

10. The Case against Non-Moral Blame

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1. Introduction

In 1994, Italy faced Brazil in the final of the World Cup. Italy reached the final largely due to a series of spectacular performances by Roberto Baggio, *Il Divin Codino*, who had scored five of their six goals in the knockout stages of the tournament. However, the final remained scoreless after 90 minutes of normal play and 30 minutes of extra time. It would come down to penalties. Baggio stepped up to take the last penalty for the Azzurri...and sent it soaring over the bar. Italy lost and Baggio was blamed by Italy fans around the world. The iconic photograph of the 1994 World Cup is of Baggio, seen through the empty net, standing dejected at the penalty spot.

Such blame is a familiar part of life. Baggio failed and he was blamed for his failure. However, his failure was not a moral one, so the blame he received appears to be *non-moral blame*. Such cases are not unusual: just as we blame athletes for poor performance, we blame artists for bad or boring art, scientists for faulty research, and voters for flawed reasoning. Philosophical discussion has tended to focus on moral blame—investigating the appropriateness of blaming the malicious, the ignorant, the negligent, and the reckless—while non-moral blame has received much less attention.¹ At the same time, non-moral blame seems widespread and widely accepted—tolerated at least, but often embraced—in everyday life.

In this paper, we consider the case for non-moral blame. We have two main aims. One is to understand our actual practice of non-moral blame and how it's justified by its

¹ Many distinguish moral from non-moral blame (Anscombe 1958, Press 1969, Watson 1996, Eaton 2008, Rorty 2010, Shoemaker 2015, Luthra 2016, Peels 2016, Archer and Ware 2018, Björnsson 2017), but only a few investigate it further (Tollefsen 2017, Brown 2018, Nelkin 2020, Shoemaker ms).

practitioners. Another is to determine whether non-moral blame can actually be justified, whether in its current form or in any form. We argue that it is never justified—i.e. it's never a morally permissible response to a non-moral failure.

In §2, we explain what blame is. In §3, we explain how non-moral blame differs from moral blame. In §4, we argue that many (perhaps most) apparent cases of non-moral blame are actually cases of moral blame. In §5, we argue that even if non-moral blame is pro tanto permissible, because its target is blameworthy for their substandard non-moral performance, it often (perhaps usually) fails to meet other permissibility conditions, such as fairness or standing. In §6, we go further and challenge the claim that non-moral blame is ever even pro tanto permissible. We consider a number of arguments in support of non-moral obligations and show that all of them fail to establish plausible obligations.

2. What is blame?

People react to objectionable behavior in many different ways. Suppose a coworker mistreats you. They are unprofessional and disrespectful; their behavior is rude, thoughtless, and demonstrates a lack of concern about your interests and well-being. Your reactions may include:

- i. identifying the person as the cause of the behavior
- ii. evaluating their behavior negatively, as substandard
- iii. being displeased or dissatisfied with their behavior
- iv. expressing your displeasure or dissatisfaction in words or behavior
- v. getting upset about their wrongful behavior (e.g. feeling angry or frustrated)
- vi. expressing your anger in words or behavior (e.g. by telling them off, refusing to interact with them, or demanding an apology)

- vii. using informal social punishment (e.g. warning others against them or excluding them)

All of these reactions can be reasonable and valuable, but not all of them are blame. Distinguishing blame is important because it is often mistaken for other reactions and vice versa. Blame is more than merely identifying the person as the cause of the bad act and evaluating the act as blameworthy, wrongful, or otherwise substandard (Coates and Tognazzini 2013, Nelkin 2017). For example, we might appraise a child or a historical figure as blameworthy but not blame them. And displeasure simply represents one's experience of an event or action as unenjoyable or bad in some respect. One's displeasure while listening to Rotting Christ's album *Non Serviam* is a reason to not go to their concert, but it doesn't make any demands on the band to cease playing, touring, and recording. Blame, by contrast, makes a demand on its target to have behaved differently—e.g. that Rotting Christ not have made that album. Moreover, while expressing negative evaluations and displeasure may sometimes hurt their recipient, blame differs in that the sting of blame is part of its purpose. This is so even if one doesn't intend for blame to hurt or if the blame is private (Macnamara 2015). One can negatively evaluate or express displeasure about a person's behaviour—"I wish he hadn't done that; it's made for a very awkward working environment"—but still not blame the person. Blame, then, is a response to behaviour that appears to culpably fail to meet a standard that one is obliged to meet and it does more than grade or express displeasure about that failure.

It is controversial what else is required for blame. For some, blame consists in a judgement by which one holds an agent's poor quality of will against them (e.g. Hieronymi 2004), or about whether one deserves to feel guilty (e.g. Carlsson 2017), or an emotional response like anger, resentment, or indignation (e.g. Wallace 1994), while for others it requires recognition of a change in the relationship between the blamer and the blamed (e.g.

Scanlon 2008), or protest against mistreatment and a demand for due regard (e.g. Smith 2012). Still other accounts understand blame in terms of its communicative role or function (e.g. McKenna 2012). For example, one might think that any response to wrongdoing that encourages or prompts remorse in the offender is blame. Whichever account one favours, items (i-iv) on the above list would seem not to count as blame, at least not on their own.

