

BLAME IN THE AFTERMATH OF EXCUSED WRONGDOING

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Control accounts of moral responsibility argue that agents must possess certain capacities in order to be blameworthy for wrongdoing. This is sometimes thought to have revisionary consequences, because reflection on our moral practices reveals that we often blame many agents who lack these capacities. This paper argues that Control accounts of moral responsibility are not too revisionary, nor too permissive, because they can still demand quite a lot from excused wrongdoers. Excused wrongdoers can acquire duties of reconciliation, which require that they improve themselves, make reparations for the harm caused, and retract the meaning expressed in the original wrong. Failure to do these things expresses a lack of regard for the victims and can make those wrongdoers appropriate targets of blame.

I. INTRODUCTION

In “Two Faces of Responsibility,” Gary Watson noted that we often feel ambivalent about whether some wrongdoers should be thought of as blameworthy.¹ For example, serial killers seem to be appropriate targets of blame, in virtue of the fact that they commit egregious wrongdoing and are aware of what they are doing. But upon hearing about the poor formative circumstances experienced by Robert Harris, a serial killer who had been horrifically abused by his parents for many years, we become much more inclined to think he is excused for his actions.² He seemed to lack a fair opportunity to avoid developing his vicious character.

Watson argued that our ambivalence toward Harris can be explained by there being two kinds of moral responsibility: attributability responsibility and accountability responsibility. Accountability responsibility is the type of moral responsibility an agent must possess in order to be eligible for our ordinary conceptions of praise, blame, and sanctions. To say that an agent is accountability responsible is to say that it is appropriate to make moral demands of that agent

and to hold them to account if they fail to meet those demands. By contrast, to say that an agent is attributability responsible for something is to say that thing reflects on them in such a way that licenses moral appraisal or evaluation. In the case of wrongdoing, the wrong reveals a fault that is attributable to the agent.

This distinction has been accepted by a number of philosophers who think that in order to be an appropriate target of blame, one must be capable of understanding and complying with moral demands, which in turn requires that one possess certain capacities, such as the capacity to understand moral reasons and the capacity to direct one's will in accordance with these reasons. Call these philosophers "Control theorists."³ The attributability/accountability distinction is helpful because it allows Control theorists to explain why we have negative responses to a number of wrongdoers who, according to Control theories, are technically not blameworthy for their actions. Psychopaths have a cruel orientation toward other agents, making them attributability responsible. But the fact that they cannot understand moral reasons means they lack the capacity to do the right thing for the right reasons, and thus they are not deserving targets of blame.⁴ More fancifully, agents who are manipulated by nefarious neuroscientists are not blameworthy for their actions because they lack the kind of control necessary for culpability.⁵ Agents who commit unwitting wrongdoings, such as forgetting that their pet is locked in a hot car, or who are genuinely unaware that their ruthless business practices are highly immoral, are likewise excused if there was genuinely no point at which they could have prevented themselves from forgetting or could have found out that their take on what business practices are reasonable was mistaken.⁶

While the attributability/accountability distinction seems like a helpful way of making sense of our mixed feelings toward such agents, a number of other philosophers have been arguing that this ever-increasing list of excused wrongdoers shows that our theory of blameworthiness has taken a wrong turn. These philosophers argue that when we reflect on our moral practices, we should think that agents can be blameworthy for their actions even if they lacked the capacity to recognize or respond to moral reasons. According to these philosophers, what makes someone blameworthy isn't that they acted in certain ways despite having the capacity and opportunity to do otherwise. Instead, what makes an agent blameworthy is that their actions are attributable to them in such a way that expresses or reflects an objectionable attitude about the people that they wrong.⁷ Call this group of philosophers "Attributionists."

The benefits and costs to each kind of account of moral responsibility are well-established at this point. The advantage of Control accounts is that they provide a simple and intuitive account of what justifies blame. Blame is often thought to be appropriate because it is *deserved*.⁸ Wrongdoers who conduct themselves in criticizable ways while being capable of doing otherwise flout the moral demands we make of them, thereby expressing a disrespect for our interests, which in turn

makes it appropriate for us to resent them. But the cost to this simple justificatory story is that the theory excuses too many agents whom we feel inclined to blame.

Attributionism seems to more accurately reflect our moral practices in its blaming assessments. But our blame toward certain wrongdoers seems unfair since it allows agents to be blameworthy even if they had no capacity to do otherwise, and even if their objectionable characters seem to have been caused by very poor formative circumstances. It also seems hard to explain how moral demands can be apt when made to agents who cannot comply with them.⁹ It is this stage of the dialectic that I am interested in. While the Control theorists' argument that these agents may still be attributability responsible somewhat accounts for our negative responses, a worry remains that this isn't enough. In particular, victims of wrongdoing seem licensed to blame the perpetrators who wrong them, and a reply that their blame is understandable, but strictly speaking inappropriate, is less than satisfactory. Radzik points out that "the problem with a wrong committed against another person is not merely that a norm or rule has been violated but that a valuable being who deserves respect has been harmed and demeaned," and it seems this fact should play a greater role in our theory of moral responsibility and blame.¹⁰ The number of agents that Control theorists excuse leaves their account open to a charge of revisionism, with their conception of blameworthiness leaving out an important part of our moral practices. They seem to fail to give an account of "what we mean, i.e., of *all* we mean" by moral responsibility.¹¹

This paper argues that Control accounts are not too revisionary, nor too permissive, by examining a feature of our moral practices that has received relatively little attention in the moral responsibility literature: what should follow in the aftermath of excused wrongdoing. I argue that Control accounts can demand quite a lot from excused wrongdoers without thereby treating them unfairly or implicitly treating them as being deserving of blame. Although this doesn't settle the debate between Control theorists and Attributionists, it does overcome a significant objection that Control theorists have been facing for some time, and it undermines a source of support that many have thought to count in favor of Attributionism.

2. THE VICTIM OBJECTION

To help put a finer point on the charge of revisionism that Control accounts face, let's consider a recent argument that perpetrators of egregious wrongdoing should be excused. In "From My Lai to Abu Ghraib: The Moral Psychology of Atrocity," Doris and Murphy provocatively argue that the perpetrators of the Abu Ghraib prisoner abuses are excused for their wrongdoing.¹² Doris and Murphy argue that if "hot" wartime pressures such as explosions, gunshots, and enemy attacks can impede agents' capacities in such a way that excuses them, then "cooler" wartime pressures can, too, and the soldiers at Abu Ghraib were subject to these kinds of pressures. Few people are aware of the circumstances that the Abu Ghraib soldiers

were in prior to their wrongdoing.¹³ The area was subject to grenade and mortar attacks up to twenty times per week, fostering high levels of fear and anxiety. One soldier was so affected by seeing another soldier get blown up that he never took off his flak jacket. The prison had no sewage system, and the portable toilets regularly overflowed. The prison would turn into a sauna, heating to over 115°F in the summer, and the walls were unable to keep out windstorms. There was no top-down supervision, as the general in charge was also the head of sixteen other prisons, and she abandoned her duties at Abu Ghraib because of the danger and awful living conditions. The soldier in charge of the night shift would work up to 40 days straight at a time and slept in a prison cell. Some prisoners were violent, and corrupt Iraqi guards smuggled in guns and weapons to the prisoners, making the soldiers even more fearful, distrusting, and hypervigilant. Doris and Murphy argue that this environment, lacking in supervision, support, or basic amenities for months, led to incredible levels of stress, anxiety, and cognitive degradation, entailing that the soldiers lacked the capacities required for accountability responsibility.¹⁴

