

---

# Culpable / IGNORANCE / Coupable

Sayid Bnefsi\*<sup>1,2</sup>, Oscar Piedrahita\*<sup>2,3</sup>, and Antoine Dang Van\*<sup>1</sup>

<sup>1</sup>Université de Neuchâtel = University of Neuchatel – Suisse

<sup>2</sup>University of Johannesburg [South Africa] – Afrique du Sud

<sup>3</sup>Universitat Autònoma de Barcelona = Autonomous University of Barcelona = Universidad Autónoma de Barcelona – Espagne

## Résumé

SYMPOSIUM BILINGUE:  
Culpable / IGNORANCE / Coupable

Much has been written about how intentional actions essentially relate to various mental states as their causal, explanatory, rational or constitutive antecedents: belief-desire pairs (Davidson), practical knowledge (Anscombe), plans (Bratman), and evaluative judgments, like judging an action is good as part of performing it (the guise of the good).

Ignorance, likewise, can be an essential antecedent, in some sense, of intentional action. Regularly, we explain our actions, especially our mistakes, by reference to our ignorance about things. Yet unlike beliefs and desires, practical knowledge, or plans, ignorance is typically a negative state, often not luminous, agential or expressive, and this presents challenges to understanding its role in agency and intentional action.

In this symposium, "Culpable / IGNORANCE / Coupable" three speakers will present for 30 minutes each (flexible) on complementary questions about the relationship between acting from ignorance and culpability. These talks will be of interest to and stimulating for a wide philosophical audience, as they touch on issues in philosophy of action, epistemology, philosophy of law, and in moral philosophy and normativity.

Ignorance of the Law

Sayid Bnefsi, Ph.D./J.D., Postdoc, University of Neuchâtel / University of Johannesburg (ACEPS)

I use legal theory about ignorance of the law to illuminate two philosophical principles about defenses across criminal and tort law. The conventional wisdom about ignorance of the law is that it does not excuse our actions. Across law and philosophy, there are political and moral arguments for this rule. Yet many of these arguments concede that there are and should be exceptions. On both scores, I disagree. Legally speaking, being ignorant of the law can negate an offense, but that does not necessarily make it an excuse. However, rationally speaking, I argue that ignorance of the law should not be a defense, let alone an excuse. Since knowledge of the law should not make breaking it more culpable than it would be, ignorance of the law should not make breaking it less culpable than it would be.

---

\*Intervenant

## **Ignorance, responsabilité et légitimité du blâme**

Antoine Dang-Van, doctorant, FR/ENG, University of Neuchâtel

Peut-on être blâmé pour un mal que l'on ignorait causer ? Deux familles théoriques s'opposent actuellement sur cette question. Les volitionnistes exigent une faute sciemment choisie pour qu'un agent soit blâmable. Les attributionnistes estiment que ce n'est pas nécessaire : un agent est blâmable dès que sa faute manifeste des jugements de valeur inappropriés.

Les cas d'ignorance coupable mettent en lumière les défauts de ces deux positions. Le volitionisme semble trop facilement excuser les agents négligents ou aveuglés par leurs habitudes. L'attributionnisme blâme trop rapidement des agents qui, bien qu'entretenant des jugements de valeurs inappropriés, n'avaient pas les moyens suffisants de les réviser.

Je défends une position intermédiaire qui combine une conception attributionniste de la responsabilité et une approche "capacitiste" de la légitimité du blâme. Un agent est blâmable pour un mal qu'il cause par ignorance si cette causation reflète ses jugements évaluatifs inappropriés et qu'il avait la capacité de reconnaître que sa conduite constituait une faute.

Cette condition de contrôle est analogue à celle qui est requise pour qu'une omission soit coupable : un non-faire est en effet volontaire et blâmable si l'agent avait le devoir et les moyens raisonnables de mieux se conduire.

### **Willful Blindness and Suspicion**

Oscar Piedrahita, Ph.D., postdoc, ENG, University of Barcelona (LOGOS) / University of Johannesburg (ACEPS)

When courts treat willful blindness (aka willful ignorance) as equivalent to knowledge in determining criminal culpability—as when a smuggler deliberately avoids confirming suspected illegal items, like drugs, in his cargo—they raise questions about the nature of ignorance. Can someone be considered ignorant of a fact they suspect to be true? This question becomes pressing when examined through recent epistemological debates about ignorance, as suggested by Sayid Bnefsi (2024). For instance, the Access View (Piedrahita 2021) defines ignorance of a fact  $p$  as the lack of epistemic access to  $p$ , where  $S$  has epistemic access just in case she truly believes  $p$  through her epistemic capacities. Epistemic access to  $p$  thus excludes ignorance. But Bnefsi (2024) argues that willful blindness is a counterexample to the Access View. If  $S$  suspects  $p$  but deliberately avoids confirming  $p$ , they seem to both have epistemic access to  $p$  (through their well-grounded suspicion) and lack it (by being ignorant). Under the Access View, willful ignorance seems to include what it should exclude.

Here, I will show that willful blindness not only fails to challenge the Access View but actually supports it. Willful blindness is the deliberate avoidance of epistemic access. By conceiving it this way, we gain insight into the nature of both willful ignorance and suspicion. Epistemic access and suspicion are different epistemic states. Epistemic access requires truly believing  $p$ . Yet one can suspect  $p$  in the absence of a belief that  $p$ . Therefore, suspecting doesn't involve epistemic access. Since willful ignorance entails suspicion, willful ignorance and epistemic access are mutually exclusive. This insight not only solves the initial puzzle but also aims to motivate further questions about suspicion in order to understand the nature of partial epistemic states, such as willful ignorance.

**Mots-Clés:** ignorance, culpability, blame, willful ignorance, agential ignorance, legal ignorance