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Rightly or for Ill: The Ethics of Individual Memory

ABSTRACT. In this investigation, I focus on individual memory behaviors for which we commonly blame and praise each other. Alas, we too often do so unreflectively. Blame and praise should not be undertaken lightly or without a good grasp on both what we are holding people responsible for, and the conditions under which they can be held responsible. I lay out the constructivist view of memory with consideration for both remembering and forgetting, and special attention to how we remember events as well as whether we remember them. I generate seven defeasible generalized moral rules that should govern individual memory behaviors including remembering our own past wrongs, holding grudges, and creating positive as well as negative memories. By such means may we all remember and forget rightly and not for ill.

And lest things which *should be remembered* perish with time and vanish from the memory of those who are to come after us, I, seeing so many evils and the whole world, as it were, placed within the grasp of the Evil One, waiting among the dead for death to come, have put into writing all the things that I have witnessed.

(Brother John Clyn 1348, my emphasis)

INTRODUCTION

In this investigation, I focus primarily on individual memory behaviors for which we commonly blame and praise each other. Alas, we too often do so unreflectively. Blame and praise should not be undertaken lightly or without a good grasp on both what we are holding people responsible for, and the conditions under which they can be held responsible. When ought we to hold fast, to do our very best to remember? And when ought we to let go, to forget, to allow some things to pass out of memory? When do we remember and forget rightly, and when for ill?

One of the oldest formulations of a moral obligation of memory is the duty to bear witness. In the 14th century, the Black Death swept through Europe, ravaging Britain in the years 1348 and 1349. In England, manorial records indicate that mortality ranged from 19% to 80% (Ibeji 2011). In Ireland, Brother John Clyn watched the plague's progress through rural Irish communities near his abbey in Kilkenny and preserved it on paper. His dedication to witnessing is revealed in his motivation: "lest things which should be remembered . . . pass out of memory." This "should," the sense that there are some things we are obligated to remember, is laid out in literature on the Holocaust (Levi 2013; Margalit 2002; Mendelsohn 2006; Wiesel 1982; Wiesel 2006). Similarly, after September 11, 2001, Americans were urged to "Never forget." So we see that the notion that memory is a moral thing has a long history.

Alas, witnessing and remembering the past are not always done well or rightly, nor is memory morally significant only in times of great tragedy or violence. Consider the perennial issues of forgotten promises in daily life, of forgotten dates or events important in both your life and the lives of others, of remembering the things that matter to those about and for whom you care, of remembered transgressions, of forgotten failures, of grudges long held. Such memory behaviors are ones for which we commonly heap blame or praise upon the agents, and they raise distinctly moral issues: What is the nature of this obligation to remember? When does it apply? Can there be an obligation to not remember—to not entrench memories of an event? And can there be an obligation to remember in a particular way, or even to forget? How can we meaningfully discuss moral responsibility for memory? Can moral agents be held blameworthy and praiseworthy for how they remember and forget? The answers to these questions bear on a wide range of philosophical issues including freedom of the will and moral responsibility. They also bear on the nitty gritty of lived human relationships, of our daily lives. Thus, they are questions whose consideration will benefit us all. This framework—these questions—shape my investigation.

I begin with the nature of individual memory, showing how memory behaviors are significantly shaped—one might be tempted to say, determined—by biological *and* social factors. Yet, for all that, there are ways in which agents can consciously intervene. This mix of agency and determinism complicates determinations of moral responsibility, blame, and praise.

I reject the classic libertarian conception of moral responsibility as predicated on radically free will. This view has many forms, an influential one being the Principle of Alternative Possibilities: one is morally responsible for one's actions if and only if one had an alternate possibility for action—if one could have acted otherwise (Copp 1997). Such a view is deeply problematic for human faculties, such as memory, which are not entirely volitional. The alternative to this view that I adopt is one laid out by moral theorist Nomy Arpaly (2003, 2006). Arpaly presents a nuanced analysis of what she calls the “moral worth” of an agent's behaviors, a judgment that encompasses determinations of both moral responsibility and of praiseworthiness or blameworthiness. In particular, her theory accounts for intuitions that there can perhaps be degrees of moral worth, even when the same morally good action is performed by two different agents. Arpaly's account is well-suited to considering memory in all its significantly determined and somewhat-voluntary glory.

So let us begin with an overview of the nature of memory that is as brief as I can manage without brevity resulting in falsity. Only then we will move on to Arpaly's conception of moral responsibility and to establishing some ground rules for the ethics of memory. After all, before we can determine moral responsibility and whether to praise or blame, we must know what we are assigning moral responsibility, and praise and blame, *for*.

THE FUNCTIONS AND MECHANISMS OF INDIVIDUAL MEMORY

On most moral theories, moral responsibility requires some degree of agency, and I will not be varying from this, here; even non-libertarians John Martin Fischer and Mark Ravizza require some degree of “guidance control” so that the action at least “flows from the agent's own, moderately reasons-responsive mechanism” (Bratman 2000, 453). Watch particularly for the interactions of determinants and conscious intervention in memory behaviors, as these have relevance for attributions of responsibility, blame, and praise.

Let us begin with the biological. As Larry Squire and Nobel Laureate Eric Kandel have said, “Memory promises to be the first mental faculty to be understandable in a language that makes a bridge from molecules to mind, that is from molecules to cells, to brain systems, and to behavior” (1999, 3). Indeed, at the cellular level, the neurochemistry of memory is very similar between *Drosophila melanogaster*—the fruit fly—and humans. A gene deletion that interferes with the ability of both organisms to manufacture certain neurotransmitters impairs the ability of both

organisms to learn simple tasks and even makes it impossible to classically condition the organism, as Pavlov was able to do with his drooling dogs. Basic mechanisms of memory have their root in neurochemical interactions that are shaped at the cellular and the genetic level. This is just one example of the kind of biological determinants of individual memory that exist. Biological determinants are also evidenced by the impact of traumatic brain injury, neurosurgery, and seizure disorders on memory, all conditions that involve damage to structures of the brain above and beyond genetic features. Further evidence for biological determinants of memory is found in the commonality of “memory impairments” as a side effect of medications (Sussman 2006), and as a symptom of physical conditions as mild as sleep deprivation. Biology does significantly determine memory. But to understand memory, we must go beyond biology to consider social determinants of memory that affect its very ontology.

In her 1987 book *Memory*, philosopher Mary Warnock writes that the long-standing philosophical and psychological paradigm construed memory “as a ‘storehouse,’ in which things that may come in handy later are put away: a kind of attic or junk room” (6). We see this relatively static view of memory in the work of Aristotle and Hume, among others, who argued respectively that experiences leave impressions on the soul (*On Memory and Reminiscence*) and traces in the mind, without alteration by subsequent cognition (Hume 1969, 132–33). Memory errors on this view are errors of recollection. This paradigm dominated memory studies for centuries and is reflected in public understandings of memory: “we tend to think of memories as snapshots from family albums that could be retrieved in precisely the same condition in which they were put away” (Schacter 2001, 9).

Though the storehouse view dominated until the mid-twentieth century, it has been thoroughly replaced by what Nobel prize-winning neuropsychologists and an array of philosophers acknowledge as a broad philosophical and scientific consensus. This new consensus? A constructivist model depicting memories as heavily constructed not only at the time of formation but reconstructed *and altered* by recollection. Philosopher Susan Campbell suggests that we best conceive of memory as an “appropriately relational capacity” (2003, 16), about relations with other memories but also with other persons. When philosophers and neuropsychologists describe memory as ‘constructed,’ the term ‘constructed’ does not, in this sense, indicate an anti-realist conception of memory—one that would posit memory as an elaborate social fiction. Rather, ‘construction’ means ‘subject

to revision,' to what James Young (1988) calls "writing and rewriting." This is particularly true of the retrieval of memories that is a "creative, constructive process" (Squire and Kandel 1999, 6).

