WHO KNEW?

Responsibility without Awareness

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SEVEN

SETTING THE NORMS OF RECOGNITION

According to the partial account of responsibility's epistemic condition that I have called PEC, an agent who unwittingly acts wrongly or foolishly (and who satisfies all the other conditions for responsibility) is responsible for doing so if, but only if, he has evidence for the act's wrongness or foolishness his failure to recognize which (a) falls below some applicable standard and (b) is caused by the interaction of some combination of his constitutive mental states. To defend PEC, I will have to say more about both the standards that determine what agents should recognize and the criteria that determine which states are constitutive of their possessors. In this chapter, I begin with the norms of recognition.

I

Intuitively, the distinction between what a person should be aware of and what he cannot be expected to recognize is often clear. We can all agree that the Scout of Colicky Baby falls on one side of the line and that the person who is about to be hit by a meteorite falls on the other. However, when we try to reconstruct the content and rationale of the norms that underlie these judgments, we quickly encounter difficulties. Broadly speaking, there are two main problems, the first of which is that we cannot identify the standards that determine what a person in a
given agent’s situation should be aware of, or what a reasonable person in his situation would be aware of, without first being able to distinguish facts about the agent from facts about his situation. The need to make this distinction is problematic because many significant facts—for example, those that concern an agent’s level of intelligence, his prior history, and his moral and nonmoral background beliefs—lie disconcertingly close to the boundary. Thus, it is not immediately clear whether we should say, of, for example, a homeopath who endangers his sick child’s life by refusing to authorize a proven therapy, that his failure to recognize his act as wrong is substandard for someone who has easy access to orthodox medical care and the Internet, or that that failure meets the standards that apply to those who have easy access to orthodox medical care and the Internet but who also believe strongly in homeopathy.

The second problem, which cuts across the first, concerns not the division between an agent and his situation, but rather the nature of the standards that apply to agents in that situation. Put most simply, the central question here is whether those standards are genuinely normative or merely statistical. When we say that someone should be aware that he is acting wrongly or foolishly, or that a reasonable person in his situation would be aware of this, are we saying only that a typical or average person who found himself in the agent’s situation would realize that the act was wrong or foolish, or are we saying rather that the agent has failed to meet a demand whose force is independent of what anyone else in his situation would or would not realize? Is the relevant standard merely a summary of what people in such situations generally recognize, or does it express a freestanding normative requirement? If it does express a genuine normative requirement, is that requirement epistemic, or is it moral or prudential?

Although the relevance of these problems may not be immediately obvious, each is of the first importance for my project. The significance of the first problem is that if the beliefs, desires, and traits that prevent an agent from realizing that he is acting wrongly or foolishly are themselves part of his situation, then his resulting lack of awareness cannot fall below the standards that apply to agents in his situation. Because the agent’s failure to realize that he is acting wrongly or foolishly will not be substandard, PEC’s requirement (2a) will not be met, and so PEC will imply that the agent is not responsible for his wrong or foolish act. Thus, if we count such “subjective” facts about the agent as part of his situation, then PEC will at best fail to capture many of our intuitions about which unwitting wrongdoers and foolish agents are responsible and will at worst imply that unwitting wrongdoers and foolish agents never are responsible.

PEC will also clash with certain intuitions if the standards to which (2a) refers are merely statistical; for in that case, whether someone’s reaction to his evidence that he is acting wrongly or foolishly falls below those standards will depend not only on his reaction’s intrinsic features, but also on how it stacks up against the reactions of other people. By thus relativizing each agent’s responsibility to how well other agents process their evidence, PEC will imply that responsibility is a comparative concept. However, in fact, responsibility is not comparative. If anything about the concept is clear, it is that what any given agent is responsible for is a function only of what he himself has done or failed to do.1

Taken together, these considerations define the shape of an adequate interpretation of PEC’s condition (2a). To play the role that I have assigned it, that condition must presuppose both a nonsubjective account of the unwitting wrongdoer’s situation and a nonstatistical account of the standards that govern what someone in that situation ought to be aware of. Thus, the obvious next question is whether a version of (2a) that embodies both presuppositions can in fact be defended.