Note that this paper takes the ethics of blame seriously in that it assumes that blame can be morally impermissible. This entails three commitments: 1) that blame is morally bad because it is potentially harmful; 2) that this moral badness is not necessarily counterbalanced by other considerations, like fittingness; and 3) that one often has the control necessary to avoid or cease blaming, because one has such control either over instances of blame or over one's disposition to blame. To reject an ethics of blame is to reject a central kind of objection we have to reckless, unfair, excessive, and presumptuous blame.

3. What is non-moral blame?

Our practice of non-moral blame seems parallel to our practice of moral blame and it therefore seems reasonable to assume that non-moral blame, like moral blame, is often permissible. Everyday conversations presuppose non-moral value, obligations, and responsibility. One can react to non-moral failures in any of the ways described above, just as one can to a moral failure. If moral blame is a response to culpable moral failures (e.g. breaking a promise), then non-moral blame is a response to a culpable failure to meet a non-moral standard (e.g. failing to make a penalty kick). They differ in that they respond to moral

and non-moral failures, respectively. They are similar in other respects, including the potential to harm.²

Standards exist for each non-moral domain. We will focus on athletic, aesthetic, and epistemic domains. We already described the athletic blame directed at Roberto Baggio for missing his penalty kick, but we can also consider cases of aesthetic and epistemic blame.

Aesthetic Blame: The audience at the 2019 Bayreuth Festival loved almost everything about the innovative performance of *Tannhäuser*. Everything except Russian conductor, Valery Gergiev. After foot-stomping acclaim for the director, the lead soprano, and the rest of the cast, the audience booed Gergiev “with an anger that seemed to express more than displeasure” (Swed 2019).

Epistemic Blame: Royce, Eve, and Pierre are hours into a board game. The game is far from over, but Royce’s position is strong. However, Pierre proceeds to make a series of basic strategic errors and, because of the turn order, Eve is able to take advantage of his mistakes to Royce’s detriment. Royce attempts to claw his way back into a defensible position, but there is little he can do in response to Pierre’s careless mistakes and Eve’s capitalizing on them. Eve wins the game and, while both beat Pierre, both also blame him for his poor strategic choices, which have ruined the game for all of them.

² Some claim that blame is essentially moral, which implies that non-moral blame is impossible. Their arguments understand blame in terms of the reactive attitudes and view reactive attitudes as reactions to moral failures, prescribed by the blamer’s acceptance of particular moral norms and imply judgments of moral wrongdoing (Williams 1985: 177 and 193; Gibbard 1990: 47; and Darwall 2006: 94). However, Tollefsen (2017) convincingly argues that Wallace’s (1994) account of reactive emotions as responses to unmet expectations can be extended to epistemic attitudes that we have in response to unmet non-moral standards. Moreover, even if one accepts the Williams-Gibbard-Darwall view, one would still have to explain and justify the phenomenon that we are calling non-moral blame and moral blame remains the most plausible model for understanding it.

These domains concern different practices and have different standards, but there is a unity to them insofar as the target of assessment in each domain is the skill and understanding with which one performs one's task.³ What distinguishes these domains from the moral domain is controversial (Dorsey 2016). While we believe a successful account of this distinction can be given, our argument does not depend on doing so.

The parallels between moral and non-moral domains suggest that if moral blame can be permissible, then non-moral blame can be permissible for analogous failures. Because the case for permissible non-moral blame is strongest if the moral and non-moral domains are parallel in every other respect, we assume parallelism unless explicitly noted.⁴ In order to challenge the case for non-moral blame, we must identify a disanalogy between the two domains. The parallel structure of our blaming practices shows where one might object. One might:

1. deny non-moral value (e.g. "beauty is not good")
2. deny non-moral value's weight (e.g. "beauty is good but it can't outweigh moral goods")
3. deny non-moral obligations (e.g. "even if beauty standards exist, one isn't obliged to meet them")
4. deny non-moral obligations' relation to blameworthiness (e.g. "even if one fails in one's beauty duties, one isn't thereby blameworthy")

³ We bracket discussion of the prudential domain in this paper. Assessments of prudence seem less concerned with an agent's skill and seem to resemble moral assessment more closely than they resemble the assessments of athletic, aesthetic, or epistemic skill.

⁴ Dana Nelkin (2020) offers a unified account of blameworthiness for moral, aesthetic, and epistemic failures. In doing so, she identifies the same parallels between moral and non-moral domains as we do. We disagree with her account insofar as we reject the existence of non-moral obligations (and, thus, non-moral blameworthiness). Nelkin herself acknowledges disanalogies between the moral and non-moral domains, specifically with respect to the need to 'opt in' to being governed by non-moral standards. In §6, we consider whether this disanalogy can be used to defend the existence of non-moral obligations.