To understand memory as a construction, we must understand the three stages of individual memory processing commonly described in the literature: encoding, storage, and retrieval. Each of these has both biological and social determinants.

Encoding refers to the way in which the material we encounter is attended to, processed, and prepared for storage in memory. How we attend to and process the material we encounter are cognitive matters partly within our control. In his autobiography, *Speak Memory*, Nabokov (1989), an amateur lepidopterist, finds that noticing the presence and taxonomy of butterflies and moths has predisposed him to both perceive and recall such creatures, as far back as vivid childhood memories of catching moths at night and showing them to his father. Nabokov recounts a conversation with a hiker who walked the same trail he did through what Nabokov recalls as swarms of butterflies. Upon reaching the bottom, Nabokov inquires as to how many butterflies the other hiker had seen. "None," he replies. Similar instances in laboratory settings demonstrate that, in fact, the quality and quantity of encoding are highly dependent on existing knowledge and on attention.

In addition, the ways in which our society teaches us to tell stories about events affect what we notice and remember. Social psychologists document significant differences in whether girls and boys in Western cultures are taught to respectively attend to and recount emotions and relationship-maintaining details, or to attend to and recount objects, actions, and events (Fivush and Nelson 2004; Ornstein et al. 2004). Thus, upon returning from a birthday party, a girl might be asked "who did you play with?" whereas a boy might be asked "what did you do?" In general, prior experiences and social lessons in how to construct autobiographical narratives affect what we attend to and thus remember in a way that the storehouse model cannot account for.

Storage, by contrast with encoding, pertains to how encoded information is retained. Researchers refer to the sum total of changes in the brain that first encoded an experience, and then constitute its record, as an 'engram.' Memory researchers Squire and Kandel posit that memory engrams are stored better when the brain is accustomed to storing that kind of information, either through deliberate recollection and repeated re-encoding or through storing similar kinds of information on prior occasions.

Retrieval is the last agreed-upon stage of memory processing, occurring when a stored memory engram becomes consciously available. Retrieval can happen intentionally, as when we strive to recall something we once committed to memory, or unintentionally, as when memory is triggered by a smell or a word or a conceptual similarity between the semantic content of two memories. On the constructivist view, memory construction can occur during encoding, storage, retrieval, or subsequent re-encoding.

Encoding, storage, and retrieval are generally agreed upon, but Squire and his Nobel prize-winning colleague Kandel add “ordinary forgetting” to the list of normal memory processes. According to them, ordinary forgetting is the “inevitable weakening of memories that were initially clear and full of detail. . . . In fact, it is not at all clear that we would be better off if we could remember everything easily” (1999, 75). Forgetting is a normal process of memory on this view, and not always a memory error. But where morally appropriate, it can clearly be prevented by conscious intervention in storage via deliberate and frequent retrieval of any memory that needs to be retained. Squire and Kandel speak for the scientific consensus when they say that forgetting, encoding, storage, and retrieval are all available to and affected by conscious cognition.

Memory is substantially biologically and socially determined but nonetheless subject to conscious intervention, and thus something over which individuals may have some level of agency. How to make sense of moral responsibility for underdetermined memory remains to be seen.

The ontology of memory is that of a construction with processes of encoding, storage, and retrieval that are governed by both social and biological determinants. But the ontology of memory *behaviors* is different from that of memory, itself. The first memory behavior we must consider is remembering. This occurs when we successfully encode, store, and retrieve a constructed memory. Though we frequently are unaware of how we construct memories or when we engage in memory behaviors, *we need not be unaware*. Indeed, on occasion and without training, we sometimes deliberately reconstruct our memories, as when we think to check the content of declarative memory against historical records or the memories of others, and then to encode a repaired or enriched version. This is one way we seem to exert individual agency over our memories, at the retrieval and re-encoding stages. In addition, encoding tends to result in more successful remembering when it is elaborative and deep, and in less successful remembering when it is limited and superficial (Squire and Kandel 1999, 71). Thus, the reason we tell our students not to cram. This, too, is a locus for exerting individual agency.

A second memory behavior is forgetting. This occurs when we do not successfully store or retrieve a memory that was successfully encoded, something of which we might say “I used to know, but I’ve forgotten.”

And finally, there is a third ontological category of memory behaviors we might call ‘non-encoding.’ Non-encoding is distinct from forgetting but logically implied by the distinction between remembering and forgetting: remembering is about encoding, storage, and retrieval, but forgetting is about failure to store or to retrieve. Non-encoding is thus failure to encode a particular construction in the first place. What we encode, and how, is both morally salient and partly within our control.

One might reasonably respond, “Hold your horses! This applies to most of what we encounter in everyday life. Surely this is too broad! Non-encoding must be narrower than you make it seem.” I take such an objection to aim at the apparent demandingness of implying that we have moral obligations for such a pervasive behavior. Non-encoding as I have described it would mean we are engaged in morally-demanding memory behavior most of the time. I mean to say exactly this, just as any behavior at any moment may be morally salient. Morality requires vigilance, though not saintly perfection. It can be exhausting to be good, especially when we first we set out to be so and when we have no clear conception of what goodness requires of us. Duties of memory may indeed be vastly more expansive than has been previously thought, insofar as we have thought about them at all. It is particularly troubling, thus, that philosophy has not given them due consideration.

Where now do we stand? We have seen that memory studies in biology and in social psychology give us reason to believe that our memories are substantively determined, as well as that we can nonetheless intervene in our memories and therefore have some control over individual memory. Memory is thus underdetermined by our biology and our socialization.

So, how responsible can I be for memory? We cannot answer this without a clear and defensible theory of moral responsibility that can handle moral responsibility for memory in all its complexity.

MORAL RESPONSIBILITY AND MORAL SAINTS

In her 2003 work, *Unprincipled Virtue: An Inquiry into Moral Agency*, Arpaly introduces a useful conceptual distinction between the moral worth of an agent and the moral desirability of his or her action. Moral worth is tied to the judgment of agentic responsibility and thus to blameworthiness and praiseworthiness. What’s more, says Arpaly, “the extent to which an

agent deserves moral praise or blame for her action depends in part on the action's moral desirability" (Arpaly 2006, 10). Moral desirability is what we mean "when we ask whether it is right or wrong, or how grave a wrong it is, or whether it is the best possible action" (ibid., 23), and is akin to moral valence: murder would be morally undesirable, whereas killing-in-self-defense might well be morally desirable. What's more, two actions that are equal in moral desirability might well be different in moral worth depending on the moral agents who perform them (Arpaly 2003, 69). But how?

For Arpaly, what makes us different from physically determined systems such as molecular interactions or rattlesnakes is not freedom from determination, but the ability to respond to reasons (Arpaly 2006, 5). To be praiseworthy for morally desirable actions requires minimally that an agent must be responsive to moral reasons such as that the action is morally desirable. Indeed, an agent must be responsive to the reasons that *make* it morally desirable. One cannot be praiseworthy unless one has done the right thing for the right moral reason. Arpaly couples this "right reasons" clause with the degree of concern with which the agent responds to moral reasons, where concern is taken to be possession of "an intrinsic desire that morality be followed or that the courses of actions that have those features that make actions right be taken" (Arpaly 2003, 85). If I have moral reasons to call 911 to render aid but do not do so because it will make me miss part of my favorite TV show, I have a deficiency of moral concern. Thus, her view of praiseworthiness is as follows:

For an agent to be morally praiseworthy for doing the right thing is for her to have done the right thing for the relevant moral reasons—that is, for the reasons for which the action is right; and an agent is more praiseworthy, other things being equal, the deeper the moral concern that has led to her action. (ibid.)

We can thus do the right thing and still not be praiseworthy, or be less praiseworthy than another agent who acts similarly. We are most blameworthy, by contrast, when we "antirespond" to right-making reasons, responding instead to the very reasons that make an action morally undesirable.

