

TOWARDS AN ETHICS OF BLAME

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§1. *Introduction*

Theories of moral responsibility aim to articulate the set of conditions under which an agent *B* is blameworthy—i.e., the conditions under which *B* *deserves* to be blamed for her transgression(s).¹ But even if we correctly ascertain when it is that *B* deserves to be blamed, we haven't thereby answered the further question of when it is that *A* *should*, all things considered, blame *B* for her transgression. For example, it could be that in some particular instance, although *B* deserves to be blamed for her transgression, it would be inappropriate for *A* to blame *B* in those circumstances. In other words, as Angela Smith puts it, “whether it would be appropriate for any particular person to have and express any particular [blaming] attitude to the agent will depend on many considerations *in addition* to the agent's responsibility and culpability,” [Smith 2007, 477].² It seems then, that if we want an account of the ethics of blame, then we must begin to countenance those further norms that govern the propriety of any particular instance of blame.

As I see it, there are (at least) three classes of norms governing our practices of blame, and each class contains multiple members. These norms, both individually and jointly, put constraints on when we are all things considered justified in blaming someone. I begin by briefly discussing

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¹ For example, see Susan Wolf, *Freedom within Reason*, Oxford University Press [1992]; R. Jay Wallace, *Responsibility and the Moral Sentiments*, Harvard University Press [1994]; Robert Kane, *The Significance of Free Will*, Oxford University Press [1996]; John Martin Fischer and Mark Ravizza, *Responsibility and Control: A Theory of Moral Responsibility*, Cambridge University Press [1998]; Derk Pereboom, *Living Without Free Will*, Cambridge University Press [2001], and Dana Nelkin, *Making Sense of Moral Responsibility*, Oxford University Press [2011].

² Angela Smith, “On Being Responsible and Holding Responsible,” *Journal of Ethics* 11(4), [2007]: 465-84.

what I mean by “blame” in §2. In §§3 – 5, I will introduce and explain three distinct classes of blaming norms: justice norms, jurisdictional norms, and structural norms. Finally, in §6, I conclude by briefly discussing the role that these various norms play in determining when it is all things considered appropriate to blame.

§2. *Blame as Protest*

The aim of this paper is to sketch an answer to the question: when is it all things considered appropriate for A to blame B for B 's transgression? But before I can do this, I need to first say a little bit about what it is for A to *blame* B in the sense at stake. After all, even though we are intimately familiar with the phenomenon, it can be quite difficult to adequately characterize blame. Of course, a full analysis of blame is beyond the scope of this paper.³ But there are some important features of blame that can be picked out, and that will allow us to identify and characterize the phenomenon in question.

Traditionally, theorists have tried to identify blame as some particular attitude, class of attitudes, or some class of overt actions. For example, Pamela Hieronymi has claimed that the force of blame (and so, presumably, blame itself) is located in judgments of ill will.⁴ Alternatively, R. Jay Wallace has argued that to blame someone essentially involves reactive emotions like resentment and indignation.⁵ In a similar vein, Macalester Bell has suggested a “hostile attitudes” account of blame, according to which blame necessarily involves holding hostile attitudes like moral anger and contempt towards wrongdoers.⁶ T.M. Scanlon, however, has argued that blame is neither a

³ I take on this project in D. Justin Coates, “Blame as Protest,” unpublished manuscript [2012a].

⁴ Pamela Hieronymi, “The Force and Fairness of Blame,” *Philosophical Perspectives* 18(1), [2004]: 115-48.

⁵ R. Jay Wallace [1994] and Wallace, “Hypocrisy, Moral Address, and the Equal Standing of Persons,” *Philosophy and Public Affairs* 38(4): [2010]: 307-41.

⁶ Macalester Bell, “The Standing to Blame: A Critique,” *Blame: Its Nature and Norms*, eds. D. Justin Coates and Neal A. Tognazzini, [2013]: 263-281.

judgment of ill will nor an essentially emotional response to wrongdoing.⁷ Rather, according to Scanlon, to blame someone is to “mark an impairment” in your relationship to the wrongdoer, and to do so in a way that leads you to revise your attitudes and general presumptions towards that person.

But despite the popularity of such accounts, they are ultimately unsatisfying. They are, simply put, too reductive. For while it’s plausibly true that in many contexts a judgment of ill will constitutes blame, it does not always do so. For example, my partner in crime might correctly judge that I have shown ill will to our victim. Yet in such a case, because this judgment is tightly linked to the esteem that he feels for me as a fellow criminal, it’s hard to see how his judgment that I have shown our victim ill will could constitute blame.⁸ Likewise, it seems undeniable that my resentment or contempt can often serve as blame. However, in some contexts, when I resent someone (or feel contempt for them), I am not really blaming them. Rather, I am revealing that, at some more primordial level, I am jealous of this other person, that I take pleasure in their suffering, or that I hope they come to ruin.⁹ But surely, in *this* context, these attitudes do not constitute blame. Finally, though we revise our attitudes and intentions towards wrongdoers in many cases of blame, blame cannot simply be interpreted as a revision of our attitudinal and behavioral presumptions, such that we are marking impairment(s) to a relationship. After all, it is possible to blame someone without taking one’s relationship to be impaired. Susan Wolf, for example, discusses heated instances of

⁷ T.M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame*, Harvard University Press [2008].

⁸ This objection (and related objections) to judgment-based accounts of blame is fairly widespread within the literature. For a summary of the objections to this account, see D. Justin Coates and Neal A. Tognazzini, “The Nature and Ethics of Blame,” *Philosophy Compass* 7(3), [2012]: 197-207.

⁹ For more on the psychological mechanisms linking resentment to non-blaming emotions such as schadenfreude and envy, see N. T. Feather and Rebecca Sherman, “Envy, Resentment, Schadenfreude, and Sympathy: Reactions to Deserved and Undeserved Achievement and Subsequent Failure,” *Personality and Social Psychology Bulletin* 28 (7) [2002]: 953-61; and Evan Polman and Rachel L. Ruttan, “Effects of Anger, Guilt, and Envy on Moral Hypocrisy,” *Personality and Social Psychology Bulletin* 38 (1) [2012]: 129-39.

blame and of moral anger that occur in the context of family relations.¹⁰ Such relationships are not impaired by all blameworthy transgressions, since they are grounded in a deep mutual love. Yet, within such relationships, it is possible for one party to blame the other. Thus, one need not revise one's relations with a wrongdoer in order to blame her.

It seems, then, that even though blame can manifest itself in any of the attitudes or actions identified by standard accounts of blame, an attempt to *identify* blame with any one particular attitude or action will fail to take seriously the variety of forms that blame takes. So instead of identifying blame with any one particular attitude or action, I propose that we understand blame as form of protest.¹¹ On this view, any number of different attitudes or actions can count as an instance of blame. And which of these attitudes or overt expressions of these attitudes (e.g., rolling your eyes, giving someone the finger, etc.) count as blame will depend on the context in which blame arises. Indeed, it is the contextual features of blaming scenarios that determine which attitudes or actions can play the role that blame must play if it constitutes a form of protest. And because protest aims to (i) represent our values (i.e., what we stand for), (ii) enforce norms, and (iii) bring about conciliatory responses on the part of wrongdoers,¹² then depending on the situation, all of the attitudes discussed above could potentially serve as blame. That is, in some contexts, a judgment that *B* has shown her ill will might very well qualify as *A* blaming *B*, since in those contexts, this

¹⁰ Susan Wolf, "Blame, Italian Style," *Reasons and Recognition*, eds. R. Jay Wallace, Rahul Kumar, and Samuel Freeman, Oxford University Press [2011]: 332-347.

