
BEING FULLY EXCUSED FOR WRONGDOING

BY

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Abstract: On the classical understanding, an agent is fully excused for an action if and only if performing this action was a case of faultless wrongdoing. A major motivation for this view is the apparent existence of paradigmatic types of excusing considerations, affecting fault but not wrongness. I show that three such considerations, ignorance, duress and compulsion, can be shown to have direct bearing on the permissibility of actions. The appeal to distinctly identifiable excusing considerations thus does not stand up to closer scrutiny, undermining the classical view and giving us reason to seek alternative ways of drawing the justification/excuse distinction.

1. Introduction

It has become a commonplace in moral philosophy that there are two ways in which an agent initially thought to have committed a wrong action can be afforded a defence against an imputation of blame. On the one hand, it can turn out that the agent was *justified* in doing what she did – we might discover that, contrary to initial appearances, the action that the agent performed was sufficiently supported by moral reasons and therefore not wrong. On the other hand, it can be that some consideration *excuses* the agent for what she has done. Ever since Austin’s famous ‘A Plea for Excuses’ (1979) moved the distinction between justification and excuse into the philosophical limelight, it has been a staple of moral theorising. On the classical understanding of excuses, an agent is fully excused if and only if the situation is such that what was done was, on the balance of reasons, wrong, yet it is nonetheless not appropriate to hold the agent responsible for her action.

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This conception of excuses gains much of its initial plausibility from intuitions about concrete cases. A range of examples may, at first sight, make it hard to deny the assumption that there is such faultless wrongdoing. These cases invoke a familiar range of considerations that lead us to not find fault in the agent, yet simply do not appear to be in the business of affecting what one ought to do. Again going back to Austin, we may name duress, ignorance, mistake, compulsion and accident as prominent members of this set.

In this paper, I present a new line of argument supporting the case against the claim that full excuses, understood as cases of faultless wrongdoing, do in fact exist. My argument is to a large extent compatible with some other recent attacks on this view by R. J. Wallace (1994, ch. 5) and Eduardo Rivera-López (2006) but has what I take to be a significant advantage over them: It does not rely on any substantial presuppositions about what unifies the quite diverse class of excuses. My aim is to challenge the classical understanding of excuses as faultless wrongdoing by putting pressure on one of its driving motivations, namely, the appeal to distinctly identifiable excusing considerations. I shall argue that the idea that there are distinct, paradigmatic *kinds* of these considerations does, no matter how plausible it may appear at first sight, not stand up to closer scrutiny. To do so, I draw on an argument by counterexample that has been fielded in a different philosophical debate with quite impressive success: Frank Jackson's influential thought experiment about a doctor, Jill, facing the choice between three drugs (Jackson, 1991), which has convinced a considerable number of philosophers of the falsehood of objectivism about moral obligation.¹ As I shall argue, this has interesting implications for our understanding of excuses: those who embrace non-objectivism about moral obligation can no longer claim that ignorance excuses in the classical sense. In a next step, I extend the argumentative strategy. By constructing cases structurally similar to Jackson's, I show that two further paradigmatic types of excuses – duress and compulsion – can have direct bearing on the permissibility of actions performed by persons in their grip. This, in turn, undercuts the case for the existence of full excuses, classically conceived.

My aim in this paper is therefore relatively modest. I do not aspire to provide a deductive refutation of the possibility of agents being fully excused in the classical sense, but instead seek to cast doubt on a thesis that I take to be a very important motivation for believing in full excuses – the idea that there are certain *types of consideration* that are in the business of only eliminating culpability, while not affecting permissibility. I will show that this assumption is very hard to square with our intuitions since there are various cases in which the same considerations clearly directly affect what one morally ought to do. This gives us reason to consider alternative ways of accounting

¹Philosophers who explicitly credit Jackson's case as being the strongest available argument for non-objectivism include Andrić (2013), Graham (2010), Kiesewetter (2011, 2018, ch. 8), Mason (2013) and Zimmerman (2008, 2014).

for the intuitive difference between justifications and excuses that do not draw the line in terms of moral wrongness.²

I shall proceed as follows: first, I will briefly sketch the theoretical framework in which the notion of a full excuse operates and the types of cases that motivate it (Section 2). I will then present the argument against objectivism about moral obligation, showing how it bears on the debate about the existence of full excuses (Section 3). Moving beyond Jackson's argument and its immediate relevance for the excuse of ignorance, I lay out the above-mentioned structurally similar cases for duress and compulsion (Section 4). After briefly considering potential explanations of why these three types of considerations affect the permissibility of actions (Section 5), I sketch, in the roughest outlines, an alternative conception of excuses, showing that abandoning the claim that there can be such a thing as faultless wrongdoing does not have to amount to a conflation of the concepts of excuse and justification (Section 6).

2. *Excuses and excusing considerations*

As noted, my aim in this paper is to cast some doubt on the existence of excuses specifically understood as considerations that have bearing on culpability, but not on the wrongness of the action.

The Standard View: An agent is fully excused for performing a certain action A iff 1) it was wrong for S to perform A and 2) S is not at all culpable for performing A.

In what follows, I shall refer to this definition of excuses (presupposing that there are at least some cases in which agents are fully excused) as the Standard View. Almost all classical philosophical accounts of excuses endorse something along these lines.³

Let me first offer a couple of important clarifications regarding the Standard View. First, when I talk about whether an agent is culpable for

²I should note that I will limit my discussion in what follows to strictly moral excuses, leaving open the question of whether they straightforwardly transfer to other domains that employ an excuse/justification distinction, for example, the law (see Ferzan, 2011, for an overview).

³Here is a very clear example:

[O]ne has an excuse for what one has done just in case one's action was morally wrong but one is not morally culpable for it (Zimmerman, 2004, p. 259)

The two historic contributions that were probably most influential in establishing the Standard View as the dominant conception of excuses are Austin (1979) and Brandt (1969), though only Brandt is explicit in endorsing the Standard View. The view is also explicitly endorsed by Smith (1983, p. 543), Baron (2007, p. 22), Kelly (2013, pp. 244–245), and Brink and Nelkin (2013, p. 290).

some action, I have in mind roughly the question of whether it is fitting to hold her responsible, by directing paradigmatic responses such as blame towards her. This is not identical to the question about the all-things-considered appropriateness of expressing such responses. There might be considerations that speak against blaming someone while at the same time not undermining their *blameworthiness*, such as lacking the standing to blame on account of some prior similar wrongdoing of one's own.