The degree to which we are praiseworthy or blameworthy thus has less to do with whether we could have acted otherwise than with whether we respond to moral reasons with an appropriate degree of moral concern. Alert readers will recognize a tinge of Harry Frankfurt, here, and Frankfurt-style counterexamples to the Principle of Alternate Possibilities.

Now, recall the three components of the ontology of memory behaviors: remembering, forgetting, and non-encoding. These are neither inherently morally desirable or undesirable. Rather, it is the *way* we remember, forget, and fail to encode that we do rightly or for ill. To show this, we must first establish a rough standard for moral desirability.

I take as the most basic foundation of judgments of moral desirability that actions which tend to do harm—either proximally or in the long view—are morally undesirable. I deploy a rough form of rule consequentialism, with room for exceptions where circumstances provide reasons for deviating significantly from the rules. This sort of thinking has its roots in Margaret Little and Mark Lance’s moral particularism: the particulars of situations may “defeat” generalized duties or principles that are otherwise ascendant. Indeed, Little and Lance argue (2004) that many of our most accepted generalized duties or principles have exceptions; exceptionless generalizations of any kind, moral or empirical, are relatively rare. Even the requirement of civility in a just society may not be exceptionless where calls for civility silence morally required dissent (Reiheld 2013). Consider this bioethical example: it is a generally accepted rule that physicians should not deliberately cause death, for medicine’s purpose includes prolonging health and life. However, this rule may be defeasible when the particulars mean that prolonging life is more harmful than an absence of life, as when the only life remaining involves untreatable pain the patient cannot tolerate. Thus, while physicians generally should not deliberately cause death, perhaps they may aid such patients in dying. This is not a change to the rule. It is an acknowledgement that the rule is, given such particulars, defeasible.

By combining rule consequentialism with moral particularism’s defeasibility, we can now take a plausible criterion for moral desirability and apply it to determine the moral worth of memory behaviors. There will be some vagueness here, but we want to generate general rules for which memory behaviors we ought to perform and avoid, and how to hold people responsible for memory behaviors. As Arpaly says, many ethical theories allow us to find it “perfectly consistent to view the moral desirability of actions as depending . . . on their expected consequences, and the moral worth of individual actions as depending to some degree on the agent’s motives” (2003, 70). Even Aristotle allowed a certain productive vagueness in his consideration of eudaimonia, virtue, and vice, “for precision cannot be expected in the treatment of all subjects alike” (*Nicomachean Ethics* 1094b). Indeed, he said, “when the subject and the

basis of a discussion consist of matters that hold good only as a general rule, but not always, the conclusions reached must be of the same order” (ibid.). In Aristotle’s claim, we see not only a productive vagueness, but also an example of moral rules as Lance–Little style defeasible generalizations: “matters that hold good only as a general rule.”

Before we proceed, I must make a small digression. I do not claim that we must remember rightly and never err, or that to remember wrongly and for ill is an unrecoverable error. The demandingness objection to non-encoding turns on precisely the concern that I would make such a claim. Rather, we do well to look with suspicion on any discussion of moral responsibility that requires moral saints, a point well made by Susan Wolf. Wolf describes a moral saint as “a person whose *every action is as morally good as possible*, a person, that is, who is *as morally worthy as can be*” (1982, 419, my italics). Such ideals, suggests Wolf, never allow any exception to acting in accord with duty, virtue, or the maximization of utility. No errors are permitted, few compromises allowed. The difficulty with moral saints arises when concern for others becomes the sole permissible source of happiness for the moral saint. In truth, moral saints are those who never stop following demanding duties, whose every tiniest decision raises a demanding duty. I do not intend that all agents be moral saints with respect to all that can be forgotten or remembered. Not all memory behaviors have dramatic moral valence, thereby alleviating some of the burden of moral sainthood. But even with respect to behaviors with dramatic moral valence—morally desirable or undesirable to a high degree—Wolf does not require perfect self-sacrifice and moral sainthood because absolute adherence to duty would tend to “crowd out the nonmoral virtues, as well as the interests and personal characteristics that we generally think contribute to a healthy, well-rounded, richly developed character” (ibid., 421). Moral sainthood is simply contrary to the concept of a good life, and requiring this of ourselves or others may plausibly be wrong in and of itself as it tends to do harm.

I neither wish to, nor will I, nor does my scheme demand that we must all become “memory saints.” Thus, I reserve my harshest judgments for those persons who either habitually engage in morally blameworthy behaviors of memory *or* seek to entice others into doing so. Let us see how this plays out.

There are several reasons that memory may be morally important, aside from the mere fact that we do commonly blame and praise each other for it unreflectively. One is that remembering and forgetting are a *matter of ethics*—fit subjects for determinations of moral worth. Another is that they are *necessary for matters of ethics*.

I contend that the moral desirability of memory pertains to both axes of judgment. Thus, remembering or forgetting wrongly done is wrong:

(A) because its harm is directly and proximally a result of memory—we ought to have remembered or forgotten, or remembered in a certain way, and did not

or

(B) because it allows further harm to be done through poor ethical decision-making due to unethical memory, harm that is distal but still caused by memory.

With respect to the latter, recall the aphorism that “those who forget the past are doomed to repeat it.” We see the former, that memory is itself a matter of ethics, in the first of several cases I introduce in order to get at some generalizable rules of individual memory.

Case 1: The Forgotten Birthday

This happens often, and it is perhaps better to take a real-life incident than to create a realistic fictional one. Consider this description by Angela Smith, in a 2005 article in the journal *Ethics*:

I forgot a close friend’s birthday last year. A few days after the fact, I realized that this important date had come and gone without my so much as sending a card or giving her a call. I was mortified. What kind of friend could forget such a thing? Within minutes I was on the phone to her, acknowledging my fault and offering my apologies. . . . I did not *intend* to hurt my friend’s feelings or even *foresee* that my conduct would have this effect. I just forgot. It didn’t occur to me. I failed to notice. (236)

Smith goes on to say that the very fact that she felt compelled to offer apologies indicates that forgetting in this case was morally undesirable. But why?

Avishai Margalit (2002), in his book *The Ethics of Memory*, argues that ethics is about preserving “thick” relationships. This view is also found

in ethics of care. We might consider this in reflecting on Smith's case, for what is ruptured here is, in large part, the friendship: "What kind of friend could forget such a thing?" It is part of being friends to remember and celebrate what is important to our friends. In this framework, forgetting the birthday is morally undesirable because it damages the relationship between Smith and her friend by undermining the nature of friendship, itself. This does seem plausible.

And yet, recall that we are using a defeasible generalization that types of acts that are morally undesirable are those that, as a rule, cause more harm than not performing them; conversely, types of acts that are morally desirable are those that, as a rule, cause more benefit than not performing them. Where this is not the case, the rule is defeasible by particularities of the situation. For instance, suppose that, as a general rule, a person is harmed emotionally or materially when we forget something important to them, be it a shared wedding anniversary or a severe sensitivity to spicy foods. In particular instances where two spouses do not care about celebrating anniversaries, the rule that we should remember this event that is important for most people is defeated; where a friend has no preference or sensitivity with respect to spiciness, we need not spend now-undue effort remembering a person's eating habits. Let us apply this now to the case of the forgotten birthday.

The primary harm here is the hurt experienced by Smith's friend. This hurt could be unique to her friend, but we do often have what some might call "well-grounded expectations of friendship" that are violated in this case. When our expectations are unfulfilled, we doubt the friendship is real; this is part of our hurt. Such expectations include getting in touch for well wishes when important events occur (the birth of a child) or recur (a birthday), and that those important events will be noted, recalled, and acted upon appropriately. Of course, we may adapt our expectations of what friendship or other intimate relationships entail based on the individuals with whom we are in relation. For example, if I have a friend with recurring mental illness, my expectations of her adapt accordingly if we are to remain friends. I may not make plans that rely on her to behave typically. Nonetheless, if we remain friends, I retain at least adapted expectations of our friendship.