In response to this argument, Talbert, an Attributionist, objects that even if we stipulate that the soldiers were cognitively degraded, and even if we do nearly always excuse people who are cognitively degraded, these soldiers are appropriate targets of blame for their actions.¹⁵ This is because, on almost any account of moral responsibility that gives weight to our actual moral practices, it seems appropriate for these victims to blame their perpetrators:

Let us suppose that the soldiers at Abu Ghraib abused detainees because, under the pressures of military life, they unavoidably came to view the detainees as contemptible creatures who did not have the standing to object to being used as objects of sadistic amusement. In this case, if we were to say that, from the standpoint of strict moral fairness, the detainees should not regard their abusers as morally accountable for their actions, we would be telling the detainees that they are mistaken to regard their own victimization as good grounds for moral blame. But this seems to require the abused detainees to view their own victimization as something other than what it was and to view the abuse they suffered as morally analogous to a regrettable accident, a justified punishment, an attack by a wild animal, or some other harm not intentionally inflicted on the basis of morally offensive attitudes. But the treatment the detainees received was not accidental or justified. The abuses were intentionally inflicted, and if they were motivated by certain kinds of objectionable attitudes, then the people who suffered on account of the attitudes have as much right and reason to blame the people who abused them as anyone ever has.¹⁶

Call this “the victim objection.” The victim objection maintains that excusing perpetrators who lack the capacities to perceive and respond to moral reasons treats many victims of wrongdoing unfairly, and allowing victims to blame perpetrators who do not possess the kind of capacities that Control accounts require for moral responsibility is a regular feature of our moral practices. We should therefore reject Control accounts of moral responsibility.

Talbert's point in this passage is powerful, even if one is not an Attributionist. A large proportion of us *are* deeply uncomfortable saying that wrongdoers like the Abu Ghraib soldiers are not blameworthy for their actions. We do not think it is appropriate for them to plead innocent in court. We would not be comfortable with a judge ruling that they were allowed to go home and act as if they never did anything wrong. Even Doris and Murphy agree with Talbert's overall sentiment. In presenting their argument, Doris and Murphy recognize that their conclusion is intuitively "monstrous" and argue that we should adopt a doctrine of strict liability to make their conclusion more palatable, despite philosophers regularly rejecting this doctrine as unjustified.¹⁷

As already noted, Control theorists could stamp their feet and maintain that concerns for victims' interests are simply unrelated to questions about blameworthiness and desert. I think such a response would be unconvincing, and Control accounts would be much stronger if they could show that when we let victims of excused wrongdoing believe their blame is appropriate, we are not merely indulging them. Presently, Control theorists have said very little about what should happen after finding a wrongdoer to be excused, and failing to remedy this risks implying that victims are not entitled to express negative attitudes *as victims* toward their perpetrators, rather than as mere appraisers or evaluators of immoral behavior.

I believe that it is possible to respond to the victim objection in a way that does not require doing a disservice to victims of wrongdoing, abandoning a Control account of moral responsibility, or endorsing something as contentious as strict liability. My argument relies on a new understanding of what being excused for wrongdoing entails. I argue that excused wrongdoers can still gain new duties of reparation. However, arguing that new duties can account for our practices risks being unconvincing to Attributionists, since they can maintain that such duties themselves are evidence that such wrongdoers really are blameworthy. A stronger argument could thus be made if it were shown that wrongdoers who *both* Attributionists and Control theorists agree are excused still incur such duties. Let me now consider such a case.

3. AGENT-REGRET AND APPROPRIATE BLAME

In *Moral Luck*, Williams describes a thought experiment in which a lorry driver (truck driver) hits and kills a child while driving.¹⁸ The accident is not the fault of the driver. The driver was doing the speed limit, paying attention to the road, and had perfect reaction time, but he nevertheless killed the child. According to both Control theorists and Attributionists, the driver is not blameworthy for his actions. Since the driver lacked control over the final result, and no ill will, negligence, or objectionable attitude was displayed in his actions, Williams's question is whether the driver ought to feel guilt over what happened. This case

is relevant to theorizing about blameworthiness because guilt is often thought to be the first-person analogue of blame.¹⁹

We have conflicting attitudes toward the driver. On one hand, given the death was an accident, it seems that the driver ought not to feel guilt. Were he to feel guilt and blame himself, we would console him and draw his attention to the fact that there was nothing else he could have done. On the other hand, however, Williams points out that we also think the driver ought to feel bad about what happened. We may initially expect him to feel remorse, given that remorse “in general is something like ‘how much better if it had been otherwise.’”²⁰ But further reflection reveals this is not enough. An uninvolved passerby should also feel some remorse at the death of a child, but we would not expect her to feel remorse in the same manner as the driver. This is evidenced by how we would react if the driver did not feel any remorse at all. Imagine if the driver were to say: “After thinking about it, I’m excused for this death, so I actually don’t feel bad at all. There’s nothing I could have done, so I’ll be on my way.” If we saw this, we would be horrified and immediately reproach this callous driver to reflect on what had just happened. We would demand that he realize not only that a child has died, but that *he* has killed a child.²¹ While a passerby who shows no concern and keeps walking is callous and worthy of some reprimand, the driver’s callousness is much more objectionable, and in a different kind of way. For the driver to maintain that he had nothing to feel bad about “would be a kind of insanity . . . and it would be an insane concept of rationality which insisted that a rational person never would” feel bad.²²

While Williams argues that our conflicting attitudes can be explained by invoking the existence of agent-regret, I would like to provide an alternative diagnosis.²³ I believe that we in fact do not have contradictory responses to the question of whether the driver is morally responsible, because our responses arise in two different cases. In one case, the driver has agent-regret, and in the other he does not. Philosophers who analyze this case make the mistake of interpreting our varying reactive attitudes toward the driver to be a source of evidence about the appropriateness of blaming him for hitting the child, instead of taking the driver’s response to be a *separate* behavior that may be a legitimate target for our reactive attitudes.²⁴

Claiming that our reactive attitudes are responding to the driver’s response toward the child’s death (rather than responding to the fact that he killed the child) is promising because this is something he does have control over, potentially making him an appropriate target of the reactive attitudes according to Control accounts. This would give us a way to grant that the child’s family is entitled to blame the driver if he doesn’t express remorse, while also giving him a fair opportunity to avoid blame. This would make it possible to agree with the thrust of the victim objection, without having to abandon the claim that blame is appropriate only if it is deserved. But, as noted earlier, an uninvolved bystander can also respond in various ways toward the child’s death. And since their response doesn’t seem to trigger

the same varying attitudes in us, it appears that the driver's response alone can't be what explains our varying attitudes toward him. This seems like a problem, but I nevertheless believe there is something connecting the driver's causal involvement in the death with how he responds that our reactive attitudes then target.