¹¹ I am hardly the first to suggest that blame is a kind of protest. In making this proposal, I am in broad agreement with theories of blame that can be found in Adam Smith, *Theory of Moral Sentiments*, Oxford University Press [1976]; Pamela Hieronymi, "Articulating an Uncompromising Forgiveness," *Philosophy and Phenomenological Research* 62(3) [2001]: 529-555; Matthew Talbert, "Moral Competence, Moral Blame, and Protest," *Journal of Ethics* 16(1) [2012]: 89-109; and Angela Smith, "Moral Blame and Moral Protest," *Blame: Its Nature and Norms*, eds. D. Justin Coates and Neal A. Tognazzini, Oxford University Press [2013]: 27-48. A touchstone in both Talbert [2012] and Smith [2013] is Bernard Boxill's theory of protest. See Bernard Boxill, "Self-Respect and Protest," *Philosophy and Public Affairs* 6 (1) [1976]: 58-69.

¹² According to Coleen Macnamara, "Holding Others Responsible," *Philosophical Studies* 152(2), [2011]: 373-99, the functions of blame denoted by (ii) and (iii) are the dual aims of the practice of holding morally responsible, which is undoubtedly related to the practice of blame (indeed, I take it that holding morally responsible is a particular way in which we blame others).

judgment can plausibly serve the function of a protest. Similarly, in other contexts, the fact that *A* resents *B* counts as a form of blame. And so on. The point is simply this: any attitude or behavior that can serve as a form of protest will, in some set of circumstances or other, constitute a blaming attitude or an expression of blame. Blame, then, should be identified not with any particular attitudes or overt actions, but with its significance to ordinary moral practice as a form of informal protest. Call this conception of blame, “blame as protest.”

Having offered a brief statement of blame as protest, I now turn to the question that animates this paper: under what conditions is it all things considered appropriate for *A* to blame *B*? In answering this question, I will consider three classes of blaming norms, each of which plays some role in determining when such conditions are met. I begin, then, with a class of norms I shall call the “justice norms of blame.”

§3. *Norms of Justice*

The justice norms of blame are widely accepted constraints on legitimate blame that correspond to exempting and excusing conditions. If an agent is *exempt* from blame—if she is not, in general, a morally responsible agent—then it is because she lacks some general capacity that is required for full participation in our responsibility practices. For example, very young children, adults suffering from the late stages of dementia, and those who suffer from severe developmental disorders are all exempt from moral responsibility. Such individuals, while undeniably agents, lack the rational capacities (e.g., sensitivity to moral reasons) that are required for full moral responsibility. By contrast, if an agent is *excused* from blame, it isn’t because she is not, in a general, a morally responsible agent. Rather, on some particular occasion she is not, for whatever reason, morally responsible for performing *that* action (perhaps because, e.g., she was coerced, hypnotized, factually

mistaken, etc.).¹³ For in such cases, the agential capacities that ground our status as morally responsible agents are temporarily impaired. Thus, in *either* of these cases, the thought goes, blame is inappropriate. After all, it is unjust to blame someone if they are not, in general, a morally responsible agent. Likewise it is unjust to blame someone for *x*-ing if they are not morally responsible for *x*-ing. To do so in either case would be to blame the innocent.

This suggests that there are at least two distinct justice norms of blame, which pick out conditions under which blame is inappropriate for reasons of justice. The first of these, which I'll call the *Exemption Norm of Blame* (ENB₁) holds that:

ENB₁
If *B* is not, in general, a morally responsible agent, then it is pro tanto inappropriate for *A* to blame *B*.

And the second of these norms, the *Excuse Norm of Blame* (ENB₂) holds that:

ENB₂
If *B* does not deserve to be blamed for *x*-ing, then it is pro tanto inappropriate for *A* to blame *B* for *x*-ing.

Together, ENB₁ and ENB₂ circumscribe the circumstances in which exempting and excusing conditions constrain the propriety of blame.¹⁴ And to violate one of these norms is to act unjustly towards the innocent targets of our blame.

Of course, as you have no doubt noticed, neither ENB₁ nor ENB₂ are hard and fast prohibitions. Instead, these norms identify *pro tanto constraints* on blame that arise whenever the

¹³ I do not take myself to be giving an analysis of exempting and excusing conditions here. For more on this distinction, see P. F. Strawson, "Freedom and Resentment," *Proceedings of the British Academy* 48, [1962]: 1-25; Gary Watson, "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme," *Responsibility, Emotions, and Character*, ed. Ferdinand Schoeman, Cambridge University Press [1987]: 256-286; and R. Jay Wallace [1994].

¹⁴ Of course, the precise set of conditions under which agents are exempted or excused from moral responsibility will be determined by theories of free will and moral responsibility. But even though it is central to those debates, in this paper, I will have little to say concerning the question of whether causal determinism is an exempting or excusing condition for all agents. But if it is an exempting or excusing condition, then if causal determinism obtains, the antecedent of ENB₁ or of ENB₂ would be satisfied, and it would be pro tanto inappropriate to blame anyone. So as I understand them, the debates concerning free will and moral responsibility are not independent metaphysical debates, but debates within the ethics of blame—viz., whether the antecedents of ENB₁ or ENB₂ are satisfied. For more on this point, see D. Justin Coates and Neal A. Tognazzini, "The Contours of Blame," *Blame: Its Natures and Norms*, Oxford University Press [2012].

antecedent conditions are met. Now, a bit about nomenclature: by “pro tanto constraint,” I simply mean that although ENB_1 and ENB_2 are *decisive* in contexts in which there are no countervailing considerations of sufficient weight, they could potentially be outweighed. But typically, the pro tanto constraints in question are of sufficient weight that whenever the antecedent conditions are met, it will follow that A has most reason to refrain from blaming B —i.e., she should, all things considered, refrain from blaming B . At least, this is true in the case of the justice norms.¹⁵

However, even in cases in which A 's pro tanto reason *is* outweighed by countervailing reasons of sufficient weight, these norms still place normative burdens on would-be blamers. For suppose that there really is some circumstance in which we should, all things considered, blame someone who does not deserve to be blamed (imagine, for example, a situation of the sort consequentialists sometimes point to). If we blame in such a case, then even though it is all things considered permissible, it's plausible that we nevertheless *owe* the blamed an explanation of why the justice norms are outweighed. In other words, in such a situation we would be obliged to say something like, “hey look, I know this isn't entirely fair, but in this case...” or as we sometimes say to children, “I know you can't understand this, but it's for your own good.” However, such explanations are not *generally* owed to those targeted with blame. And the reason why explanations of this sort are owed in some cases but not in others is that the justice norms of blame (which, in most contexts, are decisive in determining when we should, and when we shouldn't, blame wrongdoers) provide particularly weighty reasons against blaming when their antecedents are unsatisfied. In other words, ENB_1 and ENB_2 play an important role not only in determining when blame is appropriate, but also what form that blame can legitimately take (since even when they are outweighed, they explain the need for explanation in such cases).

