

Blame: Taking it Seriously

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Moral blame is Janus-faced. Its familiar face is unpleasant: Being viewed with reproach, at least by those we care about, is disconcerting and something we properly aim to avoid. Yet, blame has a more appealing face: Holding, and being held, accountable is, I take it, important to us and such accountability arguably requires that we remain within blame's purview. Blame thus challenges the philosopher to ground its special importance without denying its reproachful quality and associated justificatory burdens.

One of T.M. Scanlon's enviable achievements in *Moral Dimensions* is an account of blame that promises to meet this challenge.¹ My own sensibilities about blame lead me to approach Scanlon's account with a problem space suggested by P.F. Strawson.² This space is bounded on one side by accounts of blame as a form of grading that effectively promotes socially desirable behavior, accounts that I agree with Strawson miss something "vital" in our practices of moral criticism.³ Supposing the vital element concerns the desert of the blameworthy, desert-based views of blame bound another side of the problem space. The latter, however, raise worries about retributivism and metaphysical freedom of will.⁴

¹ All in-text page numbers refer to Scanlon (2008).

² P.F. Strawson (1962), p. 2.

³ Strawson (1962), p. 2. For examples, see Nowell-Smith (1948) and Smart (1961). A development of this objection argues they suffer a "wrong kind of reason problem": That blaming someone would be useful in reforming his behavior no more establishes he is blameworthy than does the desirability of believing a falsehood establish the belief is credible. For excellent discussion of this problem as relates to responsibility, see Darwall (2006).

⁴ My Strawsonian commitments also explain why I leave objections motivated by metaphysical worries about free will to others to press.

P.F. Strawson famously maneuvers this space with his reactive attitude account of moral criticism, an account to which Scanlon is indebted but from which he significantly departs.⁵ If Scanlon’s account of blame—call it the “impaired relationship response” account—navigates our problem space just as well, it does so with an interpretation of blame that, in my estimation, risks misconstruing the phenomena. An independent worry about Scanlon’s understanding of blameworthiness is that it appears to afford considerations pertaining to what he calls an action’s *meaning* a normative authority gained at the expense of the normative authority typically claimed for considerations pertaining to an action’s moral impermissibility—an unhappy result for Scanlon’s contractualist moral theory.

1. Blame’s Evaluative Element: The Importance of Relationship Impairment

On Scanlon’s account, blame is not essentially something we feel but something we do: “to *blame* a person is to judge him or her to be blameworthy and to take your relationship with him or her to be modified in a way that this judgment of impaired relations holds to be appropriate” (p. 128).⁶ That is, blame consists in (1) making a judgment of blameworthiness, and (2) revising or confirming the attitudes that shape your relationship with that person in ways that the judgment of blameworthiness makes appropriate. Call these, respectively, the evaluative element and responsive element of blame.

Scanlon takes the normative expectations, intentions, and other attitudes that characterize our close personal relationships to be key to understanding blame’s evaluative element. A judgment that a person is blameworthy in consequence of performing a certain action just is, on Scanlon’s view, a judgment that his action “shows something about the agent’s attitudes toward others that impairs the relations that others can have with him or her” (p. 128). An action shows this in virtue of its meaning: the significance that a person has reason to assign the action in light of the reasons for which its author performed it. The normative ideal of the “ground” relationship in which the persons

⁵ The main sources of Scanlon’s resistance to a reactive attitude account of blame are his belief that it fails to accommodate moral luck and that Strawson’s embraces retributivism. See, e.g., Scanlon (1998) p. 276, n. 17 and (2008) p. 145, n. 17. Although I cannot defend the claim here, I find Scanlon’s resistance mistaken on both points.

⁶ Cf. “To blame a person for an action, in my view, is to take that action to indicate something about the person that impairs one’s relationship with him or her; and to understand that relationship in a way that reflects this impairment” Scanlon (2008), pp. 122–123. See also p. 6.

stand to each other determine this significance.⁷ Significantly, meaning varies independently of moral impermissibility.⁸