The relationships people are in often determine which moral reasons or obligations are present, and this can in turn affect one's degree of blameworthiness for wrongdoing. For example, the degree to which an agent is blameworthy for walking by someone who is unconscious will differ depending on their relationship to that person. If they are strangers, the passerby may be described as callous. If a doctor walks by an unconscious patient, they can be guilty of malpractice and failing in their professional duties. And if a parent walks past their unconscious child, they will be guilty of negligence and possibly child abuse. In each case, the wrongdoer's level of blameworthiness depends on what duties they have. That is, their blameworthiness depends on what they are morally required to do in virtue of their relationship.

Although philosophers writing on moral responsibility are aware of this, I am drawing attention to it because the way many thought experiments proceed may lead us to mis-describe some cases. Philosophers typically begin their arguments by focusing on thought experiments where agents clearly have a duty but violate it. These philosophers then think about our reactive attitudes and moral practices regarding this wrongdoing. This is useful, as it could be confusing to focus on cases where an agent's blameworthiness is unclear in virtue of our uncertainty regarding whether they violated a duty. But in doing so, these philosophers risk missing cases where our reactive attitudes are themselves evidence that an agent had a certain duty that we had not previously recognized.

Williams's lorry driver thought experiment is one such case. My diagnosis is this: wrongdoers often acquire new duties to try to repair the relationship with their victims, even if they are not deserving of blame for their wrongdoing. That the driver was the cause of the child's death is enough to make it the case that he now has duties to apologize to the family and to show concern, *even if he is completely excused*.²⁵ Being excused for killing someone does not place one in the same category of obligation-holders as someone who never killed at all. Being excused does not make one *uninvolved*.²⁶

Furthermore, the manner in which the driver takes up or rejects these duties is something that expresses regard for the harmed parties and responds to moral reasons. If the driver apologizes profusely and tries to make up for his action, he is displaying a considerable level of positive regard toward the dead child and her parents. His attitudes and behavior communicate the tragedy of the situation and act as evidence that no ill will was present in causing the harm, even if we already knew the death was unintentional. Conversely, if the driver denies any wrongdoing, treats the child's death as simply unlucky, and rejects having any new duties, he thereby displays a level of disregard for which we can blame him. I

will spell out the nature of these duties below. Let me first make some comments regarding the broad idea that excused wrongdoers can incur certain duties.

While claiming that excused wrongdoers can incur new duties may be somewhat novel in the moral responsibility literature, upon reflection, it is not that surprising or controversial. This is something we experience regularly and take part in reflexively. If I knock your vase over, the required response is to apologize, clean it up, and offer to buy a new one, even if I was in no way negligent and took reasonable precautions to avoid breaking anything. Richards provides a thought experiment in which your neighbor goes to pick up your baby. Unbeknownst to her, your baby has been crawling in soap. As a result, your neighbor drops your baby, killing her. Richards argues this “would change for ever your feelings about [your neighbor]—no matter how clear it was that no one could have held that tiny, slippery, wriggling body.”²⁷ I believe this fact greatly affects what responses from your neighbor are morally permissible. Our apologies in these settings are not just politeness or a social norm, they are the *morally required* response to the situation, and those apologies or lack thereof are an appropriate target of our reactive attitudes. Again, if the wrongdoer in these cases focused on how they were excused and therefore need not feel any agent-regret or guilt, we would blame them and think our doing so is appropriate, even if we agree they are in fact excused for the original wrong.

I take this intuition to be shared by a number of philosophers. Similar sentiments have been expressed by Thomson, Lomasky, and Feinberg regarding a case where a backpacker caught in a blizzard breaks into an occupied hut and uses the food there to keep himself alive.²⁸ Although the remedial duties in this case are primarily cashed out in terms of compensation, these philosophers agree that the backpacker has incurred some duties, even if his actions were perfectly justified or excused. Other philosophers agree that similar principles apply in other cases. Cane argues that “our responsibility to repair bad outcomes can extend further than our responsibility to avoid faulty conduct. . . . Once we take account of the interests of the victim, it seems less clear that victim-focused obligations of repair should always depend on fault.”²⁹ Miller argues that if I accidentally knock someone over, I have an obligation to help that person back to their feet and make sure that they are not hurt. This obligation is stronger than that of other passersby, even though I did nothing wrong, and could not have taken any other steps to avoid knocking him over.³⁰ And Kramer points out that if an innocent man is sent to prison, the fact that there was overwhelming evidence suggesting he was guilty doesn’t absolve the state of any remedial duties.³¹ At the very least, the state is required to make a formal apology, and the man would be justified in feeling aggrieved at his treatment.³²

If one finds it unintuitive that agents could involuntarily gain duties in virtue of being an excused wrongdoer, it is worth noting that agents can involuntarily incur duties toward certain victims without being wrongdoers at all. Arguments

for this claim come from the literature on collective responsibility. Much of the literature on collective obligations focuses on basic duties of assistance, duties of compensation, or duties to cease collective wrongdoing.³³ But some philosophers also believe that individual agents can incur duties in virtue of being a member of a group, even if that agent has not previously behaved in any wrongful manner.³⁴ For example, Radzik argues that contemporary German citizens have particular political duties to preserve the memory of Nazi atrocities.³⁵ This is in order to restore trust between Germany and previously victimized groups and to demonstrate a commitment to never allowing such atrocities to occur again. Additionally, we often expect members of groups to denounce wrongs committed by fellow members. We expect representatives of the Catholic Church to do more in response to the child abuses committed by Catholic priests than, say, the Anglican Church, even if those Catholic representatives were equally as unable to prevent the assaults as the Anglican clergy. If Catholic bishops insisted they did nothing wrong, and so this matter had no significance for how they ought to behave, we would think those bishops are appropriate targets of blame.

One final set of cases where people involuntarily incur duties despite not being deserving of blame are cases where we cause “hurt feelings.” Shoemaker argues that there are many instances where we hurt someone’s feelings by making them realize that how we feel about them is worse than how they had hoped, expected, or believed.³⁶ For example, we can create hurt feelings by failing to like a present that was bought for us, failing to reciprocate someone’s interest in us, or forgetting the face of someone we’ve met several times before. These are cases where we do not violate any obligation or express a lack of regard or ill will, and our actions do not reflect objectionable attitudes. However, Shoemaker argues that it is appropriate to feel guilt when one causes hurt feelings in such cases, and I argue that such agents are obliged to apologize and try to repair the relationship.³⁷

Returning to the tension between the positions held by Doris and Murphy on the one hand, and Talbert on the other, my approach is a promising means of resolving our conflicting attitudes without having to bite any bullets. Assume that Doris and Murphy’s argument is correct. The Abu Ghraib soldiers lacked the capacity to perceive and respond to moral reasons, and so are excused. We can still maintain that they have a duty to make up for the harms they caused, and that they are blameworthy if they do not do so. On this approach, we do not have to treat the harm done to the victims as analogous to an unfortunate natural disaster. We do not have to adopt a doctrine of strict liability by saying that some agents are appropriate targets of blame even though they are not culpable. And we do not have to blame people who are undeserving of blame due to a lack of control over their actions. That my account is able to resolve our initial conflict without giving up one of these commitments counts considerably in favor of it. If the soldiers are excused for their actions, this alone does not yet settle whether they are appropriate targets of blame. They are still subject to further obligations that

are relevant to our assessments. If the soldiers were cognitively degraded, they are not to be blamed as instigators of violence because they lacked the capacities or kind of control required for moral responsibility. But they nevertheless have a duty to “make things right,” and if they fail to do so, they can be blameworthy for that failure, even if they aren’t blameworthy for the original wrongdoing.