¹⁵ I take up the question of how to understand the weights of jurisdictional and structural norms in §6.

The justice norms of blame are only the first of three classes of norms that I shall discuss. But I discuss them first because ENB_1 and ENB_2 are unique. For when an agent meets the antecedent condition of either, it is (pro tanto) inappropriate to blame her because she is not *blameworthy*. The other classes of norms, we'll see, identify pro tanto constraints on blame that are consistent with it being the case that the target of blame is, in fact, blameworthy. With this point in mind, I now turn to a class of norms I shall call "the jurisdictional norms of blame."

§4. Norms of Jurisdiction

We can appeal to the notion of *jurisdiction* to help understand a class of norms that constrain the propriety of blame. Like the legal notion of jurisdiction, which has to do with "how far the arm of the law can reach" (i.e., the power and the authority of the government to legitimately prescribe and enforce its laws),¹⁶ the jurisdictional norms of blame are concerned with whose place it is, normatively speaking, to blame wrongdoers. In other words, these norms fix the conditions under which agents have the power and authority to legitimately blame. Thus, when we respond to blamers by saying, "It's not *your* place to blame me!" or by saying, "You have no *right* to blame her!" we are implicitly invoking the jurisdictional norms of blame. For just as it isn't Canada's place to punish me for failing to pay United States federal taxes—they have no right to do so—it's often not our place to blame agents whose wrongdoing falls outside of the scope of our moral jurisdiction. Thus, the jurisdictional norms give rise to powerful *defenses*, which in the mouth of those targeted with blame or in the mouths of third parties, can serve to mitigate or wholly undermine the otherwise legitimate force of blame.¹⁷

¹⁶ As Antony Duff puts it, "the law's claim to jurisdiction over conduct committed within the territory of the state whose law it is involves two claims: that it can define such conduct as criminal; and that its courts have jurisdiction to try the alleged perpetrator of such conduct," Duff, *Answering for Crime*, Hart Publishing [2007]: 44.

¹⁷ Defenses, as I understand them in this paper, differ from exemptions and excuses because unlike the latter, the fact that someone targeted with blame can offer a defense (or that some third party can offer a defense on her behalf) does

The first of these norms, which I call the *Business Norm of Blame* (BNB) holds that:

BNB

If *B*'s transgression *x* is none of *A*'s business, then it is pro tanto inappropriate for *A* to blame *B* for *x*-ing.

The simple idea behind BNB is that one way in which it can be “not my place” or “no right of mine” to blame is when the transgression in question occurs outside the sphere of human relations that I am privy to. For example, if I lack a standing relationship to another individual—say, with the people sitting next to me at the coffee shop—then if I were to overhear that one of them was leaving her husband for a co-worker, it would be inappropriate for me to push my way into the conversation in order to express my opprobrium. As I would quickly be told, these matters are “none of my damn business!” And such a reply seems entirely warranted; her affair isn’t any of my business, and so, plausibly, my blame isn’t appropriate. BNB, then, identifies one way in which it can be “not my place” to blame—i.e., BNB identifies a way in which some particular instance of wrongdoing can be outside of my moral jurisdiction.

Similarly, imagine if, while talking to a coworker, I criticized her adult son, Daniel, who lived in her basement and couldn’t find a steady job. Again, I’d likely be met with a sharp reply: “it’s not *your* place to criticize *my* son!” And BNB can explain why this is. Because Daniel’s mother has a close and long-suffering relationship with Daniel (and unfortunately for her bank account, a close and long-suffering relationship to his failures), his failures *are* her business. However, I don’t know Daniel, and I don’t have much stake in his successes or failures. So BNB rationalizes my coworker’s response; in deflecting my blame and criticism, she was implicitly pointing to the impropriety of blame in circumstances in which the blamer does not stand in a robust, business-entailing relationship to the blamee.

not entail that she is not blameworthy for that action. Thus, on this view of defenses, defenses are a distinctive class of response to blame, rather than a broad class that includes excuses as a species.

However you might be worried that this lionizes privacy in a way that invites serious wrongdoing. For example, if Doug hears his neighbor verbally and possibly even physically abusing his partner, then it's entirely appropriate for Doug to intervene, to call the police, and to cut off his relations with the neighbor as a way of blaming him. If we suppose that Doug doesn't know his neighbor, however, we might conclude that the abuse is, in some sense, none of Doug's business. But if this is right—if his neighbor's relationships really is none of Doug's business—then we should surely reject BNB, since it is plausible that Doug has *no* reason to refrain from blaming his neighbor. However, if BNB is true, Doug would have *some* reason to refrain from blaming (even though, in cases like this, it's plausible that that reason is outweighed). Of course, this is absurd! Even if it's none of Doug's business, he has no reason to refrain from blaming. Thus, BNB is false.

Luckily for the defender of BNB, this objection fails. For as I stated it above, the sense in which some failing—moral or otherwise—is “none of *A*'s business” is to be understood in terms of whether the failing occurs outside the sphere of human relations that *A* is privy to. And plausibly, the general wellbeing of the neighbor's partner *is* something that falls within the sphere of relations that Doug is privy to, even if Doug doesn't know his neighbor or his partner. After all, there is a general concern that we owe to *everyone* in virtue of their standing as *persons*. In other words, we are our neighbors' keepers. So when a moral fault constitutes an imminent and grave threat to another's wellbeing, as is the case when Doug hears his neighbor abusing his partner, it *becomes* Doug's business and BNB does not apply. So the fact that Doug should, without thinking twice, not only blame his neighbor, but take positive steps towards preventing him from abusing his partner, is no threat to the truth of BNB.¹⁸

¹⁸ Macalester Bell [2013] has argued against BNB, in part on the basis of considerations like those raised by Doug's case. Because Doug is not, we can imagine, *directly* affected by the abuse, it's none of his business. But, Bell argues, this is problematic. I agree that it is problematic—for similar reasons to those she adduces. However, the problem is not ultimately with BNB. Rather, the problem lies with the restricted construal of what is, and what isn't, an agent's business. If we are more liberal in that domain, those who harm in private (like Doug's neighbor or a husband that is

Therefore, although cases like the above do not render BNB false, they do serve to remind us of the rather limited scope of some of these norms. Relatively minor faults can be “none of our business,” but it seems that serious moral failings *are* part of our business. Thus, the scope of BNB is constrained by this fact.¹⁹ Of course, this doesn’t mean that BNB isn’t significant. For it does restrict blame of minor foibles and faults, and so, it puts real constraints on our tendency to be busybodies.

* * *

However, it’s often the case that when we respond to blame by saying to blamers that “it’s not your place,” we’re *not* suggesting that the transgression in question is none of their business. For example, when we judge Tom Buchanan’s blame of Daisy and Gatsby to be inappropriate, it’s not because their affair was none of Tom’s business.²⁰ Indeed, it was his business. Rather, we judge that Tom, who was having his own affair with Myrtle Wilson (and who seems generally unconcerned with his marriage), lacks the *moral standing to blame*. This judgment, I think, is best explained by the *Standing Norm of Blame* (SNB):

SNB

If *A* lacks the moral standing to blame *B* for *B*’s transgression *x*, it is pro tanto inappropriate for *A* to blame *B* for *x*-ing.²¹

exceedingly dismissive of his wife at a party—cf. Smith [2007]) cannot appeal to BNB in defending themselves against blame.