Secondly, matters are complicated slightly by the fact that on any plausible account, culpability is a matter of degree. We might therefore have cases of partial excuse, in which agents are found to have acted wrongly and are appropriate targets of *some* blame – not, however, of as much blame as they would be if the excusing consideration did not obtain. In the following, I will bracket such cases, and instead only extend my focus to cases of full excuses, that is, excuses that remove any presumption of blameworthiness from the agent in question.

As already noted, the Standard View is commonly defended by appeal to certain types of considerations – paradigmatic excusing considerations.

Excusing Considerations: There exist some types of consideration for which the following is true: whenever these considerations are sufficient for an agent being blameless, this agent will be fully excused – they will be not at all culpable yet the action they performed nonetheless wrong.

A natural first step in almost any classical philosophical treatment of excuses is the drawing up of a sort of catalogue of considerations that fit this mould. Their mere existence is supposed to lend significant support to the Standard View. In what follows, I will make a case against *Excusing Considerations* by providing counterexamples to some of its most promising candidates. As I hope to show, many of the presumptive excusing considerations may be interestingly different from considerations more commonly referred to as justifications, yet – contra the Standard View – it is not their irrelevance for the deontic status of the action that sets them apart.

However, not to put the cart before the horse, I will first introduce three cases featuring some of the strongest candidates for universally accepted excusing considerations – compulsion, duress and ignorance. Besides giving a more concrete idea of the phenomenology of excuses that defenders of the Standard View take to support their claim, the cases will be of importance for my later argument, as the potential counterexamples will be developed on their basis.

Let us start with the excuse of compulsion.

Compulsion: Conchita is a doctor who suffers from severe arachnophobia. Whenever she sees a spider, she feels an overwhelming sense of fear, urging her to recoil from the spider. One night, while she is the only doctor on duty, one of her patients suffers a seizure. Conchita knows that if

the patient is not administered any medicine to stop the fit, he runs a risk of incurring brain damage. Conchita hurries to open the cabinet in which the medicine is stored. However, when she opens the cabinet, she finds a big black spider sitting on the vial. Though she knows the spider is not actually dangerous, she feels an overwhelmingly powerful urge not to pick up the vial, as she recoils in abject fear from the cabinet.

Conchita's case is a classic example of an excuse. Those sympathetic to the Standard View will describe Conchita's situation in the following way: Conchita has a strong moral reason to apply the medicine to her patient. The presence of the spider on the vial is not a sufficient reason not to do so. After all, it would involve no objective risk to her to brush off the spider from the vial. Even though the presence of the spider thus does not justify refraining from giving the medicine, it may nonetheless excuse Conchita. Given that her phobia is genuine, leading her to be subject to overwhelmingly powerful urges to recoil from the spider, it seems that it would not be appropriate to blame Conchita for her failing to do what is morally required of her. Note that my talk of 'overwhelmingly powerful urges' here is deliberately vague. One natural way to spell it out would be to say that Conchita's phobia makes it *impossible* for her to decide to remove the spider from the vial. As we shall see later, however, understanding it thus allows the opponent of the Standard View to employ the principle of *Ought implies Can* to build a quick and, in my view, convincing argument to the effect that Conchita is not actually fully excused in this case. For the sake of the argument, I shall therefore stick with the somewhat vague formulation of 'overwhelming urges' for now. One advantage of the counterexample strategy I will pursue is that it does not rely on any specific way of spelling out of how these urges operate.

Second, consider a case of duress:

Duress: Dudley is the owner of a small grocery store in a neighbourhood that has recently come under the influence of a gang of mobsters. One day, a group of them come in and threaten to beat him up unless he fires one of his employees, Ralph, and instead hires one of their relatives. Dudley knows that Ralph is an excellent worker who does not deserve to be fired and that losing the job would have severe consequences for him and his family. Nevertheless, the threat of violence is too much for Dudley to stomach, and he fires Ralph on a pretence the next day.

In this case, the consideration that excuses Dudley is the fact that there is a threat of violence issued by the mobsters, which exerts considerable psychological stress on him. This fact, so at least goes the line of thought the defender of the Standard View must espouse, does not make it the case that Dudley's action is not overall wrong. Nonetheless, it seems inappropriate to blame him – he is excused. If blaming Dudley in this case does not seem inappropriate to you, feel free to replace the threat by the mobsters with something more horrific in this and all related versions of the duress case.

I take it that at some point, these increasing levels of threat will intuitively render Dudley blameless. Similarly, if Dudley's firing Ralph seems clearly *justified* to you, such that keeping Ralph on would be supererogatory, feel free to replace the threat with something less horrific. If *Duress* is to be a case of an agent that is fully excused in the classical sense, there must be a 'sweet spot' in which the threat is sufficiently weighty to fully remove blameworthiness, yet not weighty enough to justify firing Ralph.⁴

Finally, consider a case of ignorance:

Ignorance: Iggy has invited a friend over for coffee. Since he knows that his friend likes her coffee sweet, he takes out his sugar jar and adds two teaspoons of sugar to the cup. Unbeknownst to Iggy, however, the sugar has been laced with a flavourless poison. After drinking the coffee, his friend collapses in agony.

Again, the idea is the same: Iggy ought not to have added the sugar to the coffee, thereby causing the poisoning. However, given that he did not know that the sugar was poisoned, and *could not even have known* given his evidence, Iggy is excused for the wrong action of poisoning his guest.

3. *The case against ignorance as a full excuse*

While this is one plausible way of understanding Iggy's situation, it is not the only one. In fact, philosophers disagree on whether it is the case that Iggy ought not to have added the sugar at all, which turns out to be highly relevant for the prospects of the Standard View. The disagreement occurs in the context of the long-standing debate between objectivists and non-objectivists about moral obligation. The central point of contention is this: Given that our morally relevant choices and decisions are almost always made in less than perfect epistemic circumstances, how does our epistemic position affect our duties? Roughly speaking, objectivists believe it is the *objective fact of the matter* that determines what we ought to do. If some action A is impermissible, this will be because it has some objective property X which renders it so, irrespective of whether or not we are able to know that it has this property.