If the soldiers were to feel overwhelming guilt and disavow their actions, our negative reactive attitudes toward them would lessen considerably. When setting up the victim objection earlier, I described the discomfort we’d feel if the soldiers were to plead innocent, be found not guilty, return home, and act as if nothing had happened. A large part of what motivates the victim objection is that we presume that excusing the soldiers entails this outcome. We presume that to excuse the soldiers is to grant them the liberty to act as if they never did anything wrong, the same as an uninvolved bystander, and this is an outcome that does seem unfair to the victims. But being excused, and being granted the liberty to go home and not make up for what has occurred, are two different things. The former does not necessarily entail the latter. When we recognize this distinction and have an alternative account of what it means to be excused, the victim objection loses much of its force.

4. ATONEMENT AND RECONCILIATION

The next question concerns what these duties consist in. In *Making Amends: Atonement in Morality, Law, and Politics*, Radzik develops a detailed account of what duties wrongdoers incur toward victims, the community, and themselves.³⁸ Although she focuses on culpable wrongdoers, I argue that her account can extend to cases of excused wrongdoing too.

Radzik argues that wrongdoers incur a duty to atone in virtue of their wrongdoing. While a “duty to atone” might sound punitive, Radzik’s understanding of atonement differs from our folk concept, which has associations with suffering, paying off a debt, and religious overtones. The original sense of the term was “at-one-ment,” implying a reconciliation in the relationship between perpetrator and victim. Radzik argues that the suffering that comes with guilt is typically good evidence that one takes their wrongdoing seriously, but wrongdoers don’t have any obligation to suffer.

To atone is to take steps that make one worthy of redemption and thus reconciliation with those they have wronged. A wrongdoer becomes worthy of being “redeemed” by making themselves worthy of re-evaluation: literally, worthy of being deemed (evaluated) again. They become worthy of re-evaluation in virtue of their response to their earlier wrongdoing. In particular, wrongdoers must merit being given esteem and trust to conduct themselves appropriately in order to re-establish a proper relationship with the moral community. When the wrongdoer atones, she gives the victim good reason to stop structuring their relationship to one another in terms of the roles of wrongdoer and victim.

Wrongdoers do not have an obligation to successfully reconcile with victims. Since some victims will refuse to reconcile, this would make any duty to reconcile beyond the wrongdoers' capabilities. However, wrongdoers do have a duty to make themselves worthy of being reconciled with and to create the conditions in which such reconciliation could reasonably take place. This may be impossible if the victim is dead. But partial atonement is possible in these cases, and worth aiming for.

In order to merit reconciliation, wrongdoers typically need to do three things. First, they must morally improve themselves. It is not enough to just convince others that they are trustworthy: they must actually become trustworthy. Second, they must change the meaning of their wrong act, by withdrawing the insult and the threat expressed in the wrong act (explained below), typically by apologizing. Third, the wrongdoer must make reparations for any material, physical, psychological, and relational damage that has occurred. Reparations should be made as symbolic gestures communicating that one is remorseful, and that one cares sufficiently about the victim. This is why symbolic gifts are usually more conducive to reconciliation than mere money, and why receiving \$1,000 from someone poor is more meaningful than receiving the same amount from someone rich. Symbolic apologies show that the perpetrator has thought about the victim and is sensitive to their cares. It is notable that psychologists have found that apologies are much more effective when there is a cost to the wrongdoer, with this being the case across cultures and religions.³⁹

Most cases of atonement, but not all, will have all three components, and many actions can fulfill more than one at the same time. For example, giving an expensive gift can help compensate for damages, express that one is sorry, and count as the kind of action that reflects a commitment to morality. The degree to which wrongdoers must atone is highly context-sensitive, but should be proportional to the severity of the wrong done. Given that victims are often well-placed to understand the impact of the wrong, atonement will be proportional if the victim would judge it to be proportional were they well-informed, rational, and not influenced by any vice.

Radzik indicates that she doesn't intend her specific account to apply to excused wrongdoing. For example, she notes that wrongdoers ought to feel guilt, which involves recognition that one has violated a norm "under conditions that neither justify nor fully excuse its violation."⁴⁰ But a number of considerations show the main features of her account can be extended to excused wrongdoers.

First, the motivations for the account apply to cases of excused wrongdoing too. Radzik is motivated by the thought that in the aftermath of wrongdoing, we ought to give adequate consideration to victims' interests and their perceptions of the wrong. In many cases, we think that victims ought to have some say in how wrongdoers are to make amends. These concerns are also present when we look at victims of excused wrongdoing. The victim objection is motivated by the

thought that we ought to give adequate consideration to victims' interests *qua* the person being wronged, and that they ought to have some say in how the perpetrators ought to behave, even if those perpetrators are not deserving of blame for their wrongdoing.

Second, the link that Radzik draws between culpable wrongdoing and our affective responses seems applicable to cases of excused wrongdoing too. Radzik thinks that it is impossible for humans to take their wrongdoings seriously without feeling remorse and guilt.⁴¹ If a wrongdoer is genuinely committed to morality, their adherence to moral norms matters to them, and in normal humans, this will be reflected in their affective responses. Such responses will often be painful (which is why atonement often has connections with suffering) and will move us to seek reconciliation with those we have wronged. The point of examining Williams's lorry driver case is that our excused wrongs *also* matter a lot to beings like us, and for this to not be reflected in our affective responses would be "a kind of insanity."⁴² If someone is committed to morality, their conduct usually matters to them, including parts of their conduct that they cannot completely control.⁴³

Finally, and most importantly, there seems to be no reason why excused wrongdoers could not be expected to meet Radzik's three subgoals of atonement in order to reconcile with victims. These subgoals were to make reparations, make a commitment to morality, and to retract the insult expressed in the wrong. Let me examine each in turn.