5. deny that one can be responsible for actions with only non-moral significance (e.g. “you did something beautiful, but you’re not responsible for that”)

While there has been significant debate about the existence and relative weight of non-moral value (options 1 and 2), we take for granted that some things have non-moral value (e.g. beauty and truth) and that moral value does not necessarily trump non-moral value (i.e. it’s not the case that the smallest amount of moral value outweighs even the largest amount of non-moral value).⁵ We also accept the existence of non-moral responsibility (option 5). Insofar as responsibility theories attempt to explain what makes a person a responsible agent (e.g. normative competence) and what makes them responsible for particular acts (e.g. control and knowledge), they identify conditions that can be met regardless of whether the action in question has moral significance (Wolf 2015). There is no good reason to think that one can be responsible only for morally significant actions. Finally, there appears to be a conceptual connection between blameworthiness and obligation such that one is blameworthy only if one fails to meet an obligation (Haji 2012) (option 4). Some dispute this claim and offer examples of blameworthiness without wrongdoing (Driver 1992, Capes 2012). However, we would argue that all such cases are either examples of obligations or of non-blameworthy behavior. Moreover, even if we accepted the possibility of suberogatory behavior—or any other sort of permissible-but-blameworthy behavior—we would deny that non-moral failures are suberogatory.

This leaves option 3. While some have argued for the existence of non-moral obligations, we will dispute this view. We reject claims for token non-moral obligations and arguments purporting to identify types of non-moral obligation. In §4 and §5, we examine our actual practice of non-moral blame and argue: a) that many (perhaps most) purported

⁵ If moral reasons are overriding, then non-moral blame cannot be permissible because the risk of harm (a moral reason not to blame) necessarily outweighs whatever values are generated or preserved by blaming (non-moral reasons to blame) (Gert 2013).

cases of non-moral blame are actually moral blame, and b) that, even if genuine non-moral blame is pro tanto permissible—because an agent can be blameworthy for their failure—many (perhaps most) instances fail to meet conditions on permissible blaming. These arguments do not rule out the possibility of genuine non-moral blame that is, at least, pro tanto permissible. In §6, we challenge that possibility.

4. Misidentified blame

Many (perhaps most) cases that appear to be non-moral blame are actually moral blame. Many of those who criticize sports cheaters (e.g. Maradona), controversial art (e.g. the dung Madonna or the singer Madonna), bad reasoning (e.g. by demagogues, scientists, voters), or wasting time and money (e.g. buying a poorly made appliance, or funding unpromising research) are ultimately taking issue with a moral failure. Maradona *stole* the English chance for a World Cup victory, (the) Madonna is *blasphemous*, poor reasoning *risks the lives and health* of the public, and buying a poorly made appliance *wastes buyers' money*. In each case, it may seem like our blame is non-moral and we may believe it is permissible because the blamee culpably failed to meet a non-moral standard. But upon closer inspection it is actually their moral failure that we object to and their culpable failure to meet a moral obligation that renders blame permissible in these cases.

We can see this in two ways. First, when challenged about the permissibility of their non-moral blame, blamers often fall back on different reasoning. Instead of insisting that Baggio's bad shot is itself sufficient for blame, a football fan might instead point to a moral failure. For example, they might note that Baggio earned a huge salary, claim that he should have practiced more, or argue that his shot demonstrates an objectionable lack of care. Of course, not *every* case of non-moral blame falls back on such reasoning. The blamer might

insist that it is was an atrocious shot and that this fact alone renders blame permissible.

However, resorting to moral grounds for blame seems common.

Second, our attitudes seem to change when we strip away the moral features of a particular case:

Shoemaker: You buy a pair of badly made shoes from Dave. Shod so shoddily, you get severe blisters during your walking tour of Tulane. As a result, you have to cancel other New Orleans activities you had planned. You're angry with Dave and call his store to shout at him.

Anger seems appropriate here. However, this case has lots of confounding moral factors—e.g. your injuries, lost opportunities, inconvenience, and wasted money—in addition to a non-moral standard violation, namely, making substandard shoes. To properly assess whether the non-moral failure makes blame permissible, we must strip away the moral failures.

One reason for your anger at shoemaker Dave is that he ruined your day and wasted your time. But suppose you had no activities planned and his slipshod work does not cause any change to your schedule. Is angry blame still permissible? It seems so. His shoes have caused you pain and discomfort. But suppose this isn't the case either. Despite being poorly made, they don't cause blisters or any other pain. Is angry blame still permissible? It's less obvious, but anger may still be justified. After all, Dave has sold you a bad pair of shoes. However, this is still a moral failure because Dave arguably has a moral obligation to sell products of sufficiently high quality. Knowingly selling shoddy shoes is arguably deceitful and costly, as the product must be replaced or repaired. So, let's strip away this last moral violation. Suppose that Dave, like some online retailers, gives you two pairs of shoes, only one of which turns out to be shoddy, and allows you to return the pair you like less. In this case, he has not been deceptive or caused any pain or inconvenience, but has still given you a shoddy product.

Nonetheless, anger no longer seems like even a pro tanto permissible response to Dave's substandard shoemaking. We can evaluate Dave's shoemaking as having failed to meet the relevant standard of craftsmanship and grade it as such (Smart 1961). We can feel displeased or dissatisfied with his failure. But neither grading nor displeasure counts as blaming. The upshot is that, in the original case, it isn't the fact that Dave made bad shoes that justifies our anger. Rather, it's the moral implications of his non-moral failure. We see this by considering the non-moral failure in isolation.⁶