Scanlon's initial context for this analysis—the personal relationship of friendship—recalls Strawson's strategy of illuminating moral criticism's importance by casting light first on personal reactive attitudes. Strawson, however, appears the more nuanced moral psychologist in presenting personal reactive attitudes (e.g., gratitude and resentment) as affective modes of evaluation of intimates' quality of will, a mode of evaluation not best modeled on the affectless acquisition of beliefs. Scanlon, in contrast, doesn't afford emotions or sentiments a central evaluative role.⁹ To adapt Scanlon's example, imagine his friend Joe is also my friend. Joe makes cruel jokes at my expense while attending a now notorious party. Listening to reports of Joe's behavior, I feel my face flush and blink back tears but I don't know what to make of it, especially considering the “personal and chemical influences” that prevailed at the party (p. 129). After discussing things with others, I'm able to articulate my feelings: I'm justifiably angry with Joe for betraying me. Confident now of my feelings, I report that I resent Joe. To be sure, if my attitude is to count as resentment, it must be sensitive to judgments about Joe's blameworthiness. However, Scanlon appears unimpressed by the possibility—and in the case of personal relationships characterized by mutual emotional vulnerability, the inevitability—that such judgments arrive affect-laden. When Scanlon writes, for example, “When one has made such a judgment [of blameworthiness]... there remains the question of how seriously one is going to take it, and how far one is going to go in adjusting one's attitude toward the person in ways that this judgment claims are appropriate” (p. 130) he appears to preclude the possibility that a reactive attitude may at once be an adjustment in attitude and a judgment of blameworthiness (a cognitive content the attitude possesses in virtue of having Joe's relationship-impairing ill-will as its object).

Whatever the mode of evaluation involved in arriving at a judgment of blameworthiness, its content already distinguishes Scanlon's account. Unlike “grading” views of blame, Scanlon's view provides such judgments a content that vindicates their purported import: That a person

⁷ Scanlon explains, “The normative ideal of a particular relationship specifies what must be true in order for individuals to have a relationship of this kind, and specifies how individuals in such a relationship should, ideally, behave toward each other; and the attitudes that they should have” (p. 134).

⁸ The distinction is the subject of Chapter 2 of Scanlon (2008). See especially pp. 52–56.

⁹ Other commentators who press Scanlon's view of the role of emotions or reactive attitudes in moral criticism include Wallace (forthcoming) and Wolf (forthcoming).

has relationship-impairing attitudes and is thus ill-suited for reciprocal relationships is of obvious importance to the possibilities of engagement with him—an importance appreciable to both injurer and injured. Such judgments also yield an account of blaming responses as the injurer’s just, but not retributive, desert.

2. Blaming Responses: Getting (and Giving) One’s Just (Non-Retributive) Desert

Judgments of blameworthiness, I’ve noted, for Scanlon presuppose a normative ideal relative to which a ground relationship counts as impaired (or not). This ideal also determines appropriate responses to the injurer’s impairment of relationship. It is a virtue of Scanlon’s account that it does so in a way that avoids both “wrong kind of reason” objections and worries about retributivism.¹⁰ How so?

Scanlon’s basic idea for understanding the way that appeals to appropriateness of response attain the normative force they do in personal relationships seems to be as follows. Some, if not all, of the expectations, intentions, and other attitudes that the standards of the relationship’s normative ideal specify are legitimately claimed by each party of the other only in the conditions of mutual recognition that obtain in the relationship’s unimpaired form. Violating those standards undermines the condition of mutual recognition, muting reasons grounded in the relationship for the injured party to sustain attitudes for which the injurer has forfeited his legitimate claim. Absent such reasons, the injurer’s proceeding as before may be appropriate in some sense (e.g., prudentially) but sustaining friendly attitudes is no longer made appropriate by reasons definitive of the relationship.

The range of attitudes a judgment of blameworthiness thus makes appropriate reflects varying degrees of withdrawal from those expectations, intentions, and attitudes to which the injurer otherwise had claim as reciprocating party to the relationship. They reach their limit with the injured’s termination of the relationship. When the injured’s response is thus appropriate, moreover, the injurer has reason to view the response as his due, or desert, in a way that bars legitimate complaint: in consequence of violating the standards, (1) he himself has undermined the condition upon which his claim on the withdrawn expectations, intentions, and attitudes, depends and (2) he has reason to recognize the injurer’s response not as further violating the relationship’s standards but, rather, as holding him accountable to them in a way they support. In short, the injurer has reason to view the injured’s response as a matter of his “pure” desert—“pure” because divorced

¹⁰ See, for example, Scanlon (2008), pp. 133–134.

from all connections to retributive sanctions.¹¹ Neither is the response directed to him solely as a disincentive for socially delinquent future behavior. In this way, Scanlon avoids both worries about moral retributivism and a “wrong kind of reason” objection.¹²

