

but, oddly, Zupan claims that ignorance regarding whether the war is just provides not merely an excuse but a justification. This is because the ignorance of low-ranking combatants regarding the relevant nonmoral facts to which the upper echelons are privy, and in virtue of which the war is unjust, is not merely accidental but is instead an integral feature of the combatant's role and a consequence of accepting a division in labor in a collective endeavor. He adds, though, that knowingly contributing to an unjust war would be impermissible. Thus a combatant who believes the war he is participating in is likely to be unjust is nonetheless permitted to kill those who are justly defending themselves against aggressive violence. The reasons he provides for thinking that knowledge is required are inadequate. And the application of his position to criminal and tort law would have very unusual consequences. Still, as Zupan points out, his contribution is better seen as a method of approaching the issue of MEC rather than as a comprehensive account.

In the final chapter, Adam Roberts provides a defense of MEC as a legal doctrine. He seems to implicitly deny any distinction between the morality of war and the laws of war. Roberts alleges that deniers of MEC assume either that the relevant international laws embodying MEC (1) are an example of positive law in that they grant rights, or (2) diminish, in general, the effectiveness of certain military operations, or (3) are based on the premise that there is moral equality on combatants "on the battlefield." However, it is unclear who makes these assumptions; Roberts provides no references. Roberts defends MEC qua legal doctrine, among other ways, by both emphasizing its philosophical development from the sixteenth century onward and providing specific historical examples in which the adoption of MEC was pragmatically integral. He also argues against apparent reasons in favor of adopting MEC in international law.

It is easy to mistakenly assume, as many of the authors in this volume do, that if the independence thesis is incorrect, the permissibility of fighting in a war is determined by the justness of that war. But suppose, as is often the case, that a war has both just and unjust aims, where the unjust aims outweigh the just aims in a calculus of the justness of the war *tout court*. It can be permissible for a combatant to promote that unjust war, even if the independence thesis is false, provided that the combatant promotes only the just aims. The category 'war' is too coarse-grained as an object of participation in that morally assessing such participation is problematic; such assessments are best done at the level of aims. A denial of the independence thesis involves a more radical departure from the Just War tradition than is typically appreciated.

SABA BAZARGAN
Rutgers University

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Moral theorists tend to assume that we know what we are doing. That is, they ignore the uncertainties that beset everyday life. Will yelling at my kids lead to penitence and reform or will it scar them? Will being generous to my unworthy

students show them they have a chance to succeed or signal “anything goes”? More subtly, abstracting from empirical outcomes, we may be uncertain as to the moral value of our actions. Sending flowers to Janet would delight her, but since I need a favor from her it might also be manipulative. Giving a student a high grade might be best for his personal progress but unfair toward the others. And so on. Moreover, it’s not just consequentialists who have reason to worry—on any moral theory it will frequently be unclear which course of action leads to the best result from that theory’s point of view. (Deontologists think consequences aren’t the only things that matter, but they do matter. And of course you can be uncertain as to whether a given act really does show sufficient respect for personhood, say.) Michael Zimmerman’s book aims to investigate these neglected matters of moral uncertainty systematically. To his credit, the work that emerges is rigorous and stimulating throughout.

For simplicity’s sake, focus on uncertainties about outcomes. From the moral point of view, what should a conscientious person do when faced with the following kind of choice (which Zimmerman adapts from Frank Jackson)? Suppose we must give a patient either drug A, B, or C. Doing nothing will leave the patient permanently incurable. Drug A will fully cure the patient. Drug B will lead to a partial but only a partial recovery, while Drug C will kill the patient. Zimmerman develops four options that are supposed to be neutral with respect to competing moral theories. (These are thumbnail sketches—here as in the rest of the review I ignore various complications the text works through.)

The subjective view: the agent should do whatever he believes to be best from the moral point of view. If the agent finds himself sincerely believing that C is the way to go—perhaps he misread his evidence—then that is what he ought morally to do.

The objective view: the agent should do whatever is in fact best from the moral point of view. Whatever the agent finds himself believing, and whatever his evidence, he should still prescribe A.

The prospective view: the agent should do whatever his evidence indicates to be best from the moral point of view. If the agent gets his evidence wrong, he is still obligated to act on what the evidence actually indicates, and if his evidence leads him to kill by accident, that is still what he ought to do. If the evidence on A and C is unclear, he may be obligated to prescribe B.

The jaded view (as I will call it): the dispute is merely verbal. There is an objective and a subjective sense of “ought,” and in one sense we ought to do what is actually best, and in another we ought to do what looks best from our limited perspective.

Zimmerman’s book consists of a defense of the prospective view and corresponding attacks on the rival options, followed by a discussion of the implications of the prospective view. Since I want to focus on the core issue, let me just briefly sketch what those implications are.

