

Virtue and Excuse

Arden Ali
Northeastern University
August 12, 2017

Accessibility: an electronic copy of this document is available at ardenali.com/rome

A. The puzzle: why are wrongdoings performed under duress excused?

1. Dražen Erdemović: teenager recruited to massacre civilians during the Bosnian War

B. Features of wrongdoing under duress

1. The behaviour is impermissible. The fact of duress excuses without justifying.
2. The person acts knowingly and deliberately. No breakdown in reflective self-control.
3. Not merely pardoned; agents deserve at least partial excuse.
4. The excuse is not explained by lack of standing.

C. Negative project: I reject the norm-splitting strategy

1. First example of the strategy, suggested by Gideon Rosen

- a. Just as there are deontic norms governing action, there are deontic norms governing moral concern.
- b. These deontic norms come apart. Erdemović *acts* impermissibly, but he manifests a permissible level of *moral concern*.
- c. In general, someone who manifests permissible moral concern is not fully blameworthy for his or her impermissible behaviour.

2. Objections to Rosen's norm-splitting explanation

- a. The clear cases where these norms come apart are cases of supererogation.
- b. Why is morality fragmented in the way required by the explanation?

3. Second example of the strategy, suggested by Hume

- a. Just as there are deontic norms governing action, there are deontic norms governing general dispositions.
- b. These deontic norms come apart. Erdemović *acts* impermissibly, but he has a permissible *general disposition*.
- c. Someone who has a permissible general disposition but acts impermissibly is not fully blameworthy for what they do.

4. Objection to the Humean norm-splitting explanation: Sher's example of Alphonse.

D. Positive project

1. The crucial distinction: *full virtue* and *infallible virtue*

a. Full virtue requires that the agent possess the beliefs, desires, hopes, aversions, tastes, knowledge, etc., that ground a disposition to act well.

b. Infallible virtue requires that the agent always acts permissibly (unless she is mistaken about some matter of fact).

c. The distinction implies that (1*) someone can always act permissibly without possessing the disposition to act well and (2*) someone can be disposed to act well but fail to do so on an occasion (without thereby losing the disposition).

d. Problem for (2*)

1. If the failure is explained by features external to the agent's psychology, it is not clear that the case counts as failure in the first place.

2. If the failure is explained by an internal feature of the agent's psychology, she must lack the disposition in the first place.

3. My response: the fact that the failure is explained by internal features doesn't mean she lacks the disposition.

2. My explanation of excuse

a. In general, someone is not fully blameworthy for an impermissible act as long as she is fully virtuous (in the relevant respect).

b. Erdemović is excused because we judge that his behaviour is psychologically compatible with his possession of full virtue (in the relevant respect).

c. What is the relevant virtue? A substantive account is needed, but options include: the disposition to refrain from harming others, the disposition to protect life, etc.

d. Is my proposal simply another version of norm-splitting?

e. How does my proposal avoid the counterexample to Hume's view?

E. Some concerns raised in Daniel's comments

1. Why does Erdemović seem to deserve only partial excuse?

2. Can we really disentangle wrongness and blameworthiness?

3. An alternative explanation: when S does E under duress, and E is impermissible, S is partially excused from blame because without the duress S would have done something morally better than E.