Scanlon’s account of the responsive element of blame in the case of personal relationships is largely persuasive. I worry, however, that these responses remain insufficiently attentive to blame’s affective qualities. Returning to Joe, although Scanlon concedes that I might come to feel differently about him, his concession is revealing. Scanlon writes, for example, that “taking seriously” your friend’s blameworthiness involves “more than making this judgment [of blameworthiness] plus feeling a certain emotion (a special kind of resentment, perhaps)” because “It involves seeing one’s relationship with the person as having different meaning, seeing oneself as having different reasons governing those interactions and having the intention to be guided by those reasons” (137). The concession suggests a view of resentment according to which experiencing it doesn’t involve seeing just this. Scanlon seems to conceive of resentment (and other reactive attitudes) as “mere” feelings not essentially tied to their targets’ regard or disregard of relationship-grounded reasons but, at most, interchangeable affective addenda to other revisions of attitude (such as intentions and expectations).

This criticism gains support when Scanlon writes of resenting or feeling some other moral emotion toward Joe’s behavior: “But this is not required for blame in my view—I might just feel sad” (p. 136). Sadness arguably is the wrong kind of feeling to be warranted by a judgment of blameworthiness, however, as it is not directed at persons. Suppose Scanlon and Joe’s mother are also present at the party, with Joe falsely assuming they are out of earshot while telling his cruel jokes. Upon hearing him, Joe’s mother chimes, “Joe, stop that!” An indulgent parent, she continues, “Telling cruel jokes about Tim makes him sad.” Joe’s mother appreciates that Joe’s behavior is blameworthy (and so should be stopped) but attempts to redirect a response (e.g., resentment) that reproaches Joe as a violator of Tim’s legitimate relationship-grounded demands toward a response (e.g., sadness) focused on an undesirable outcome Joe produces.¹³ If Joe’s

¹¹ Scanlon (1998) rejects a “desert thesis” that holds that when a person has acted wrongly, he should suffer as a result. Scanlon (2008) upholds that rejection but distinguishes between retributive and pure conceptions of desert.

¹² Whether he thereby calms metaphysical worries about freedom of will is a question I, again, leave to others to press.

¹³ One development of the distinction at issue would proceed in the direction of Darwall’s (2006) ingenious “second-personal” interpretation of the reactive attitudes, an account I stop short of fully embracing but debts to which I wish to register.

mother succeeds, she is accurately described as having shielded Joe from Tim's blame.¹⁴

If Scanlon's concession to emotional aspects of blaming is to persuade, it must concede the relevant range of emotions, namely the range targeted at persons as participants in a nexus of legitimate expectations and demands. Only thus can Scanlon's account capture the special importance of being an agent within the purview of moral criticism as opposed to a patient deprived it by what Strawson famously dubbed the objective attitude.

3. Blame and Impersonal Morality

To this point, I have raised issues for Scanlon's account of blame in personal relationships whose correction would bring him much closer to a Strawsonian reactive account than he is willing to embrace. Strawson himself extends his account of the personal reactive attitudes to impersonal contexts with the suggestion that they stand or fall together. Scanlon has the advantage here of an argument, one that relies on appeal to what he calls the moral relationship. The appeal introduces a number of problems of its own, however, of which I can focus here on just one.¹⁵

Recall that in the case of blameworthy friends, appropriate blame responses range from modifying intentions to trust to terminating the relationship. The moral relationship and its attendant obligations, in contrast, are for Scanlon not properly terminated as a response to the morally vicious. Consider, in this context, my example of a moral relationship gone wrong:

Joan has just witnessed Jack's gin-induced stumble into her club's swimming pool. Although she is an excellent swimmer, she can't bring herself to go to his rescue. At the same time, she can't ignore what she has just witnessed. In alerting Karen, Joan is instrumental in saving the life of her daughter Marcy's tormenter, a deed for which Marcy vows never to forgive her.

Joan blames Jack for years of systematically abusing her daughter and beating the rap by purchasing the best lawyer in Westchester County.

¹⁴ Scanlon might resist this conclusion by reminding us of other modifications of intentions and attitudes we imagine him making in the case. Note, however, that we can raise the same worry with respect to those modifications: it is only if they are called for by the judgment of blameworthiness understood as presenting Joe as a violator of Tim's legitimate relationship-specific demands that they will be distinguishable as blame responses as opposed, for example, to regret responses.

¹⁵ For discussion of problems arising from distinct features of personal versus impersonal relationships, see Wallace (forthcoming).

Because Jack is blameworthy, Joan confronts a choice of allowing a man to die or, in aiding him, performing an action pregnant with relationship-impairing meaning for her daughter.