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1. It is important to distinguish between the claim that the standards that determine how well an agent has processed his evidence that he is acting wrongly or foolishly are set by the way others process their evidence, and the very different claim that an agent’s evidence that he is acting wrongly or foolishly is itself provided by the attitudes of his parents, his teachers, or the other members of his society. Because I am denying only the former claim, my account is consistent with the view that people brought up in slave or caste societies are partially or wholly excused because they do not have reason to regard the relevant forms of behavior as wrong. For relevant discussion, see Michele M. Moody-Adams, “Culture, Responsibility, and Affected Ignorance,” Ethics 104 (January 1994), 291–309; Gideon Rosen, “Culpability and Ignorance,” Proceedings of the Aristotelian Society 103 (September 2002), 61–84; and Neil Levy, “Cultural Membership and Moral Responsibility,” The Monist 86 (2003), 145–63.
II

At first glance, the obvious place to seek an answer appears to be the legal literature; for the reasonable-person standard figures prominently in many areas of the law. That standard is used to determine who is criminally or civilly negligent, who has legitimately acted in self-defense, and who is legally liable in many other contexts. Taking our cue from this, let us begin by asking what light this literature can shed on which version of the reasonable-person standard we should incorporate into our account of moral and prudential responsibility.

The question of which facts about an agent the law should classify as belonging to his situation has occasioned considerable debate. According to Joshua Dressler,

[the traditional rule... is that although a defendant's unusual physical characteristics (e.g., blindness), if relevant to the case, are incorporated into the "reasonable person" standard, a defendant's unusual mental characteristics are not.]

However, Dressler adds that this rule "is under considerable attack and undergoing significant change," and that

there are constant pressures on courts to "subjectivize" the "reasonable person," that is, to incorporate into the "reasonable person" some of the mental and/or physical characteristics of the defendant, or by incorporating in him the defendant's personal life experiences.

Because the legal literature on this topic is both rich and divided, we may reasonably expect it to yield important arguments on both sides of our question.

But, interestingly, it does not. When we look at what legal theorists have actually said in defense of an objective reading of the reasonable-person standard, we find that their arguments do not carry over to the moral or prudential context. Moreover, although the arguments for a subjective reading are of course very different, they, too, do not carry over in any obvious way.

Where the arguments for an objective reading are concerned, the basic problem is that most of them are less concerned with guilt or fault than they are with the efficient administration of the law or the effective control of future behavior. According to most legal theorists, the point of excluding subjective considerations is not to achieve a proper matching of culpability to punishment or of fault to burden-bearing, but is instead to sidestep the difficult task of ascertaining what each particular agent believed or how strong his will was, to avoid having to excuse too many defendants, or to provide each agent with an incentive to know and act on the legally relevant facts. Because these last aims are all practical and forward-looking, they are unlikely to shed much light on the conditions under which agents are morally or prudentially responsible for what they have already done.

Given this difference in orientation, we clearly cannot mine the legal literature to justify the objective reading of the reasonable-person standard that FEC's condition (2a) has been seen to require. But neither, conversely, does anything in that literature show that we cannot accept such an objective reading. To see this, and thus to complete our brief excursion into the law, we must now consider the arguments that have put pressure on the courts to subjectivize the reasonable-person standard.

Although our own topic is most closely associated with the legal category of negligence, the most serious of the pressures toward subjectivism arise not in that context, but rather in response to questions about when a reasonable person would, for example, feel offended by sexually suggestive conduct, consent to sexual relations, or kill her

3. Dressler, Understanding Criminal Law, 132.
6. See Williams, 49.
abusive husband. Because the main challenge to the objective approach comes from this direction, the natural place to look for its rationale is in the feminist legal literature. Of those feminists who favor subjectivizing the law’s version of the reasonable-person standard, some do so on the basis of broad doctrinal commitments—for example, the view that the law’s notion of objectivity is inherently male—that cannot be considered here. However, others take that position on what are for us the more interesting grounds that the objective standard is bound to be unfair to those whose visions of reality do not reflect the mainstream view. If any feminist argument is to make contact with our own concerns, it will almost certainly be this one.

The reasoning behind the charge of unfairness is laid out clearly by Dolores Donovan and Stephanie Wildman. Their central premises are, first, that in the law of homicide (and, by extension, in many other areas of the law), legal liability requires mens rea, or a guilty mind; second, that it is impossible to assess an agent’s degree of moral culpability (or, by extension, his moral responsibility) without taking account of how his situation appeared to him; and, third, that because the objective version of the reasonable-person standard takes the reasonable person to share the values, outlook, and life experiences of those in the social mainstream, it cannot capture either the social reality or (therefore) the degree of culpability or responsibility of those outside the mainstream. From these premises, Donovan and Wildman conclude that under an objective version of the reasonable-person standard,

[i]njustice will be perpetrated on those individuals who are understandably provoked to a heat of passion or who understandably believe their lives are endangered under circumstances which would not have provoked or frightened the reasonable man.