Non-objectivists, on the other hand, disagree. Their position is motivated by the realisation that, as cases like Iggy's show, the objective state of the matter regarding X may often be beyond our epistemic reach. But facts that lie beyond our reach, so goes one simple thought motivating the position, cannot impinge on what we are morally obligated to do. The camp of non-objectivists further divides into two distinct positions, depending on

⁴Of course, that there is such a 'sweet spot' is an assumption which I will ultimately challenge. However, we should grant it now, for the sake of the argument.

what, rather than all objective facts, is taken to be defining for our moral obligations instead. Subjectivists think it is our *doxastic states* that determine what we ought to do – on a simple variation, action A will turn out impermissible if the agent sincerely believes A to have property X.⁵ Perspectivists instead generally focus on something like the notion of *evidence*: whether action A will turn out impermissible in virtue of X turns not on whether I actually believe it to be X, but rather on whether the evidence at my disposal would sufficiently support a belief that A is X.⁶ In what follows, I will mostly be concerned with the contrast between objectivism and non-objectivism broadly construed, leaving open whether subjectivism or perspectivism is the best way of fleshing out the non-objectivist position.⁷

The disagreement between objectivists and non-objectivists has striking implications for the acceptability of ignorance as a full excuse. On non-objectivism, the very same consideration we took to be necessary for the agent being excused – that is, the epistemic limitations that the agent is subject to – is sufficient for the act performed not being wrong. Having acted wrongly, however, is a necessary condition for being fully excused on the Standard View. This leaves non-objectivists no choice but to conclude that Iggy, as in fact all agents that appear to be fully excused by their ignorance, is *not* in fact fully excused – he is instead justified. This, in turn, paves a way for a challenge to the Standard View as applied to the excuse of ignorance. Any convincing argument for non-objectivism turns out to also be an argument against the possibility of a full excuse of ignorance or mistake, at least in the way that we first understood it.⁸

One of the most influential such arguments for non-objectivism is fielded by Frank Jackson (1991). This argument has many virtues that may explain the significant impact it has had on the debate, one of which,

⁵For classic statements of subjectivism, see Prichard (1932) and Ross (1939).

⁶See, for example, Kiesewetter (2018), Zimmerman (2014), Mason (2013) and Fox (2019).

⁷Though I believe that ultimately perspectivism represents the more plausible candidate. For some arguments in support, see Zimmerman (2008, ch. 1).

⁸The qualification is important here. It is open to the non-objectivist to hold that there is an epistemic filter on obligation while there is also a second, different class of epistemic limitations to culpability proper (Zimmerman, 2008 goes in for such a dual account – see especially, ch. 4). To illustrate this option with a simple version of such a dual theory, one might hold that one acts morally wrongly in doing A because of X only if one has sufficient evidence for X, whereas one is culpable for doing A because of X only if one in fact believes that X. On such a view, there would be situations of full excuses due to ignorance, namely in cases where agents have evidence for X (and thus act wrongly), but do not believe X (and thus are not culpable). While there is therefore dialectical space for full excuses from ignorance even in view of Jackson's argument, two facts should be noted that may make this option less palatable for the defender of the Standard View. First, someone defending such a dual theory will have to admit there is no excuse of ignorance *proper*, but rather an excuse of *ignorance against the evidence*. Second, it is far from clear that the arguments for the blamelessness of agents who are ignorant against the evidence will be finally convincing. After all, there appear to be clear examples of cases of ignorance that is itself culpable and thus does not excuse (Smith, 1983).

namely, its relatively weak presuppositions, will be of particular importance for my purposes here. The argument does not proceed from potentially controversial premises about the nature of morality, the guiding function of the moral ought, or anything like that. Instead, it principally relies only on intuitive judgments about cases.

Jackson presents a case of an agent facing a decision in a situation of limited knowledge but where the agent, Jill, is only ignorant about morally salient features of *some* of her options, being furthermore aware that her epistemic access is thus limited. In virtue of these crucial features, the case supposedly directly supports the view that the agent ought to act according to her evidence or beliefs, while not lending equal support to the idea that she is fully excused for not complying with what she objectively ought to do.

Jill is a physician who has to decide on the correct treatment for her patient, John, who has a minor but not trivial skin complaint. She has three drugs to choose from: drug A, B, and drug C. Careful consideration of the literature has led her to the following opinions. Drug A is very likely to relieve the condition but will not completely cure it. One of drugs B and C will completely cure the skin condition; the other though will kill the patient, and there is no way that she can tell which of the two is the perfect cure and which the killer drug. What should Jill do? (Jackson, 1991, pp. 462–463).⁹

To assess the case, let us first simply stipulate that it is in fact drug C that will cure the condition. Let us further stipulate that as a doctor, Jill is under a moral obligation to provide good care to her patients, and that administering a complete cure represents a substantially better quality of care than merely administering a partial cure. Given these facts, objectivism implies that the right thing to do for Jill would be to prescribe C. However, this seems intuitively wrong. Clearly, Jill, as a morally conscientious person and a responsible doctor, would want to prescribe drug A. In her situation, prescribing drug C would be an unjustifiably risky course of action. But according to objectivism, choosing A is guaranteed to be a morally wrong choice. After all, the objective facts of the situation clearly yield that there is a better option than A, namely, C, the full cure. More importantly, Jill herself *knows* that prescribing A is not what she objectively ought to do – she knows that one of the other two options available to her is the full cure, which is by any means to be preferred to the only partial cure that A provides.

From this setup and the premises of objectivism it thus seems to follow that Jill, as a morally conscientious person, would have to deliberately do what she knows to be morally wrong. This seems like an unacceptable result, however. One core function of the moral ought surely is precisely to give us

⁹Jackson's example bears strong similarity to an earlier case by Regan (1980, p. 265). A further structurally similar example is Parfit's mineshaft case (2011, p. 159).

an idea of what a morally conscientious person would do.¹⁰ At the very least, we do not want it to be possible that a morally conscientious person would ever *deliberately* decide to do what she knows to be morally wrong. It thus seems that objectivism cannot be right about the moral ought, as its being right implies that the conscientious person's choice, namely, A, is morally wrong. While Jackson's argument by example is of course not uncontested,¹¹ and non-objectivism faces some substantial challenges of its own, the impact the argument has had on the debate is nonetheless impressive. As already pointed out, the group of people that have felt the force of Jill's case is considerably larger than that of those it has left cold.¹²

Given the immense influence Jackson's case has had on the debate between objectivists and non-objectivists about rightness, it is somewhat surprising that its importance for the phenomenon of excuses in general has not been appreciated as widely.¹³ If what I have argued here is correct, then there is good reason to take more seriously the challenge that Jackson-style arguments against objectivism represent for the classical conception of excuses. After all, examples featuring agents acting from ignorance are amongst the most commonly cited paradigm cases for full excuses.¹⁴

4. *Extending the counterexample strategy*

In the following, I will attempt to use a version of the same argumentative strategy to cast further doubt on the Standard View, employing examples that share some of the structural features of Jackson's original case. I will present three-option cases (3OCs) for the other two of the three candidate excusing considerations introduced above, that is, duress and compulsion. My aim in the following is to show that both duress and compulsion can be shown to affect an agent's moral obligations in 3OCs. If a consideration can be shown to influence what an agent ought to do in 3OCs, this renders the idea that the same considerations can affect culpability without affecting

¹⁰Some try to solve the problem posed by the case by distinguishing multiple senses of ought, one of which is fact-relative, another evidence-relative (see, e.g. Ewing, 1947, pp. 112–144, Parfit, 2011, pp. 150–164). As Benjamin Kiesewetter (2011, pp. 2–3) has convincingly argued, however, this just pushes back the question without exonerating objectivism. Even if we allow for such a proliferation of oughts, the agential perspective still requires a univocal answer to the deliberative question of 'What ought I (morally) to do?'. To answer this question, appeal to an 'overall' ought simply remains necessary. On its strongest reading, Jackson's argument is meant to show that this overall sense of ought cannot be objectively determined.