The same point can be made by comparing two cases, identical but for the fact that one has a moral dimension. Consider two scientists tasked with tracking a potentially dangerous asteroid. The first, working for NASA, negligently makes an easily avoidable error in her calculations. As a result, she exposes Earth's population to serious danger by failing to recognize a genuine threat and avoids catastrophe only by chance. The second, doing similar calculations for a physics exam, makes the same negligent error. In the first case, it seems permissible to blame the scientist for negligently endangering the human race. In the second case, it seems impermissible to blame the scientist, though her exam should be marked down for her mistake. She was not tasked with protecting anyone, nor would avoiding the calculation error have ensured their safety. Both have culpably failed to meet an epistemic standard, but blame is only a permissible response to the one who thereby allowed a morally significant risk.⁷

⁶ Crisp (2004) makes a similar point in response to Anscombe's (1958) account of skill blame. However, some have questioned whether we can separate moral from non-moral blame. For example, Wolf suggests that when we blame a person for being a bad artist or producing bad art, "our criticism or blame is too close to being moral itself to serve as a useful case for comparison" (2015: 132 n.5; see also Eaton 1992).

⁷ One might worry that such cases are unavoidably subject to "moral encroachment"—i.e. the view that the epistemic standards that apply to a particular agent in a particular situation are determined, in part, by moral factors like the welfare of those depending on your success. However, we agree with Nelkin (2020) that moral encroachment is not universal. Notice, though, that our view is compatible with pervasive moral encroachment.

If we accept that many reactions understood as non-moral blame are actually moral blame, we can then assess whether moral blame is a permissible response. Sometimes it will be. We're right to blame Maradona for his "hand of God", the company that sells a dangerous product, or the academic who spends their grant money on exotic vacations instead of producing new research. Other times it won't. We're wrong to blame Madonna for combining sex and religion or depicting non-heteronormative sexuality in her songs and videos. How often misidentified moral blame is actually permissible isn't clear; nor is it clear whether misidentified moral blame is more likely to be impermissible than moral blame generally.

Having considered such cases, we might wonder whether *all* cases of apparently non-moral blame are actually cases of moral blame. It seems possible that any supposed case of non-moral blame could be diagnosed in one of the ways just discussed. This possibility constitutes a challenge to the defender of non-moral blame—namely, to produce a case that isn't ultimately justified by moral factors. However, we won't press this challenge here. Let's grant, for the sake of argument, that there are genuine cases of non-moral blame—i.e. blame that responds only to the violation of a non-moral standard.

5. Impermissible blame

In this section, we show that even if non-moral blame is *pro tanto* permissible (because agents can be blameworthy for their non-moral failures), it often (perhaps usually) fails to satisfy plausible conditions on all-things-considered permissibility. These conditions fall into four categories: warrant, standing, fairness, and outcome conditions. (We suspect that non-moral blame will often fail to meet *any* plausible permissibility conditions, but here we limit ourselves to these four categories.) One might reject one or more of these conditions, but they are plausible and widely recognized both by blame theorists and moral philosophers

more generally. In any case, non-moral blame often fails to meet any of these conditions. Thus, even if one rejects a particular permissibility condition, our argument still stands.

5.1. Warrant

We're interested in the permissibility of blaming the blameworthy and therefore accept, for the sake of argument, that the examples discussed below are of fitting blame. However, blame is permissible only if one is justified in believing that its target is blameworthy (Todd 2019: 4). There is reason to believe that we are often unjustified in believing that targets of our non-moral blame are actually blameworthy. A purportedly substandard performance might be part of a group action or attempt to which the agent's contribution is difficult to discern, as when a team loses a game or an orchestra gives a bad performance. In fact, our blameworthiness judgments are susceptible to various sources of error: experiences can be tainted by bad moods, cognitive biases, and other subpersonal psychological mechanisms; we can overestimate our expertise as judges; and unrepeatable events (e.g. live concerts and fancy dinners) afford only a single opportunity for evaluation.

5.2. Standing

Blame is permissible only if the blamer has the standing to blame.⁸ According to the non-hypocrisy condition, a person has standing to blame a wrongdoer only if she endorses the value that has been violated by the offence—e.g. fairness in the case of discrimination—and is motivated to uphold that value (Todd 2019: 25). A person who employs sexist hiring practices isn't permitted to blame others for their sexist hiring practices because his own

⁸ We follow Todd (2019) in rejecting the business condition (Radzik 2011) and viewing the involvement condition (Cohen 2006) as reducible to the hypocrisy condition, so we limit our discussion to hypocrisy (Wallace 2010, Fritz and Miller 2016).

willingness to discriminate shows that he doesn't endorse the value of fairness in hiring or is not sufficiently motivated to act on that value.

Non-moral blame seems likely to be hypocritical. Consider which values are contravened by those who fail to meet non-moral standards. Some non-moral failures may indicate that the agent wasn't motivated to train, rehearse, or otherwise develop the skill needed to meet the relevant standard. Some of the blame directed at Gergiev's conducting of *Tannhäuser* seems to reflect this kind of judgment. However, even if a substandard performance did show that one wasn't motivated to prepare to the extent consistent with how much one values athletic, aesthetic, or epistemic excellence, it's likely that most would-be blamers also sometimes fail to endorse or be motivated by the those (or relevantly similar) values. Who hasn't given a boring presentation that could have been more engaging, submitted a paper they know could have been improved with a little more effort, or eaten poorly because they couldn't be bothered to cook a decent meal that night?