9. For an influential statement of this view, see Catherine MacKinnon, Toward a Feminist Theory of the State (Cambridge, MA: Harvard University Press, 1989). For further references, see the footnotes in Moran, Rethinking the Reasonable Person, 199–201.


Although Donovan and Wildman think we should altogether dispense with the reasonable-person test, and should replace it with the question of whether the agent himself could fairly have been expected to act differently, they acknowledge that another possible response is to stick with the reasonable person but to take him to have precisely the characteristics of the agent whose legal liability is in question.

As many critics have noted, this argument has implications that many feminists would not welcome; for although a subjectivized reasonable-person standard would indeed support such conclusions as that a reasonable woman would find the crude jokes of her male coworkers offensive, or would find it dangerous to resist the sexual advances of an aggressive and physically imposing man, it will also support such conclusions as that a reasonable man would view the crude jokes as harmless and the woman’s lack of resistance as tantamount to consent. However, for present purposes, these considerations are doubly irrelevant. They are irrelevant, first, because the question of whether the Donovan–Wildman argument is feminist-friendly is distinct from the question of whether it is sound, and, second, because both questions differ from our own question of whether that argument can be adapted to yield a subjective account of the reasonable-person test that is applicable in contexts of moral responsibility. Moreover, whatever we say about the argument’s feminist-friendliness or soundness, the answer to this last question is a clear “no.”

Put most simply, the reason the Donovan–Wildman argument cannot be adapted in this way is that it already presupposes a subjective interpretation of the reasonable-person standard as it pertains to moral responsibility. When Donovan and Wildman assert that many homicide defendants who lie outside the social mainstream are not morally culpable because their actions are either “understandable” in light of, or rendered “morally involuntary” by, their personal histories and the beliefs they have formed as a result of those histories, they are clearly

12. In a footnote, Donovan and Wildman say that they reject this move because “retaining the reasonableness standard still places the emphasis on a legal abstraction to the detriment of the accused’s social reality” (457, n. 10).

assuming that when it comes to moral as opposed to legal responsibility, what matter are not the actual facts about what an agent did, but rather the facts as he saw them. They are therefore also assuming that if any version of the reasonable-person test is to apply in the context of moral responsibility, it will have to be one that asserts that an agent is only morally responsible if a reasonable person who shared not only his physical circumstances but also his past history, his current beliefs, and various other aspects of his psychological makeup, would have acted as he did. But if the Donovan–Wildman argument already assumes that any viable version of the reasonable-person test for moral responsibility must construe the agent’s situation in subjective terms, then it can hardly be used to prove that the best version of the reasonable-person test for moral responsibility must be subjective. Thus, if anyone did try to extend the argument in this way, he would simply end up moving in a circle.14

III

Because the legal literature supports neither an objective nor a subjective interpretation of the reasonable-person standard as it pertains to moral and prudential responsibility, we will have to decide between those interpretations in some other way. But is there any principled reason (beyond the fact that my account of these forms of responsibility will no work if we take an agent’s situation to include too many psychological facts about him) to favor the objective interpretation?

I think, in fact, that there is; but before we can see what it comes to, we will have to shift our emphasis slightly. Up to now, I have represented the choice as one that concerns our interpretation of the agent’s situation. However, in this context, “situation” and “agent” are simply correlative terms that exhaustively partition certain facts. To say that a given fact is part of an agent’s situation, or that it is external to him, is simply to locate it on one side of the partition, while to call that same fact a part of the agent’s makeup, or to say that it is internal to him, is to locate it on the other. The correlative nature of these terms suggests that instead of taking the dispute to concern the scope of the agent’s situation, we could with equal justice take it to concern the dimensions of the agent himself. And, indeed, there is an obvious respect in which the latter representation is the more perspicuous; for because our larger topic is the epistemic condition for moral and prudential responsibility, it is clearly the bearer of those forms of responsibility—that is, the agent and not his situation—in whom we are primarily interested.