¹⁹ This ties into Angela Smith’s [2007] suggestion that the gravity of the fault is a consideration that, in addition to the culpability of the wrongdoer, plays some role in determining whether it is all things considered appropriate to blame a wrongdoer. Rather than understanding this as an *independent* consideration, then, I am suggesting that we understand the gravity of the fault being relevant to the propriety of blame in virtue of its role in determining whether some piece of behavior is or isn’t any of my business.

²⁰ F. Scott Fitzgerald, *The Great Gatsby*, Scribner [1995]: 136-7.

²¹ Versions of SNB have been defended by G. A. Cohen, “Casting the First Stone: Who Can, and Who Can’t, Condemn the Terrorists?” *Royal Institute of Philosophy Supplement* 58 [2006]; Smith [2007]; Wallace [2010]; and Patrick Todd, “Manipulation and Moral Standing: An Argument for Incompatibilism,” *Philosophers Imprint* 12 (7) [2012]. For a recent detractor, see Bell [2013].

Among those norms governing when it is all things considered appropriate for A to blame B , SNB has perhaps received the most attention. Despite this, it's not altogether clear what "the moral standing to blame" is. Nor is it clear why A must have the moral standing to blame in order to legitimately blame B . So in what follows, I'll briefly discuss what it is to have the moral standing to blame, and I'll then consider how facts about A can threaten her standing to blame. This, in turn, will help us to see why the moral standing to blame is a necessary condition on legitimate blame. Specifically, I'll consider two of the most widely regarded threats to the moral standing to blame: (i) hypocrisy and (ii) complicity. Following R. Jay Wallace, I'll argue that both hypocrisy and complicity evince a standing-threatening moral fault—viz., an insufficient concern for the equal standing of persons. Thus, on the view I defend here, whenever either of these conditions is present, the blamer lacks the standing to blame, and her blame is therefore *pro tanto* inappropriate.

But first, what is the moral standing to blame? Well, by analogy, we can compare the moral standing to blame with the moral standing to forgive. Intuitively, while a victim's mother can legitimately forgive her son's killer for his crime, I can't. For as a third-party, I simply lack the standing to forgive.²² The moral standing to blame also functions in this way—to delimit whose "place" it is to blame (just as the moral standing to forgive determines whose place it is to forgive).²³ So as I understand it, the moral standing to blame is a kind of moral authority. On one theory of the standing to blame, we are vested with this authority when we are ourselves "without sin."²⁴ But this is rather extreme as an account of the moral standing to *blame*, since it would entail that blame

²² This claim is defended, among others, by Jeffrie Murphy, "Forgiveness and Resentment," *Midwest Studies in Philosophy* 7 [1982]; and Robert Roberts, "Forgivingness," *American Philosophical Quarterly* 31 [1994]. But though this claim is widely accepted, it is not without its detractors. For a recent objection to this claim, see Glen Pettigrove, *Forgiveness and Love*, Oxford University Press [2012].

²³ Of course, because blaming and forgiving are different responses to wrongdoing and have distinctive moral significance, it doesn't follow from the fact that one has (or doesn't have) that standing to forgive that one has (or doesn't have) the standing to blame. Indeed, the potential threats to the standing to blame that I consider below (i.e., hypocrisy and complicity) are not particularly relevant to questions of forgiveness.

²⁴ This harkens to Jesus's claim that "let any one of you who is without sin be the first to throw a stone at her" [John 8:7, *New International Version*].

from any actual agent is illegitimate.²⁵ On a weaker theory of the standing to blame, we are vested with the authority to blame because we are members in a moral community of equal persons. In other words, we have the standing to blame others—i.e., it is our *place* to do so—because we inhabit the same community.

Although this idea is admittedly sketchy, it will serve our purposes, for we do not need a full *analysis* of the moral standing to blame to capture the intuitive idea above: Tom Buchanan’s blame is inappropriate, and plausibly, this is because he does not have the moral standing to blame Daisy and Gatsby—whatever that “standing” amounts to. Accordingly, I turn now to two clear threats to the moral standing to blame: (i) hypocrisy and (ii) complicity.

i. Hypocrisy

We learn very early in our moral development that pots shouldn’t call kettles black, that people living in glass houses shouldn’t throw stones, and that we should judge not, lest we be judged ourselves. The simple idea behind these commonplaces is that *A*’s status as a hypocrite—as being guilty of the same transgression—can undermine the propriety of *A*’s blame. To see this, consider a fairly straightforward case of hypocrisy:

Tony’s Hypocrisy

Bill and Tony are good friends who have coffee every Thursday. Bill is always there at the time they decide, but Tony is reliably late. Since it’s not too big of a deal, Bill doesn’t really mind, so he never says anything about it. On this particular Thursday, however, it is Bill who is 10 minutes late. Tony is very upset and in an accusatory but somewhat passive aggressive manner, he says, “Glad you could make it...”

If you’re like me, then you think Tony’s blame, which is expressed in his comment, is inappropriate. He has *no right* to blame Bill. Nor is it *his place* to do so. But of course, Bill’s tardiness is Tony’s business, since they had an agreement to meet, so BNB cannot explain the impropriety of Tony’s

²⁵ It’s actually not implausible as an account of the moral standing to execute. Of course, the fact that *A* lacks the moral standing to execute (or to participate in an execution) doesn’t entail that *A* lacks the moral standing to blame.

blame. Better, we can explain the impropriety of Tony's blame by appealing to his hypocrisy. Because Tony's a hypocrite who regularly shows up late to his meetings with Bill, he lacks the standing to blame Bill for his own occasional tardiness. And because hypocrisy threatens standing, *Tony's Hypocrisy* is a case in which the antecedent of SNB is satisfied. Therefore, it is pro tanto inappropriate for Tony to blame Bill.

Of course, even though cases like *Tony's Hypocrisy* certainly suggest that hypocrisy is a threat to the moral standing to blame, it's less clear *why* it is that *A*'s being a hypocrite undermines her moral standing to blame. In an attempt to answer this question, T. M. Scanlon [Scanlon 2008, 174-76], for example, has argued that hypocrisy undermines an agent's moral standing to blame because in such cases, it is the blamer, and not the target of blame who is responsible for the relationship's impairment. And because, according to Scanlon, blame is a response to impairments in a moral relationship, *A* cannot meaningfully contend that *B*'s tardiness impaired their relationship in a blameworthy way since *A*'s transgressions have *already* impaired their relationship by undermining the basis of trust and respect required for meaningful engagement. This seems initially plausible, as far as it goes, but it doesn't seem to explain why it is that in *Tony's Hypocrisy*, Tony's history of tardiness undermines his standing to blame Bill. After all, as the case is described, Bill doesn't really hold Tony to the norm that he be punctual. So in violating that norm, Tony isn't violating a norm that is particular to his relationship with Bill. Accordingly, it's not obvious that by being late, he thereby impairs his relationship with Bill. Nevertheless, it does seem that his own history of tardiness undermines his standing to blame Bill. So hypocrisy cannot, in general, undermine an agent's standing to blame in the way that Scanlon claims.

