Moral Risk and Moral Uncertainty: In Praise of Moral Jackson Cases

Can ignorance excuse wrongdoing? Some have argued that it can, but only if it is factual rather than normative. If I step on your toe because I didn't know it was there, this could be grounds for an excuse; but if I step on your toe because I didn't know it was wrong to step on other people's toes, this is no grounds for an excuse. This view is committed to the 'asymmetry thesis', the thesis that in moral appraisal, factual and moral ignorance are not to be appraised equally (Alvarez & Littlejohn, forthcoming; Arpaly, 2002; Harman, 2011; Weatherson, forthcoming).

One way to assess the truth of the asymmetry thesis is by considering how we should appraise action under uncertainty. Weatherson (forthcoming) has argued that moral and factual uncertainty demand different responses on the part of the agent. In other words, there are no 'Jackson cases' for moral uncertainty. Jackson cases are cases in which agents seem to be morally required to do a less-than-best action because they are in situations of factual uncertainty. As such, Jackson cases seem to be examples in which agents do something morally less-than-best, but do so blamelessly, and their blamelessness is explained by uncertainty. Depending on the credences involved, this uncertainty may amount to a lack of knowledge – i.e. ignorance. If there were also Jackson cases for moral uncertainty, then this would offer some reason to think that moral and factual ignorance are in fact to be appraised equally, contra the asymmetry thesis. Here, I will argue that there are Jackson cases for moral uncertainty, addressing Weatherson's arguments and offering some of my own.

Jackson cases have the same structure as the following example:

Jill is a doctor. Her patient, John, has a minor but not trivial skin complaint. She has three drugs to choose from: drug A, drug B, and drug C. Careful consideration of the literature has led her to the following opinions. One of the drugs A or B will completely cure the skin condition; the other though will kill the patient, and there is no way that she can tell which of the two is the cure and which the killer drug. Drug C is very likely to relieve the condition but will not completely cure it. (adapted from Jackson, 1991: 462).

It seems clear that Jill should give John drug C. The question is whether we should draw the same conclusion when the uncertainty involved is uncertainty about the truth of competing moral theories rather than the effects of drugs on skin conditions.

One reason to think that factual and moral uncertainty are symmetrical is based on the idea that it is morally praiseworthy to mitigate risk (see Lockhart, 2000; Moller,

2011; Ross et al., 2006; Sepielli, 2009, 2014). This explains why Jill should give John drug C, and the same would be true if the uncertainty was moral.

Weatherson (forthcoming) disagrees, he argues that in fact, in the moral cases the equivalent of drug A is a terrible option, and because it's a terrible option, the agent should not take it. As he puts it, the mitigating option is a 'moral misdemeanour', albeit a less severe one that the agent risks if she picks the wrong one of the other two options. He says that the case requires 'moral bravery', one way or the other, and it is wrong to shirk this moral bravery by choosing the option that you know commits a moral misdemeanour. As he puts it, "committing a moral misdemeanour because you don't know which of the other options is a moral felony and which is the right thing to do is, still, committing a moral misdemeanour" (p. 57).

I argue that this is the wrong assessment. Weatherson is right that the best possible moral outcome requires moral bravery, in one direction or the other. However, I think he is wrong to conclude that it would be worse to knowingly perform a morally less-than-best action rather than risk a moral catastrophe. Moral bravery is required to achieve the best outcome, but in situations of genuine moral uncertainty what can seem like moral bravery could easily be moral foolhardiness. It seems perverse to value moral bravery so highly that it is permissible to risk great moral catastrophe to achieve it. Instead, in situations of moral uncertainty we should seek to minimise risk just as we should in situations of factual uncertainty. Contra Weatherson, we should in fact see attempts to mitigate the risk of doing something awful that take seriously one's own moral uncertainties as morally praiseworthy acts that admirably avoid hubris.

I present two reasons that I think we have to think that there are in fact moral Jackson cases, I then outline what the implications of this are for the asymmetry thesis. The first is an appeal to the moral blameworthiness of hubris. The second is a worry about whether or not the least bad option available to an agent is really a 'moral misdemeanour', as Weatherson claims. I furthermore suggest that the principal arguments for the asymmetry thesis support the view that there are moral Jackson cases, and that the existence of moral Jackson cases lends support to the idea that moral ignorance can in some cases excuse, and this hangs upon the precise credences involved in situations of uncertainty.

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