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MICHAEL J. ZIMMERMAN

LIVING WITH UNCERTAINTY

THE MORAL SIGNIFICANCE
OF IGNORANCE

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LIVING WITH UNCERTAINTY

Every choice we make is set against a background of massive ignorance about our past, our future, our circumstances, and ourselves. Philosophers are divided on the moral significance of such ignorance. Some say that it has a direct impact on how we ought to behave – the question of what our moral obligations are; others deny this, claiming that it only affects how we ought to be judged in light of the behavior in which we choose to engage – the question of what responsibility we bear for our choices. Michael Zimmerman claims that our ignorance has an important bearing on both questions, and offers an account of moral obligation and moral responsibility that is sharply at odds with the prevailing wisdom. His book will be of interest to a wide range of readers in ethics.

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Living with Uncertainty

The Moral Significance of Ignorance

by

Michael J. Zimmerman

University of North Carolina at Greensboro



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Preface

Ours is an uncertain world. Every choice we make, every decision we reach, is set against a background of massive ignorance about our past, our future, our circumstances, ourselves. This, ironically, is something that we know all too well.

Ignorance is ignorance of facts. It is a failure to know what is true. To know what is true, one must believe it (something that involves having a certain level or degree of confidence in it) and do so with adequate justification. Thus ignorance can come about in one of two ways: either by way of failure to believe the truth or by way of believing it without adequate justification. There are two corresponding kinds of uncertainty: doxastic uncertainty, which consists in one's lacking full confidence in a proposition, and epistemic uncertainty, which consists in one's lacking justification in having full confidence in a proposition. Although not all uncertainty entails ignorance – one can know a proposition regarding which one is either not fully confident or not justified in being fully confident – all ignorance entails uncertainty of one or both kinds.

Philosophers are divided on the moral significance of the ignorance that besets us. Some say that it has a direct impact on how we ought to behave; others deny this, claiming that it only affects how we ought to be judged in light of the behavior in which we choose to engage. Until recently, I sided with the latter. I now side with the former. My thinking was changed by a simple thought-experiment proposed by Frank Jackson. It involves a physician, Jill, and her patient, John. (To be honest, I had been familiar with the case for quite some time – several years, in fact – before its insight and power dawned on me. My hope is that readers of this book will be considerably less obtuse.) John is suffering from a minor but not trivial skin complaint. Jill has three drugs with which she might treat him: A, B, and C. All the evidence at her disposal indicates, in keeping with what is in fact the case, that giving John drug B would cure him partially and that giving him no drug would leave him permanently incurable; it also indicates that one

of drugs A and C would cure him completely while the other would kill him, but it leaves completely open which of them would cure and which kill.¹ What ought Jill to do?

You are supposed to answer: “She ought to give him drug B.”

Jackson says that this answer is obvious, and I think he’s right. (That is, it’s obvious, given the proviso that “all else is equal.” This is just a thought-experiment, after all. As such, it is of course idealized and simplistic, but that is precisely what makes it so instructive. As John Fischer has observed, such “streamlining,” such abstraction and schematization in moral reflection, is the analogue of conducting a controlled experiment in science: in holding all other factors fixed, one can test a particular factor for its moral significance.² The factor tested here is Jill’s ignorance regarding the outcome of giving John either drug A or drug C.) I strongly suspect that you think that Jackson is right, too. However, some people I know, including some friends whose judgment I normally hold in high regard, claim that he’s not right about this. They say that what Jill ought to do is give John whichever of drugs A and C would cure him completely. I don’t believe they mean what they say. Under the circumstances, giving John either of these drugs would surely be far too risky. And my friends know this. Being conscientious people, they would not run such a risk, were they to find themselves in Jill’s position. They would give John drug B without hesitation. Their behavior would betray what they really thought, namely, that it would be wrong to treat him in any other way.