As noted earlier, many philosophers have previously argued that excused wrongdoers ought to compensate their victims. This is similar to the subgoal of making reparations. The difference between providing compensation and making reparations is that when making reparations, the wrongdoer must take into account the psychological, emotional, and physical harm they have caused, any gifts provided must not be implied to be morally comparable to the harm caused, and the gesture should be made as a symbolic expression that one takes the wrong seriously and cares sufficiently about the victim. I see no reason why philosophers who endorse the claim that excused wrongdoers ought to compensate victims could not endorse the stronger claim that excused wrongdoers ought to make reparations in such a way that meets these conditions too.⁴⁴

The second subgoal of atonement is to make a commitment to morality. Although an excused wrongdoer may not have conducted herself in any blameworthy manner, it seems reasonable that, in many cases, she still ought to commit herself to ensuring that something similar does not happen again in the future. Her experiences will make her better able to recognize factors likely to lead to similar wrongdoing, which puts her in a position to recognize situations where she is at an elevated risk of wrongdoing. For example, an alcoholic can display a commitment to redemption by staying away from places likely to be serving alcohol and by actively helping other alcoholics to get sober. Additionally, if an agent is blamelessly disposed toward wrongdoing in certain situations, they can

take steps to reform their character prior to being present in those situations. Perhaps an adult wrongdoer's bad childhood makes them excused for their angry outbursts, but they can still attend counseling or anger management, and it seems reasonable for us to blame them if they do not.

One might ask whether it is reasonable to demand that all excused wrongdoers demonstrate a commitment to morality. If the wrong was an unusual, one-off event, such that we do not think that the wrongdoer has failed in their commitment to morality, is there really any benefit to making a new commitment to morality? I am happy to accept that, in some cases, this demonstration of commitment is unnecessary, just as Radzik accepts that not all culpable wrongdoers need to meet all three subgoals. This seems particularly plausible if one is not disposed toward committing similar wrongs in the future, and the commitment will not act as a form of apology or help make reparations. It is worth noting, however, that we often think that people ought to renew commitments that have not been broken. Couples often renew their marital vows to one another, and birthdays can act as an occasion for friends to re-affirm their commitment to friendships, even if that commitment was never in doubt. One will also have considerable reason to renew a commitment if agents in similar circumstances regularly do so, as a failure to follow the norm may be interpreted as a lack of commitment.

This leaves us with only one subgoal of atonement from Radzik's account: to apologize. Although it may seem intuitive enough that excused wrongdoers ought to apologize to victims, Radzik's specific account of apology is quite nuanced. It also allows me to respond to one last objection that readers may have.

5. THE SOCIAL MEANING OF "SORRY"

While thus far I've argued that there isn't anything implausible about expecting excused wrongdoers to perform the same actions that culpable wrongdoers ought to perform, my opponents might want something stronger than this. They might want a positive account of why excused wrongdoers ought to apologize. Why is it not enough for the wrongdoer to simply explain their excusing condition to the victim and convince the victim that any hard feelings the victim has are inappropriate? Shouldn't victims and the community believe that the wrongdoer merits esteem and trust upon seeing the evidence that they are not a deserving target of blame?⁴⁵

My answer relies on some insights from communicative and conversational accounts of blame. Communicative accounts of blame treat blame as communicating something to wrongdoers in response to something that has been communicated or expressed in the wrongdoer's actions. A number of philosophers argue that wrongs have expressive power.⁴⁶ As Murphy puts it, "[moral] injuries are also *messages*—symbolic communications. They are ways a wrongdoer has of saying to us, 'I count but you do not,' 'I can use you for my purposes,' or 'I am up here on high and you are down there below.'"⁴⁷ In wronging, wrongdoers act as if the

victim's status is not a reason to not perform the wrongful action. This insults the victim. Similarly, our responses to wrongdoing also have an expressive function, and many philosophers argue that expressing disapproval is one of the functions of state punishment.⁴⁸

I don't want to commit to the claims that all of our moral responsibility practices should be understood as an analogue of a conversation, or that all actions are expressive, or that the meaning of actions is what we target when we blame, or that an agent is blameworthy if their actions have an insulting message.⁴⁹ I am simply endorsing the weaker claim that many of our actions have a certain meaning or express certain things, and that this is often morally important when understanding the nature of particular wrongs. Adultery typically expresses a lack of commitment to one's spouse, even if the adulterer hopes that it does not. Gift-giving generally expresses some appreciation or care for the recipient, and it does so in a way that simply writing on a piece of paper that one cares, or pointing to a list of reasons why the other person should think one cares, does not.

The meaning that wrongs express cannot be determined only by wrongdoers. If this were the case, it would make no sense for wrongdoers to ever seek forgiveness or feel the pain of remorse. Wrongdoers could simply now disapprove of their past actions and nullify the claim previously made. Instead, the meaning of wrongs is essentially social, and this is what wrongdoers who feel guilt want to change. The social meanings of wrongs persist after the wrong has occurred, and this can affect relations of mutual regard between the wrongdoer and victim, and the wrongdoer and the community. Because of this, Hieronymi argues that wrongful actions not only insult but also make a threatening claim about how the victims are allowed to be treated by others.⁵⁰ Without any retraction, the insult or threat persists.

This account of the social meaning of wrongs provides us with two explanations for why excused wrongdoers ought to atone and why it is sometimes not enough to simply explain to the victim and moral community that they were excused. The first is that some excused wrongs can *also* have a social meaning that insults and threatens. One example of how such claims can persist comes from the actions of schoolyard bullies. These are people who are not blameworthy for their actions, in virtue of them having been a child at the time of wrongdoing. Nevertheless, they often report experiencing guilt as adults, and they feel compelled to make amends with their victims.⁵¹ Perpetrators of such harm in their youth have an obligation to apologize and make amends, even if they were technically excused for their wrongdoing. Making amends with their victims seems required in virtue of the fact that they are well-placed to withdraw their earlier insult and ensure that any threat to their victims' social standing is removed.⁵²

For some cases of excused wrongdoing, it seems implausible that the wrong could insult or threaten the victim. Anyone who understood all the facts of Williams's lorry driver case could not reasonably interpret the driver as insulting

or threatening the child. But there is a second way in which the social meaning account of wrongdoing can explain why the driver ought to make amends. This comes from the fact that one's actions after an excused wrongdoing *also* carry a social meaning.

Many philosophers have argued that if the state fails to punish a criminal act, this amounts to condoning that crime.⁵³ It seems that in the moral domain, too, failure to condemn a wrong is often equivalent to condoning the wrong, particularly when one stands in close relation to the wrongful act. Wrongful actions must be condemned because "repudiating immoral action is constitutive of a commitment to morality."⁵⁴ If a victim's friend does not repudiate the wrong done to the victim, or if a parent does not apologize to their child's victims, this can communicate that they find the treatment acceptable, even if they had nothing to do with the original wronging. As I argued earlier, the relationships that one is in affect what duties one has, excused wrongdoers are in particular relationships with their victims, and the appropriateness of our reactive attitudes seems very sensitive to how excused wrongdoers treat their earlier wrongdoing. This is not to say that all failures to condemn other people's wrongful actions thereby condone those actions. Often, we need to respect people's privacy. But when we stand in a close relation to the wrongful act, failing to condemn it can send the message that one condones it. Similarly, failing to apologize or show concern for a victim can send the message that the victim was deserving of the treatment they received.

Additionally, even if members of a particular class of wrongdoers are excused for their actions, we should be sensitive to the fact that reasonable third parties will not always reach this conclusion. Members of the moral community can reasonably expect to make assessments about the culpability of its members for wrongdoing, as can the victim. These assessments should not be dismissed out of hand on the grounds that they are mistaken. Dismissing the community's concerns, particularly when the community has a justified (albeit false) belief that serious culpable wrongdoing has occurred, can show disrespect and disregard to that group. Excused wrongdoers have a duty to at least engage with the concerns of people affected by the wrong.