Let us return to the case of the forgotten birthday. While Smith's friend's hurt may be partly from not receiving the expected birthday call, it is also directly *because Smith forgot the birthday*. Imagine Smith had remembered the birthday, but misplaced her friend's contact information and spent

several days searching for it. Calling her friend in this scenario would involve admitting only failure to rapidly locate a phone number. Smith's apology for taking a few days to call would have been a very different thing. *It is the forgetting, itself, that hurts here*, at least as much as not receiving the call on time. Thus, the forgetting is the primary morally undesirable act, here: it caused or would tend to cause harm. In a culture where birthdays are less valuable, or with a friend who is well known to place little emphasis on birthdays, or with a rememberer afflicted with Alzheimer's, the harm would be less or non-existent and forgetting the birthday would be a moral non-issue. But in our culture and for most people, important dates such as birthdays or wedding anniversaries should be remembered, all the more so when we can reasonably expect people to be harmed if we fail to do so.

Since the harm of forgetting is based in the fact that what is forgotten *mattered* to the other person, and remembering is composed of the three stages of encoding, storage, and retrieval, we can construct two generalized rules:

Rule #1: We ought to encode events and occasions that matter to others who can be harmed by our forgetting.

Rule #2: We ought to retrieve them in time to decide whether and how to act.

Several factors ought to be considered here that affect defeasibility.

First, let us consider Rule #1 more closely. Note that it formalizes the fact that events and occasions matter to others, and that this is the basis of the harm done by forgetting. It is entirely possible that some things matter to people that either ought not to matter, or at least ought not to matter so much. For instance, consider expectations of how clean one's house must be before having friends over. It would be reasonable to expect that a host would make some effort to clean and straighten his house for company, but one of the great well-grounded expectations of friendship is that certain guards can be let down. If a house guest is a "neat freak" and the house is not up to their standards, the fact that the guest experiences extraordinary distress need not incur an extraordinary obligation to clean. Not all things that matter should matter as much as they do to some people, and when the degree of concern is inappropriately intense, no correspondingly intense obligation is incurred.

Of course, what determines appropriateness? Perhaps ordinariness is a good criterion. After all, it seemed fitting to use the term "extraordinary distress," above. However, suppose my judgment that something matters

“too much” to a friend, and thus I ought not remember it, is itself deeply flawed precisely because concerns that are out of the ordinary sometimes matter just as much as they should. Perhaps I invite a powerchair-using friend to my home and make no accounting for the fact that they may have difficulty maneuvering. It will matter to my friend in a way that might not matter to someone else; the degree of intensity will be extraordinary, but not inappropriate. We should be careful in judgments about what matters to those we can harm by memory behaviors. We must both prevent inappropriate intensity of mattering from setting our obligations to remember, and be very cautious in our judgments of inappropriateness lest we do harm thereby.

A second concern about the first rule is that we must be wary of undesirable non-encoding, and pay attention to what matters to those who can be harmed by our forgetting. We have already seen that what we attend to is significantly under our control and dramatically affects encoding; recall Nabokov’s butterflies. What’s more, encoding tends to result in more successful remembering when it is elaborative and deep, and in less successful remembering when it is limited and superficial (Squire and Kandel 1999, 71). How we attend to material we encounter is a cognitive matter that *is* partly within our control, as is how we can deliberately reconstruct our memories.

For instance, one of my oldest friends’ birthdays is April 13. One way to ensure I recall this day in a timely manner is to deliberately connect this in my memory to the fact that April 15 is Income Tax Day in the U.S. So long as I am in the U.S., the world around me will remind me as media coverage and peers mention its approach annually. This is another way we seem to exert individual agency over our memories, at the retrieval and re-encoding stages.

We can improve the quality of our encoding and retrieval precisely by such means. And when we do so in order to avoid harm, *we are being responsive to moral reasons*. These are the very reasons that make it right to remember and wrong to forget. Per Arpaly, we are thus morally praiseworthy for doing what is morally desirable, and morally blameworthy when we do not, *if failing to do so when we can is a failure to respond to moral reasons*. Thus, we can be held praiseworthy for fulfilling Rule #1, and blameworthy for failing to do so.

Note that, above, I said we are morally blameworthy when we don’t do what is overall morally desirable *if we can* do so. This raises the specter of capability. Rule #2 implies that we can not only encode, but also store

and retrieve. While storage and retrieval depend on how strongly the memories were first encoded (Rule #1), or how I re-encode and connect them to other prompts, it is hard to ensure that it happens when and as it should simply by relying on the interconnections between memories. The example above of remembering a birthday near Income Tax Day works because I chose a reminder function provided by the external world. This is one way to satisfy Rule #2, and to ensure that I can satisfy Rule #1. Where the external world will not remind me, I can construct reminders for myself to prompt retrieval, and can even construct storage. That I *can* do so is essential to the question of whether my memory behaviors are responsive to moral reasons.

But is it morally acceptable to transfer, or “turf,” memory behaviors to places outside our own minds? Biologist Merlin Donald suggests that symbolic technologies allow us to off-load cognitive functions and handle tasks that our brains, alone, cannot. In fact, going beyond the brain for most human cognition is so important that the human evolution of such record-keeping should be thought of as “the Great Hominid Escape from the Nervous System” (Donald 2001, 149). I can fulfill Rules #1 and #2 either through encoding something so strongly that it is always stored and retrievable, or by constructing reminders. I can use mnemonics—income tax day—that help my brain to be responsive to moral reasons due to the construction and re-construction of connections between memories, or external reminders and storage present in symbolic technologies: sticky notes, notes on a calendar (which I must habitually check), entering them into my infernal device, etc. These external proxies for memory can help us fulfill important generalized moral rules for memory like Rules #1 and #2.

In response to an early version of my argument in favor of using proxies for individual memory, Christopher Zurn objected that in getting my infernal device to do it, *I* have not discharged my personal duty to remember a birthday. All I did was to prevent the harm that would have been caused by not wishing her a happy birthday. However, this objection is based on several faulty assumptions: First, the assumption that preventing harm is not precisely the objective; Second, the assumption that my device’s reminder is not actually an extension of my cognition, but rather a cheap substitute for it. My response to this understandable concern is that preventing harm is precisely the standard of value I deploy. Furthermore, I did fulfill the requirement to remember by taking measures to remind myself later, to aid my recollection. In fact, we often fulfill our responsibilities to others by proxy. Consider parents who

fulfill part of their caregiver responsibilities to children by employing proxies, whether paid caregivers such as babysitters and daycare workers or unpaid caregivers such as friends and family. Parents do not fail to fulfill responsibilities of care just because they “off-load” some of the implementation of those responsibilities to others. Indeed, they fulfill their responsibilities by ensuring that others perform the necessary tasks when they cannot. We do not generally interpret responsible delegation as abandonment that is unresponsive to right-making reasons, nor should we interpret external storage or retrieval prompts for memory as unresponsive to right-making reasons. There is a substantive moral difference in the ethics of memory between deliberately creating an aid to retrieval that compensates for deterministic features such as ordinary forgetting, and not even having the degree of concern required to encode something in a memory *or* in external storage. If I write a note on a calendar or a sticky note or program my device to remind me, it works because I had already encoded the memory, already noted what ought to be remembered. That I do so by proxy for the long-term makes it no less the case that I did so.

