

## Blame, Italian Style

Among the many valuable insights in Thomas Scanlon's *Moral Dimensions*,<sup>1</sup> the distinction between an act's permissibility and its meaning stands out as especially important. Roughly, an act's permissibility depends on what reasons there are that favor or disfavor the act<sup>2</sup>; an act's meaning depends rather on what reasons move or fail to move the agent. The meaning of the act therefore more closely reflects the agent's psychology than does the permissibility of the act. Against the background of that distinction, Scanlon turns his attention to the subject of blame, establishing, I believe beyond question, that blame has, or should have, more to do with an action's meaning than with whether it was, strictly speaking, right or wrong. He then makes a further helpful distinction, between the judgment of *blameworthiness*, on the one hand, and the activities and attitudes of blame on the other.<sup>3</sup> According to Scanlon's specific account, the judgment that a person is *blameworthy* for an action amounts to "a judgment that the action shows that person to hold attitudes that impair his or her relations with others. To *blame* the person is to hold the attitude toward him or her that this impairment makes appropriate." (p. 131)

In offering an account of blame that locates the activities of blaming in the context of relationships, Scanlon does us a great service. His account brings to our attention and allows us to make sense of the fact that blame comes in many varieties and

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<sup>1</sup> T.M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge: Harvard University Press, 2008).

<sup>2</sup> As Scanlon puts it in one place, permissibility depends on "the considerations that count [for or] against" an action (p.23); in another, he says that permissibility depends on "the reasons that a person *actually has*" (p.63).

<sup>3</sup> Although in ordinary language, it is acceptable to use 'blame' to refer to the judgment that someone is blameworthy, there are other occasions when we use blame to refer to something further, or other, than this. For the sake of clarity, Scanlon's distinction is useful, especially in philosophical discussion, and so in this paper I will follow his lead in this until the final section, in which I sketch an alternative account of blame.

that there is such a thing as having or lacking adequate standing to blame. As such, it can be contrasted with a standard type of retributive view, according to which blame is an impersonal reflection of an agent's moral faultiness.<sup>4</sup> Still, Scanlon's interpretation of blame does not accord with my ordinary use of the term. There are cases which would count as cases of blaming according to Scanlon's account which I would not describe as such. And there are cases which clearly count as blame in my dialect that do not, at least not obviously or easily, fit Scanlon's definition.

### *Different dialects*

As an example of the first sort of case, consider my relationship with my editor. An embarrassingly long time ago, I signed a contract with Oxford University Press to publish a collection of my essays. All that was needed from me was a decision about the order in which the articles should be arranged and an introduction to the volume. Still, writing an introduction is not nothing – it requires re-reading a lot of my early work, thinking about how my views have changed over the years, and trying to figure out how different parts of my work fit together. In any event, I have allowed other projects and obligations to take precedence over this one, and the date by which I promised to have completed my introduction continues to recede.

According to both Scanlon's use of the term and my own, it seems to me that I am blameworthy for letting so much time go by without meeting the terms of my contract. It certainly indicates something about me and my attitudes that impairs my relationships, at least my relationships with editors. The time that has elapsed since my contract promised that I would have an introduction has not gone unnoticed by Peter Ohlin, and I assume

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<sup>4</sup> According to such a view, a person is blameworthy if he has acted in a way that is morally faulty, and if he is blameworthy then it is open to anyone and everyone to blame him.

that, being the sensible professional that he is, he takes his knowledge of my unreliability into account in other dealings with me – in considering whether to offer me a contract on any other projects, for example, in planning publication schedules, advertising budgets, and so on.

According to Scanlon's account, as I understand it, these facts are sufficient to establish that Peter Ohlin blames me for my tardiness. In my dialect, however, this is far from clear. There is certainly no evidence of (my kind of) blame in the civil and genial tone of our communications.