Furthermore, it is not always possible to demonstrate to the community and victim that one was excused for their wrongdoing. There may be contradictory evidence, and it is very unlikely that discussions of culpability will proceed using the concepts and sophisticated arguments found in philosophical articles. In these cases, both atoning and refusing to atone carry costs, which excused wrongdoers ought to consider. If they go through the motions of apologizing, making reparations and showing a commitment to morality, they may feel like they are incurring an unfair burden. But refusing to atone risks making them look like someone who does not care at all about the victim, and like someone who believes that the wrong is none of their concern, will often be interpreted as a lack of regard for the victim and will

add to the insult the victim has suffered. This, in turn, means that if a wrongdoer is aware that not apologizing may *look* like a lack of regard and may cause victims to feel even more insulted, the choice to not apologize can then *in fact* express a lack of regard. For example, if you non-culpably forget your friend's birthday, failing to apologize for this or take steps to show that there was no lack of care on your part will itself then express a lack of concern, precisely because you know that failing to apologize will likely be interpreted this way.

When we understand apologies as the retraction of insults, and atonement as the steps that one takes in order to become worthy of reconciliation, it seems plausible that excused wrongdoers can incur duties to atone. They are not deserving of blame; they do not deserve to be sanctioned or punished. But they ought to communicate to the victim that they are sorry and that they take the victim's interests seriously, and they should engage in reparations for any harm caused. They should ensure that any insult or threat that has come about through their actions is retracted and should acknowledge that the victim deserves to be treated better. If they fail to do these things, they risk condoning the original wrong. They fail to show sufficient regard for the victim, and this can make them a deserving target of blame.

6. OBJECTIONS

My argument that excused wrongdoers can acquire duties of moral reconciliation is able to explain many of the conflicting attitudes we have toward wrongdoers in key thought experiments, coheres well with our moral practices, and doesn't give up our commitment to blame being appropriate only if it is deserved. Let me now consider some possible objections.

The Attributionist could insist that my account still fails to give the victim what they want, which is to blame the wrongdoer for the original wrong. They could argue that directing wrongdoers to redeem themselves goes some of the way to refuting the victim objection, but is not enough. In response, I would like to point to empirical evidence showing that duties directing wrongdoers to redeem themselves are well-suited to accommodating our concern for victims.⁵⁵ Walker notes that the empirical literature on the aftermath of severe and widespread wrongdoing shows that better outcomes are achieved when repair and restoration are emphasized, rather than punishment and retribution:

A large number of studies . . . show fairly consistently that restorative justice satisfies victims, offenders, and communities better than does existing (retributively based) criminal justice practices. In particular, many studies confirm that restorative justice practices such as mediations and conferences get high marks for procedural fairness and respect for participants, tend to lead to higher rates of completion of restitution agreements, tend to elicit apologies from offenders much more frequently, and tend to reduce fear, anger, and vengeful feelings among victims.⁵⁶

Relatedly, Funk, McGeer, and Gollwitzer found that punishment alone is not satisfying for victims; rather, victims are more concerned with whether the punishment results in a change to the perpetrator's moral attitudes and behavior.⁵⁷ This evidence adds support for my position because what motivates the victim objection is a concern for the victim's interests, and a wariness that deeming their blaming attitudes as inappropriate could be unjust. The real-world cases Walker refers to suggest that victims' interests could, in many instances, be better served if our practices emphasized wrongdoers' duties of moral reconciliation instead of victims' entitlement to blame.

Another objection might come from counter-examples showing that duties of reconciliation are too demanding, particularly in cases where the wrongdoer really couldn't have done otherwise, or has already incurred significant costs. It is important to note that, when I say that agents who fail to meet their duties of moral reconciliation are appropriate targets of blame, this does not entail that they ought to be blamed, all things considered. Their duties are *pro tanto* duties, and so other considerations can excuse wrongdoers from fulfilling these duties, and I suspect that this will be doing most of the work in counter-examples that could be proposed. Suppose that Williams's lorry driver had a stroke, and this caused him to hit the child. It would be very inconsiderate to insist he should immediately uphold his duties of moral reconciliation toward the family, and some may take this to show that he does not have any such duties. But my account can accept this result by providing an alternative explanation. The fact that the driver has suffered something life-threatening, is in the hospital, and will likely be immobile for quite a while are considerations that excuse him from immediately carrying out these duties. Such an example does not show that the acquisition of duties of moral reconciliation is implausible, only that, in some cases, wrongdoers will not be blameworthy for failing to fulfill these duties.

A relevant question here regards cases where the excused wrongdoer never regains the capacities necessary for responsible agency. For example, if psychopaths are incapable of recognizing moral reasons, this would mean their victims are never entitled to blame them for failing to engage in moral reconciliation. The victim objection would thus apply to these cases. My response to this objection is that insofar as we think that victims of psychopaths are entitled to blame, this is indeed merely an indulgence because psychopaths simply cannot be held to account as members of the moral community who have flouted our demands. It is worth noting that our intuitions about these cases may be tracking confounding factors because whether psychopaths are genuinely unable to recognize moral reasons is disputed.⁵⁸ Additionally, Robert Harris appeared to repent for his actions, and had something of a return to the moral point of view while in prison.⁵⁹ If this is right, he would indeed have duties of moral reconciliation. A thought experiment that is less intuitively messy is that of the psychlops from Watson. The psychlops is "a creature with two basic ends: to

eat food that it finds tasty, and to preserve its own life. This is all that basically matters to it.”⁶⁰ This creature genuinely does not understand morality, does not care for it, and simply likes eating people, in the same way that many people like eating ice cream. Though blaming such a creature for harming you or a loved one would be understandable, I don’t believe such a being can be considered anything like a moral agent who is deserving of blame. Such a being *does* seem more like the “wild animal” referred to by Talbert in setting up the victim objection than a moral agent whom we can blame for failing to comply with moral demands.

7. CONCLUSION

In this paper, I have considered a widely held intuition that victims are entitled to blame their perpetrators, even if those perpetrators lacked the capacity to perceive and act on moral reasons. This is the victim objection. I argued that Control accounts can accommodate the intuitions supporting the victim objection without thereby giving up their commitment to blame being appropriate only if a wrongdoer possesses the capacity to perceive and act on moral reasons. I did this by arguing that excused wrongdoers can still incur duties of moral reconciliation, finding support for this thesis from a number of areas.