Rights (chap. 2).—Rights are correlative with duties. Since our duties are prospective, so too are the corresponding rights. If you lend me a book, that means you have a right not to my, in fact, returning your book, but only that I do whatever my evidence indicates would most likely result in your getting your book back. (You have a right, for instance, that I use a reliable method rather than an unreliable method of sending the book back, but not to your actually

getting it.) Moreover, since your rights depend on my evidence, your rights turn out to be rather fragile, on this view. If my evidence wrongly indicates that you are significantly threatening me, I may kill you without violating your rights. Your right to life simply vanishes if my evidence suggests you are threatening me in a way that makes you liable to lethal force. And, since different people have different evidence and so different prospective obligations, your rights turn out to fluctuate wildly in relation to different people and different times.

Possibilism/actualism (chap. 3).—Here the issue concerns sequences of actions such that the earlier ones are only good if followed by certain later acts, where one may know those later acts are possible but unlikely. I should call you up and apologize, but I know that if I call I will probably succumb to temptation and start making nasty remarks again. I ought to call and say nice things, but given that I know I'm likely to succumb, do I have an obligation to call? Actualists say no, possibilists yes. Both views have their problems. Actualists seem saddled with denying that if you ought to do both A and B you ought to do A. Possibilists seem to tie our obligations to our dispositions, which may themselves be morally repugnant. Zimmerman develops a prospective version of possibilism. His proposal is interesting in two respects: first, he insists we focus on whole courses of action that incorporate subsidiary acts as parts; second, he says we should focus on the attempts we can make when considering our obligations. This takes care of cases like the apology, where we don't want to say you can get out of apologizing in virtue of your not being likely to be nice (what matters is what you would do if you gave it a shot), while also dealing with cases in which the later acts involve things like winning lotteries or opening combination safes, where we should select options that don't depend on great luck to avoid disaster.

Moral responsibility (chap. 4).—Zimmerman claims that when it comes to blameworthiness, it really is our beliefs, not just our evidence, that matter. But this raises the problem that ignorance excuses far more often than we would like to admit. For in very many cases, he argues, wrongdoers don't know that what they are doing is wrong, and it is often not plausible to claim that their ignorance is itself culpable. This view is rooted in the origination thesis: every chain of culpability must terminate with an act for which the agent is directly culpable and which the agent believed to be wrong. But it seems implausible that ignorant wrongdoing terminates with this kind of intentional wrong very often, and so it looks like there's more to say by way of exculpating the Hitlers and Stalins of the world than we might have thought. Second, Zimmerman makes an intriguing plea for "accuses" (noun, hard *s*). These are supposed to be symmetrical with excuses as follows: you have an excuse for A if doing A was wrong, but you can't be blamed; you have an accuse for A if A was permissible but you can still be blamed. For example, suppose you lie in bed rather than working for charity on Saturday. We might have thought our work of moral assessment was finished once we noted that the correct moral theory permits lying in bed. But if you thought doing so was wrong (you subscribe to some false, demanding theory), you have an accuse for your behavior and still may be liable to blame.

Zimmerman's work bristles with detail and complications. At times it has a slightly scholastic quality—canonical definitions are revised and updated across hundreds of pages—but it must also be said that there is tremendous imagination

and insight at work. Many of these issues are both fascinating and underdiscussed; I would recommend that anyone interested in normative ethics read this book.

Now, as the above implications bring out, embracing Zimmerman's evidentialist or prospective view carries with it an important package of costs and benefits, so it's worth picking over the basic issue in some detail. (The view of rights he outlines, in particular, is not easy to accept.) He is clearly right to reject a crude subjective view, which will only seem of interest if we confuse blameworthiness with wrongdoing. The problem with such a view is that it collapses obligation into opinion. Slaughtering innocents becomes OK just in virtue of Genghis Khan thinking it is so. Perhaps we shouldn't blame Genghis for doing wrong, but that's what the excuses are there for.

The objective view is trickier. Zimmerman's main objection to it is what he describes as a kind of *ad hominem* argument (17–18). Take two variations on the drug case. In Case 1, your evidence wrongly indicates C will cure the patient, but in fact will kill him. Everything else stays the same. In Case 2, your evidence leaves it open which of A and C will kill him, but rightly indicates that B will lead to a partial cure. Now ask: what would you actually do in these situations as an objectivist? Case 1 is easy: you would prescribe C and then just say that what you did was wrong but excused. But what about Case 2? Here, Zimmerman says, the conscientious objectivist would certainly prescribe B. But this time he can't say he was trying to do what was best, since he knew that whatever else B was, it wasn't the best act from the moral point of view. You might think the objectivist would simply be trying to minimize the chances of doing wrong, but no: "From the perspective of the Objective View . . . the probability that giving [the patient] this drug is wrong is 1, whereas, for each of drugs A and C, the probability that giving him the drug is wrong is less than 1. Hence, according to the Objective View, giving [the patient] drug B does *not* minimize the risk of doing wrong; on the contrary, it is *guaranteed* to be wrong" (20). What this shows, Zimmerman argues, is that really we're all prospectivists. In the end, no one can take the objective view seriously, not even the conscientious objectivist. (But notice that for the prospectivist to get this case right, "whatever the evidence indicates to be best" must be read in terms of what one's prospects are of achieving what matters, morally speaking. After all, the evidence indicates not that B is best, but that B offers the best prospect of promoting the patient's health, all things considered. As Zimmerman suggests, one way of cashing this out is in terms of expected value: B is certainly not going to bring about the best result, but it has the highest expected value given the risks of A and C. Since "value" here refers to whatever the right moral theory tells us is of value, the language has a consequentialist ring, but is supposed to be theory-neutral.)