5.3.Fairness

Blame is permissible only if it's fair. Blame should not be arbitrary (Telech and Tierney 2019: 29), but often is. The fairness requirement on permissible blame is based on the fact that blame is harmful, so it applies to both moral and non-moral blame. Blame is non-comparatively arbitrary when it fails to track relevant facts about the blamee—e.g. blaming the innocent or excused. Blame is comparatively arbitrary when it treats like offenders differently—e.g. blaming one offender more than another for the same offence. So it's impermissible to blame some artists, athletes, or reasoners who fail to meet a standard, but not others—e.g. blaming a star player for a loss rather than another player, the coach, or the team as a whole. And it's impermissible to blame them differently for similar failures—e.g.

blaming especially talented individuals for performing at or above the level of their less talented peers.

Blame can also be unfair because it's disproportionate. The blame a person receives can exceed what is called for. This is true whether one understands what is called for in terms of deterrence, desert, or some other criterion. The murder of Andrés Escobar, the Columbian footballer who scored an own goal in the 1994 World Cup, is an extreme case, but harassing players, throwing things at them, and insulting them online are excessive responses to even the most egregious sports error. The same is true for other non-moral domains. It seems unreasonably harsh for a critic to describe a piece of art as "tasteless hack work" displaying "appalling sentimentality" (Canaday 1964)⁹, for a sports writer to call a cross country wax tech an idiot on the front page of the newspaper (Segal 2018), or for a Reddit contributor to insult and swear at Google's software engineers in response to a Gmail update. We should be especially cautious about disproportionate non-moral blame if we suspect, like Scanlon (2008: 123-4), that non-moral failures lack the significance to justify blame in the first place. But even if we think they are significant enough to justify blame, it seems unlikely that they justify much of the non-moral blame we commonly see.

5.4. Outcomes

Blame is permissible only if it produces good enough outcomes and impermissible if it produces bad enough outcomes. It's wrong to blame if doing so will have overall terrible effects. This isn't only a consequentialist concern. Any moral theory according to which consequences matter morally should accept this point. The badness of blame is especially important in the case of non-moral blame because the need to engage in non-moral blame seems less pressing than moral blame. For example, while the unpleasantness of blame for

⁹ This example comes from Nelkin (2020).

the blamer seems unlikely to justify withholding blame for moral wrongdoing, it seems like a perfectly adequate reason to refrain from blaming an athlete, musician, or referee for their poor performance.

Moreover, blame is permissible only if it's the most effective means of achieving one's aims—e.g. communicating, whether to the offender or to third parties, that a standard has been violated and encouraging greater assiduousness or better performance in the future.

(Recall that one can have multiple aims in blaming, both conscious and unconscious.)

Consider a moral case. If a political candidate lies in their campaign speeches, but we know that blaming them will direct attention to them and thereby create a wider audience for their lies and will thereby have much worse consequences, then we have good reason not to blame them for lying. They are still blameworthy, but this reason for blaming has been defeated. Some may object that being counterproductive doesn't necessarily outweigh the fittingness of blame (Srinivasan 2018), especially if the offence is particularly heinous or the result of hatred or prejudice. We can grant this, but insist that fittingness reasons *can* be overridden by effectiveness reasons, especially in cases of everyday wrongdoing.

The same is true for non-moral failures. Reasoners, artists, and athletes often try their best and fail anyway. Tommy Wiseau tried his hardest to make *The Room* an excellent film, but instead created a film that violates many basic aesthetic standards. But this doesn't justify ineffective blame. If blaming Wiseau is more likely to secure an audience and reinforce his inflated sense of his talent and success than to convey our condemnation and encourage better results, then we don't seem to have sufficient reason to blame (holding fixed other aims of blame). We submit that many common cases of non-moral blame are ineffective. Blame is most likely to be effective when the blamer is related in a relevant way to the blamee and our relationships with, for example, artists and athletes aren't the sort that facilitate effective blame. Our non-moral blame seems pointless. Nor is this phenomenon

limited to celebrity cases. A friend who violates epistemic standards of good strategy when playing a board game may respond to blame by refusing to play in the future. If the aim of blame in this case is to improve their future performance, then it is ineffective and thus impermissible (holding fixed our other aims). In many of these cases, negative evaluations and expressions of displeasure can adequately achieve the aims of blame.

5.5 Objections

Insofar as we're concerned about the potentially harmful effects of blaming, one might defend non-moral blame by arguing that it's weaker (in some sense) than moral blame and thus easier to justify. We disagree. First, non-moral blame isn't always weaker (for the blamer) or softer (for the blamee) than moral blame. It's often equally strong, even if the blamer wouldn't endorse its relative strength on reflection. We don't always react in ways that accurately represent our considered values. Second, even if non-moral blame is usually weaker (or softer), this would presumably reflect blamers' judgments that non-moral failures are less significant. But if non-moral failures are less significant, then correspondingly weaker blame will be just as hard to justify as stronger blame of weightier failures.