In cases where wrongdoers can recognize their duties of moral reconciliation and are capable of fulfilling these duties, and there are no competing considerations that outweigh these duties, failure to meet these duties makes blame appropriate. The Abu Ghraib soldiers had many opportunities to show remorse during their court proceedings and could have tried to engage in atonement and reconciliation once they were released from prison. They have failed to take even minimal steps toward doing this. Charles Graner, considered the main ringleader, pleaded “not guilty” at his trial. When asked if he had any regrets or apologies, he replied, “No ma’am.”⁶¹ Lyndie England, who appeared smiling in many photos with the abused prisoners, has said “I’m sorry” in one interview.⁶² But she largely seems unapologetic and cavalier about her history in later interviews. In 2012, England said, “[the Iraqi victims’] lives are better. They got the better end of the deal. . . . They weren’t innocent. They’re trying to kill us, and you want me to apologize to them? It’s like saying sorry to the enemy.”⁶³ Interviews in Kennedy’s documentary *The Ghosts of Abu Ghraib* show that the other soldiers generally fail to see themselves as owing anything to the prisoners, focusing instead on assigning blame to the overall circumstances and military for the abuses.⁶⁴ The fact that the soldiers have made no effort to apologize or reconcile with the prisoners, despite having the capacity and ample opportunity to do so, makes them appropriate targets of our reactive attitudes.

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NOTES

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1. Watson, "Two Faces of Responsibility."
2. Watson, "Responsibility and the Limits of Evil."
3. Nelkin, for instance, argues that agents are only responsible if they possess the capacity and opportunity to avoid wrongdoing, while Fischer and Ravizza argue that agents are responsible only if their behavior issues from a moderately reasons-responsive mechanism. See Nelkin (*Making Sense of Freedom*); Fischer and Ravizza (*Responsibility and Control*).
4. Shoemaker, "Attributability, Answerability."
5. Mele, "Manipulation, Compatibilism."
6. See Levy ("Culpable Ignorance"); Nelkin and Rickless ("Moral Responsibility for Unwitting Omissions"). Philosophers sometimes find it useful to distinguish between a control condition and an epistemic condition on responsibility, but the two can be hard to delineate because ignorance seems to undermine an agent's control in certain ways. If I am ignorant that I am putting arsenic in your tea, I act freely when I put arsenic in your tea, but I don't freely put arsenic in your tea. We can set aside how best to characterize this epistemic condition. All that matters for my argument is that Control accounts tend to excuse more agents who lack certain kinds of knowledge or control than most of us do in practice. Attributionists argue that circumstantial ignorance typically excuses (since ignorance of what it is one is doing typically prevents one's act from expressing objectionable attitudes) but moral ignorance does not. See Talbert ("Unwitting Wrongdoers").
7. Smith, "Responsibility for Attitudes"; "Responsibility as Answerability"; Talbert, "Blame and Responsiveness to Moral Reasons."
8. Levy, "Implicit Bias and Moral Responsibility"; Nelkin, "Accountability and Desert"; Pereboom, *Free Will, Agency*.
9. See Nelkin, ("Psychopaths, Incurable Racists"); Levy, ("Culpable Ignorance"). Attributionists typically argue that instead of thinking of blame as a deserved sanction, we should instead think of it as having the function of protesting against wrongdoing. See Talbert ("Moral Competence, Moral Blame"); Smith ("Moral Blame and Moral Protest"); Hieronymi ("Articulating an Uncompromising Forgiveness").
10. Radzik, *Making Amends*, 90.
11. Strawson, "Freedom and Resentment," 24.
12. Doris and Murphy, "From My Lai to Abu Ghraib."
13. Some of these details are also taken from Zimbardo (*Lucifer Effect*, 335–70).
14. Doris and Murphy, "From My Lai to Abu Ghraib."
15. Talbert, "Situationism, Normative Competence."

16. Talbert, "Situationism, Normative Competence," 431.

17. Doris and Murphy, "From My Lai to Abu Ghraib," 26. "Strict liability" is a legal term that amounts to finding that an agent or institution is to be held legally responsible and penalized for their actions, regardless of whether they are morally culpable or not. For example, in some US states, having sex with someone under the age of 16 is a strictly liable offense known as statutory rape, and perpetrators can be criminally liable even if the minor had greying hair and a birth certificate saying they were born in 1950. See Carpenter ("On Statutory Rape"). Unfortunately, endorsing strict liability doesn't help us with the victim objection, as strict liability is widely regarded by philosophers as an incoherent account of moral responsibility. This is because to be excused for an action is just one of the ways in which you can be causally responsible for an action but not blameworthy, the others being if you were justified or exempt. See Brink and Nelkin ("Fairness and the Architecture"); Nagel, (*Mortal Questions*); Rosen ("Skepticism about Moral Responsibility").

18. Williams, *Moral Luck*.

19. Carlsson, "Blameworthiness as Deserved Guilt."

20. Williams, *Moral Luck*, 27.

21. Attributionists could argue that such an act does express objectionable attitudes, but the puzzle is to account for why the attitude seems far more objectionable coming from the driver than a bystander.

22. Williams, *Moral Luck*, 125.

23. Agent-regret is regret at "actions in which he regards himself as a participant. . . . In this case, the supposed possible difference is that one might have acted otherwise, and the focus of the regret is on that possibility, the thought being formed in part by first-personal conceptions of how one might have acted otherwise" (Williams, *Moral Luck*, 27). My alternative diagnosis is not mutually exclusive with Williams's expectation that the driver feel agent-regret.

24. For example, Michael Moore (*Causation and Responsibility*); Domsky ("There Is No Door"); Rosebury ("Moral Responsibility and 'Moral Luck'").

25. Wolf tries to resolve our mixed reactions to the lorry driver thought experiment by arguing that we are responding to the existence of a "nameless virtue," which we expect people to exhibit in such situations. Wolf thinks the driver should engage in self-blame, but he is not a fitting target of third-party blame from others, since he simply couldn't have done otherwise. Whereas her virtue-based account emphasizes feeling certain things, my approach is duty-based, and emphasizes acting in certain ways with the family and other affected parties. See Wolf ("Moral of Moral Luck").

26. The considerations I point to in this section also support the idea that agents can incur duties of reparation when the harms they cause are justified, as in cases of self-defense, or (permissibly) harming one to save five, for instance. Thanks to the editor for this point. However, if one wanted to push for some justificatory story regarding why these agents also incur duties of reparation, it is less clear whether Radzik's account of atonement, which I adapt below, could be appealed to. Justified actions typically don't reflect a failure to meet morality's demands and don't insult the victim, and it seems unfair to maintain that agents who act in self-defense against culpable aggressors should then

compensate those very aggressors. Cases of self-defense against innocent aggressors (e.g., someone asleep at the wheel) or harming one agent to save five could plausibly generate duties to apologize and show that no ill will was present.

27. Richards, "Luck and Desert," 208.

28. Thomson, "Rights and Compensation"; Lomasky, "Compensation and the Bounds of Rights"; and Feinberg, "Voluntary Euthanasia."

29. Cane, *Responsibility in Law and Morality*, 107.

30. Miller, "Distributing Responsibilities," 458.

31. Kramer, "Moral Rights and the Limits," 328.

32. Miller points out that there seem to be some cases where causing someone to be worse-off does not generate new remedial duties, such as outcompeting a business rival ("Distributing Responsibilities," 458). My intuition is that there do seem to be some instances where businesses owe something to people they cause to be worse-off, such as in cases where a big corporation's lower prices result in workers at small local shops becoming unemployed. One possible explanation for this difference is that entering into a business for profit, and failing, merely deprives entrepreneurs of a benefit they had no prior entitlement to (customers' patronage). In contrast, unemployment substantially impedes workers' ability to provide for themselves and their families. Another possible explanation is that, unlike most forms of employment, starting a business is an inherently risky task, where one implicitly consents to bear the costs of failure.