More recently, R. Jay Wallace [Wallace 2010] has argued that hypocrisy undermines the moral standing to blame because when we engage in "hypocritical moral address," as Tony does, we are ignoring the equal standing of persons in the moral community. We ignore others' equal

standing because though we subject them to blame, we shield ourselves from blame we deserve for a type-identical piece of wrongdoing. And in so doing, we attach “differential significance to the interests of the persons whom [we] blame and to [ourselves]” [Wallace 2010, 333]. Because hypocrites act in ways that fail to respect the equal standing of persons, hypocrisy undermines the basis of the moral community itself. And therefore it’s plausible that an agent’s standing to blame does not outstrip her commitment to the equal standing of persons. Consequently, some transgressions (like, e.g., Bill’s tardiness) simply don’t fall with the jurisdiction of hypocrites.²⁶

Put slightly differently, recall that blame is a form of protest. Because we protest threats, affronts, and violations to the things we value, when we blame another, we are representing them as threatening, disrespecting, or violating something of moral worth. But hypocrites “talk out of both sides of their mouths.” That is, in blaming Bill for being late, Tony represents himself as valuing punctuality. But because he is reliably late, it’s clear that Tony doesn’t really value punctuality. What Tony actually values is *Bill’s punctuality*. But this is unfair, since he doesn’t submit himself to the same normative standard. Tony makes “little account” of Bill; while Tony’s time is valuable, Bill’s isn’t. That is, Tony shows an “unreasonable preference” for himself and for his own ends, and as Adam Smith puts it, he reveals “that absurd self-love, by which he seems to imagine, that other people may be sacrificed at any time, to his conveniency or his humour,” [Smith, *TMS* II.iii.1.5].²⁷ But we should treat others as we would like to be treated, which means that we shouldn’t make an exception of ourselves, as Tony does in his hypocritical blame. After all, we can’t consistently treat others as though they owe us respect without recognizing that likewise, we owe them respect. Since this is *precisely* how hypocrites treat others, they undercut their own standing to blame.

²⁶ This is a slight departure from Wallace since he explains the morally objectionable nature of hypocritical moral address in these terms rather than the standing-threatening nature of hypocrisy. However, it seems plausible to me that both of these things can be explained by appeal to the hypocrite’s lack of concern for the equal standing of persons.

²⁷ The phrases “little account” and “unreasonable preference” are also borrowed from Smith.

ii. Complicity

But hypocrisy is not the only threat to our moral standing to blame. Another threat is complicity, which can take on two forms: that of passive indifference and that of active encouragement.²⁸ In either case, however, an agent's complicity in some piece of wrongdoing is *prima facie* evidence that she lacks the moral standing to blame those who actually perpetrated the wrong. To see this, consider the following instance of complicity:

Giving Orders

Otto is a lieutenant who orders a private, Erich, to kill a group of wounded prisoners. Erich carries out the order and guns down the enemy soldiers. Later, a colonel asks Otto about the prisoners. Otto blames their death on Erich, saying to the colonel, "he's the idiot that killed them."

Again, if you're like me, you think that Otto's blame is inappropriate, even though Erich is morally responsible for murdering the soldiers, and plausibly deserves to be blamed. However, when Otto blames Erich for the murders, he is not a hypocrite; after all, he didn't actually kill the prisoners. But despite this, Otto is *involved* in the killings in such a way that there is also blood on his hands. It seems, therefore, that it is extremely inappropriate for Otto to blame Erich. And the best explanation for this, it seems to me, is that, like hypocrisy, complicity undermines an agent's moral standing to blame.²⁹

But though we can distinguish between complicity and hypocrisy, it's plausible that each of these vices undermine our moral standing to blame for the same reason. In *Giving Orders*, Otto reveals himself to be a vile man. Though Otto is not directly responsible for the prisoner's deaths, he is involved in a deep way. Accordingly, by blaming Erich, Otto represents himself as valuing the lives of prisoners of war. He also represents Erich as being subject to the norm that once an enemy combatant surrenders, you cannot kill them. But if he genuinely valued prisoners of war, he would

²⁸ Patrick Todd has recently argued that only wrongful complicity—i.e., only if it is wrongful for *A* to be complicit in *B*'s wrongdoing—threatens the standing to blame. What I say here, however, is neutral with regards to this claim. For more, see Todd [2012].

²⁹ G. A. Cohen [2006] also makes this point.

represent himself as being subject to this norm as well. But Otto doesn't represent himself as being subject to this norm, and rather than reflecting on his role in the prisoners' deaths and his abuse of power in issuing wrongful commands to highly suggestible subordinates, he focuses his blame on Erich. So plausibly, because Otto (like Tony) is ultimately unconcerned with the importance of treating like cases alike (his case with that of Erich), he lacks the moral standing to blame Erich.

Thus, *Tony's Hypocrisy* and *Giving Orders* demonstrate that our moral standing to blame others cannot be taken for granted, and that hypocrisy and complicity are plausibly genuine threats to the moral standing to blame. As such, when agents are hypocrites or complicit, they lack the standing to blame. And as SNB tells us, if *A* lacks the moral standing to blame *B* for *x*-ing, then it is pro tanto inappropriate for *A* to blame *B* for *x*-ing. Or more colloquially, when you've done it too, or your hands are also dirty, it's not your place to blame me.

§5. *Norms of Structure*

Sometimes we object to blame by pointing out the ignorance of the blamer, or by reminding would-be blamers not to get carried away in their opprobrium, or to take seriously the response of the wrongdoer. In such cases, we're suggesting that unless blaming interactions have a particular kind of structure, such interactions are pro tanto inappropriate. In other words, we're recognizing that, in addition to justice and jurisdictional norms of blame, there are also structural norms of blame.

One such norm, which will no doubt be familiar from procedural issues in the criminal law, is the *Reasonable Belief Norm of Blame* (RBNB).

RBNB

If *A* is not reasonable in her belief that *B* is morally responsible for *x*-ing, then it is pro tanto inappropriate for *A* to blame *B* for *x*-ing.

As stated RBNB is a condition on legitimate instances of blame. So if RBNB is true, then even if *B* is morally responsible for *a*-ing, it may still be inappropriate for *A* to hold *B* responsible—at least

until *A* acquires evidence of the sort that renders her beliefs about *B*'s blameworthiness reasonable.

We can further motivate RBNB by considering the following case:

Keyed Car

Andrew has been fighting with a coworker about how to best pursue a new client. The fight got pretty heated, and they both decide to take a break for the day. As Andrew is leaving, he notices that someone has keyed hateful words into his car. Getting very angry, he quickly jumps to the conclusion that it was his coworker, even though the coworker has no history of vandalism or pettiness. Without seeking any further evidence, he takes a screwdriver from a toolkit in his trunk and punctures the coworker's tires. "That'll teach him," he thinks to himself.