That it would be wrong to run the sort of risk associated with not giving John drug B has profound implications. This book explores some of these implications. I begin in [chapter 1](#) by distinguishing, in [section 1.1](#), three views regarding the general nature of overall moral obligation: the Objective View, the Subjective View, and the Prospective View. According to the Objective View, our overall moral obligation is always to choose that option that would *in fact* be best under the circumstances. In the case of Jill and John, that would mean that Jill ought to give John whichever of drugs A and C would cure him completely; she ought *not* to give him drug B. According to the Subjective View, our overall moral obligation is always to choose that option that we *believe* would be best

¹ Jackson 1991, pp. 462–3. Some details of Jackson’s original case have been slightly altered. A case with similar features may be found on pp. 264–5 of Regan 1980. I am embarrassed to report that I read these pages long before I read Jackson’s article, and yet their import was entirely lost on me.

² Fischer 1995, p. 10.

under the circumstances. In the case of Jill and John, that would mean that Jill ought to give John whichever of drugs A, B, and C she happens to believe would be best for him. Some philosophers (notably H. A. Prichard and W. D. Ross) have defended the Subjective View. I discuss and argue against this view in [sections 1.2](#) and [1.3](#). Many philosophers have defended the Objective View, but I argue against it in [section 1.4](#) because of its verdict in Jackson's case. In place of the Objective and Subjective Views I propose that we accept the Prospective View, according to which our overall moral obligation is always to choose that option that is *prospectively* best under the circumstances. I point out that this doesn't mean that we ought to choose that option that is *probably* best; after all, in Jackson's case giving John drug B is *certainly not* best, and yet that is what Jill ought to do. Rather, the prospectively best option is that which, from the moral point of view, it is *most reasonable* for the agent to choose – which is precisely what Jill's giving John drug B would be, since her giving him either drug A or drug C would be *too* risky. (Under other circumstances, of course, running a risk can be perfectly reasonable. Indeed, not running a risk can be unreasonable.) In [sections 1.5](#) and [1.6](#) I develop and defend the Prospective View. I note that what constitutes the best prospect for an agent is determined by the evidence available to him or her at the time; it is a function of the epistemic uncertainty with which the agent is confronted. I note, too, that such uncertainty can extend not just to empirical matters, such as what the effects of giving John a certain drug would be, but also to evaluative matters, such as how to evaluate the effects of giving John a certain drug. Thus the best prospect is not necessarily that option that maximizes expected value (in that common sense of “expected value” which is a function only of uncertainty regarding empirical and not also of evaluative matters). Rather, what constitutes the best prospect is a question of what maximizes what I call “expectable value.” This point has some important implications, among which is the fact that, due to badly distorted evaluative evidence (the product, perhaps, of a skewed upbringing), a person could be overall morally obligated to commit great evil. I end the chapter in [section 1.7](#) by distinguishing the matter of risking doing *harm* from that of risking doing *wrong*, and I address the issue of how best to respond to the worry captured in the question “What ought I to do when I don't know what I ought to do?”

I turn in [chapter 2](#) to the matter of *prima facie* moral obligation and the related issue of moral rights. In [section 2.1](#) I provide a formulation of the Prospective View that accommodates both *prima facie* and overall

obligation, and then, in [section 2.2](#), I discuss how rights are to be accounted for in light of this formulation. Given that our overall moral obligation is to choose that option that is the best prospect under the circumstances, which is itself in part a function of the evidence that is available to us; and given that this overall obligation is determined by the relative weights of the various *prima facie* obligations that we have; and given, finally, that whatever rights others hold against us are correlative to at least some of these *prima facie* obligations, it follows that the rights that others hold against us are themselves in part a function of the evidence available *to us*. This fact has far-reaching and, in some ways, subversive implications. I explore some of these implications in [sections 2.3](#) and [2.4](#), in which I discuss, respectively, the question of what rights people hold against us when we borrow something from them and the question of whether and when it is justifiable to kill someone in self-defense. Tracing these implications is a way of testing the credentials of the Prospective View. I claim that, although some of the implications may be somewhat surprising, the Prospective View nonetheless passes the tests. I also claim that the commonly accepted judgment that killing in self-defense can be justifiable in certain circumstances in which one's life is imperiled by another lends further support to the Prospective View, independently of that provided by Jackson's case.