One might also argue that *feeling* non-moral blame may be permissible even if *expressing* non-moral blame isn't. The feeling of non-moral blame is private and private blame harms only the blamer. However, a few responses are available. First, this objection concedes a lot. Our practice of non-moral blame is an expressive practice. If only private non-moral blame is justified, we would still be required to significantly alter our behavior and reform of our society. This isn't a concession many defenders of non-moral blame are likely to accept. Second, private blame might be harmful insofar as it contributes to a disposition to blame that makes the blamer more likely to express blame in the future. Third, many of the reasons for opposing communicated blame also speak against private blame. For example,

the same reasons that make it wrong to act on fear based on prejudice also make it wrong to feel fear based on prejudice. One has an obligation to avoid both. Moreover, while private blame is less harmful than expressed blame, it's also less useful, so the overall case for non-moral blame is not necessarily improved.

6. Non-moral obligations

We have argued that non-moral blame is often (perhaps usually) impermissible.¹⁰ One upshot of this argument is that our current practice of non-moral blame requires significant revision. What we have seen is that putative cases of non-moral blame fall into one of two traps.

Moralizing trap: Sometimes blame is permissible, but in these cases the grounds for blame are moral.

Grading trap: Sometimes blame is genuinely non-moral, but in these cases only evaluation is permissible, not blaming.

We saw the first trap when we considered cases where people misidentify their moral blame as non-moral blame—e.g. sports cheaters or incompetent cobblers. We saw the second trap when we considered cases of non-moral failures that warrant only negative evaluations or expressions of displeasure or dissatisfaction—e.g. film reviews or art criticism. The challenge for the defender of non-moral blame is to avoid these traps. They must describe cases that show: i) that the target of blame is a genuinely non-moral failure; ii) that blame is sufficiently warranted, fair, and effective, and that the blamer has standing; and they must iii) explain the obligation that was violated. The previous two sections have shown that this is a difficult task, but they allow that non-moral blame may be permissible pro tanto and thus that permissible non-moral blame is conceptually possible. In this section, we challenge the

¹⁰ How often will depend on how representative you think our cases are.

assumption that non-moral blame is even pro tanto permissible by challenging the existence of non-moral obligations.

This is a strong claim, but it's important to remember that blame isn't the only available response to substandard performance. On our view, it can be permissible to evaluate an act as failing to meet a standard, to be displeased about the failure, and even to express one's negative evaluation and displeasure.¹¹ Defenders of non-moral blame face a Scylla and Charybdis challenge: they must find cases between permissible non-moral grading and impermissible non-moral blame.

In what follows, we consider some of the arguments others have made for non-moral obligations.¹² What we find is that each falls into one of the two traps described above, either by illicitly appealing to moral obligations or permitting only grading.¹³

6.1. Argument from blame

Alfred Archer and Lauren Ware (2018) are aware of the moralizing trap and attempt to avoid it. They ground non-moral obligations in the alleged fact that non-moral blame is

¹¹ Of course, sometimes even expressing negative evaluations is unjustified. It may be cruel to comment on a friend's poor cooking, even if it would help them improve, if believing that they made a good dish on this particular occasion is especially important to them.

¹² Obligations can be understood as directed or undirected. Directed obligations are obligations *to someone* who can demand that it be fulfilled—e.g. Wanda's obligation *to Otto* to keep her promise. Undirected obligations do not have a specific object who can make such demands, whether because the individual is unable to make demands (e.g. duties not to treat animals cruelly) or because there is no specific individual who can make the demand (e.g. general duties of beneficence). We would dispute whether particular obligations are directed or undirected—e.g. our duty not to treat a friend's dog cruelly seems like an obligation *to their dog*. Nonetheless, we take our arguments to speak against the existence of non-moral obligations of either sort. For more on the distinction between directed and undirected obligations see Darwall (2006) and for a discussion of how this bears on non-moral blame see Nelkin (2020).

¹³ The arguments addressed below are those we find most compelling and challenging. For other arguments, see Press (1969) and Hazlett (2012), both of whom fall into the moralizing trap.

justified (see also McElwee 2017: 508). They describe a case of vandalism of a public park and note that, in addition to our moral outrage at the vandals' destruction of a public good, we might feel a kind of revulsion, which they take to be a purely aesthetic response. On their view, our "distinctly aesthetic form of disapproval" suggests that a distinctly aesthetic obligation has been violated (2018: 118). However, while this is a reasonable strategy if one assumes that non-moral blame is sometimes justified, that is precisely what's at issue in the present discussion, so the inference from justified non-moral blame to the existence of non-moral obligation is illicit. We agree that one might feel revulsion in response to such vandalism, but absent an independent reason to accept a non-moral obligation in addition to the moral obligation not to damage public goods, it seems that only revulsion (understood as displeasure), and not blame, is permissible.

6.2. Argument from non-moral value

Marcia Muelder Eaton (2008) also explicitly tries to identify aesthetic considerations that don't reduce to moral considerations, but which still have the necessary significance or weight to ground obligations. Her argument turns on art restoration cases. Suppose that a masterpiece has been seriously damaged and experts must decide whether to restore it or to leave it as it is, or that the restoration team must decide whether to ruin one painting in order to uncover another painting hidden beneath it. Eaton (2008: 5) suggests that in each case the team has an aesthetic obligation to preserve the more beautiful work and that this obligation remains even if we hold fixed any morally relevant features of the case. (Assume that they know enough about the covered piece to be confident of its quality.) Presumably, the intuition here is that we ought to preserve the more beautiful painting just because it's more beautiful. However, we suggest that this intuition illicitly depends on accessibility of the artwork to future viewers, which is a moral reason for restoring it. After all, the more

beautiful work exists—Michelangelo’s Last Judgment lay beneath its covering of soot, a masterpiece lies beneath a later artist’s minor work—regardless of whether it is uncovered. If we ignore the visual experience made possible by the restoration—e.g. assuming that the piece will sit forever in a box in a museum basement—it’s harder to accept that anyone has an obligation to perform the restoration.¹⁴