In this case, Andrew's blame manifests itself in his anger, and in the actions that his anger motivated. But plausibly, Andrew's blame was inappropriate. Leaving aside legal implications for his own petty vandalism, Andrew's blame isn't obviously sensitive to evidence. And because his action shows a disregard for having a reasonable basis to blame, it reveals that Andrew is insufficiently concerned with only blaming those who deserve to be blamed.

Furthermore, the intuition that Andrew's blame is inappropriate becomes even stronger when we consider the parallels between blaming the innocent and *punishing* the innocent. No less than Voltaire, Benjamin Franklin, and William Blackstone, the famed eighteenth century English jurist, claimed that it was better that guilty persons escape than that one innocent suffer.³⁰ And I think many of us agree. After all, we often find ourselves recoiling at the thought that the innocent should be subjected to criminal punishment of any kind. Even *potentially* punishing the innocent strikes most of us with horror, and this horror, I take it, is what has motivated the very complicated

³⁰ See Voltaire, *Zadig, or the Book of Fate*, [1743], Benjamin Franklin, "Letter from Benjamin Franklin to Benjamin Vaughn (March 14, 1785)," [1785]; William Blackstone, *Commentaries on the Laws of England*, [1765]. A quote that is widely attributed to John Adams, however, puts the point best:

It is more important that innocence be protected than it is that guilt be punished, for guilt and crimes are so frequent in this world that they cannot all be punished. But if innocence itself is brought to the bar and condemned, perhaps to die, then the citizen will say, "whether I do good or whether I do evil is immaterial, for innocence itself is no protection..."

For further discussion, see all Alexander Volokh, "n Guilty Men," *University of Pennsylvania Law Review* 173 [1997].

litany of procedural norms that operate within the criminal law. Thus, RBNB explains the role that the reasonable-doubt standard plays in the criminal law, since the idea that we should refrain from convicting and punishing a defendant with sufficient evidences is plausibly true only because there is a more fundamental moral norm that we should not blame others if we are ignorant of their guilt.³¹

Of course, the harsh treatment associated with blame is not as harsh as that associated with criminal punishment, but the point still stands: for A to blame B for x -ing without A being reasonable in her belief that B is morally responsible reveals that A lacks due concern for the value of not blaming the innocent. So the value of not blaming the innocent then, leads us to conclude that it is inappropriate, from a moral point of view, for A to blame B for x -ing if A isn't reasonable in her belief that B is morally responsible for x -ing.

In addition to this argument on behalf of RBNB, there is a second reason for thinking that blame is pro tanto inappropriate in the absence of reasonable belief. This argument bootstraps RBNB from the norms of assertion. To see this, consider that it is appropriate for A to assert that p only if it is reasonable for A to believe that p . After all, assertions made in the absence of evidence are reckless and are therefore pro tanto inappropriate. But if assertion requires reasonable belief, then plausibly, it is appropriate for A to implicate that p only if it is reasonable for her to believe that

³¹ Moreover, the “bedrock” of criminal procedure—viz., the presumption of innocence—is itself explained by the reasonable-doubt standard. As Justice Brennan, delivering the opinion of the United States Supreme Court in the case *IN RE WINSHIP*, put it

“the reasonable-doubt standard plays a vital role in the American scheme of criminal procedure. ... The standard provides concrete substance for the presumption of innocence—that bedrock “axiomatic and elementary” principle whose “enforcement lies at the foundation of the administration of our criminal law.” ... As the dissenters in the New York Court of Appeals observed, and we agree, “a person accused of a crime ... would be at a severe disadvantage, a disadvantage amounting to a lack of fundamental fairness if he could be adjudged guilty and imprisoned for years on the strength of [less evidence than is required by the reasonable-doubt standard].”

In other words, the foundations of the American system of criminal law rest on the reasonable-doubt standard, and to understand the moral justification for this standard, we need to appeal to RBNB. See “*IN RE WINSHIP*,” *Criminal Law and Procedure: Cases and Materials 10th Edition*, eds. Ronald N. Boyce, Donald A Dripps, and Rollin M. Perkins, Foundation Press [2007]: 10.

p , since if it's reckless to assert that p without evidence, it's also reckless to implicate that p (say, by asserting $\sim\sim p$) without evidence. However, when we blame someone, we implicate that they are blameworthy, that they have done wrong, that they have a bad character, etc. Therefore blame must also be subject to the requirement of reasonable belief. In other words, if A is not reasonable in her belief that B is blameworthy, then it is pro tanto inappropriate for A to blame B . The truth of RBNB, then, is grounded both in the weighty value of protecting the innocent from blame and in the norms of assertion and implicature.³²

* * *

But RBNB is not the only structural norm of blame. In addition to RBNB, there is also the *Fittingness Norm of Blame* (FNB), which states:

FNB

If the form that A 's blame of B would take is not a fitting (i.e., *proportional*) response to B 's wrongdoing, then it is pro tanto inappropriate for A to blame B .

FNB, then, simply formalizes the old adage that the punishment must *fit* the crime. For while it might be appropriate to fine Vanessa for rolling a stop sign, it would be extremely inappropriate to sentence her to 5 years in prison for the same crime. The same is true in our informal relationships, which are the context in which blame most frequently arises.

Consider, then, that while a minor insult might warrant some resentment, it certainly doesn't license overwrought expressions of anger, violence, rage, or even the sorts of revisions to one's relationships that Scanlon identifies with blame. More concretely, imagine that you're in a mall parking garage, just before Christmas, you've been waiting patiently for a car that's backing out of its spot. Now imagine another shopper driving in from the other direction and taking the parking spot that you were clearly waiting for. If this has ever happened to you, you'll know that it's an

³² For a full defense of RBNB as a structural norm of blame, see D. Justin Coates, "Blame and Knowledge," unpublished manuscript [2012b]. In that paper I offer two independent arguments on behalf of RBNB.

infuriating experience. And while it's plausibly appropriate to blame the space-thief—maybe by glaring at him or by expressing your indignation to those in the car—it seems inappropriate to pull in behind him, get out of your car, yell at him for 10 minutes, scream, cuss, and cause a huge scene. These blaming responses, which can sometimes be funny when seen on shows like *Seinfeld*,³³ seem wildly inappropriate in ordinary life. For they greatly exaggerate the degree to which the space-thief has insulted you. He has, to borrow a phrase from Adam Smith, “made little account of you.” But he hasn't made *that* little of an account. We shouldn't be too exercised, even by space-thieves. And plausibly, it is the truth of FNB that explains the impropriety of “flying off the handle” in response to minor wrongs.

Of course, because blame *is* a form of protest, and one of the functions of protest is to assert one's worth and dignity, blame plays an important role in establishing and maintaining our sense of ourselves as valuable—as individuals who are owed respect. But if blaming interactions are not structured to fit the wrong in question, then they too often reveal not so much a concern for justice as a vicious self-indulgence. FNB, then, is a check on blame serving merely as a tool for trumpeting our own import rather than a tool for righting wrongs.³⁴

* * *

The *Aim Norm of Blame* (ANB) is a third structural norm that fixes the role the aims of blame play in determining the conditions under which blame is all things considered appropriate. It holds that:

³³ Indeed, much of the humor related to the character of George Costanza has to do with his misuse and abuse of the norms of blame.

