as taking on liability for the action of our child, we just have “a willingness to perform acts of recompense in the event of a bad outcome. It does not involve ownership, or the attendant feelings of remorse and so on” (2018:176). This seems plausible, as long as the parents are not clearly putting their children in an extremely unfortunate epistemic situation such as by telling (or showing) them that stealing and bullying and the like are morally permissible. In fact, it might well be crucial for non-negligent parents not to take on responsibility, but only liability, for their children's actions. For it is in part by accepting responsibility that a child learns to improve his/her behavior. Like non-negligent parents, I think that Jeff and Joe have a duty to take on liability. They ought to do their best to perform acts of recompense. Feeling and expressing agent-regret is not the same thing as taking the action to be one's own. To feel and express agent-regret for E is not necessarily to take responsibility for E. We should be careful not to pretend that rightful reproach for E is equivalent to rightful blame or a rightful ascription of moral responsibility for E. Connecting S’s agency and intentionality with E, rather than excusing or pardoning S for E and thus dissociating S’s agency from E, is importantly different from taking the cause of E to be in S.

Before discussing broader and more practical implications of my discussion, I should explain why I’ve argued that S deserves reproach for E unless S has the appropriate retrospective attitudes toward E or the absence of inappropriate attitudes toward E. Why is the latter clause necessary? One might worry: this disjunct allows S to be pardoned while failing to feel or express agent-satisfaction for a morally terrible event. But that's false: failing to feel or express any regret for a morally terrible event is itself an inappropriate attitude. The main reason, though, that I include the clause, “or the absence of inappropriate attitudes” is that S might not have the opportunity to feel or express any retrospective attitudes, much less any appropriate attitudes, toward E. Suppose, for example, that Joe had died immediately after killing the pedestrian. Then Joe didn't have the opportunity to react appropriately. It seems harsh to posthumously fail to pardon (and let alone to reproach) Joe for something death prevented him from having the opportunity to do (or the opportunity to choose not to do).

5 | CONCLUSION AND SOME BROADER IMPLICATIONS

I’ve given and analyzed cases in which (a) S is clearly not blameworthy or in any way morally responsible for an action or event, E, yet (b) S deserves reproach for E unless S has the appropriate retrospective attitudes toward E (such as regret) or the absence of inappropriate attitudes toward E.
Here I wish to address the important fact that cases where (a) and (b) hold include those where S had no knowledge of E and S did not bring about E freely, as well as some cases where S clearly had no causal influence or role in E. In particular, the latter sorts of cases include, in my view, some especially prominent examples such as our attitudes toward the children and grandchildren of those who had an active role in supporting and sustaining genocide, the descendants of slave-owners, and others who had no causal role in a morally appalling event and yet have some non-trivial, clear association and connection with that event.

Hitler is blameworthy for the Holocaust. We hold Hitler to be one of the individuals who holds a good deal of moral responsibility for one of the greatest atrocities committed in human history. We also hold responsible those Germans who aided the Nazis in their genocidal and warmongering efforts. Consider the descendants of Nazi Germans and those who aided the Nazis. A person born in 1960, fifteen years after the end of WW2, obviously did not have any impact on the Holocaust. He is not at all responsible for killing any of the millions of Jews who were slaughtered during that genocide. It would seem clearly incorrect to blame him for that genocide. But suppose that this person's parents both aided the Nazis in their efforts to find and kill Jews. Suppose, further, that this person knows all of this. We are still not entitled, surely, to blame him for something that was done fifteen or twenty years before he was born. What do we expect, though, of that person's attitudes toward the Holocaust? Do we expect that he should take responsibility (in the right way)? Do we expect him to take some liability? Of course, we would say that he should feel remorse and shame about what his parents did. But all human beings should deeply regret the fact that genocide occurred. Despite the fact that this is not really an area of agency (not even an area of penumbral agency) at all, there is a special sort of expectation, I think, for those who are associated in some non-trivial way with the agency responsible for genocide. It seems that we expect such a person to feel and express something closer to what Williams and Enoch describe as agent-regret, as opposed to its opposite, what I’ve described as agent-satisfaction. These sorts of cases help to show that the requirement that S should feel and express agent-regret as opposed to inappropriate retrospective attitudes toward E entails that S ought to exclude not just agent-satisfaction but also what we might call agent-indifference. For the sake of illustration, consider three cases:

Paul expresses agent-satisfaction: Paul takes responsibility for his parents’ roles supporting the Holocaust. But he takes responsibility in the wrong way. He reacts inappropriately. Paul expresses pride in what his parents did. He says that his parents did the right thing and made the right decisions. He feels and expresses no regret, guilt or remorse about the Holocaust. He feels and expresses agent-satisfaction.

Michael expresses agent-regret: Michael takes responsibility for his parents’ roles supporting the Holocaust. He takes responsibility in the right way. Michael expresses especially intense shame about what his parents did, beyond the shame felt by other people without any connection to the Nazis. He says that his parents did a terrible thing and made appalling decisions. Michael feels and expresses profound regret, guilt and remorse about the Holocaust and his parents’ role in it. He feels and expresses agent-regret.

Matthew expresses agent-indifference: Though aware of what his parents did, Matthew says that he does not feel any differently than most everyone else does about the Holocaust. He feels and expresses the kind of regret that most people feel. But Matthew does not accept that he ought to feel or express a kind of regret that is in any way distinct
from the regret felt by people with no connection whatsoever to the agency responsible for the Holocaust.

It seems to me that we ought to dissociate Michael's agency from the agency responsible for the Holocaust. We should rigidly distinguish Michael's agency from the agency of his parents. The social reality is that, even though Michael was born years after WW2 ended, he might well be associated with what his parents did. Moreover, Michael will feel a kind of guilt that most other human beings do not feel. We should of course not blame Michael for the Holocaust. But, in addition, we should clearly excuse Michael from any reproach. As for Paul, obviously we should blame him for his pride in what his parents did. We should hold him morally responsible for his satisfaction. But, concerning specifically the Holocaust, I think that we should not dissociate Paul's agency from his parents’ agency. This does not entail that we ought to, or legitimately can, hold Paul morally responsible for something that was done twenty years before he was born. It does, though, allow us to legitimately reproach Paul not just for his satisfaction but also for his parents’ decisions. By not excusing Paul for what his parents did, by not dissociating his agency from his parents’ agency, we leave room to feel and express a good deal of reproach, criticism, disappointment, and other reactive attitudes that are importantly distinct from blame but also importantly distinct from pardon. To borrow Cheshire Calhoun’s (1989) nice distinction, we reproach Paul not just because we think he deserves reproach but so as to make socially and publicly clear the acceptable standards of behavior. In Matthew's case, similarly, we have room to hold him to be a legitimate object of reproach (though probably a good deal less reproach than in Paul’s case). Our expectation, I think, is that Matthew should feel a kind of regret that is distinct from the regret felt by those without any association with the agency responsible for the Holocaust. As a comparison, consider that, during WW2, there were some who had the power to intervene but expressed and acted on neither satisfaction nor any particularly intense kind of anger or resistance to the Nazi efforts. Some neither actively supported the Nazi efforts nor actively hindered the Nazi efforts (despite an ability to hinder). Agent-indifference can be a clearly inappropriate attitude.