If pressed, I assume that Peter would accept the judgment that I am *blameworthy* for my behavior. (*I* certainly would, if I were him.) But, in my dialect, his merely noticing that I am untrustworthy when I say that I will have a manuscript done by a certain date does not yet constitute that judgment. Moreover, even if he acknowledges my *blameworthiness*, he still might not actually blame me for my lapse. He may be the sort of person who doesn't go in much for blaming, at least not in relation to his authors. There are (in my way of talking) ways of adjusting one's attitudes – even adjusting one's attitudes to reflect an impairment - that leave the question of blame to one side.

A different kind of example which Scanlon would and I would not classify as an instance of blame can be found in connection with Robert Harris, the cold-blooded killer Scanlon writes about in the book, following the discussion of Harris in Gary Watson's article on "Responsibility and the Limits of Evil."<sup>5</sup> Watson quotes a long passage from an article in the *Los Angeles Times* that depicts Harris's behavior and character in a way that makes clear that Harris is a horrible human being, nearly monstrous in his indifference to

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<sup>5</sup>Gary Watson, "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme," in Ferdinand Schoeman, *Responsibility, Character, and the Emotions* (Cambridge: Cambridge University Press, 1987), 256-286.

human life. No sane human being could fail to adjust his or her attitudes toward Harris in a way made appropriate by Harris's "impairment." Applying Scanlon's definitions of blameworthiness and blame, these are, again, enough to establish that Harris is blameworthy and, indeed, is blamed. But they are not enough in my dialect.

After describing the man Harris has become by the time he has committed the brutal murders for which he was eventually executed, Watson's article provides an account of Harris's childhood and adolescence.<sup>6</sup> They are also brutal, and heartbreaking. Reading it, one thinks, "no wonder Harris grew to be so full of rage and hatred of his fellow man." Beyond this, reactions differ - but some people who read this, including me, are inclined to modify the attitudes their introduction to the crime and character of Robert Harris initially inspired. That the possibility of any kind of relationship with Harris is, probably permanently, impaired is beyond question. That one's attitudes toward him should include distrust and defensiveness, if not also an absence of good will, is not in doubt. But something else is in doubt, which in my ordinary way of speaking I would express as the question of whether one can justifiably blame him. Suspecting that one cannot, I would say that I neither blame him nor judge him to deserve blame.

In addition to cases which Scanlon would, but I would not, classify as cases of blame, there are, as I mentioned earlier, cases which I would count as blaming but which do not obviously or easily fit Scanlon's definition. As examples, one could consider any number of incidents that are part and parcel of my family life - my reaction, for example, to my daughter's repeated raiding of my closet to borrow clothes and shoes without permission, or to my husband's tendency to say, "I'm ready to go" only then to keep me

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<sup>6</sup>Both descriptions are taken from Miles Corwin, "Icy Killer's Life Steeped in Violence," *Los Angeles Times*, May 16, 1982.

waiting while he spends an extra five minutes finding his glasses, washing his coffee cup, and getting his books together. Or consider my other daughter's resentful complaint that she has been trying to talk to me and her father about a problem for several days but that we have been too focused on her sister's situation (yes, the closet-raiding sister) to give her any attention. If you heard the slammed doors and raised voices or saw the dirty looks and tight jaws that accompanied the discussion of these events, you would not think twice about whether to describe these as episodes of blame. But do they indicate that the parties involved hold attitudes that impair their relations with each other? There is a lot to say here, but let me begin with this: I have a very close family, with deeply gratifying relationships, which I cannot imagine having anything like their actual character in the absence of episodes like these.

These are the sort of cases I had in mind in giving this paper its title, even though I am not actually Italian. I am Jewish, but the title "Blame, Jewish style" doesn't have nearly as appealing a ring to it. In any event, this is not the first time that someone has noticed similar patterns in Jewish and Italian families. African-Americans, Greeks, Russians may identify as well.