¹¹A common strategy against Jackson's argument is to deny that the morally conscientious person will not do what she knows to be a morally wrong action. For such arguments, see Dorsey (2012) and Graham (2010).

¹²See the list in Note 1.

¹³One important exception here is Littlejohn (forthcoming), who focuses on epistemic excuses.

¹⁴See, for example, Austin 1979, p. 22f. The argument in Zimmerman (2004) also proceeds from an example of excuse through ignorance.

permissibility in other cases a lot less plausible. The core examples of excusing considerations that support the Standard View thus stand on insecure footing. Or so I shall argue.

I will, as above, start with the excuse of *Compulsion*:

3OC-Compulsion: Conchita is a doctor who suffers from severe arachnophobia. Whenever she sees a spider, she feels an overwhelming sense of fear, urging her to recoil from the spider. One night, while she is the only doctor on duty, one of her patients suffers a seizure. Conchita knows that if the patient is not administered any medicine to stop the fit, he runs a risk of incurring brain damage. Conchita hurries to open the cabinet in which the medicine is stored. However, when she opens the cabinet, she finds a big black spider sitting on the vial. Though she knows the spider is not actually dangerous, she feels an overwhelmingly powerful urge not to pick up the vial, as she recoils in abject fear from the cabinet. However, there is a second medicine stored in a separate cabinet where there is no spider present. This medicine, if administered, will not stop the fit, but instead considerably weaken it, leaving the patient with no risk of brain damage, but the prospect of some uncomfortable soreness of the muscles for the following few days. What should Conchita do?

How does this case spell trouble for the defender of the Standard View? Recall the original case: In *Compulsion*, we assumed that the presence of the compulsion influences Conchita's culpability without having an impact on her obligations. Conchita ought to have administered the seizure-stopping drug but was faultless because she was in the grip of her fear. In *3OC-Compulsion*, however, it seems not to be the case that Conchita ought to apply the seizure-stopping drug. To bring this out, we may consider what we would recommend to her as fully informed moral advisors. Considering all the details of the situation that she finds herself in, it seems clear that the right thing to tell her is that it would be permissible for her to give the seizure-easing drug, which can be administered in a way that avoids the object of her fear. In fact, we may consider it required, given that attempting to give the seizure-stopping drug may lead Conchita to fail to administer any medication in time. As a morally conscientious person, Conchita ought to factor her limitations into her moral reasoning: it would be downright irresponsible of her to ignore her compulsions when deliberating about what to do.

Of course, we might say that the world would be *better* if Conchita gave the seizure-stopping drug. After all, this would spare the patient some uncomfortable muscle pains in the coming days. An advisor could thus perhaps still appropriately recommend giving the seizure-stopping drug as a supererogatory action for Conchita.¹⁵ This would not help the defender of the Standard View, however. For if giving the seizure-stopping drug is to be supererogatory, giving the seizure-easing drug must be at least permissible. Otherwise, the former would not represent the kind of

¹⁵I thank a referee for Pacific Philosophical Quarterly for raising this possibility.

going-beyond-the-call-of-duty that is characteristic of, and necessary for, supererogation. Whether we conclude that an impartial advisor would recommend giving the seizure-stopping drug as a supererogatory action, or giving the seizure-easing drug as the required safe option (in light of possible overall failure by Conchita), it cannot be that it is wrong for Conchita not to give the seizure-stopping drug in *3OC-Compulsion*.

To some, it might yet come naturally to conclude that Conchita acts wrongly in *3OC-Compulsion*. On this view, what Conchita ought to do in this situation is simply to ‘get a grip’ on her fear and apply the seizure-stopping drug. We might express this through a kind of conditional advice: ‘Given your decision not to take the spider-vial, you ought to *now* give the second-best drug. But to begin with, you really should have gotten a hold of yourself and administered the full cure.’ But if this description of the situation is the correct one, then we can no longer sustain the assumption that Conchita was fully excused in the original *Compulsion*. If it is within Conchita’s power to conquer or circumvent her fear and regain enough control over her emotions to make the decision to brush off the spider in both cases, then I believe it is natural to assume that she would be blameworthy to some extent if she does not do so in the two-option case. If we instead hold fixed the type of phobia to be such that absolutely no level of blame would be appropriate in the original *Compulsion*, we cannot but endorse the conclusion that it is not the case that Conchita ought to give the seizure-stopping drug in *3OC-Compulsion*.

Assume, then, that this description of the case is correct. This would show that compulsion of the type involved in both *Compulsion* and *3OC-Compulsion* can after all justify an agent’s actions, rather than merely excusing them.¹⁶ To bring this out in the clearest way possible, compare *3OC-Compulsion* with a case in which the phobia is wholly absent, and both cupboards with the drugs are available. Call this case *No Compulsion*. In *No Compulsion*, it seems perfectly clear that Conchita acts wrongly and is blameworthy if she does not give the seizure-stopping drug. If she instead only administers the seizure-easing drug, just because of the presence of a spider and the slight discomfort that the brushing off of the spider would bring to most ordinary people, we would rightfully consider her to be culpable of committing a serious moral wrong. As we have stipulated that the only difference between *No Compulsion* and *Compulsion* is precisely whether the phobia obtains, it appears obvious that this compulsion must be what is doing the justificatory work. Thus, we can conclude that compulsion of the kind in play in Conchita’s case *can* have an impact on what agents are morally required to do.

¹⁶That is, of course, if one presupposes the classical conception of excuses, while also limiting one’s claims to only full excuses, as I have proposed we do in Section 2. In Section 6, I will sketch alternative conceptions on which compulsion still excuses, notwithstanding the results of this section.