Let us return again to Smith’s forgotten birthday. When Smith belatedly realizes she had failed to recall the birthday, she was not completely shocked that (a) she had a friend, (b) she has a birthday, (c) it is about now. Her failure is a retrieval failure, a common feature of what Squire and Kandel called “ordinary forgetting.” What she should be held blameworthy for is violating Rule #2, not Rule #1. To satisfy Rule #2, it is acceptable and perhaps even necessary to use external memory storage; failing to do so when your neurology will not support adequate encoding, storage, and retrieval is, in fact, failure to be responsive to right-making reasons. If I consciously decide not to bother interconnecting memories or otherwise establishing some external way of reminding myself, I am not responding to moral reasons. I am thus blameworthy for my eventual failure to retrieve the memory in a timely manner.

What of those persons who cannot encode memories of this sort? Are they to be blamed?

Recall our brief discussion of a person in the early stages of Alzheimer’s who uses a memory proxy to fulfill Rules #1 and #2, and is no less praiseworthy than a neurotypical person who does the same with their own personal memory. The extreme end of such cases includes both the real and the fictional. The main character in the film *Memento* (2000), Leonard, has anterograde amnesia. This prevents conversion of short-term memories into long-term ones. Leonard is attempting to track the

murder of his wife. To do so, he tattoos clues on his body to record what he has discovered. He is doing his best to “remember” what matters, but his entire “memory” is wholly off-line; instead of surfing prompts for retrieval of memory to a calendar or device, he has to turf encoding, storage, and retrieval. He will not even remember to look at his stored data (which itself depends on what he decided was important enough to permanently record); he tattoos most of it onto himself so that accessing the storage medium is unavoidable. Given his deficits, he is doing his very best to respond to moral reasons like seeking his wife’s true killer. He thus seems praiseworthy in other respects despite his failure to make his brain cooperate with his responsiveness to right-making reasons.

But there is at least one respect in which Leonard fails terrifically, and morally, regarding his attempts to compensate for his brain injury. During *Memento*, it becomes apparent that one of his tattoos is a deliberate lie he stored permanently on his body to motivate him, later, to hunt down and revenge himself upon someone who—though not entirely innocent—was not guilty of the crime alleged in the tattoo. If a person with a normal, functioning memory had deliberately set out to reconstruct a memory in this way, he would be committing a highly morally undesirable act. Why? Not only because it is inaccurate, but because it is a deliberate manipulation of memory *the aim of which is to justify an otherwise wrong action*. This is a harm far beyond allowing oneself to forget what ought to be remembered; it is anti-responding to the reasons that it would be good to remember. It thus constitutes remembering in a deliberately wrong-making way, and then relying on ordinary forgetting (in the case of a functional memory) or one’s own deficit (in the case of Leonard) to have the morally undesirable memory come to be seen as truth. What Leonard remembers is deliberately falsified but no less a memory, just as an eyewitness whose memory of a criminal’s appearance has altered over time has a false memory but a memory, nonetheless. The salient moral difference is that, unlike the eyewitness, Leonard is acting with ill will by responding to the very features of the situation that make it wrong, just as political administrations act with ill will when they order records and transcripts to be altered in order to make them look less cruel or incompetent and to enable future wrongdoing (Benen 2018).

This leads us to a third generalized rule of moral worth for memory behaviors:

Rule #3: We ought not to deliberately construct memories or store memory proxies so as to do harm to others, nor induce others to do the same.

Because the deliberate falsification of his memory proxy violates this rule, Leonard is no paragon of praiseworthiness. But as an example of someone who deterministically lacks the capacity to encode, store, and retrieve new memories and yet works in other instances to remember what generally ought to be remembered, Leonard works. He also works as an example of someone who works to remember what should not be remembered, and as someone who fails to remember what he should.

Thus, we have given some significant consideration to moral desirability and responsibility already, resulting in three generalized rules:

Rule #1: We ought to encode events and occasions that matter to others who can be harmed by our forgetting.

Rule #2: We ought to recall them in time to decide whether and how to act.

Rule #3: We ought not to deliberately construct memories or store memory proxies so as to do harm to others, nor induce others to do the same.

As Rules #1 and #2 can be fulfilled in part by using off-line memory storage where possible, those who are capable of responding to moral reasons should use off-line memory storage when it is necessary or helpful to satisfying these rules. But these rules, which govern determinations of moral worth, and thus blameworthiness for failing to fulfill them, are defeasible in cases where the following conditions both obtain: first, the moral agent lacks the neurological capacity to fulfill the rules *and* second, the moral agent lacks the capacity to realistically utilize off-line adjuncts to memory to fulfill the rules. This latter condition obtains when the agent is unable to use symbolic technologies or when the agent is unable to know that they have a neurological deficit that would require them to do so. Whether using “on-line” neurological storage or off-line memory proxies, we should hold ourselves to Rules 1, 2 and 3 except where a convincing case for defeasibility can be made.

Let us now consider a case where it is not what is forgotten that is the problem, but what is remembered.

Case 2: The Grudge

Karl and his sister, Katie, love each other. Katie has always struggled to live up to Karl’s academic example and, because she never seemed to quite be able to match him, she has given up on school altogether. What’s more, when Karl and Katie, now adults, get together, Karl begins to recount

some of his fondest memories of their shared youth, including roller-skating together along the sidewalk at the beach in the summers, a fond recollection frozen in his memory and on paper by an image of the two of them in their swimming suits, hugging each other while precariously balanced on matching sneaker-skates. Katie gets a strange look on her face and says that she doesn't remember that. Karl pulls out his smartphone and shows her the digital copy of the picture that he has uploaded to it. Katie says that she often doesn't remember these good things about their past, but has vivid recollections of the sense of failure she felt whenever she thinks about school or Karl. Indeed, to this day she holds a grudge for the time that Karl got her in so much trouble by tattling on her that she was left out of the family vacation and stayed with grandparents while Karl and their parents went to Europe for a few weeks. She can't remember what she got in trouble for. But Karl reminds her that she had gotten so mad at him over a comment he'd made that she punched a hole in his door and smashed his bike. Several weeks after this conversation, Katie is vaguely unsettled by her realization that she doesn't remember the good things about their past; in contrast, Karl is deeply upset not only about this, but that she doesn't remember the bad aspects of her own actions and holds a grudge against him for something he judges to be far less significant than her own actions.

This case is complicated by the way that attributions of moral responsibility for non-memory-related actions depend on memories of those actions. However, this doesn't make the obligations of memory that result merely derivative of the need to properly blame or praise. The memory behaviors of holding grudges and forgetting meritorious actions, especially in combination, are harmful in and of themselves. This is not so much because they are disrespectful of the subject of the memory—though lack of respect is, as a rule, a position that makes harmful actions more palatable to wrongdoers—or because in certain restricted circumstances grudges and forgetting meritorious actions are harmful. Rather, it is because the nature of these memory behaviors is that *they tend to do harm*. The autobiographical narrative created by holding grudges and forgetting meritorious actions is distorted in a way that is most clearly not beneficial, either to Katie or to Karl or to their family members. Katie is harmed by an unrealistic perception of herself that paints her life as more miserable than it has been at other people's hands, and which prohibits her from acknowledging her own faults and altering her actions. Karl is harmed by Katie's unbalanced blaming of him for tattling on her, a lack of balance that results partially from Katie failing to recall the subject of tattling, which was clearly a wrongdoing severe enough to merit being left out of

a family vacation. Furthermore, family members are harmed by Katie's autobiographical narrative of mistreatment, which shapes her perceptions of their actions now and shapes her own actions.

But does the case of Karl and Katie adequately reflect the general harms of holding grudges and forgetting personal responsibility such that we can derive from it generalizable rules? It might seem that their interaction is highly specific to events in their lives. However, consider grudge behaviors. Psychologists have argued that holding grudges is characterized by "rehearsing the hurt" and by a failure to empathize "with the human condition of the offender" (Witvliet et al. 2001, 117). It is the rehearsal of the hurt that enables the lack of empathy, that makes grudge-holding a memory behavior, and that leads to harm for the grudge-holder and for the object of the grudge. This is particularly ethically problematic where the way in which the moral agent rehearses the hurt deliberately or habitually suppresses evidence that might lead to empathy with the offender or even acknowledgement that no significant offense was rendered, as when Katie's rehearsal of Karl's tattling leaves out the fact that there was an egregious harm about which he tattled. In such cases, holding grudges does harm. Thus, we can create a generalized rule:

Rule #4: We ought not to rehearse past hurts in ways that leads us to hold grudges.