This shift in emphasis immediately opens up new possibilities. When we ask which facts about an agent we should take his situation to encompass, we find it hard to give a principled answer because there is no body of theory about the situations of agents upon which we can draw. However, and in stark contrast, there is a thriving if disorderly body of theory about the nature of agents themselves. This suggests that the way to make progress in determining on which side of the boundary to locate a person’s beliefs, desires, dispositions, and traits is to seek our answer in precisely that body of theory.

When we do, we immediately find much that supports the objective approach; for when philosophers ask what makes someone the person he is, they very often appeal to some combination of his desires, beliefs, dispositions, and traits. I think that most philosophers (and most nonphilosophers) would readily affirm that these aspects of a person are among the determinants of his identity in a way that his physical attributes and social circumstances are not. There is of course disagreement about how much of a person’s psychological makeup has this status—it is unclear, for example, whether urges and traits that an agent disavows or wishes not to have are thereby rendered external to his real or “core” self—but few would deny that traits such as blindness and physical infirmity are external in a way that many psychological features are not. This suggests that many philosophers would draw the line between an agent and his situation at about the same place as the traditional legal rule.

Whether or not this breezy speculation is correct, the question of where to draw that line is clearly a variant of the question of where to locate the boundaries of the responsible self. Not coincidentally, this last question is just the one that we must answer if we are to ascertain

14. Because Donovan and Wildman’s argument against adopting an objective version of the reasonable-person standard in the legal context rests on their assumption that the moral version of the standard should also be subjective, any successful demonstration that the moral version of the standard should be objective would undermine their legal argument. In what follows, I will attempt to provide just such a demonstration.
which psychological states are constitutive of an agent in the sense that
PEC’s condition (2b) requires. Moreover, for any given agent, the range of
answers that exclude from his situation the psychological states that
account for his failure to recognize his act as wrong or foolish will roughly
coincide with the range of answers that construe those psychological states
as constitutive of him. This suggests that the two requirements of PEC’s
second disjunct—that the agent’s failure to respond to his evidence that his
act is wrong or foolish be both (a) defective relative to the standards that
determine what a reasonable person in his situation would realize and (b)
traceable to his own constitutive attitudes and dispositions—are connected
at a deep level. Although they appear distinct, the two requirements are
rooted in a single theory of the responsible self.

And, because they are, I need not produce an independent argu-
ment that the psychological states whose interaction prevents agents
from realizing that they are acting wrongly or foolishly are generally not
elements of their situations. Instead, if I can show that those attitudes
and traits are generally constitutive of their possessors, as PEC’s condi-
tion (2b) requires, then the conclusion that they are not elements of
their possessors’ situations, as the preferred interpretation of its condi-
tion (2a) requires, will immediately follow. In the next chapter, I will
argue that: the relevant attitudes and traits are indeed constitutive of
their possessors in precisely this way.

However, before I can make that argument, I must say something
about the other unresolved question about PEC’s condition (2a). This,
it will be recalled, was the question of whether the standards that
determine what a particular wrongdoer or foolish agent should be
aware of, or what a reasonable person in his situation would be aware
of, are genuinely normative or merely statistical. Unlike our first ques-
tion about the standards that determine what agents should be aware of,
this one does seem genuinely independent of the way we interpret
condition (2b). For this reason, it will require separate treatment.

IV

At first glance, the case for a statistical interpretation of the standards
that determine what agents in particular situations should be aware of

may seem quite strong; for when we try to ascertain whether those
standards have been met, we rely heavily on our beliefs about what
others in similar situations generally are aware of. When we judge
that Alessandra and Ryland should have realized what they were doing, our
main rationale appears to be that most pet owners do not forget the
animals that depend on them and that most raconteurs are sensitive to
the sensitivities of their audience. Along similar lines, we would with-
draw our judgment that Father Poteet should have realized that he
lacked the space to merge if we discovered that enough other motorists
who entered the freeway from the same ramp caused similar levels of
carnage. Because our judgments about what any given agent should be
aware of are so strongly influenced by our beliefs about what most
others in that agent’s (objective) situation are aware of, it may seem
obvious that the standards that underlie those judgments are merely
statistical.15