33. For example, Collins (*Group Duties*); Lawford-Smith ("Feasibility of Collectives' Actions").

34. For example, Wringer ("Global Obligations"; "From Global Collective Obligations"); Rääkkä ("On Disassociating Oneself"); Miller ("Holding Nations Responsible").

35. Radzik, "Historical Memory."

36. Shoemaker, "Hurt Feelings."

37. One might still want further details regarding the scope of such duties, as it seems implausible that a mere causal connection to a harm could be sufficient for duties of reparation. A similar question applies regarding which offenses citizens should be considered strictly liable for in either criminal or civil law, and given the lack of consensus on this topic, it seems unlikely that I will be able to provide an answer to either question here. Some previously offered suggestions in the strict liability literature, which can help us narrow down the relevant cases when thinking about duties of reparation, are when the agent was the primary cause of the harm, was the instigator of the harm, or violated the victim's rights. See Gardner ("What Is Tort Law For?"); Couto ("Beneficiary Pays Principle"); MacCormick ("Obligation of Reparation"); Capes ("Strict Moral Liability").

38. Radzik, *Making Amends*.

39. Ohtsubo and Watanabe, "Do Sincere Apologies Need to Be Costly?"; Ohtsubo et al., "Are Costly Apologies Universally Perceived?"

40. Radzik, *Making Amends*, 35.

41. Although there could conceivably be beings who can take their wrongdoings seriously and atone without feeling such responses.

42. Williams, *Moral Luck*, 125.

43. One particularly strong example of this comes from *Sophie's Choice*. In this novel, Sophie must choose one of her children to be killed. If she refuses, both will be killed. Sophie chooses her daughter and is understandably wracked with guilt about her decision, even decades later. She is not blameworthy in any way, does not *deserve* to feel guilty, and yet we would feel something had gone wrong if she didn't feel guilt. See Styron (*Sophie's Choice*). It also seems relevant that certain kinds of agents who are taken to be excused by many philosophers nevertheless report feeling guilt for their wrongs. Guilt is felt by people with agoraphobia who miss out on important events in their child's lives, and people with post-traumatic stress disorder report feeling guilt at their irritability or outbursts. See Pendergraft, ("When Agoraphobia Keeps You"); Starcevic (*Anxiety Disorders in Adults*). Philosophers often argue that gambling and drug addicts are excused for their actions, but addicts report feeling guilt for the wrongs their addiction leads them to commit. See Kennett, Vincent, and Snoek ("Drug Addiction and Criminal Responsibility"); Franklin ("Theory of the Normative Force"); Locke et al. ("Interpersonal Guilt"); Merritt ("Guilt and Shame").

44. This would be difficult in the *Sophie's Choice* case, given the victim is dead, but my point would be just as applicable if Sophie had to pick a child to lose one of their legs.

45. Some philosophers have argued that such duties apply because victims' right to not be harmed generates duties for agents who violate those rights, even if those rights violations were blameless. For example, MacCormick argues that while we have genuine duties to not harm others, a "duty of care" is merely the means by which we secure your right to receive a reasonable level of security in your person. The principle that says that if I violate your right to security, then I have obligations of reparation applies regardless of whether I am at fault for violating that right. Gardener argues that if we have reasons to not wrong others, but we fail to do so, those reasons still generate reasons to do the next best thing, such as apologizing and making reparations. See Gardner ("Wrongs and Faults"; "What Is Tort Law For?"); Couto ("Beneficiary Pays Principle"); MacCormick ("Obligation of Reparation").

46. Hampton, "Retributive Idea"; Hieronymi, "Articulating an Uncompromising Forgiveness"; McKenna, *Conversation and Responsibility*. Capes similarly argues that we can incur duties to apologize for accidents, to repudiate the attitudes previously expressed in wrongdoing, or show that no lack of regard was expressed. This serves to protect the relationship from further harm, and goes some way to repairing it. See Capes ("Strict Moral Liability").

47. Murphy, "Forgiveness and Resentment," 508.

48. Feinberg, "Expressive Function of Punishment"; Duff, "In Defence of One Type."

49. See McGeer ("Civilizing Blame"; "Building a Better Theory"). The main objections to such accounts are that they seem unable to justify blaming culpable wrongdoers who are dead or absent, since our blame fails to communicate anything to them, as does privately blaming wrongdoers who are present. Additionally, if blame's communicative aspect is thought to serve a particular function such as cultivating the recipient's agency, blame seems to lose its point toward wrongdoers who are incorrigible or dying, or who already self-blame. See Vargas ("Desert, Responsibility, and Justification").

50. Hieronymi, "Articulating an Uncompromising Forgiveness."

51. “‘I Had No Idea I Had Caused So Much Damage’”; Wargadiredja, “‘To Think I Was Capable.’”

52. At first glance, Hieronymi seems to disagree that excused wrongdoers can make threatening claims, saying only “authored” events make claims: “An action carries meaning by revealing the evaluations of its author. The event could not make a claim or carry meaning (positive or negative) if its perpetrator were not capable of making moral statements with his actions. The past event would not be a threat to your worth if it were not authored. We don’t resent accidents, because they make no such claim” (“Articulating an Uncompromising Forgiveness,” 546–47). This seems to imply that excused wrongdoers cannot make threatening claims. But shortly after, Hieronymi claims that we do not blame children, *not* because they do not author claims, but because “their claims don’t carry enough weight” (“Articulating an Unforgiving Forgiveness,” 547). Since children are widely considered to be excused for many wrongs they commit, it seems that if children can make threatening claims, then in principle, there could also exist excused wrongdoers who succeed in making threatening claims that do carry weight. In later work, Hieronymi does argue that blame is only fair if it targets a wrong that issued from an agent’s real self and if it reveals the agent’s evaluative attitudes. However, this argument makes no reference to the idea that wrongs have a social meaning, and it doesn’t explicitly comment on whether children can be blameworthy. See Hieronymi (“Force and Fairness of Blame”).

53. Feinberg, “Expressive Function of Punishment”; Duff, “In Defence of One Type.”

54. Radzik, *Making Amends*, 45.

55. Braithwaite, *Restorative Justice and Responsive Regulations*; Strang, “Justice for Victims”; Daly, “Restorative Justice: The Real Story.”

56. Walker, *Moral Repair*, 213.

57. Funk, McGeer, and Gollwitzer, “Get the Message.”

58. Vargas and Nichols, “Psychopaths and Moral Knowledge”; Maibom, “The Mad, the Bad”; Jurjako and Malatesti, “Neuropsychology and the Criminal Responsibility.”

59. Watson, “Responsibility and the Limits of Evil.”

60. Watson, “Trouble with Psychopaths,” 311.

61. Pandiotti and Polk, “Graner Sentenced.”

62. Matt Moore, “Lynndie England Blames Media.”

63. Hall, “US Soldier Who Abused Prisoners.”

64. Kennedy, *Ghosts of Abu Ghraib*.

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