It may seem that the opposite of holding a grudge is forgiveness, and that this entails forgetting a remembered wrong. This view of the relationship between forgiveness and forgetting is sometimes taken up by Avishai Margalit (2002) and by Miroslav Volf (2006). Thus, Rule #4 raises a potential problem: there may be times when we ought not hold a grudge but also ought not to "forgive and forget." However, if holding a grudge is indeed rehearsing a hurt with a lack of empathy for the offender, giving up grudges is not the same as forgiving, nor is it the same as forgetting.

First, let us consider the distinction between giving up a grudge and forgiveness.

Consider Claudia Card's paradigm of forgiveness that requires the clear presence of all five of the following characteristics: "(1) renunciation of hostility out of (2) a compassionate concern for the offender; (3) acceptance of the offender's apology and contrition; (4) remission of punishment, if the forgiver has control there, and (5) offer to renew relationship or accept the other as a (possible) friend" (2004, 211). We might well amend

(2) to include also a compassionate concern for oneself as a survivor, for forgiveness might well set one free from the grip of perseverating on past harms. However, in Card's construction, (2) is oriented toward the offender. And as she goes on to say, it is an open question whether such an act is good or even right. In Card's work, forgiveness for atrocities is an example of a forgiveness that may be wrong, as would be forgiveness of abusers by survivors of domestic battery (*ibid.*) Note that letting go of a grudge, as plausibly defined above, obviously entails only one of her five characteristics, "(2) a compassionate concern for the offender," though Card indicates that "(1) renunciation of hostility" is logically tied to (2). Letting go of a grudge thus lacks three of the five plausible criteria that Card suggests for forgiveness. We can give up a grudge without having to forgive, so the existence of cases where we ought not to forgive—such as the holocaust or domestic battery—does not defease our generalizable rule of not holding a grudge.

But can we give up a grudge without forgetting, and why would we want to remember? The rehearsal of harm involved in grudge formation and grudge holding is a particular way of remembering, a deliberate taking out and handling of memory that reconstructs and reinforces it. It is thus a form of remembering. However, it involves remembering in a particular way and involves the ontological category of memory distinct from both remembering and forgetting that I introduced: non-encoding. What goes into the memory depends on what is encoded, and taking a memory out and rehearsing the hurt affects what is encoded as the memory is constructed and then stored again. By contrast with forgetting ("I used to know but I've forgotten"), non-encoding is about how we see things and what we see; as Schudson notes, "a way of seeing is a way of not-seeing" (1995, 348). Rehearsing the hurt means we see only the hurt, and is composed of both remembering by recalling the memory of the hurt and of non-encoding, for we rehearse only the hurt, nothing else around the hurt that might lead us to have empathy for the offender.

Giving this up does not entail forgetting, as we can still recall the hurt. However, we treat it in a different way: we do not rehearse it again and again, allowing it to selectively reinforce our lack of empathy for the offender. But neither do we fail to store or recall it. Thus, we do not forget it. We simply recall and encode differently when we get rid of a grudge or refuse to form one than when we hold a grudge. This is a very important distinction as there may be instances where it is critical for the survival of a victim of abuse or atrocity not only that he or she not rehearse a hurt, but

also that he or she continues to remember the hurt. This can be protective, as when a domestic abuse victim's abuser begs her to return to him and promises to do better. In such cases, remembering the hurt can mitigate future harm but is not the same as holding a grudge. Though the abuser may accuse her of holding a grudge, she is not so long as she does not rehearse it again and again to sustain lack of empathy. Rule #4 may be defeasible by situations I have yet to consider, but it is not defeasible by situations under which it may be necessary to both remember past hurts and not to forgive them. Giving up or not forming a grudge is distinct from both forgetting and forgiving.

Before we go any further with considerations of the ethics of holding a grudge, we must consider the alleged harm of diminishing empathy. One may note that this rule, like all of the rules I have raised and will raise, turns on the claim that bad memory behaviors are allegedly bad because they harm others or cause suffering. One might well argue, though, that causing harm to others and even to oneself through memory behaviors is not always wrong. Perhaps sometimes our memory behaviors *should*, in a very moral sense of 'should,' cause pain and distress, or at least it might be good that they do so. Pain might, for instance, help us learn. Or inflicting it on others might even be right. Consider how this might work in the case of grudges. Perhaps society and survivors of sexual assault are best served by engaging in memory behaviors that *do prevent empathy* for the perpetrator. This need not be a grudge, but it certainly could be. In philosopher Kate Manne's 2018 book *Down Girl: The Logic of Misogyny*, she addresses precisely the issue of inappropriate empathy for the perpetrators of crimes, especially for men who harm women. Manne dubs this kind of misguided empathy "himpathy" (197) and argues that it's part and parcel of misogyny, a key component of patriarchy. Misogyny's job, as it were, is to punish women who "defect" from the role of attentive, loving, compliant subordinates (Manne, 49–54) and to preserve the privilege of the men who discipline these defectors. Recall the case of Brock Turner, who raped an unconscious woman and whose sentence for this crime was met by far too many people with cries of "but what about this poor young athlete's academic and swimming career, cut short too soon?" So much empathy for him, so little for the woman who survived his assault: himpathy. For Manne, Turner is the paradigmatic case of this concept, yet we can see undeserved empathy or disproportionately-given empathy in so many situations where power is in play or harm has been done. We might even hear echoes of Card's concern that forgiveness

is not always good or even right. Ought we to see some kinds of harm from memory behaviors as, frankly, morally acceptable? Are some kinds of harm from memory behaviors flatly harm that is well-deserved?

As with all nuanced consequentialist analyses, we ought to acknowledge that harm-for-all-affected is what is most often at stake, and harm-for-some may be justified for the greater good. It may even be their just desserts. I am prepared to acknowledge that it is one thing to seek to preserve empathy in everyday situations of grudge-holding, and quite another to seek to preserve it in extreme situations where doing so runs the risk of propping up greater harms by far. Certainly preserving disproportionate empathy for those who have done us wrong or who have wronged others, but not for us or for their victims, isn't at all what we are after when we speak of the importance of preserving empathy. We should, as Manne puts it, be wary of the "naïve deployment" of qualities such as empathy. But this does not mean that we dispense with empathy altogether. There is a vast difference, I contend, between the kind of empathy too often crushed by a well-maintained grudge and the kind of empathy that "further privilege[s] those already unjustly privileged over others" (Manne 2018, 200). We would do best to consider carefully that there are defeasibility conditions for the claim that we should preserve the capacity for empathy.

Let us now separately address the wrong done when Katie forgot the happiness she and Karl had shared when younger. This distortion of memory can be explained in part by fading affect bias (Skowronski et al. 2004; Walker et al. 2003) that occurs when autobiographical memories associated with negative affect are more strongly encoded and stored than those with positive affect, and thus easier to recall in detail. This is morally undesirable not merely because it is false (it is) but because it does harm, and not only to Karl. As the rememberer, Katie is harmed by the fact that this way of constructing and recalling her autobiography creates a perception that she both is less loved than she is and has experienced less joy than she has. Karl and other family members (probably even acquaintances and co-workers of Katie) are also harmed by her preferential remembering of negative experiences since it shapes her poor behavior toward them. Thus, such pronounced bias in memory is undesirable.