In [chapter 3](#) I attend to the matter of developing the Prospective View in detail. I begin in [section 3.1](#) by rehearsing a debate that has taken place recently within the camp of those who subscribe to the Objective View. This debate has to do with the implications of future failings for present obligation. Should we accept or reject the thesis that what we ought now to do is determined in part by whether we will in fact fail to do what is best, when it is in our power to avoid such failure? Actualists say that we should accept the thesis, whereas Possibilists say that we should reject it. Many accept the Actualists' verdict, but I point out that it is in some ways objectionable and is, furthermore, based on a rationale that is deeply flawed. Possibilism, by contrast, is very attractive; it has a structure that permits the resolution of many so-called deontic paradoxes. Yet the verdict regarding future failings that unqualified Possibilism furnishes is in some cases unreasonable. In [sections 3.2](#) and [3.3](#) I develop a qualified version of Possibilism that preserves its attractions while avoiding this troublesome verdict; this version is, of course, given in terms of the Prospective View, and what emerges is a precise formulation of that view. In [section 3.4](#) I extend this formulation to cover conditional as well as unconditional obligation, *prima facie* as well as overall obligation, and yet other modes

of obligation. So formulated, the Prospective View implies, among other things, that “ought” implies “can.” In [section 3.5](#) I discuss the relation between obligation and control (the sort of control that, in the present context, “can” expresses), and in [section 3.6](#) I defend the thesis that “ought” implies “can” against what I take to be the most serious charge against it: that it lets people off the hook in cases in which they render themselves unable to fulfill their obligations. I argue that, by attending to the way in which obligations can shift over time, this charge can be defused. Not only that, but accounting for such shifts affords us a deeper understanding of the nature of moral obligation. For example, it turns out, perhaps surprisingly, that we can fail to fulfill an obligation without infringing it, that is, without doing wrong by virtue of failing to fulfill it. It also turns out, really quite surprisingly, that we can infringe an obligation and yet fulfill it.

Finally, in [chapter 4](#), I turn from a discussion of moral obligation to a discussion of moral responsibility. The term “responsibility” can be used in a forward-looking sense, in which case it is synonymous with “obligation,” but it can also be used in a backward-looking sense to refer to our present responsibility for things that have happened in the past. It is with this backward-looking sense of the term that I am concerned. It seems often to be assumed that one is morally responsible for having done something if and only if one had a moral obligation not to do it that one did not fulfill. This thesis, which I discuss in [section 4.1](#), is false. It overlooks excuses, which involve wrongdoing without responsibility, and it also overlooks what I call “accuses,” which involve responsibility without wrongdoing. The possibility of excuses is commonly recognized, that of accuses not so commonly recognized. In [section 4.2](#) I investigate the conditions under which ignorance affords an excuse. I focus on that sort of ignorance that is constituted by the failure to believe that what one is doing is wrong. (The emphasis has thus shifted from epistemic uncertainty in the first three chapters to doxastic uncertainty in this chapter.) I argue that such ignorance affords an excuse far more often than is commonly supposed, and that this has important implications for our reaction to wrongdoing – in particular, for our practice of punishment. In [section 4.3](#) I argue that accuses are indeed possible and that this, too, has important implications for our reaction to the absence of wrongdoing – in particular, for our habit of terminating our moral inquiries when we discover that no wrong has been done. I end with a cautionary note: we should be skeptical of the accuracy of our everyday ascriptions of responsibility.

The upshot of my investigation is that a wholly “objective,” actual-outcome oriented approach, of the sort advocated by many philosophers,

Preface

to either moral obligation or moral responsibility is badly misguided. The correct approach to moral obligation is captured by the Prospective View. The correct approach to moral responsibility is captured by the strongly “subjective” view that such responsibility turns at bottom, not on whether we have actually done right or wrong, but on whether we believed we were doing right or wrong. The rejection of a wholly objective approach to either obligation or responsibility has, I think, profound implications for the way in which we lead – or, rather, should lead – our lives. I have in mind the ways in which we deal with and react to others both in informal social settings and through the formal mechanisms of the law. I pursue some of these implications in the pages that follow, but providing a comprehensive account of them is the subject of at least one other book and is thus a task that I do not undertake in this one.