³⁴ On this point, there seems to be a connection between FNB and SNB. As I argued earlier, hypocrisy and complicity undermine an agent's moral standing to blame because blaming someone when you too are guilty or when you are involved in their wrongdoing reveals an insufficient concern for the equal standing of persons. Thus, since FNB serves as a check on our tendency to use blame as a way of boosting our self-esteem rather than combating wrongdoing, it too is plausibly seen as grounded in the equal standing of persons. I am grateful to Benjamin Mitchell-Yellin for pointing this out to me.

ANB

If *B*'s response to her own wrongdoing has led her to sincerely undertake the reconciliatory responses to wrongdoing that blame aims for, then it is pro tanto inappropriate for *A* to blame *B* for her wrongdoing *as if B* hasn't recognized the significance of the wrong.

To motivate ANB, consider the following case:

Sergio's Sabotage

Because they once clashed at a conference, Sergio purposefully writes Clark a bad tenure letter even though his work is good. However, before the tenure decision has been made, Sergio has a change in heart. He realizes that he wasn't fair to Clark, and that it is petty and underhanded to destroy someone's career because of one bad experience. So Sergio writes a second letter on Clark's behalf. On the strength of the second letter, Clark is granted tenure.³⁵

Now suppose that after he is awarded tenure, Clark learns of Sergio's multiple letters through the grapevine. I think it's fair to say that he is within his rights to be very upset with Sergio and to blame him for potentially ruining his career. But, it also seems that it would be inappropriate for Clark to respond to Sergio as if he had been wholly unrepentant. That Sergio took positive steps to rectify his transgression cannot be discounted. In other words, in *Sergio's Sabotage*, it's plausible that Clark cannot respond to Sergio *as if* Sergio has done nothing to acknowledge his fault.

In developing this idea, Angela Smith argues that:

When we do need to decide what [blaming] attitude to take toward another on the basis of a moral fault, we should always take into consideration the person's own response to her failure. If someone has an objectionable attitude toward me, for example, but is already reproaching herself for it and making efforts to change, then I may judge that I have no reason to adopt or express any blaming attitudes toward her at all. Her own self-reproach shows to me that she already recognizes that I have moral standing and deserve better treatment, and therefore I may no longer see her attitude as posing a challenge to me or my status [Smith 2007, 482].

That is, given the aim(s) that blame inherits from protest, when such aims are met, the reasons for blaming are considerably weakened. For just as workers should not protest the industrialist who, prior to any uprising, recognized the exploitive nature of his enterprise and rectified it with fair and

³⁵ This case is adapted from one found in Coates and Tognazzini [2012].

adequate compensation, neither should we be too quick to blame those who, independently of our blame, have worked hard to rectify their wrong.

Furthermore, notice that ANB is weaker in its claims than the other structural norms. RBNB and FNB entail that blame is pro tanto inappropriate when the antecedent conditions are met. But ANB is only claims that it is pro tanto inappropriate for A to blame B *as if* B hasn't already recognized her fault and taken steps to atone for it. That means it is consistent with ANB that if Clark's blame for Sergio is sufficiently mitigated, it can be appropriate. Therefore, just as FNB tells us that blame must fit the transgression, ANB tells us that blame must also fit the wrongdoer's own response to her transgression.

What holds RBNB, FNB, and ANB together as a class of norms, then, is that if our interactions with wrongdoers are not structured according to these norms, then we are not merely blaming; instead we are *lashing out*. Like blame, we lash out in response to wrongful treatment. But unlike blame, lashing out aims at bringing others down and at inflicting revenge. And although such responses to wrongdoing are natural, they are also damaging and disrespectful, and they are also prone to excess and self-indulgence. Indeed, it is by having our blaming responses structured in accordance with these norms that we maintain healthy responses to wrongdoing.

§6. *When should A, all things considered, blame B for x-ing?*

In the previous three sections I have introduced the justice, jurisdictional, and structural norms of blame. And I have claimed that these norms, which include the *Exemption*, *Excuse*, *Business*, *Standing*, *Reasonable Belief*, *Fittingness*, and *Aim Norms of Blame*, jointly determine the conditions under which it is all things considered appropriate for A to blame B . But an obvious question arises: how? That is, how do these various norms, which all seem to generate pro tanto reasons of differing weights,

interact with one another in such a way as to determine when it is that A should, all things considered, blame B for x -ing?

The first thing to note is that if A were to flout *all* of the norms of blame, the thing which would seem to be most inappropriate is not that it was none of A 's business or that B had already taken steps to rectify her wrong. Instead, the thing that would bother us the most is that A is blaming B even though B doesn't deserve to be blamed (either because she is not, in general, a morally responsible agent or because she is not morally responsible for the action under consideration). This suggests that in an intuitive ordering of these norms, we should give the most weight to the justice norms of blame.

A further reason to think that the justice norms of blame are prior to the jurisdictional and structural norms of blame is that the justice norms play a more fundamental normative role in fixing the conditions under which blame is all things considered appropriate. To see this, consider that there will be cases in which the impropriety of blame is overdetermined. For example, suppose that B isn't morally responsible for x -ing and that A is herself guilty of x -ing. It seems then that both ENB₂ and SNB can provide a normative basis for thinking that it would be inappropriate for A to blame B in this case: B is excused and A is a hypocrite. However, in this case, it also seems like the more *fundamental* normative base for the impropriety of A blaming B is that B isn't morally responsible for x -ing. Thus, it seems the justice norms are normatively prior to the jurisdictional and structural norms.³⁶

³⁶ It's worth pointing out that because there is reason to think that the justice norms are prior to the jurisdictional and structural norms, then Angela Smith's [2007] argument against Strawsonian accounts of moral responsibility, which hold that the conditions under which an agent is morally responsible are determined by the conditions under which it is appropriate to blame her, is not successful. We are now in a position to restate the Strawsonian position in terms of the justice conditions in a way that will not leave it vulnerable to Smith. On this view, the conditions under which an agent is morally responsible are determined by the conditions under which blame is not ruled inappropriate on the basis of ENB₁ or ENB₂.

But even though I think the justice norms have priority over the jurisdictional and structural norms, I do not mean to suggest that these other norms aren't particularly weighty. For example, BNB, which holds that it is inappropriate for us to blame others for moral faults if the fault in question is none of our business, is plausibly tied to the value of toleration. Since toleration is such an important value, we should expect that norms that facilitate toleration, like BNB, are of considerable weight. The same is true of RBNB. Because it is grounded in the value of protecting the innocent, which is considerable, it's plausible that RBNB generates weighty pro tanto reasons to refrain from blaming in cases of ignorance.

Of course, you might worry that attention to the various jurisdictional and structural norms of blame invites a kind of pernicious quietism. For given all of these norms, which are putatively of significant normative weight, it might seem as if we should, in general, refrain from blaming lest we be guilty of inappropriate blame—even when it turns out that the agent in question is blameworthy. But a world in which blame is genuinely deserved but is withheld is not an attractive one. By not blaming those who deserve to be blamed, we encourage further entrenchment of injustices: imagine for example that liberal democracies had not sanctioned apartheid-era South Africa. And we allow similar injustices, albeit on a much smaller scale, when we don't blame bullies and bigots for their treatment of the less well off. So though this isn't an attractive world, if we take seriously the jurisdictional and structural norms, which give us weighty reasons to refrain from blaming even when wrongdoers deserve to be blamed, you might think that it's the world we create for ourselves.