*What's in a name?*

Scanlon's interpretation of blame, then, is different from my ordinary usage of it. Something is missing from his account of blame that is central to mine, and something is central to his that I doubt is necessary. What is missing in Scanlon's account is any fundamental connection between blame and anger – or, to adopt a phrase from Marilyn Frye, of "righteous anger."<sup>7</sup> More precisely, my ordinary use of the term associates blame

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<sup>7</sup> See Marilyn Frye, "A Note on Anger," in Frye, *The Politics of Reality* (Freedom: The Crossing Press, 1983) 84-94. According to Frye, all anger is righteous.

with a certain kind of negative emotional attitude toward the object of blame – resentment, indignation, and guilt, as well as righteous anger, fall within the family of these attitudes, but the mere (or not so mere) absence or withdrawal of good will does not. At the same time, Scanlon’s interpretations of blame and judgments of blameworthiness connect blame at a basic level with an impairment of relationships. As I use the term blame, relationships may be impaired in Scanlon’s sense without anyone being to blame, and even when my kind of blame targets an aspect of a person that does impair her potential relationships, it is not clear to me that this fact is central to our understanding of the phenomenon to which I refer.

The fact that I use the words “blame” and “blameworthy” differently from Scanlon, however, has limited philosophical interest all by itself. Though Scanlon thinks his interpretation of blame fits our moral experience better than at least the obvious alternatives, he admits that his account will strike some as revisionist (p. 122) and he is not disturbed by that. If there is to be an objection to Scanlon’s account, it cannot consist merely in the complaint that it does not conform to ordinary language, much less to my particular dialect. It must be that by using, or as I might say, co-opting, the term in this way, we run the risk of losing sight of another concept or category that we have reason to retain. This is the sort of position I shall outline in this essay. I shall argue, specifically, that there is a family of attitudes and activities, that are picked out by “blame” as it occurs in my dialect, for which it is worthwhile to retain a specific term. These attitudes and activities have a potentially positive role to play in our lives, and it would be a shame to revise our conceptual scheme in a way that minimized their distinctiveness and ignored or denied their value. Moreover, the attitudes and accompanying activities I have in mind

have different and more stringent justifying conditions than do some of the attitudes and responses that fall under Scanlon's interpretation of blame. If we fail to distinguish my sort of blame from Scanlon's, we may not appreciate or attend to these differences, and serious consequences may ensue. Finally, and related to this last point, it seems to me that the philosophical problem of free will is and has been fundamentally connected to the question of whether and how the distinctive set of attitudes and the practices that constitute my kind of blame can be justifiable and appropriate. We cannot understand the history of the free will debate without making reference to this set of attitudes and practices, nor can we do justice to the continued discussion of the problem if we fail to recognize that the intelligibility and legitimacy of this set of attitudes and practices in particular is at least part of what is at stake.

*In praise of (angry) blame*

Let me return to the first and perhaps the main point that I wish to defend – namely, that the range of attitudes and related activities that I am used to referring to when I use the word “blame” is distinct from the range to which Scanlon refers, and has a potentially valuable role in our lives. The range of attitudes I have in mind, as I've said, is a range that includes resentment, indignation, guilt, and righteous anger – they are emotional attitudes that involve negative feelings toward a person, arising from the belief or impression that the person has behaved badly toward oneself or to a member (or members) of a community about which one cares and which tend to give rise to or perhaps even include a desire to scold or punish the person for his bad behavior.<sup>8</sup> I shall

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<sup>8</sup> Characterizing more precisely the way in which behavior must be perceived to be bad in order to elicit these attitudes is obviously an extremely important enterprise. It would take me too far afield to try to address this question here. Roughly, and at least in the context of this paper, I accept Scanlon's views that it is the meaning rather than the permissibility of an act to which blame and judgments of blame should be

refer to the range of attitudes I have in mind as “the angry attitudes” and the kind of blame that is characterized by these attitudes as “angry blame.” By contrast, I shall refer to Scanlon’s understanding of blame as “Scanlonian blame,” but it would be all right for others to refer to it as “blame for wusses” or “wimpy blame.”