But, on closer inspection, this is not obvious at all; for even if the
relevant standards are ones that most people can and do meet, it hardly
follows that those standards apply only because most people can or do
meet them. It is notoriously fallacious to infer, from the fact that each
species occupies its own ecological niche, that each niche was created
so the relevant species could fill it. We would commit a similar fallacy if
we were to infer, from the fact that most people satisfy the standards in
terms of which the reasonable person is defined, that those standards are

15. Some legal theorists have sought to differentiate the reasonable person from the
average person on the grounds that the average person has occasional lapses which the
reasonable person by definition never has; see, for example, A. P. Herbert, Uncommon
(1970), 410–30. This distinction will preserve the statistical interpretation of what is
reasonable as long as the level of responsiveness to evidence that the reasonable person
is defined as invariably achieving is set by the level achieved on average by his less
consistent actual counterparts. Among legal theorists, this last thesis appears to be widely
influential—see, for example, Holmes, The Common Law, and George P. Fletcher, “A
Theory of Criminal Negligence: A Comparative Analysis,” The University of Pennsylva-
nia Law Review 119 (January 1971), 401–38—and given the law’s pragmatic aims, that seems
entirely reasonable. However, because our current aims are so different, the reasoning that
leads legal theorists to adopt this version of the statistical interpretation will again fail to
carry over.
the standard below which she has fallen is the one that is set by her own previous level of performance. It may be suggested, in other words, that the real import of the claim that Alessandra should have been aware of Sheba’s plight is simply that this is the sort of thing that Alessandra generally does recognize. However, although this proposal has some initial credibility, a further variant of Hot Dog suggests that it, too, is inadequate. To bring out the difficulty, let us now suppose that Alessandra’s exemption from the prevailing affliction was only temporary, and that she has recently become just as impaired as her fellows. If this is so, and if Alessandra forgets about Sheba very shortly after becoming impaired, then her failure to recognize the dog’s plight will fall well below her previous level of performance. Hence, if the standard that determines what someone should be aware of is set by that person’s own history of performance, then we will have to say that the newly impaired Alessandra should have realized that Sheba was stuck in the hot car. Because we clearly would not say this, the individualized statistical interpretation is evidently no more adequate than its nonindividualized counterpart.

This last variant shows that what matters about Alessandra is not what she has remembered in the past, but only what she is capable of remembering now. It therefore suggests the possibility of abandoning the statistical approach in favor of the view that the standards that govern what a person should realize at a given time are set precisely by that person’s current cognitive capacities. Although the notion of a capacity is notoriously slippery, it seems possible to make sense of the claim that the original Alessandra was capable of remembering Sheba when she in fact forgot by appealing to some combination of (a) counterfactuals about what she would then have remembered under alternative conditions and (b) claims about the physical mechanisms of memory. Michael Smith proposes an account of just this sort when he writes that in order to determine whether someone has the capacity to form a certain belief that is supported by her evidence, we must abstract away from all those properties that could have an effect on what she believes except the relevant properties of her brain, and we must then ask whether a whole raft of counterfactuals are true of her. Would she have formed a whole host of similar beliefs in response to similar evidence? If she would have, then the suggestion is, assuming

that there is relevant structure in what underlies the truth of those counterfactuals, we can triangulate to the conclusion that, in the same nearby region of logical space, that same woman forms the right belief in response to the evidence she in fact considers. If all this is so, then it follows that she has the capacity to form the right belief in response to the evidence she in fact considers.17

Although Smith’s woman, unlike Alessandra, is aware of the considerations that support the belief that she has failed to form, his account can easily be extended to cover a case in which she is not. Assuming that some such account can be made to work, and setting aside the complication that the relevant capacities are likely to come in degrees, let us now consider the possibility that the standards that determine what an agent in a given evidential situation should be aware of are set precisely by that agent’s current cognitive capacities.

This proposal offers some definite advantages. For one thing, it allows us to make sense not only of our original judgments that Alessandra, Julian, and the others should have been aware of their acts’ wrong-making features, but also of our judgments about what each agent should be aware of in each possible variant of each case. In addition, by relativizing what each agent should be aware of to his own cognitive capacities, the proposal avoids the implication that PEC’s second disjunct is satisfied even by the severely retarded and the insane. Although the mental makeup of such persons can indeed be expected to cause them not to realize that they are acting wrongly or foolishly, their failure to realize this will never be substandard as long as the relevant standards are set by their own deficient cognitive capacities. Moreover, by taking the standards that determine what each agent should be aware of to be set entirely by that agent’s own capacities, we will also satisfy the requirement that no one’s responsibility should depend on any facts about anyone else. It is true that if what each agent should be aware of is determined exclusively by his own cognitive capacities, the relevant “shoulds” will not be robustly normative. However, if the proposal is otherwise defensible, then this implication is one we can simply accept.