An example along very similar lines can be constructed for the excuse of *Duress*:

3OC-Duress: Dudley is the owner of a small grocery store in a neighbourhood that has recently come under the influence of a gang of mobsters. One day, a group of them come in and threaten to beat him up unless he fires one of his employees, and instead hires one of their relatives. Dudley has two employees that are potential candidates for firing – Ralph and Ollie. Dudley knows that Ralph is an excellent worker who does not deserve to be fired and that losing the job would have severe consequences for him and his family. Ollie, on the other hand, is a mediocre worker, whose occasional slip-ups have lead Dudley to issue a few minor reprimands and warnings. Furthermore, Ollie comes from a relatively wealthy family, and Dudley knows that the loss of income will not mean any serious hardship for them. Nonetheless, on balance, Ollie does not deserve to be fired, and being fired will cause him some amount of emotional pain. What should Dudley do?

Again, the assumption in the original case was that Dudley ought to not fire Ralph, and that the presence of duress does not change this situation. *3OC-Duress*, however, again challenges this assumption. Here, it seems not to be the case that Dudley ought to refrain from firing any of his employees. As the situation stands, it is natural to judge that, in light of all the morally relevant factors, it is permissible for Dudley to fire Ollie. He is not morally required to refrain from firing any of his employees.¹⁷ This is not, however, because firing Ollie is something that is within Dudley's remit in the first place. Again, we can compare our verdict regarding a version of the case without any threat – *No Duress*, and will find that in this case, Dudley would be acting wrongly in firing either Ollie or Ralph. The case thus again shows that duress is not a fully excusing consideration – its presence can have an influence on what an agent is morally required to do in a situation. In fact, when considering Dudley's situation, this is not a particularly surprising result. It would be remarkable if the risk of harm that Dudley faces did not affect the correct outcome of his moral deliberation.

Let me put the results of the presented cases into context. If the argument goes through, all that is shown is that the presence of compulsion or duress can have *some* effect on the permissibility of an action. An action that would normally be morally wrong can become permissible by the mere presence of duress or compulsion. Duress and compulsion are thus not *excusing considerations* in the sense explained above. This, however, does not yet amount to a conclusion that contradicts the Standard View. The Standard View implies, strictly speaking, not that an agent will be excused in the classical sense in *all* situations in which duress or

¹⁷It could, nonetheless, of course still be supererogatory for Dudley to refrain from firing either worker.

compulsion render him faultless, but only that there are *some* situations where this is the case.¹⁸

One way for the defender of the Standard View to adapt their account to the concession that duress and compulsion only sometimes excuse would be by arguing that these considerations have both an excusing and a justifying force. Call this the *Dual Role Response*. For illustration, take Dudley's case(s) again. It seems plausible to assume that Dudley's reason not to fire Ralph is weightier than his reason not to fire Ollie. Though they are both weighty enough to give Dudley decisive reason not to fire any employee in *No Duress*, their difference in weight might nonetheless be taken to explain the differences between *Duress* and *3OC-Duress*. A defender of the Standard View might describe the situation in the following way: The mobsters' threat gives Dudley a reason of some weight to act according to their demands. This reason is sufficient to outweigh Dudley's reason not to fire Ollie, yet not to outweigh his reason not to fire Ralph (because this latter is weightier). However, in addition to its reason-giving force, the mobsters' threat also has an excusing force. There is some range of situations in which the duress Dudley is under will not suffice to justify his actions, yet be sufficient to fully excuse him. It is plausible that this range is not upwardly open, however. If, for example, the mobsters in *Duress* do not ask Dudley to fire Ralph, but instead ask Dudley to kill him, still issuing the same threat of a beating, it seems quite clear that Dudley would not be fully excused if he complied with their demand.¹⁹

The Dual Role Response would allow defenders of the Standard View to retain their claim about the possibility of duress (and maybe compulsion) fully excusing morally wrong actions, while at the same time conceding that they do also have an impact on questions of permissibility. However, I believe that they do so only at substantial theoretical cost. Two considerations in particular are worth pointing out in response to the Dual Role Response just sketched.

First and quite simply, I believe that one important initial source of appeal for the Standard View and the classical account of excuses is a

¹⁸Besides, there may of course be alternative candidates for excusing considerations beyond compulsion, duress and ignorance. I will discuss some of these below.

¹⁹For illustration, it might be helpful to adopt a slightly simplified picture and assign some arbitrary numbers to the reasons in play. Dudley's reasons against firing both employees are represented by reasons with negative weight: the weight of [reason to fire Ralph] is -40 and the weight of [reason to fire Ollie] is -20 . The Dual Role Response could then claim that the mobster's threat gives a [reason to avoid threat by firing someone] with a positive weight of 30 , and that duress furthermore fully excuses agents in those cases where the balance of reasons in favour of defying the threat does not exceed 15 . We would then have a situation in which the balance of reasons for firing Ollie is positive ($30-20 = 10$, justified), while the balance of reasons for firing Ralph is negative, leading to a moral prohibition, yet by small enough a margin to fall into the scope of fully excused action ($30-40 = -10$, fully excused as it falls between 0 and -15).

(maybe implicit, maybe unreflective) belief in a duality of ways in which an agent can be shown not to be blameworthy for their acts. I hope the cases have gone some substantial way towards showing that *Excusing Considerations* is wrong and there simply is no such dichotomy. The agent-centred considerations of at least some of the classical types of excusing considerations also have bearing on the deontic status of the actions. This might weaken the appeal of the Standard View by itself.

Secondly, admitting the justifying force of duress and compulsion by following the Dual Role Response concedes that excuses operate in a narrower window than initially thought. The potentially excusing considerations like duress will only excuse an agent if the action performed was favoured and disfavoured by reasons the cumulative weight of which falls within a certain range. If the reasons not to perform the action are too weak, the agent will be justified, not excused (as in the example of Ollie). If the reason not to perform the action is too strong, the agent will end up being culpable for it, though perhaps to a lesser degree than she would be if the candidate excusing factor were not present (as in the 'kill Ralph!'-case). Depending on our intuitions about culpability, careful re-evaluation of cases might therefore go to show that the number of possible situations that ultimately really lend support to a thesis such as the Standard View is considerably smaller than it might initially appear.