Given that such biased remembering (storage and recall of the bad and not the good) is morally undesirable, we must ask whether Katie can be held morally responsible for it. Can she respond to the moral reasons involved in such bias and remember rightly rather than for ill? Yes. For while fading affect bias is a real phenomenon dictated in part by our

neurology, it is like many other common failures of memory: if one is not a neurological outlier and one is aware of a particular vulnerability to memory failure, decisions at the time of encoding and in iterative recall and reconstruction can help to override the tendency toward such failures of memory. We see this in the common therapeutic technique of keeping a daily journal of good events.

Knowing that one is particularly vulnerable to this kind of memory bias, it becomes possible to work harder to pay attention to salient factors and to see events in particular ways, to attempt to use proxies (such as a journal or photographs) or repetitive recall and rehearsal of positive events to better store memory engrams that one *ought* to encode. After Karl and Katie's conversation about these events, Katie is aware of this and at least somewhat troubled by it. Without knowing how to respond to moral reasons, here, she may have trouble doing so. But she can do so, and is thus morally praiseworthy if she works in the future to recall both good and bad actions with her sibling and others, and morally blameworthy if she continues to allow her predisposition to fading affect bias to harm her and to harm Karl. Thus, we arrive at a fifth generalized rule for memory behaviors:

Rule #5: We ought to avoid negative bias in memory that harms us and those around us by deliberately encoding, recalling, and rehearsing positive events or aspects of our lives and those with whom we interact, in order to construct more balanced and less harmful memories.

Given our discussion of Rule #4, we know that Rule #5 does not entail forgetting harm done to us. That would be dire, indeed. It simply governs how we remember. Such a rule may also undermine partisan bias in which members of a political group forget wrongs done by their cohort but remember wrongs done by others, forget right acts done by others and remember only those done by their cohort. In all, it should result in remembering rightly rather than for ill.

Let us turn now to a very real and very public case of failure to remember rightly.

Case 3: Scooter Libby and the Forgotten Betrayal

I. Lewis "Scooter" Libby was once chief of staff to Vice President Dick Cheney. On March 6, 2007, Libby was convicted of lying and obstructing justice during a leak investigation (NBC). The leak: that Ambassador Joe Wilson's wife, Valerie Plame, was a covert CIA operative. The alleged lie:

that he did not know this and could not have revealed it to reporters. Firm evidence was found that Libby did in fact know and leaked the information to several reporters. The jury counted nine times on which he had been told of Plame's covert status, including by Cheney, himself. Libby's defense: that he had forgotten (a) that he had known, and (b) whom he had told (VandeHei 2005, A14). The person who replaced him as chief of staff to Cheney testified that Libby had a terrible memory. (O'Reilly 2007)

The case of Scooter Libby raises numerous issues for the ethics of memory, most prominently whether he should have remembered that he knew Plame's covert status and that he had told others about it. This is not unlike Katie's failure to store and recall her own wrongdoing and her happy times with Karl. A relevant complicating factor with respect to moral responsibility is that, if it was morally desirable to remember these facts, then we must ask whether Libby was able to respond to moral reasons. If indeed he had a notoriously terrible memory, perhaps he could not respond to moral reasons. His forgetting might then have been morally undesirable but not blameworthy.

Let us begin by assessing the moral desirability of Libby recalling both Plame's covert status and that he had disclosed this. Within the intelligence community, it is generally accepted that covert status should not be disclosed as it puts individual covert operatives and entire operations at risk. If we care about avoiding harm, revealing Plame's status is morally undesirable. But this does not yet address the matter of whether Libby ought to have remembered performing this morally undesirable action. Unlike Katie, whose forgetting of her own wrongs was problematic in part because it caused her to unfairly blame her brother Karl for past events, Libby's forgetting is not connected to fairness.

Perhaps in general, forgetting a wrong done is akin to forgetting what you had for breakfast three years ago on a Saturday morning, or even to remembering it: it is not morally desirable to remember, so forgetting is not morally blameworthy and remembering is not morally praiseworthy. One might be tempted to think that constructing ourselves as a better person than we actually have been, within our own memories, harms no one or might even be beneficial. Perhaps we are thought to be kinder when we think well of ourselves. I first had such an intuition when I began. On further thought, however, this does not seem to be plausibly the case. Or at least, if it were, it would be focusing on one benefit of such favorable false autobiographical memories while ignoring the larger cost. When I evaluate my moral worth wrongly but favorably, this predisposes me to a

kind of moral arrogance versus a more appropriate humility. The sub-field of moral epistemology raises concerns about how we can know right from wrong. An unfounded certainty that I know how to choose the right action would further contribute to wrong action down the line. Surely we are blameworthy if we believe we are good at this, and in fact ought to know that we are not. In addition, this consideration means that deliberately not preserving, as well as not deliberately preserving, accurate memories of our own wrongdoing anti-responds to the reasons that would make remembering correctly also remembering rightly. In addition, without remembering our past wrongs, we are unable to mitigate the consequences of those actions, or at least unable to understand the reason that doing so is particularly our responsibility. In the words of Colin Powell after the U.S. invasion of Iraq, “you broke it, you bought it.”

This latter point is perhaps most telling with respect to the harm criterion. It is rare that we can do nothing to mitigate the consequences of our past bad actions, though sometimes we can do only a little. Even a murderer who cannot undo the fact of his victim’s death may mitigate the harm by revealing some facts to his victim’s family that could relieve their suffering to some degree. By first forgetting that Plame’s covert status was still active, and then forgetting that and to whom he had revealed it, Libby did far greater harm than if he had remembered both her active status *and* that, and to whom, he had revealed it. Indeed, Libby’s continued public and written denials (Libby 2005) that he neither knew of Plame’s status nor told anyone of it complicated the trial of reporter Judith Miller for contempt of court, a charge levied because of her refusal to testify about the content of her meeting with Libby. Forgetting our own wrongs causes harm to others and prevents us from mitigating harm already done, which is unethical for not only Libby but nearly everyone who forgets the wrongs they have done. As such, forgetting wrongs is morally undesirable and we ought especially to remember our own wrongs. This leads us to a sixth generalizable rule.

Rule #6: We ought to remember our own past wrong actions in order to avoid causing further harm.

But we are not yet finished with Libby, for we must consider also moral responsibility. Suppose that Libby’s memory defense was real and not a facetious legal defense to avoid liability. This seems plausible: Libby’s expert witnesses for the memory evidence portion of his trial were to be Richard Bjork and Elizabeth Loftus, both noted memory researchers. They

would have testified for the defense had Special Counsel Patrick Fitzgerald not argued persuasively for the exclusion of their testimony. Consider the phenomena of source-monitoring errors and of screen memories, one of which leads to pervasively forgetting where you got your information (e.g., who you spoke with or where you read/heard it) and the other of which leads to replacing/displacing some memories with others by constructing an alternate version of events. Who amongst us have not perpetrated these? Doing so by accident, however, and doing so deliberately are two entirely different things when it comes to moral responsibility. Suppose Libby did have increased ordinary forgetting. He may well have found himself less able than some to respond to moral reasons about any memory behavior. Let us charitably assume this is the case. As I will show, even this does not require that we absolve Libby.