The claim that angry blame has a potentially positive role in our lives is controversial. Many people think that the angry emotions are a regrettable part of human nature and that we would be better off and better people if we could forswear these emotions entirely. For such people, the fact that Scanlonian blame allows us to justify a number of behavioral and attitudinal patterns of response to bad people that we find it necessary to justify while avoiding any need to invoke or legitimize such emotions is a considerable attraction of his account. But, as I’ve already admitted, I don’t see anything wrong with these emotions when they are proportional to the occasions that evoke them. It seems perfectly appropriate to get angry or resentful when one is insulted, disrespected, or unjustifiably harmed.

Moreover, thinking again about my relationships with members of my family, and comparing them with relationships in other families in which angry attitudes and their expressions are suppressed, it’s not clear to me that the blaming that goes on in my family – the angry blaming – is indicative of impaired relationships.

To be fair, Scanlon never denies that angry blame can have a positive role in our lives. He does not say that resentment, indignation, and anger are never appropriate, or that blameworthy behavior and blame must indicate a *permanent* impairment of relationships. Surely, a defender of Scanlon might continue, when a parent contemplates

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responsive, and that the meanings that are especially of concern are those that reflect whether the agent is living up to norms of good will and respect that are understood as applying to the relationship between the relevant parties.

getting a lock for her closet door, or a child runs out of her house screaming “I hate you, I hate you” at her parents, this reflects at least a *temporary* impairment in the quality of their relationship? Such episodes are indications that something must be done – apologies made, habits reformed, to repair the relationships that have been damaged. If, as a result of the blame and the response to it, the relationships returns to their earlier condition, or are made even stronger, this poses no challenge for Scanlon’s account. Angry blame, then, according to this argument, can be understood as a species of Scanlonian blame.

I am reluctant to agree that incidents of angry blame always indicate impaired relationships, even when it is emphasized that the impairment may be only temporary. To be sure, the acts and attitudes of angry blame, taken in isolation from the possible apologies and changes that come after, tend to represent low points in the relationships in question. But there is something peculiar about the idea of assessing the quality of relationships in a way that is so moment-to-moment a way. Applying Scanlon’s conception of blame to these episodes seems to require judgments to the effect that a good relationship can be impaired for a few hours, and then repaired, or even strengthened by the end of the day. While this is possible, it seems an odd way of thinking about what happens in the course of a good marriage when a spouse forgets the carton of milk that he had promised to pick up on his way home from work.

*Differences between paradigms of angry blame and Scanlonian blame*

I am less interested in arguing about this point, however, than in making another – namely, that, whether or not angry blame is a species of Scanlonian blame or just an overlapping category, it is importantly different from (other) kinds of Scanlonian blame

in its value, its significance and its conditions. Two differences in the paradigms of angry blame and (other kinds of) Scanlonian blame are especially worthy of attention.

Remember that according to Scanlon, the judgment that a person is blameworthy is interpreted as a judgment that (the person has done something to indicate that) he holds attitudes that impair his or her relations with others; blaming the person so judged is a matter of holding attitudes toward him or her that this impairment makes appropriate. This way of characterizing blame encourages us to understand blame as a reaction to a perceived or imagined character flaw.<sup>9</sup> Even if we blame someone explicitly for a particular act or omission, it is only because the act indicates something - one assumes, something more general - about the attitudes of the agent that call for, or at least make appropriate an adjustment of attitudes toward him or her. In the examples of angry blame that I offered earlier, however, this description is misleading.

Specifically, although the agents in my examples behaved in disrespectful or hurtful ways to each other (my daughter took undue liberties with my property; my husband, with my time; and I failed to notice my daughter's distress when I should have been more sensitive), I don't take these incidents to indicate any *general* lack of respect or perceptiveness, even towards each other. We are, as I've mentioned before, a very close and loving family, who are, on the whole deeply considerate and respectful of each other. Still, no one is perfect. There are occasions when we are distracted, or self-absorbed, or succumb to temptations we ought to have resisted.