This is a legitimate concern. But it's not decisive. First, you might think that even if the jurisdictional and structural norms do render it inappropriate to blame in a great number of cases, it doesn't follow that we must therefore acquiesce to injustice, since blame is just one of the ways in

which we can respond to serious wrongdoing.³⁷ After all, though blame is a species of protest, it doesn't follow that all forms of protest count as blame.³⁸ So it is possible to protest wrongdoing without blaming wrongdoers. For example, the Buddhist monk Thich Quang Duc's self-immolation in response to Diem's anti-Buddhist policies is certainly a significant response to injustice. But in his last words, Thich Quang Duc writes:

Before closing my eyes and moving towards the vision of the Buddha, *I respectfully plead* to President Ngo Dinh Diem to take a mind of compassion towards the people of the nation and implement religious equality to maintain the strength of the homeland eternally. I call the venerables, reverends, members of the sangha and the lay Buddhists to organize in solidarity to make sacrifices to protect Buddhism [emphasis added].³⁹

Here Thich Quang Duc is clearly protesting Diem's unjust regime. He "respectfully pleads" that Diem change his policies, and he shows his commitment to that plea in his subsequent actions. But it doesn't seem as if Duc is evincing any blaming attitudes.⁴⁰ This suggests that it is possible to hold wrongdoer's to a high moral standard without blaming them should they fail.⁴¹ On a smaller scale, then, we too can respond to injustice without blame, by pleading with wrongdoers to rethink their ends and by calling on others to stand in solidarity with us. Consequently, even if we concede that

³⁷ As Derk Pereboom puts it, the practices of moral answerability (e.g., calling on wrongdoers to answer for their transgressions, to repent, to make restitution, etc.) can also serve to respond to wrongdoing. See Pereboom, "Free Will Skepticism and Criminal Punishment," *The Future of Punishment*, ed. Thomas Nadelhoffer, Oxford University Press [forthcoming].

³⁸ Indeed, many examples of protest are not examples of blame. Here's one: you're riding in a car with an old friend. He gets a call that his daughter has been taken to the hospital. Understandably upset, he begins driving too fast, weaving dangerously in and out of traffic. Fearing for your safety, you say, "Look, I don't blame you for wanting to get to the hospital as quickly as possible, but you need to slow down. Sending yourself to the emergency room isn't going to help your daughter." In this case it seems to me that you haven't blamed your friend for driving recklessly, but it does seem as though you have protested his recklessness.

³⁹ From the *Biography of Thich Quang Duc*, retrieved at <http://www.quangduc.com/BoTatQuangDuc/09tiesu.html> on November 11, 2012.

⁴⁰ Charles Goodman has recently argued that many strands of Buddhism embrace hard determinism, which entails that blame is never appropriate. If this is right, then Duc might very well have conceived of his protest not as a form of blame, which would be irrational, but as a definitive statement of the value of Buddhism, its adherents, and religious toleration. For more see, Charles Goodman, "Buddhism on Moral Responsibility," *American Philosophical Quarterly* 39 (4) [2002]: 359-372; Charles Goodman, *Consequences of Compassion: An Interpretation and Defense of Buddhist Ethics*, Oxford University Press [2009].

⁴¹ Gary Watson [1987] makes a related point when he references the ways in which Mahatma Gandhi and Martin Luther King, Jr. held wrongdoers responsible without resentment or indignation.

blaming strictly in accord with the jurisdictional and structural norms severely limits the range of cases in which it is all things considered appropriate to blame, it doesn't follow that we are impotent in the face of wrongdoing.

But second, I'm doubtful that adherence to these norms will severely limit the range of cases in which blame is appropriate. As I've said, in cases of significant wrongdoing, it *is* our business to blame. Similarly, since SNB only constrains the blame of those who are hypocritical or complicit in any serious wrongdoing, there will be many in the moral community who can legitimately blame wrongdoers. Moreover, in general, when we see morally responsible agents act wrongly without excuse, we have sufficient evidence to be reasonable in our belief that they are blameworthy for their action. So in standard cases, RBNB will also be satisfied. Finally, neither FNB nor ANB would, if true, really put pro tanto constraints on blame of the sort that would invite pernicious quietism. Accordingly, while I appreciate the concern that we should not let wrongdoers use these norms to shield themselves from deserved blame, I do not think these norms could actually serve to hide wrongdoers in this way.

§7. *Conclusion*

Finally, I wish to conclude by noting how a careful discussion of these norms further confirms my earlier defense of blame as protest. For only by accepting blame as protest can we really make sense of this diverse set of norm. After all, if blame can be identified with a particular judgment, then the ethics of blame would similarly reduce to the ethics of judgment. However, it's plausible that satisfying these norms does *not* settle the question of whether we should blame. For example, if Tony's blame of Bill is constituted by his judgment that Bill has shown him ill will, how could Tony's hypocrisy undermine his standing? For surely Tony does have the epistemic standing to correctly judge that Bill was late and that his unexcused tardiness was a form of disrespect. Similarly,

if blame can be identified with a set of emotional responses, then the norms of fittingness that govern emotions would be sufficient to determine whether we should, all things considered, blame another agent. But again, these norms are *insufficient*; since the full ethics of blame cannot be reduced to the norms that govern our emotions. Indeed, if we did attempt to reduce the ethics of blame to the norms of emotions like resentment, indignation, guilt, contempt, etc., then plausibly, we would be committing what Justin D'Arms and Daniel Jacobson have called the “moralistic fallacy,” which confuses *fittingness* of an attitude with a distinctively moral norm.⁴² Lastly, on this point, Scanlon's interpretation of blame fares no better, since the ethics of blame do not reduce to those norms that dictate when it is that we should adjust our attitudes, intentions, and general presumptions towards another agent in light of her action. So, it turns out that if we accept an attitudinal analysis of blame, we will not be well positioned to appreciate the wide range of considerations that go into determining the conditions under which blame is all things considered justified. Thus, a better sense of the wide range of norms governing the ethics of blame further motivates blame as protest.

But careful reflection on these norms doesn't merely provide us with a further reason to accept blame as protest; more importantly, it forces us to appreciate that there is more to the question “when is it all things considered appropriate to blame *B*?” than simply “when does *B* deserve to be blamed?” Of course, it goes without saying that the norms governing blame are not limited to those that I discuss here. For example, it's plausible that I have reason to be reticent to blame those who act wrongly if it's true that “there but for the grace of God go I.” Similarly, it's also probably the case that I have a pro tanto reason to refrain from blaming someone if “I haven't walked a mile in their shoes.” Moreover, surely there are also norms that dictate when and how mercy can alter the propriety of blame. And so on. But even though I have not offered a *full* list of

⁴² See Justin D'Arms and Daniel Jacobson, “The Moralistic Fallacy: On the ‘Appropriateness’ of Emotions,” *Philosophy and Phenomenological Research* 61 (1) [2000]: 65-90.

the norms that fix the conditions under which blame is appropriate, I have taken us *towards* an ethics of blame.