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Ignorance and obligation

“Ought” is ambiguous. Few deny this fact.¹ It straddles several distinctions. One such distinction is that between what is counseled by morality and that which is counseled, not by morality, but by reason, or prudence, or aesthetics, or the law, and so on. Within the broad category of morality, there is another distinction between that which is required or obligatory and that which is merely recommended. Within the category of moral obligation, there is still another distinction between that which is overall obligatory and that which is merely *prima facie* obligatory. “Ought” may be properly used in all such contexts.

So much I presume. In this chapter I will focus on the concept of overall moral obligation, and I will address yet another alleged distinction: that between what are often called objective and subjective obligation. It is frequently claimed that “ought” (together with associated terms, such as “right” and “wrong”) may be, and is, used to express both forms of obligation, and that as a result people sometimes find themselves talking at cross-purposes. Consider what W.D. Ross has to say on the matter:

[W]hen people express different opinions about the rightness or wrongness of an act, the difference is often due to the fact that one of them is thinking of objective and the other of subjective rightness. The recognition of the difference between the two is therefore in itself important as tending to reconcile what might otherwise seem irreconcilable differences of opinion.²

This may seem sensible, but I think it is mistaken.

¹ One of the few: Judith Jarvis Thomson, who in Thomson 2001, pp. 44 ff., insists that there is only one “advice” sense of “ought.” (She does, however, acknowledge another, “expectation” sense of “ought,” as in: “The train ought to arrive by 3:00.”)

² Ross 1939, p. 147.

I.1 THREE VIEWS OF MORAL OBLIGATION

It is with overall moral obligation that the *morally conscientious* person is primarily concerned. When one wonders what to do in a particular situation and asks, out of conscientiousness, “What ought I to do?,” the “ought” expresses overall moral obligation. “Ought” here is a contrary of “wrong.” Conscientiousness precludes deliberately doing what one believes to be overall morally wrong.³

There is disagreement about the general conditions of overall moral obligation. Here is one view (where “ought” is of course intended to express overall moral obligation):

The Objective View (first formulation):

An agent ought to perform an act if and only if it is the best option that he (or she) has.

This formulation is extremely rough, but it will do for present purposes. Let me just note a few points.

First, by an “option” I mean something that the agent can do, where “can” expresses some form of personal control. Thus the Objective View presupposes that the “ought” of moral obligation implies the “can” of personal control – an issue that I will discuss further in [chapter 3](#).

Second, this account of overall moral obligation may be straightforwardly extended to cover overall moral rightness and wrongness. Thus: it is overall morally right for an agent to perform an act if and only if he has no better option; and it is overall morally wrong for an agent to perform an act if and only if he has a better option. In what follows, I will assume that the Objective View includes this extension.

Finally, I intend “best” to be very elastic. In this way, I believe, the Objective View can be applied to any substantive theory of moral obligation. Since it may not be obvious that the Objective View is generally applicable in this way, let me explain.

It is clear that the Objective View can be applied to the theory of obligation advocated by G.E. Moore.⁴ According to this theory, which is a version of what has come to be called consequentialism, what we *ought* to do is a function of the *value* of what we can do, which is itself a function

³ This is not to say that conscientiousness requires deliberately doing, or trying to do, only what one believes to be overall morally right, since on occasion one may find oneself forced to act while lacking any belief about the overall moral status of one’s act.