We might imagine Joan being tempted to refuse Jack aid. According to Scanlon, this response remains unwarranted by Jack's blameworthiness because duties to aid are unconditionally owed our fellow rational beings, with all of whom we stand in the moral relationship.¹⁶ Assume there are unconditional moral obligations to provide life-saving aid, so that Joan would act impermissibly in refusing it. This raises three issues: (1) What space is there for morally permissible modifications of moral relationship with Jack, made appropriate by his blameworthiness? (2) Do these adequately register the severity of Jack's violation? and (3) Were one to act impermissibly in such circumstances, in what ways would one thereby reveal oneself to be blameworthy and, moreover, how should one think about the competing claims of impermissibility and meaning?

Regarding (1), Scanlon suggests appropriate blame responses to people like Jack will consist in modifications of "a range of interactions with others that are morally important but not owed unconditionally to everyone" (p. 143). For example, a refusal to "make agreements... or to enter into other specific relations that involve trust and reliance" (p. 143). Because Scanlon's normative ideal of the moral relationship is one where the default stance toward fellow rational creatures is as potential confidants, friends, lovers, or otherwise intimates, he makes space for modifications of the moral relationship here. But is that really all Jack, in his moral depravity, forfeits from his victims? This strikes me as an overly deflationary view of moral blame's proper bounds, inviting objection (2).

Scanlon's second type of warranted modification concerns conditional duties to help others when one can do so at little cost and the suspension of feelings (such as taking pleasure in another's success) that unimpaired moral relations presuppose. Modifying their intentions to help Jack in his projects, their dispositions to take pleasure in his successes, and so on, then, are blame responses appropriate to him (p. 144). But, again, this account of the responsive element of blame in the moral case falls victim to a charge Scanlon himself levels at modification of emotion views of blame: it is "too thin" (p. 143).

¹⁶ Scanlon writes, "Even those who have no regard for the justifiability of their action toward others retain their basic moral rights—they still have claims on us not to be hurt or killed, to be helped when they are in dire need, and to have us honor promises we have made to them. Special circumstances, such as self-defense, may sometimes justify abrogating these rights, but moral deficiencies do not justify their general suspension" (p. 142).

Finally, Scanlon's distinction between an action's permissibility and its meaning offers a rich understanding of the varying significances of our actions—but this strength threatens to exact a price Scanlon has reason to avoid. In Joan's view, she cannot herself save Jack because she appreciates the meaning her daughter has reason to assign her doing so. Rescuing her daughter's unrepentant torturer would express giving priority to what she purportedly owes Jack over her daughter's well-being. The rescue's meaning need not support a judgment of Joan's blameworthiness to be deeply problematic. "How could you?!" one could imagine Marcy demanding, "He ruined your daughter's life!" Marcy's complaint seeks not retribution but just deserts. The reply that Joan owes it *to Jack* to save him falls flat, and does so all the more the greater one appreciates the meaning a child has reason to assign a parent's privileging supposed moral obligations owed vicious strangers over her child's well-being. Scanlon risks purchasing a compelling account of the importance of an action's meaning at the expense of forfeiting the overriding normative force typically claimed for an action's moral status.

Now, one may grant that there are unconditional moral obligations concerning the treatment of the morally vicious while denying that the morally vicious themselves retain a legitimate claim on their victims or that victims are morally obligated *to* their moral offenders. We might consider, for example, whether suitably motivated parties would have reason to reject principles allowing individuals to morally disown the morally vicious. The reason for rejection might derive from the fact that the moral community as a whole is better served by ruling out what would, in effect, be a form of moral vigilantism appropriate, if at all, to the state of nature. On this justification of unconditional obligations, Joan owes it to the moral community as a whole to discharge duties concerning treatment of the morally delinquent. This offers an account of the impermissibility of refusing Jack aid that provides a more compelling explanation of why acting impermissibly should continue *to matter* to Joan (and Marcy). It also suggests a reinterpretation of the meaning of Joan's action in the context of her relationship with her daughter. "I know I don't owe anything to him," Joan might well explain, "I owed it to *us*." In contrast, on Scanlon's view as I understand it, unconditional moral obligations continue to be owed *to* moral offenders *by* their victims in virtue of standing in an interminable moral relationship to them. This I continue to find unconvincing and, I suggest, it threatens problems concerning the normative force and importance of an action's moral impermissibility as compared with its meaning that I imagine Scanlon himself wishes to avoid.

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