I think that similar analyses will prove interesting and accurate for the attitudes (toward slavery) felt and expressed by the children, grandchildren, and great grandchildren of slave-owners and those who systematically persecuted and discriminated against, for example, those of Sub-Saharan African descent. In a similar vein, suppose (as is not unlikely) that there are individuals who started the spread of COVID-19 without intending to do so. Suppose that those agents started the current pandemic by doing something that more or less everyone does on a daily basis without giving it a second thought. Those agents had no malicious intentions at all. Now, if the agents showed regret after seeing the spread of COVID-19, we would excuse them from blame and reproach. But if the agents showed satisfaction rather than remorse, we would not dissociate their agency from the agency responsible for the pandemic. We would not let them off the hook even though they did not intentionally begin the pandemic. To blame them for something they did not intentionally start seems clumsy and wrong-headed. There are, then, underexplored and interesting features of the connections between quality of will, agency, blame, and reproach. Though the standard account of moral responsibility takes its cues from Aristotle’s discussion, we should direct more attention to the way in which Aristotle stresses regret and other retrospective attitudes. Through that attentiveness, and through the application of some helpful distinctions to some puzzling but not extraordinary cases, I’ve shed more light on the social and moral implications of a bad will. Most of our interest, as theorists about moral responsibility, has been focused on the period before and during the time of the action or event. We focus on whether S wanted E to occur before E occurred and when E occurred. But concentration on the matter of S’s attitudes toward E after E has occurred can help us solve puzzles for, and add realistic nuances to, standard accounts of moral responsibility. Quality of will does not lose relevance once E has occurred.
ENDNOTE

1 Or, at least, this is the way the standard account is normally expressed. But as John Hyman (2015:77) helpfully points out, knowledge and ignorance are contraries rather than contradictories. (Nor are freedom and compulsion contradictories.) So, to say that ignorance and compulsion are the two main excuses for responsibility is importantly different from saying that an agent must act knowingly and freely in order to be responsible.

2 Most philosophers take the quality of will condition to be included in the epistemic and control conditions. But not all: Michael McKenna (2012, 2018) takes the quality of will condition to be a separate condition altogether, such that even if Sam acts knowingly and freely Sam still might not be blameworthy for the hurtful comment. McKenna argues that in a dilemma case where Sam cannot avoid saying something hurtful to Charlie, but Sam harbors no bad will toward Charlie, Sam might well fail to be blameworthy (even though Sam acts knowingly and freely). I disagree with McKenna for two reasons. First, I do not think that Sam acts freely if Sam must act against Sam’s will. Second, I suspect that McKenna is conflating (a) Sam’s doing something morally wrong, and the importantly different matter of (b) its being morally wrong for Sam to do something. But I remain neutral here about whether the quality of will condition is a third, separate condition.

3 One might well think that this is importantly different from arguing that there are involuntary actions (and omissions), such as unjust anger and jealousy (and a lack of concern for other people’s welfare), for which we are morally responsible; see Robert Adams (1985) for a careful discussion of this category of actions. For it seems odd to claim that unjust anger and jealousy involve no bad will, especially if we are (or can be) blameworthy for our unjust anger. Also, my target cases will extend to mere events rather than actions.

4 Though both Enoch and Mason argue that in some cases, we should extend the realm of our responsibility by taking responsibility (and that we are then reasonably held responsible), they do so in markedly different ways. In fact, Mason argues that in Enoch’s cases, such as a parent whose children act in morally wrong ways, there is a reasonable claim to liability but not responsibility; that is, Mason argues that Enoch conflates a claim to liability with a claim to responsibility (2018:176).

5 Thanks to an anonymous reviewer for raising, and nicely articulating, this concern.

6 If the standard account of moral excuses holds that S is off the hook for A if it’s not the case that S did A because S wanted to do A, then this paper will show that the standard account of moral excuses is false.

7 However, I think there is something insightful and relevant about Calhoun’s emphasis on reproach for the sake of social reform. I’ll use that distinction later on (in Sections 4 and 5) to add detail to my analysis.

8 Randolph Clarke (2014) describes a different type of case, but one in which we are tempted both to excuse and to blame. Imagine that S has promised S’s spouse that he will get milk on his way home from work. S has not failed to do anything that he ought to do in order to help S remember to get the milk. S often reflects on his work on his way home without any bad effects (2014:165). S forgets about the milk. So, S shows no bad will. Cases of forgetfulness include much more important cases, of course. So, Clarke’s case is interesting. Clarke argues that S is responsible because S has fallen below a standard (167). But in Clarke’s forgetfulness case, unlike in my cases, there is a much stronger intuition that we ought to blame the forgetful person than there is in my cases that we ought to blame Jeff for the punch (and mutatis mutandis for my other cases). Also, my cases emphasize the importance of retrospective attitudes, whereas Clarke’s case does not.
Empirical studies in social psychology suggest that there is less reliance on causal reasoning when it comes to our judgments of praise than when it comes to our judgments of blame (Bostyn and Roets 2016). Philosophers have also become interested in asymmetries between the bases for our ascriptions of praise and the bases for our ascriptions of blame; see, for instance, Knobe (2003a), Knobe (2003b), and Knobe (2004), and Hindriks (2007).