The smaller the range of cases, the harder it furthermore becomes for the champion of the Standard View to defend the assumption that the presence of duress or compulsion really have the suggested duality of separable effects. After all, there are alternative ways of making sense of that elusive range of cases between clear permissibility and clear culpability without admitting the existence of full excuses. We might claim, for example, that although Dudley is culpable for firing Ralph, it would nonetheless not be appropriate for most of us to hold him responsible for his actions. This could be, for example, because we lack the standing to blame him for his blameworthy actions, given that we are very like to act similarly in an equivalent situation (Rivera-López, 2006, p. 141), or because we are simply morally required to sometimes 'cut others some slack' when they are only marginally culpable and their action does furthermore not spring from any serious malice or disregard for morality (Baron, 2007, p. 34). Given that those embracing the Dual Role Response must hold that the cases of full excuse are both fewer than one might initially assume, and that the balance of reasons is only barely sufficient for grounding a prohibition, resisting the Standard View through these alternative strategies of accounting for the inappropriateness of blame becomes much more viable once its defenders are forced into adopting the Dual Role Response by the three-option-cases.

5. *Explaining the results*

So far, my argument has been resting mainly on intuitions about the example cases that I have put forward. What these were primarily designed to do was to support the claim *that* ignorance, duress and compulsion have bearing on the permissibility of actions performed by the agents in question, not *how*. As I have already noted above, I take this to be a virtue of the approach, as it allows the argument to proceed without making potentially controversial assumptions about the specific ways in which duress and compulsion influence the decision-making of the agents in question. However, to integrate these thoughts into a fully convincing account of why the Standard View should be rejected, one would certainly want to supplement the basic argument by counterexample with a more extensive explanation of why these typical excusing considerations do not lead to situations of genuinely faultless wrongdoing. As sketched above, arguments for perspectivism and subjectivism about moral obligation provide the resources for such an explanation with regards to ignorance. Are similar explanations available for duress and compulsion?

My discussion of the Dual Role Response with respect to duress has already pointed towards a possible explanation for many cases – the threat an agent finds themselves under may provide a genuine justification for their action, or at least strongly shift the balance of reasons towards permissibility. Even if they turn out to be culpable, the reason-giving force of the threat will play an important role in explanations of why it appears inappropriate to blame agents such as Dudley – the balance of reasons makes it clear that Dudley’s culpability is minor at best.

In other cases, the most promising explanation for our intuitive judgments of non-culpability will instead ride on the impossibility of following the putatively right course of action. Take again Conchita in the *Compulsion* cases. As I already mentioned above, one very natural way to understand how her phobia affects her decision-making is that it acts as a sort of a mental blocker, rendering her unable to move any closer to the vial with the spider.²⁰ If this is the right way to describe the situation, however, then we are afforded a simple and convincing argument to the effect that Conchita is not actually morally obligated to administer the seizure-stopping drug. All we need to bring in is the widely accepted principle of ‘Ought Implies Can’ (OIC):

- i) Conchita’s phobia makes it impossible for her to pick up the vial.

²⁰The same kind of mental blocking can also happen as a result of duress. The threat of torture, for example, may lead an agent to be altogether unable to exercise the kind of self-control necessary to refuse the demands of the threat issuers, even in cases where they rationally judge that the pain endured would be overall less bad than performing the demanded act, and then make a genuine (but futile) attempt to act on that judgment.

- ii) If it is impossible for an agent to perform a given act, then it is not the case that the agent ought to perform that act (OIC).
- iii) *Therefore*: Conchita does not act wrongly in not picking up the vial.

If this argument is along the right lines, we are afforded a tidy explanation for our intuitively supported verdict in *3OC-Compulsion*. In fact, parallel arguments of this kind are even more obviously available in other hypothetical cases of full excuse. Consider cases of physical coercion or accident. If your hand moves across my face in a slapping motion because a stronger person grabbed and moved it, or because you non-culpably slipped and fell, the motion of your hand can easily be entirely out of your control, so that it is physically impossible for you to prevent your hand from performing it.²¹ In both of these cases, it seems that OIC straightforwardly implies that you do not wrong me, even though it is your hand that slaps across my face.²² In fact, it seems very plausible that in such situations, you cannot properly be said to have *acted* at all and are as such not a suitable target for any form of moral address regarding these occurrences to begin with. Yet, perhaps surprisingly, accidents and physical coercion feature in many of the classical catalogues of excuses, just like compulsion (Austin, 1979; Baker, 1983).

The cases just considered are of a relatively clear-cut variety. In other situations, the explanation of why an apparently fully excused individual turns out not to have acted wrongly can feature a combination of the factors just adduced. Take a case of excessive stress, which is also often presented as a clear-cut case of excuse (Kelly, 2013, p. 248, Franklin, 2013, pp. 496–497).

Excessive Stress: Emily is a Kindergarten teacher who is having a bad day. She has not been able to catch enough sleep in the last few days, her bike broke down on the way to work, and the children in her group have been particularly unruly all morning. When a child throws a toy at her, she snaps, screaming so loudly that the child ends up crying.

Again, the description of the case deliberately leaves open some of the details regarding the exact psychological mechanisms that lead to Emily's outburst. However, I take it to be hard to deny that, if she is indeed to be completely blameless for her outburst, she must lose control over her actions at least at the very last moment before it occurs. If it is a conscious decision on her part to scream, that is, if she deliberately *gives in* to the urge to do so

²¹A similar, though perhaps more exotic, situation would be one of perfect mental coercion, for example, through hypnosis or other forms of mind control.

²²An extension of very similar rationales is also at the heart of Eduardo Rivera-López's criticism of the classical account of excuses. He believes that an argument along these lines can be brought to bear on all types of excuses. On his view, excuses generally 'appeal to some kind of impossibility of the agent's performing the prima facie required action', which in turn is 'incompatible with the action being wrong, all things considered' (2006, p. 126). Unlike him, I do not think this explanation can successfully be extended to all type of excuses, in particular the excuse of ignorance.

instead of being overwhelmed by it, we will not take her to be fully absolved from culpability. That is not to say that the hardships she has endured, and the prospect of relief by ‘letting it all out’ in one liberating emotional tirade could not make such a decision to give in an extremely tempting proposition – so tempting, perhaps, that it would count as a significant mitigating circumstance in our assessment of her behaviour. Still, we would not say that her stress fully absolves her of all culpability unless it was really a situation of her just snapping, a temporary loss of control that leads to the outburst.²³ As far as this is how the situation is best described, arguments from OIC become applicable, just as in the case of compulsion.