V

But, in fact, the current proposal is not otherwise defensible. To see why, and thus to appreciate what the relevant standards really involve, we must consider one final round of variations on our examples.

Let us return to the original version of Hot Dog. On the proposed account, the Alessandra of that version should have realized that Sheba was in the car because she had just seen Sheba there and, being normal, she had the capacity to remember what she saw. But now let us add that Sheba was not the only thing that Alessandra saw—that when she cleared the backseat before leaving the car, she also saw an umbrella, last summer’s beach novel, several fast-food wrappers, and Sheba’s pull toy. Having seen these things at the same time that she saw Sheba, she must have been just as capable of remembering them as she was of remembering the dog. Thus, if what Alessandra should have remembered when she was in the school depends entirely on what she was then capable of remembering, then it must be just as true that she should have remembered Sheba’s pull toy as it is that she should have remembered Sheba. Since in fact it is not the case that Alessandra should have remembered Sheba’s pull toy—why should she?—the standards that underlie our judgments about what agents in particular epistemic situations should be aware of cannot be set exclusively by those agents’ cognitive capacities.

What is the difference between Sheba and her toy that makes it true that Alessandra should have remembered the one but not the other? When the question is put this way, the obvious answer is “Alessandra’s obligations.” A bit less cryptically, the reason Alessandra should have remembered Sheba is that she was under an obligation to protect the dog that she could not fulfill without remembering where the dog was; while the reason it is not the case that she should have remembered the toy is that she was under no corresponding obligation to do anything with or for it. Generalizing from this, we may conclude that what any given agent should recognize depends not merely on what that agent has the capacity to recognize given his evidence, but also on what he must recognize if he is to discharge his moral or prudential duties.

This is, I think, a significant result; for it suggests that there is an internal connection between the standards that determine what agents in specific epistemic situations should be aware of and the ostensibly

quite different standards that determine what those agents morally and prudentially ought to do. It suggests, in other words, that the former "shoulds," which on the surface seem purely epistemic, are in fact rooted in the "oughts" of morality and prudence. This suggestion, if it can be sustained, will explain why the standards that determine what a given agent should realize seem more robustly normative than they would be if they merely recorded the agent's capacities.

However, before we can accept the suggestion, we must consider the objection that the standards of morality and prudence are practical while the standards of recognition are not. Because morality and prudence are action-guiding—because the central question to which they provide answers is "What should I do?"—it may be thought that any secondary requirements to which they give rise must be action-guiding too. If morality and prudence govern only actions, and if they are the sources of the standards that determine what agents should be aware of, then it must be the case either that becoming aware of something is itself an action or that those standards call only for actions aimed at acquiring the relevant forms of awareness. However, of these alternatives, neither is at all plausible. The first is belied by the fact that becoming aware is not something we do but something that happens to us—not an action but a gift or a form of grace—while the second falls short because even someone who does everything he can to make himself aware of all morally and prudentially relevant considerations may still fail to realize something he should. Thus, while morality and prudence can give rise only to standards that dictate actions, then the standards that determine what agents should be aware of cannot be among those to which morality and prudence give rise.

But does this objection really show that the standards that determine what agents should be aware of cannot be importantly connected to the requirements of morality and prudence? Despite initial appearances, I think it does not. The problem is not merely that the objection tendentiously ignores the claim, advanced by many virtue ethicists, that the action-guiding requirements of morality are themselves derivative from deeper ideals of character that are not action-guiding.\(^\text{18}\) It is, as well, that even if we do not accept any form of virtue ethics, we must at least agree that morality undergirds the non-action-guiding standards by which we assess ideals of character. Traits such as honesty and kindness are not actions but remain virtues that people ought to have, and their having this status is surely bound up with morality's requiring that we act kindly and honestly. In addition, and relatedly, although feelings such as pride and attitudes such as indifference are not actions, morality can plausibly be said to require that we not take pride in wrongdoing or remain indifferent to injustice. Because the standards in terms of which we assess people's traits, feelings, and attitudes clearly are offshoots of our moral scheme, it is evidently possible for the demands of an action-guiding morality to ramify in many non-action-guiding directions. And, because of this, there can be no principled objection to the claim that those demands also extend to nonactional states of awareness.