The deeper question here is whether the opportunity to promote non-moral value generates an obligation to do so. Some accept a parallel claim about moral value—e.g. that the opportunity to save a life can generate an obligation to do so, all else equal. In our restoration cases, does the mere fact that one could have promoted or preserved the beauty of an art object generate an obligation to do so?¹⁵ Not necessarily. These cases arguably elicit value judgments, not permissibility judgments. Attempting to restore the painting seems good, but not obligatory. Moreover, if a good must be *good for* someone, then a painting whose disvalue cannot be appreciated isn’t even *bad for* anyone (Korsgaard 2018) and thus cannot give rise to an obligation to refrain. Reflection on our other cases of non-moral blame makes us even more hesitant to infer an obligation to promote non-moral value. Even if Roberto Baggio did have an obligation to make his penalty kick, it’s not clear that it was because it would have been good. After all, he could have blamelessly chosen not to play in that World Cup at all or to retire from soccer forever¹⁶.

6.3. Argument from opting in

¹⁴ Or consider less tangible pieces of art. Does a mute and illiterate bard have the obligation to memorize the *Iliad* even if she can never recite or write it for others?

¹⁵ Richard Sylvan’s (1973) “Last Person” thought experiment asks a similar question.

¹⁶ As Dave Barry says of Eddie Murphy's lukewarm comedic performances in recent years, “You don't have to live up to *my* expectations, Eddie Murphy!” (from <https://conversationswithtyler.com/episodes/dave-barry/>)

One could instead argue that non-moral obligations aren't generated solely by the opportunity to promote non-moral value, but rather are conditional on opting into a practice (Nelkin 2020). There are two versions of this argument. According to the first version, we opt into *treatment*. Consider the following game: *Slap-in-the-face-Scrabble* is identical to Scrabble, but with two additional rules: 1) one must play the highest scoring word possible given one's letters, and 2) if one fails to do so, one will be slapped in the face.¹⁷

If it can be permissible to play this game, then non-moral blame can be permissible. The idea here is that Rule 1 invokes a non-moral standard and Rule 2 permits a "blaming" response to violations of that standard. More specifically, consenting to Rule 2 renders permissible the otherwise impermissible act of slapping someone in the face. Thus, we seem to have a counterexample to our view.

However, the fact that one can opt in to harsh treatment does show that non-moral blame is permissible. First, it does not establish the existence of non-moral obligations. Second, in-game penalties for rule violations, including slapping your opponent in the face, are not a form of blame. Indeed, such penalties do not even amount to punishment. Following Joel Feinberg, Glen Pettigrove illustrates this point with the example of an ice skater whose hand touches the ice after a jump and is penalized by the judges for her act. He points out that, while the skater receives a lower evaluative mark, she is not being condemned for her mistake. Indeed, "it is quite possible that the judges and the wider community are sympathetic toward the skater and dismayed that she must be penalized. They may continue to admire her both as a person and as a skater" (Pettigrove 2012: 117-118). Likewise, it is a rule of chess that you lose if your king is threatened by another piece and you cannot avoid

¹⁷ Thanks to Michael Smith for this case.

that threat. But losing is not a punishment, much less a form of blame. It is simply part of the game. Consenting to a penalty rule is not consenting to blame.¹⁸

According to the second version of the opting in argument, we opt into *obligations*. One might argue that, in games like *Slap-in-the-face-Scrabble*, one opts in to a non-moral obligation to abide by the rules, and that blame is not justified directly (because one consents to harsh treatment), but indirectly (because one endorses the rules which permit harsh treatment). However, this argument does not render it any more plausible that in-game penalties are blame.

There are better formulations of this second version of the opting in argument. For example, people arguably acquire professional obligations in virtue of opting in, in some sense, to their institutional roles—e.g. as an engineer, doctor, or teacher (Hardimon 1994). Likewise, non-moral obligations seem to arise in particular circumstances. For example, it may be impermissible to blame Roberto Baggio for sending his penalty kicks over the bar during practice, but permissible to blame him for doing it in a game. The idea here is that players opt in to obligations in competitions, but not in practice because the purpose of practice is to experiment in ways that are likely to result in particular failures but improve overall reliability. However, if obligations are generated in this way, namely by agreement, rather than by the non-moral value of meeting the standard, then it seems that the failure to meet the obligation is a moral rather than a non-moral failure. Breaking an agreement (even a hypothetical or tacit agreement), not failure to meet the non-moral standard, is what grounds blame. This is the moralizing trap again.

¹⁸ Moreover, even if a penalty did count as blame, consenting to a rule that permits a penalty doesn't render such blame morally permissible. A rule may permit a range of behavior only some of which are permissible. We acknowledge this when we condemn teams for stretching the rules too much or playing too rough within the rules of the game. Indeed, recognizing the possibility of legal but impermissible behavior often prompts rule changes, as when American football banned helmet-to-helmet collisions.