⁴ Moore 1912, chs. 1–2.

of some non-evaluative “stuff.” The kind of value in question is instrumental value, the value that an act has in virtue of the intrinsic value of its consequences. Consequentialists differ among themselves as to what the stuff of intrinsic value is. For some the list is very short: pleasure is the only intrinsic good, and pain is the only intrinsic evil. For others (including Moore) the list is longer: also among the intrinsic goods are love, knowledge, and various virtues such as compassion and conscientiousness; and among the intrinsic evils are hatred, ignorance, and various vices such as cruelty and callousness. Despite these differences, consequentialists of this stripe are united in saying that, whatever the stuff of intrinsic value – that is, whatever in the end should be said to have intrinsic value – what we ought to do is that act which, among our alternatives, is to be ranked first in terms of the promotion of this stuff. When coupled with the Objective View, this yields the claim that what we ought to do is that act which is *actually* instrumentally best, that is, *actually* best in terms of the promotion of this stuff, relative to the other acts that we are in a position to perform.

What is perhaps not so clear is that this “ought”-value-stuff framework can be applied to other substantive theories of obligation, too, and hence that the Objective View can likewise be applied to them. The type of value at issue may vary, as may the stuff that is ultimately at stake or the relation between value and stuff. Nonetheless, the framework fits. Consider, for example, not Moore’s type of consequentialism – act-consequentialism, as it is often called – but instead a version of rule-consequentialism, according to which what we ought to do is that act which, among our alternatives, is to be ranked first in terms, not of its own promotion of the stuff of intrinsic value, but rather in terms of conforming to a rule, the general adherence to which promotes the stuff of intrinsic value. Here the stuff that is ultimately at stake is the same as with act-consequentialism: pleasure, pain, or whatever else should be said to be of intrinsic (dis)value. However, the relevant value to be ascribed to acts has changed. Now one act is to be deemed better than another, not if the former is itself instrumentally better than the latter, but rather if the rule that covers the former is such that general adherence to it is instrumentally better than general adherence to the rule that covers the latter. (Of course, there may be differences among rule-consequentialists concerning just what general adherence to a rule consists in.) Let us call the former act “rule-better,” for short. When coupled with the Objective View, rule-consequentialism thus issues in the claim that we ought to do that act which is *actually* rule-best, relative to the other acts that we are in a position to perform.

Or consider the sort of virtue-theoretical, non-consequentialist theory according to which what we ought to do is a matter, not of promoting virtue or vice, but of displaying virtue or vice. Virtue-theorists differ among themselves as to what the stuff of virtue and vice should be said to be. For some, the list will be short: compassion, cruelty, conscientiousness, and callousness, for example. For others the list will be longer. But again, despite these differences, such theorists are united in saying that acts may be assigned a kind of value – that is, they may be ranked relative to one another – in terms of how they succeed or fail in displaying the various virtues and vices; and they agree that what we ought to do is that act which, among our alternatives, is to be ranked first in terms of such a display. (Of course, there may be differences between virtue-theorists concerning just what the display of a virtue or vice consists in and just what determines whether one display is to be ranked higher than another with respect to the determination of obligation.) When coupled with the Objective View, this yields the claim that what we ought to do is that act which is *actually* best in terms of the display of compassion, cruelty, and the like.

Or consider the theory that our obligations have essentially to do with respecting people's rights. Rights-theorists differ among themselves as to what it is that people's rights concern: life, liberty, privacy, medical care, rest and leisure, periodic holidays with pay...⁵ But, again, they are united in saying that, whatever the stuff of rights, what we ought to do is that act which, among our alternatives, is to be ranked first in terms of according people the stuff of rights. (Again, though, differences may remain concerning just what "according" someone the stuff of rights consists in.) When coupled with the Objective View, this issues in the claim that what we ought to do is that which is *actually* best in these terms.

Or consider, as a final example, the view that our obligations turn on whether our actions are rationally defensible. Proponents of this view differ among themselves as to the stuff of rational defensibility. Some cash this idea out in terms of the universalizability of the maxim of one's action; others in terms of whether one's action complies with the terms of some contract; and so on. But such theorists are united in saying that what we ought to do is that act which, among our alternatives, is to be ranked first in terms of the relevant stuff. When coupled with the Objective View, this yields the claim that what we ought to do is that act which is *actually* best in terms of universalizability, or compliance with some contract, and so on.