VI

We are therefore free to conclude that the standards that determine what a given agent should be aware of are a joint function of (a) that agent's cognitive capacities, and (b) the moral and prudential requirements that apply to him. But how, exactly, might these factors fit together? How might an agent's cognitive capacities interact with the requirements of morality and prudence to give rise to the standards of awareness that apply to him?

In many familiar contexts, there is a clear distinction between the possession of a capacity and the choice to exercise it. So, for example, the reason I am not now running a ten minute mile is that although I have the capacity to do this, I have not chosen to exercise that capacity. By contrast, the reason I am not now running a two minute mile is that I lack the capacity and so have no choice in the matter. Taking our cue from this, we may be tempted to think of the requirements of morality and prudence as interacting with the cognitive capacities of the agents to whom they apply as follows: morality and prudence demand that agents become aware of any morally or prudentially relevant facts for which they have evidence, but these demands are weakened or cancelled when the agents lack the rele-

\(^{18}\) For lucid defense of this approach, see Rosalind Hursthouse, _On Virtue Ethics_ (Oxford: Oxford University Press, 1999).
tant cognitive capacities because someone who lacks a capacity cannot (effectively) choose to exercise it.

But, whatever else is true, this account cannot be correct; for because remembering, recognizing, and becoming aware are not actions at all, it follows that even when someone is fully capable of remembering, recognizing, and becoming aware of things, he cannot effectively choose when to exercise these capacities. To say that someone was capable of remembering something he forgot is only to say that he would have remembered it in an appropriate range of alternative situations; and exercising this capacity is never a matter of choice. Also, of course, if we did construe the cognitive capacities as ones that their possessors can choose to exercise, then we would have ushered the searchlight view out the front door only to see it reenter through the back.

Because no one can choose when to exercise his cognitive capacities, there remains a question about why the agents with these capacities are subject to higher standards of awareness than agents who lack them. If the statement that someone has a given cognitive capacity is made true exclusively by what he would be aware of in various non-actual situations, then why should that statement's truth have any bearing on what he should be aware of in the actual situation? Even if a normal unwitting wrongdoer would have realized that he was acting wrongly in most other circumstances while an impaired unwitting wrongdoer would not, why does it follow that the normal unwitting wrongdoer, but not the impaired one, should have realized that he was acting wrongly in the situation that actually prevailed?

To answer these questions, and thus complete our discussion of the standards that determine what agents should be aware of, we must remind ourselves of certain facts about the relevant cognitive capacities and certain related facts about the demands of morality and prudence. Where the cognitive capacities are concerned, the crucial fact is that their possession is a necessary condition for reason-responsiveness. To be a person who forms his beliefs and makes his decisions on the basis of the reasons his situation provides, an agent must be broadly disposed, among other things, to notice various features of his surroundings, to separate what is relevant from what is not, to preserve any relevant beliefs in his short-term memory, to retrieve information from his long-term memory as needed, and to draw the appropriate conclusions from his beliefs and goals. As a collectivity, these dispositions undergird both theoretical and practical rationality. And, correlatively, where morality and prudence are concerned, the crucial fact is that their demands address us precisely in our capacity as reason-responders. As we noted in chapter 4, what sets the demands of morality and prudence apart from other potential influences on our thought and action is just that they seek to move us to act by giving us good reasons to do so.

Taken together, these facts suggest a straightforward explanation of the connection between an agent's cognitive capacities and the standards that determine what he should be aware of. From the premises that the demands of morality and prudence are directed at agents in their capacity as reason-responders and that agents cannot be reason-responders if they lack the relevant cognitive capacities, we may conclude that the demands of morality and prudence are directed only at those who possess the relevant cognitive capacities, but not at those who lack them. This means that if the standards that determine what an agent should be aware of are offshoots of the demands of morality and prudence, then those standards cannot apply to agents who lack the relevant cognitive capacities either. However, why the standards of awareness are set higher for those who possess the relevant cognitive capacities than for those who lack them is precisely what we need to explain. Thus, to provide the needed explanation, it seems sufficient to point out that the cognitive capacities in question are among the enabling conditions for the applicability of the demands of morality and prudence themselves.