However, the final moment immediately before the outburst is only part of a sequence of events that must be collectively evaluated to gauge Emily’s culpability. If she had the opportunity to rein in her feelings before they get the better of her (by stepping out and taking a breath, by concentrating and focusing, etc.) yet failed to avail herself of this opportunity, she may still be culpable even if controlling herself once the toy is hurled at her is impossible. At this point, epistemic limitations can come into play to supplement the explanation. While it is rarely the case that there are absolutely no steps that agents like Emily could take to avoid ending up in a situation where any self-control is fully worn out, it is certainly conceivable for Emily to be non-culpably unaware of the necessity of taking such steps. Emily’s evidence regarding her past behaviours, her current state of mind, and the possible situations that could arise in the short time before her long-awaited lunchtime break may quite clearly yield the verdict that stepping out for a breather half an hour before her break is not what she ought to do on balance, especially if it means temporarily leaving her colleagues alone with the children. Of course, she may later come to wish that she had done so. This, so at least the non-objectivist would argue, does not however mean that it was wrong for her not to step out – after all, *ex hypothesi*, she did as the evidence at her disposition required.

Cases like Emily’s show how the simple explanations proposed for ignorance and compulsion can be combined to provide for more complex accounts of why non-culpable agents in paradigmatic situations of excuse do not, after all, act wrongly. Of course, I have not provided any deductive proof that such a combined explanation will be available for all types of considerations that intuitively fully exculpate agents. This is a task I cannot fulfil in the space remaining. However, given what I have been able to argue here, the prospects of success for such an endeavour seem not at all bad to me.

²³For the differences in the phenomenology of losing control of oneself versus giving in to a temptation, see Sliwa (2019, p. 55).

6. *Alternative understandings of excuses*

Assume that the arguments above are to the point and we have at least some good reason to reject the Standard View. As I pointed out, this may seem like a radical conclusion to reach. For many, a main reason to resist the rejection of the Standard View is the great importance and usefulness that the distinction between justification and excuse has in everyday moral discourse. The concept of an excuse plays an important and distinct practical role that simply does not appear identical nor reducible to the concept of justification. Given this, one might be inclined to object in the following way: However convincing any arguments against the Standard View may be, if they require us to give up on this important distinction, then something simply *must* be wrong with them. This kind of objection is expressed very well by Michael Zimmerman:

It is sometimes said that a genuine or successful excuse serves to show that an agent has not really done anything wrong [...]. This claim, however, collapses the traditional distinction between justifications and excuses and ignores the fact that ascriptions of obligation, with which justifications have to do, are essentially a matter of how acts are to be evaluated, whereas ascriptions of responsibility, with which excuses have to do, are essentially a matter of how agents are to be evaluated [...]. (Zimmerman, 2008, pp. 171–172)

In response to this objection, it is important to note that the rejection of the Standard View does not by itself in any way imply that being excused and being justified are one and the same thing, or even that the concept of an excuse should be excluded from our moral discourse. All that is put into question is the idea that actions for which one is fully excused are wrong actions, actions which one ought not to perform. There are several considerations that can be adduced to make this conclusion appear substantially less radical than it may initially seem.

First of all, it should be noted that the guiding supposition of a dichotomous contrast in non-culpable action between excuse and justification has long been challenged from a different direction. Following Strawson (1976), many have offered a trichotomous scheme, on which blameless agents are either justified, excused, or *exempt*. Exemptions are generally taken to show that agents fall outside of the scope of morally appraisable behaviour altogether, because their rational capacities to respond to moral reasons are either completely lacking or have been (temporarily or permanently) compromised to an extreme degree.²⁴ Actions by agents who are exempt therefore cannot sensibly be categorized as wrong. Commonly cited examples of such global exculpatory conditions are infancy and insanity. If this kind of tripartite scheme is defensible, and there are good reasons to assume

²⁴See also Watson (1987) and Wallace (1994).

it is, we must already allow for a wide range of non-culpable human behaviour that is not properly understood as excused in the classical sense.

Secondly, I should again stress that the arguments presented here only challenge the idea of *full* excuses as faultless wrongdoing. Nothing that was said precludes the idea of *mitigating excuses* – considerations that have a bearing on what kind of response is appropriate in face of an act of putative wrongdoing without challenging its status as morally impermissible. The discussion already yielded a wide range of possible situations of agents who plausibly can proffer such mitigating excuses – agents suffering from compulsions that are powerful, yet not quite irresistible, or ones that face threats that are weighty, yet not quite overwhelming. Of course, we ought not to hold these agents responsible in exactly the same way as we would others – less severe reactions are appropriate. I believe that the large majority of real-life cases of excuse will turn out to be of this mitigating kind, including many that at first sight may appear as full excuses.²⁵

But we might yet worry about the possibility of utterly faultless action – as exemplified by cases like *Duress*, *Ignorance* and *Compulsion*, at least on some plausible interpretations. It is true that rejecting the Standard View commits us to holding that in one sense, all agents who are completely faultless are either exempt or justified. If their action is rationally assessable at all, there must be what we may call an *objective justification* for it, where this simply means that performing the action is all-things-considered permissible for them.

This, however, is a very broad sense of justification which need not yet rule out the possibility of excuse. We can retain the relevance of the notion of excuse in our everyday moral thinking by understanding excused actions as a distinct subclass of this broad set of objectively justified actions. To see how this is both possible and plausible, it is important to remind ourselves of the driving motivation behind Austin's forceful and persuasive presentation of the intuitive contrast between justification and excuse as mutually exclusive. Recall that Austin's original focus was on two incompatible ways in which an agent might actively deflect an imputation of blameworthiness by speech-act. On Austin's view, excuses and justifications are both pleas that can be *proffered* by the agent, or on behalf of the agent.

When we think of an agent engaged in *justifying themselves* in this plea-related sense, we naturally think of them as adducing reasons for their action, or perhaps arguing for a specific, as of yet unacknowledged, weighing of the reasons for action that shows their action to be clearly favoured on balance. Call the considerations that agents can draw on in justifying themselves in this way *justifications-as-pleas*. Crucially, not all considerations that lead to an agent being objectively justified can play this

²⁵Paulina Sliwa (2020) argues that a whole class of excuses, namely claims of moral ignorance, will – contrary to first appearances – necessarily turn out to be only mitigating, and not fully exculpating.

role as a justification-as-plea, as they do not themselves function as reasons for action. The fact that I do not know some pertinent fact about my situation or that I am a victim of some sort of psychological compulsion do not themselves speak in favour of the action to be performed – I thus cannot draw on them as justifications-as-pleas.

We can draw a lesson from Jonathan Dancy (2004, ch. 3) to further explain why this is so. The considerations just listed, which form part of the classical catalogue of excuses, plausibly serve as *modifiers* of some other reason(s), more specifically as *disablers* or perhaps *attenuators*. Because I am subject to them, other considerations that would normally have amounted to weighty reasons for performing certain actions (the unknown facts, the healing properties of the vial in the spider-infested cabinet) no longer do so. As modifiers, these considerations can make a difference to whether an action is (objectively) justified, without doing any justifying themselves.