Assuming Libby is less able than some to respond to moral reasons about any memory behavior leads us to two ways he might nonetheless be responsive to moral reasons. One, Libby should not place himself nor allow others to place him in situations where his predisposition for a terrible memory might lead him to make serious errors or even to compound them by forgetting his own wrongdoing. This would mitigate or avoid harm by comparison with the alternative. It is for just such a reason that a physician in the early stages of Alzheimer's would be likely to withdraw from practice before their memory problems began to do harm to their patients. Two, if Libby allows himself to be in such situations, he must compensate for his flaws. Recall that the use of proxies is not only permissible in achieving morally desirable memory behaviors, but in fact we ought to do so if that is what is required. The availability and adequacy of such proxies makes failure to respond to moral reasons for memory behaviors deeply problematic. If Libby engages in an action he knows to be wrong (as he should have known in disclosing Plame's covert status), he ought to take means to record it. Now, this has a serious legal disadvantage in that such a record will provide means for prosecution if his wrong is not only immoral but illegal. However, that should not override the moral concern with remembering past wrongs in order to mitigate harm. Thus, we can generate a seventh generalizable rule not so much about remembering past wrongs—Rule #6—but about how we ought to handle ourselves if we know we have memory failures:

Rule #7: If you know yourself to have memory failures that give you serious difficulty with engaging in morally desirable memory behaviors, you ought

to either avoid putting yourself in situations where this will do harm or take proxy measures to compensate for your memory failures.

In addition to helping us understand how Scooter Libby can be held morally responsible for violating Rule #6 and why his actions are particularly lacking moral worth despite his memory deficits, Rule #7 also helps us to understand another way in which Katie from Case #2 could have done better at remembering rightly and not for ill.

Let us turn now to a case that illustrates additional aspects of moral responsibility for memory.

Case 4: Jill Price AKA A. J.

Jill Price actually exists, and has been known for some years in the psychology literature by “A. J.” During her early teen years, Jill Price began to remember everything that happened to her: the weather, her meals, what she wore, what peers said to her, and so forth. Now an adult woman, she recalls all this and more effortlessly. She recalls also the day she got married, how her husband helped her to cope with being able to remember everything and gave her many good things to remember. And she remembers his death after only a few years of marriage. She cannot forget by an act of will and, since beginning to remember in this way, has forgotten nothing of which she is aware (Trudeau). For her, remembering is “nonstop, uncontrollable, and automatic.” (Parker et al. 2006)

In the case of Jill Price, we have a person who cannot be held morally responsible for her memory behaviors by the classic choice-based conceptions of moral responsibility. After all, some feature of her brain makes her one of a very exclusive category of persons described in the neuropsychology literature as “hyperthymetic,” with nearly perfect recall of stored memory engrams. The normal advantages of ordinary forgetting are not open to her, and the normal dulling or even reconstruction of memory also seem closed to her. For Jill, the pain of her husband’s death is as fresh to her as the day he died. She cannot significantly reconstruct memories as the original engram seems to be “hard-wired.” Her precise long-term memory is not a habit she worked hard to develop that we might then construe as a virtue. As described by those who study her and other hyperthymetics, her remembering is simply uncontrollable.

And therein lies the rub, for it is not only classic choice-based conceptions of moral responsibility that could have difficulty with Jill Price. Even Arpaly’s reasons-responsiveness may face difficulty, for it may seem at first glance that Jill is unable to respond to moral reasons in a given memory

situation. She has both perfect encoding and perfect recall, and can *only* have perfect encoding and perfect recall. But this does not mean she cannot be responsive to moral reasons at all. Indeed, when her involuntary remembering aligns with right-making reasons and she wishes to respond to those reasons, she is reasons-responsive. Does she then deserve praise? And if so, how much?

Consider this comparison. Imagine a woman named Sally, of normal memory capability, who is faced with the morally desirable behavior of remembering her mother's birthday. For her, this takes some small amount of effort and attention, perhaps even recourse to proxy. Now imagine that Jill Price must do this same morally desirable memory behavior. I stipulate that both Sally and Jill know that this is morally desirable, and are responding to the right-making reasons when they set out to remember their mothers' birthdays. However, for Jill, this is easy, we might even say all too easy. Not so for Sally. The salient difference between Sally and Jill Price is the amount of effort it takes Sally and Jill Price to perform the same morally desirable behavior, which means that we need a way to account for effort in judgments of moral worth. Recall the concern clause of Arpaly's Praiseworthiness as Responsiveness to Moral Reasons (2003). Because Sally faces a greater hurdle than Jill Price in her attempt to remember, she may need greater concern in order to achieve the same morally desirable action. Jill is still praiseworthy if she is doing it for the right reasons rather than simply because she cannot help it. After all, intention matters. But she remains less praiseworthy than Sally.

An entirely different problem arises when we consider what would happen if Jill Price ought to forget something or to reconstruct a memory, both capacities she appears to lack; once a memory engram is constructed, it is apparently perfectly recalled. In such cases, she may well be attempting to respond to moral reasons, even wish to do so but cannot. However, Jill's failure to respond to moral reasons in such a case *is not due to lack of concern*. While Sally can use proxies to overcome her brain's tendency to forget, Jill cannot overcome her tendency to remember.

Thus, we are left with the intriguing conclusion that Jill can be held morally praiseworthy for morally desirable acts of remembering, though never to a great extent, and can be held morally blameworthy for morally undesirable acts of remembering only when she was not motivated or did not care to do the right thing. *That* Jill and other hyperthymetics engage in morally desirable memory behaviors or morally undesirable memory behaviors can not be taken as a sole indicator moral worth. We must assess responsiveness to moral reasons and degree of concern.

So far, our discussion of Jill Price has not generated any new generalizable rules, though it has contributed significantly to our understanding of what is required for reasons-responsiveness with memory. But Jill does have something to teach us about initial encoding and salience judgments. It is here where her agency is least impeded by her hyperthemsis. While she flawlessly—and involuntarily—recalls what she has encoded and seems unable to revise it, the formation of the initial memory engram may well be something she can affect. Jill Price is on record as having said that she remembers only what she cares about: her interest in baseball leads her to remember the World Series results. What Jill Price is concerned about and thinks about can change what she pays attention to. And that will affect the memory engrams she encodes and then perfectly stores and recalls at a later date.

For non-encoding and encoding, then, Jill Price's hyperthemsis makes her less different with respect to reasons-responsiveness than we might at first assume, except perhaps that she is under more obligation to get it right the first time since reconstruction of memory is less of an option for her. We have already seen several rules on what ought to be encoded and stored. Jill's case is sufficiently idiosyncratic that it does not allow us to derive new rules, but it does reinforce the profound importance of what people attend to—"a way of seeing is a way of not seeing"—with respect to encoding, and illustrate the importance of degree of concern in determining praiseworthiness.

CONCLUSION

We have seen seven generalizable rules for individual memory so far. All are potentially defeasible by their very nature, and many can be fulfilled as much by proxy mechanisms as by utilizing deliberate cognitive interventions in an agent's own brain's capacity for memory.

Rule #1: We ought to encode events and occasions that matter to others who can be harmed by our forgetting.

Rule #2: We ought to recall them in time to decide whether and how to act.

Rule #3: We ought not to deliberately construct memories or store memory proxies so as to do harm to others, nor induce others to do the same.

Rule #4: We ought not to rehearse past hurts in ways that leads us to hold grudges.

Rule #5: We ought to avoid negative bias in memory that harms us and those around us by deliberately encoding, recalling, and rehearsing positive events or aspects of our lives and those with whom we interact, in order to construct less harmful memories.

Rule #6: We ought to remember our own past wrong actions in order to avoid causing further harm.

Rule #7: If you know yourself to have memory failures that give you serious difficulty with engaging in morally desirable memory behaviors, you ought to either avoid putting yourself in situations where this will do harm or take proxy measures to compensate for your memory failures.

In laying out these rules and discussing their application and defeasibility, I have presented a way of determining moral praiseworthiness and blameworthiness for individual memory behaviors. It may prove useful also in considering the role of individual agents in the formation of collective memory. Perhaps the discussion herein can even be of use to those assessing the ethics of biotechnological memory manipulation: to what degree does this make us more, or less, able to respond to right-making reasons with appropriate moral concern?

Most of all, I intend that this work provide not only philosophers but moral agents more generally with useful tools for an ethics of memory. Too often, we unreflectively dispense blame and praise for memory behaviors. By such means as these may we all remember and forget rightly, and not for ill.

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