A final variation on the opting in argument might claim that athletes and fans both opt in to a practice of sports appreciation because they find it valuable and view non-moral obligations and non-moral blame as partly constitutive of that practice and therefore of its value.¹⁹ However, while many fans clearly enjoy non-moral blame, it's not clear that they actually view it as partly constitutive of sports appreciation. Moreover, even if they do, and even if athletes agree, both may be mistaken in their assessment. This defense of non-moral blame rests on the assumption that sports appreciation is impossible without non-moral blame. However, while sports appreciation without non-moral blame might look quite different, it is not impossible and need not be impoverished. Indeed, the fact that much apparent non-moral blame is actually moral suggests that our current practice is already more like this than we think. Finally, it isn't clear that this formulation of the opting in argument would generalize to the aesthetic and epistemic realms. A defender of this variation of the argument therefore has a lot of work to do.

6.4. Argument from self-blame

Even if we reject a wide range of non-moral obligations, perhaps we should accept a more limited set. One could grant that other-directed non-moral blame is almost always impermissible because self-directed non-moral blame is sufficient to achieve the aims of blame. However, this kind of case for non-moral self-blame is susceptible to the same objections we've already raised. Self-blame may *seem* more justifiable because self-harm (an imprudent act) is easier to justify than similar other-directed harm (an immoral act). However, this argument doesn't help.

¹⁹ Thanks to Robert Wallace for suggesting this Strawsonian formulation of the opting in argument.

First, one might hold that unjustified self-harm is not merely imprudent but wrong. If so, then the defender of self-blame must still show that self-harm is justified, whether by identifying a non-moral obligation that's been violated or in some other way.

Second, the intuitive permissibility of self-blame doesn't speak to the existence of a non-moral obligation. The defender of self-blame seems to be arguing from its intuitive permissibility to the existence of an obligation, but this puts the cart before the horse. As with Archer and Ware (2018), this inference would be reasonable if we were assuming the permissibility of non-moral blame. But this is what we're trying to establish, so the inference is illicit. The defender of non-moral blame still owes us an independent argument that self-blame is permissible *because* a non-moral obligation was violated.

Third, while self-blame seems less problematic than other-blame, it also seems less necessary. It's not clear what self-blame does that negative self-evaluation or displeasure with oneself can't do. Perhaps it motivates one to (act so as to) perform better in the future and does so in ways that non-moral self-evaluation and self-directed displeasure cannot. But this is an empirical hypothesis, which requires support. David Shoemaker (ms) defends this view, but the evidence he cites in support is inadequate insofar as it suggests only the effectiveness of self-blame, not the ineffectiveness of other responses. In particular, while "negative self-talk"—e.g. "Keep your body over the ball, goddammit!"—often takes the form of angry blame, the studies do not show that effective self-talk *requires* angry blame. There is simply no evidence that negative self-evaluation and displeasure at one's performance cannot serve the same purpose. Moreover, Shoemaker's point is especially susceptible to our challenge because, on his view, blame is a form of anger and angry blame seems especially likely to be harmful.

In the moral case, some view self-blame as the pain one deserves to suffer for having acted wrongly (Carlsson 2017). But the desert thesis—the view that, all else equal, one

should suffer for culpably failing to meet a standard—seems much less plausible when applied to non-moral failures. No one deserves to suffer for such failures; such suffering it is neither non-instrumentally good nor intrinsically permission-generating. As Shoemaker rightly recognizes, the value of non-moral self-blame is purely instrumental.

...

None of the above arguments for non-moral obligations succeed. Nevertheless, we have not given any reason to think that the concept of non-moral obligation is incoherent; for all we've said non-moral obligations remain conceptually possible. Still, the failure of the above arguments strongly suggests that there are no *actual* non-moral obligations. Hence, non-moral blame is never even pro tanto permissible.

7. Conclusion

We have argued that the case for non-moral blame is unsuccessful. We have argued that much (perhaps most) apparently non-moral blame is actually misidentified moral blame. We have argued that, even if non-moral blame can be permissible, many (perhaps most) actual cases fail to meet the permissibility conditions on non-moral blame (i.e. warrant, standing, fairness, and outcome conditions). Finally, we have argued that non-moral blame might not even be pro tanto permissible because an agent may never have an obligation to meet a non-moral standard.

We said at the beginning of this paper that our main aims were to understand our actual practice of non-moral blame and to suggest how people should and should not respond to substandard performance in non-moral domains. We have argued that people should not respond to such failures with non-moral blame. How then should we respond—to whiffed shots and double faults, to bad or boring films, to poorly played instruments and played out rap lyrics, to shoddy cobbling and careless board game strategy? Well, it's fine to privately

evaluate their behavior as substandard. It's fine to be dissatisfied or displeased with a performance. It's even okay to express one's displeasure, whether by refusing to go to a show, buy an album, watch a team, or by doing so explicitly and directly—so long as one is sensitive to how those expressions will affect their target. (And, it's fine to blame when these non-moral faults constitute a moral violation.) Limiting ourselves to these responses leaves plenty of room to explore non-moral domains and appreciate objects and practices of athletic, aesthetic, and epistemic value. These suggestions should sound familiar. This is how we encourage children to approach the world. The only surprise in what we've said should be that so many of us have forgotten or ignored this advice.²⁰

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