This opens up valuable conceptual space within the class of considerations that can render an action objectively justified, allowing us to draw a distinction between excuses and justifications-as-pleas within the realm of objectively justified action. To be able to say that excuses avert blame in a fundamentally different way than justifications-as-pleas, we may think of excuses as a *special class of agent-centred disabling considerations* – considerations that can make it the case that performing a certain act is not wrong, while not being suitably adducible in favour of performing that act. When these considerations obtain, we may be justified in the objective sense because of them, but have no justification-as-plea to proffer.

This allows us to not only capture the intuitive difference that Austin was after, but also to make room for the contrast between the action-centeredness of justifications and the agent-centeredness of excuses that Zimmerman refers to. In fact, a focus on this latter dimension will be necessary for the account to have a chance of achieving extensional adequacy. After all, not all disabling considerations intuitively amount to excuses. The fact that someone has consented to being treated in some normally impermissible way by an agent, for example, appears to be a more action-centred type of disabler that intuitively does not amount to an excuse. Of course, substantial further work would have to go into delineating in sufficient detail the separable class of agent-based disablers that is to constitute excuses. At least at first sight, however, the prospects for such a project appear not bad to me, however.

Spelling out the difference along the lines just sketched also fits well with another influential way of understanding the difference between justification and excuse, namely, that of Strawson (1976) and Wallace (1994, ch. 5). On their view, what excuses do is to show that the excused actions are not meaningfully attributable to the agent, as the connections between the agent's actions and their intentions and attitudes are too tenuous or altogether absent – they are not, in Strawson's terminology, reflective of the agent's *quality of*

will. This idea gains support from the observation that, generally, justified bad action seems to involve some kind of moral deliberation on part of the agent, whereas excused bad actions are often of the type where the agent did not (get to) deliberate about the morality of their ultimately undesirable behaviour.

This ties in nicely with what I just said above. In the classical two-option cases that have been traditionally the focus of discussion in the literature on excuses, the obtaining of the excusing consideration affects the situation in such a way as to effectively remove any element of choice. In cases of overwhelming compulsion or extreme duress, the agent *cannot even take into account* the reasons speaking in favour of not performing the excused action, because all of the pertinent reasons for the alternative are disabled outright. Therefore, performance of this action does not flow from the agent's will in the same way as most other actions do. In the most extreme cases, the obtaining of the consideration can thus lead to a person's behaviour only being marginally recognisable as an action.

By reintroducing an element of agency through the availability of a third option, three-option cases can help bring out this disabling function. Their structure can make it transparent both to the agent and the observer that one of the three apparently available options is simply 'out of consideration' when compared with the still available alternatives. At the same time, they also reintroduce considerations that can be proffered in favour of performing an action leading to a certain objectively sub-optimal outcome. In *3OC-Compulsion*, for example, Conchita can adduce good reasons for choosing to give the seizure-easing drug. Interestingly, this may lead us to different verdicts regarding the same action, depending on the contrast class. When considering that [Conchita gave the seizure-easing drug rather than the seizure-stopping drug], Conchita will appear to us as excused. When considering that [Conchita gave the seizure-easing drug rather than nothing, *given* the overwhelming urge not to do what is necessary to give the seizure-stopping drug], Conchita will appear as justified.

Of course, fully fleshing out this alternative disabler-based way of understanding the concept of excuse is a task that yet remains to be completed, and by no means a small endeavour. I have so far only hinted at the general shape such a conception of excuses might take. However, I hope to have made clear that there are at least considerable resources at our disposal for crafting a convincing and extensionally adequate theory of excuses without resorting to the idea of faultless wrongdoing.

7. Conclusion

In this paper, I have presented a new argument to contribute to the existing, though, as I see it, significantly underappreciated case against the classic

understanding of full excuses as faultless wrongdoing. The Standard View, I have argued, draws much of its intuitive attractiveness from an appeal – often implicit, sometimes explicit – to an underlying duality of types of considerations that can show agents not to be blameworthy. Through a series of cases, I have attempted to show that things are not quite as straightforward, and that paradigm cases of putative excusing considerations do after all affect the permissibility of an agent's options. All that is needed to bring out this fact is to consider cases in which only some of the options available to the agent are constrained by the relevant considerations, and not, as in the classic two-option cases on which the literature has traditionally focused, all but the worst one.

Showing that the dichotomous *Excusing Considerations* does not stand up to scrutiny, however, can only be a first step in a more comprehensive refutation of the Standard View. Nonetheless, it is a foundation that is fit to be built on. As I have tentatively shown in the later parts of this paper, there are resources at our disposal for a comprehensive philosophical account of why an agent will only be utterly blameless for their actions in situations in which it is incorrect to say that they acted impermissibly. Providing such an account of the intimate connection between blameworthiness and all-things-considered moral obligation could also have further positive payoffs in contributing to our understanding of a wider range of issues in moral theorizing. For example, it might lend support to an understanding of morality as an essentially relational or social phenomenon (Wallace, 2019).

At the same time, embracing a view that rejects the Standard View does not force us to give up on the intuitive distinction between justified and excused action that Austin has powerfully drawn in his *Plea*. There are ways of delineating the class of excuses that do not draw the line in terms of all-things-considered permissibility, yet nonetheless capture the distinct role that excuses play. Of course, I have only given the roughest of outlines of which shape such a new understanding might take. To flesh it out to a satisfactory degree would be a further task that considerable amount of philosophical work would have to be invested in. But if something along the lines of what I have argued here is correct, then this is a task that is certainly well worth pursuing.²⁶

²⁶This paper has been in the making for a rather long time – I first presented some of the ideas contained here over five years ago, before more recently returning to working on these issues. As a result, there is a particularly long list of people that I owe gratitude to for their help throughout this process. I would like to thank Vuko Andrić, Francesca Bunkenborg, Stephanie Elsen, David Heering, Benjamin Kiesewetter, Thomas Schmidt, Bart Streumer, R. J. Wallace, Jake Wojtowicz and two anonymous referees for Pacific Philosophical Quarterly for their helpful feedback on earlier versions of this article. Material from this article was presented at the Humboldt-Princeton Graduate Conference, the Advanced Research Seminar at King's College London, the Workshop in Practical Philosophy at Saarbrücken as well as at Thomas Schmidt's and R. J. Wallace's research colloquia at Humboldt University, Berlin. I benefited immensely from the helpful exchanges on all of these occasions and am grateful to everyone involved for making them possible. Open Access funding enabled and organized by Projekt DEAL.

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