⁵ See the 1948 *Universal Declaration of Human Rights*, cited in Feinberg 1973, pp. 94–5.

The foregoing remarks are sketchy, but they should suffice to show the general applicability of the “ought”-value-stuff framework. The underlying idea is straightforward. Any substantive theory of obligation can be cast as one according to which what one ought to do is ranked higher than any alternative.⁶ These theories will differ as to the principle of ranking. According to some, that which is to be ranked first is that which is instrumentally best; according to others, it is that which is rule-best; according to others, it is that which is best in terms of the display of compassion, cruelty, and so on; or best in terms of protecting people’s lives, property, and so on; or best in terms of universalizability; and so on and so forth. When coupled with the Objective View, these theories declare that what we ought to do is that which is *actually* instrumentally best, rule-best, and so on. But when coupled with something other than the Objective View, they will have a different implication.

As an alternative to the Objective View, consider this view about the general conditions of overall moral obligation:

The Subjective View (first and only formulation):

An agent ought to perform an act if and only if he believes that it is the best option that he has.

This view, too, can be supplemented with clauses pertaining to overall moral rightness and wrongness. Thus: it is overall morally right for an agent to perform an act if and only if he believes that he has no better option; and similarly for wrongness. And this view, too, is applicable to any substantive theory of moral obligation. For example, an act-consequentialist who subscribes to the Subjective View would say that what we ought to do is that act which we *believe* to be instrumentally best; the rule-consequentialist would say that what we ought to do is that act which we *believe* to be rule-best; a virtue-theorist would say that what we ought to do is that act which we *believe* to be best in terms of the display of the various virtues and vices; and so on.

It is obvious that the Objective View and the Subjective View do not exhaust the views that one might hold about the conditions of overall moral obligation. Here is yet another view:

⁶ This is true even of so-called “satisficing,” rather than “maximizing,” theories. (Cf. Slote 1989.) And it is true, by default, of those theories that rank obligatory actions first and all non-obligatory alternatives equally last.

The Prospective View (first formulation):

An agent ought to perform an act if and only if it is probably the best option that he has.

Like the Objective and Subjective Views, the Prospective View can be supplemented with clauses pertaining to overall moral rightness and wrongness and can be applied to any substantive theory of moral obligation.

Let me stress again that these formulations of the Objective, Subjective, and Prospective Views are all extremely rough. I will make adjustments if and when the need arises.

The three views just mentioned clearly conflict. By this I mean, not that their verdicts must diverge in every case, but that their verdicts do diverge in some cases. Here is one such case, inspired by a case given by Frank Jackson:⁷

Case 1:

Jill, a physician, has a patient, John, who is suffering from a minor but not trivial skin complaint. In order to treat him, she has three drugs from which to choose: A, B, and C. Drug A would in fact be best for John. However, Jill believes that B would be best for him, whereas the available evidence indicates that C would be best for him.

In this case, the Objective View implies that, all else being equal, Jill ought to give John drug A, the Subjective View that she ought to give him drug B, and the Prospective View (given that “probably” expresses epistemic probability) that she ought to give him drug C.⁸

I have said that the three views conflict, but of course this is true only if “ought” is used univocally in the statement of these views. One could reconcile the views by claiming that, in the Objective View, “ought” expresses objective obligation, whereas, in the Subjective View, it expresses subjective obligation, and, in the Prospective View, it expresses prospective obligation. This would be in keeping with the suggestion, recorded at the outset of this chapter, that “ought” is ambiguous even when restricted to the context of overall moral obligation. I said that this may seem a sensible suggestion, but is it really plausible? I think not. First, it is clear that still

⁷ This is the first of several cases modeled on a case provided in Jackson 1991, pp. 462–3.

⁸ Note: *all else being equal*. This simplifying assumption is intended to allow us to bracket concerns with such matters as patient autonomy, financial costs, and the like. We may assume that John has consented to Jill’s treating him however she chooses, that each drug costs the same as the others, and so on.