There is also a discussion of voluntariness in Aristotle's Magna Moralia i 9–16. I’ll be focusing on the account in the EN. Throughout, Greek text is taken from Bywater's OCT, and English translations are taken (with some minor modifications) from that of W.D. Ross (the standard one). Greek text from the OCT (Bywater, 1894).

I say "responsibility" because it is controversial whether Aristotle's discussions ought to be read as accounts of merely causal responsibility or, more robustly, as accounts of moral responsibility. I think that my application of features of Aristotle's account will be of interest to those on both sides of that controversy (as well as to specialists in contemporary discussions of moral responsibility), though my summary of Aristotle's account will be skeletal at best and must focus only on those features directly relevant to my discussion here. I cannot, for instance, delve into the details of Aristotle's account of compelled actions, acts done due to compulsion, and how Aristotle contrasts forced actions from those done by compulsion proper. Meyer has a helpful discussion of this topic, carefully distinguishing for instance between rational compulsion (where S does A because A is the lesser of two evils facing S) and psychological compulsion (where the alternative to A is so painful that S is quite literally unable not to do A) (1993:98).

True, Aristotle's discussions of non-voluntary or non-intentional (οὐχ ἐξουσία) actions are not on physically forced actions but, instead, on actions where S can physically do otherwise but S does A because of a grave threat or overwhelmingly negative consequence of not doing A. But I do not see this as an obstacle to applying Aristotle's relevant distinctions and definitions to cases where S is physically unable to avoid doing A. Aristotle still nicely highlights the moral relevance of retrospective attitudes, and uses that relevance to carve out a category of actions that seem neither strictly voluntary nor strictly involuntary, neither strictly intentional nor strictly unintentional. It's also helpful, as I’ll discuss presently, that Aristotle leaves room for neither blaming nor pardoning S for doing A, on the basis of S’s doing A neither voluntarily nor involuntarily.

That is, Hyman argues that Aristotle's importantly different Nicomachean doctrine (which holds that an act is voluntary if the agent is aware of doing it and if he is able not to do it, implying that a person who gives way to duress acts voluntarily in every case except perhaps for torture) is inferior to the Eudeman doctrine. Also, I should note that, though Hyman does not discuss Aristotle's account of the connection between non-voluntariness and retrospective attitudes, Hyman writes in a footnote that “some philosophers reserve the term ‘involuntary’ for thoughts or changes in the body that the agent is unable to control, and distinguish between ‘involuntary’ and ‘not voluntary’. But although English usage matches this convention to some extent, it is not cut and dried” (2015:75–76). I am not entirely sure what Hyman means by his claim that the distinction between involuntary and not voluntary is not cut and dried. But if he means that there is more complexity to the distinction than many philosophers let on, then I agree with Hyman.

I am grateful to an anonymous reviewer for carefully expressing the need for this clarification. Miranda Fricker (2016) has an incisive discussion of agent-regret, applied to cases where a person, through no epistemic fault of his own, is under the influence of sexist prejudices. She compares such a person to Oedipus.

Moreover, even if that distinction is ignored or dismissed, there remains the controversial assumption that people have no control over her dispositions.
17. Though I think Mason is generally correct, context is surely crucial when it comes to a case such as the actions of one's child. If a parent clearly set a terrible moral example for a child over many years and the child merely follows the parent's example, then it seems to me that this really is an area of agency for the parent. But then it probably doesn't count as penumbral agency in Enoch's sense.

18. For discussions that helped to sharpen the ideas in this paper, I am grateful to Michael McKenna and Susan Wolf. For constructive and thoughtful comments and corrections on two earlier drafts of this paper, I am grateful to two anonymous reviewers for *Analytic Philosophy*.

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