At this point, the jaded view may seem tempting: why not just announce that in one sense we ought to prescribe B and in another sense A (just as the objectivist says)? Zimmerman emphasizes that he isn't discussing just any concept of obligation. He specifies that he is discussing what an agent ought to do "when (a) 'ought' is taken to express overall moral obligation and (b) doing what is overall morally obligatory is taken to be the primary concern of the morally conscientious person" (27). With this firmly in mind, the objective view just isn't credible, according to Zimmerman, since no one could seriously think that in

Case 2 the conscientious person ought, all things considered, to gamble with the patient's life and prescribe A or C. Of course, we could stipulate some concept *ought** and assign the objective view to that, but that's not what Zimmerman means to discuss, and it would probably be more confusing than enlightening to do so.

However, I must confess to being nevertheless tempted by something in the neighborhood of the jaded view. The issue isn't, I think, a trivial point about the word "ought"; it's a deep issue about the nature of moral beliefs and theories. We put these to different uses, and when the aims we have in mind pull in different directions, it's not surprising that we end up with conflicting intuitions. It is familiar enough to distinguish between the action-guiding and assessment roles of moral theories. The one is a first-person theory that is there to help us decide what to do, given our limited perspective and means. The other is a third-person theory that helps us assess actions with full information. A consequentialist might, for instance, propose rule-consequentialism as an action-guiding theory but assess actions after the fact with act-consequentialism. Zimmerman's (a) and (b) don't really settle which kind of theory is at issue.

Perhaps Zimmerman could press: "Look, do you seriously think that in Case 2 we ought to gamble on the patient's life in any sense at all? Surely we would criticize an agent who did so!" All that is happening here, however, is that we are being invited to take up the action-guiding point of view. The objectivist who gambles horrifies us because he follows the wrong first-personal theory. But there's nothing to stop us from taking up the assessment perspective: "Knowing what we know, it turns out he should indeed have given the patient A, thus fully curing him. But of course, in another sense he was wrong to gamble. After all, he followed the wrong moral decision-procedure." The real question is whether the prospective view is all that controversial once we make it perfectly clear that we're not supposed to take up the external point of view of a fully informed assessor and are instead talking about action guidance. At that point the objective view is simply ruled out, and with the subjective view hopeless, the prospective view may seem like the last man standing.

But perhaps it's not so clear that the subjective view is out of the running. Go back to what the prospective view really says. Our obligations are supposed to be a function of our evidence. One way of taking this is as whatever we think our evidence indicates. But Zimmerman rejects this view (34ff.), presumably because it smacks of subjectivism. (Albeit a more plausible version: you ought to do whatever you think would be prospectively best from the moral point of view.) Instead, our obligations are a function of what our evidence actually renders more likely. So in the drug case, what matters is, say, what the scientific study we have just read in fact indicates about the effects of A, B, and C, not what we happen to misinterpret it to indicate. To put it another way, what counts are the beliefs the evidence actually warrants. But this seems to invite another Zimmermanian *ad hominem*. Suppose in the drug case that the evidence in fact favors C (the lethal drug), but that you don't realize this. Instead, you think the evidence favors A (the lifesaver), which you administer. Zimmerman is committed to saying you ought to kill your patient with C, even though you yourself think this would be a horrendous act and even though it really would be a horrendous act. And now we may ask, if the prospective theorist were in this

position, surely he wouldn't dream of administering C? Nor is it plausible that, having saved his patient and properly understood the evidence, he would look back and think "I blew it—if only I'd killed my patient with C." (Or even: "I got lucky, but really I ought to have killed my patient, since that is what the evidence indicated, even though I responsibly considered and completely rejected that interpretation of the evidence at the time.") I presume, that is, the prospectivist would administer A and thus, by supposedly violating his deepest moral obligations, save his patient. So why doesn't this show that we're all subjectivists after all?

The moral, perhaps, is that from the inside—from the action-guiding perspective—it's hard to avoid collapsing into some form of subjectivism, though it might be a sophisticated version that incorporates elements of prospectivism. Of course, from a more external point of view that is not how we would assess matters, but that point of view is captured by objectivism. Zimmerman wants to maintain the middle ground of prospectivism. I'm not sure if that can be done, but Zimmerman's arguments are far-reaching and well worth thinking about carefully whether or not one is ultimately convinced.

DAN MOLLER
University of Maryland