On such occasions, blame - at least my kind of blame - is appropriate, even if the acts for which blame is in question do not reflect robust patterns of vice. It is

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<sup>9</sup> A similar suggestion seems implicit in the way Galen Strawson talks about blame when, for example, he writes "You do what you do, in any situation in which you find yourself, because of the way you are." See Galen Strawson, "The Impossibility of Moral Responsibility," *Philosophical Studies* 75 (1987) 5-24.

appropriate to get angry or resentful when someone acts disrespectfully to you; to get indignant when she acts disrespectfully to someone you care about; to feel guilty when you recognize that you have behaved disrespectfully yourself. That the act is atypical (or not yet typical) is no excuse. I agree with Scanlon that blameworthiness, and so justifiable blame, is a response to the meaning of an act rather than to its permissibility, and this implies that in a sense corresponding to that distinction, when an agent is blameworthy it indicates something about the agent beyond the fact that she performed the act she did. What it indicates about the agent's general character, however, might be simply that the agent is imperfectly virtuous. If this constitutes an impaired relationship, it can only be by contrast with the relationships of people who are perfectly virtuous. *Pace* Aristotle, however, there seem to me several reasons for not judging our relationships by reference to this ideal.<sup>10</sup>

Strictly speaking, Scanlon is not committed to the claim that every blameworthy act reflects a vice or bad character.<sup>11</sup> But the cases in which blameworthy acts do reflect a bad character seem at least paradigmatic of Scanlonian blameworthiness and blame. When we focus on cases in which blameworthy acts indicate something less permanent about the agent's psychology, the second difference between the kinds of blame Scanlon discusses and the cases I have in mind comes into view.

As we've seen, Scanlon understands blame as an adjustment in attitudes toward the object of blame that appropriately reflect the impairment that the person blamed has

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<sup>10</sup> For one such reason, see Susan Wolf, "Moral Saints" *The Journal of Philosophy* 79 (August 1982) 419-439.

<sup>11</sup> He even points out, earlier in the book, that he is interested in "a special kind of agent assessment, in which what is being assessed is not the agent's overall character but rather the quality of the particular piece of decision making that led to the action in question. (p.28) But it is hard to put this together with his later accounts of blameworthiness and blame.

indicated by his behavior. When Scanlon addresses the question of what kinds of adjustments are appropriate, his suggestions all involve forms of withdrawal. Some appropriate forms of withdrawal are physical and behavioral - one can “refuse to make agreements with that person or to enter into other specific relations that involve trust and reliance.” (p.143). Others are emotional - it can be appropriate “not to take pleasure in that person’s successes, and not to hope that things go well for him.” (p. 144). As responses to a person’s perceived or imagined morally defective character these reactions make perfect sense: if a person reveals himself to be an unscrupulous liar, a callous egoist, much less a sadist or sociopath, it makes sense to back away. (Obviously, in cases of more moderate vice, it makes sense to make a more moderate adjustment.) But in the cases of angry blame I described, in which the blameworthy act may not indicate a robust or even general moral character flaw, these attitudes may not be appropriate. In any case, the metaphor of withdrawal is not always apt for capturing the kind of blame I have in mind.

The angry emotions do not seem to me to be especially associated with a disposition to withdraw from the object of the emotion. Rather than get some distance between you and the person you’re angry with, you might as likely want to ‘get in his face.’ You may want him to *see* your anger and to *feel* your pain. You may want to scold him; you probably want an apology. And although the angry emotions and attitudes do seem to me to be conceptually tied to a disposition to punish, and therefore with a willingness to make the object of blame suffer *in a particular way*, it would be a serious mistake to identify this with a general withdrawal of good will. Even in the midst of my fury at my daughter’s repeated raids of my closet, there was never a moment

when I wanted harm to come to her, or when I was indifferent to her well-being. If I wanted her to suffer, it was in a specific way, with a specific kind of significance: I may have wanted her to experience the painful feelings of guilt and remorse. I never wanted her to break her leg, or even scratch her knee.

In my dialect, at least some cases of what I have taken to be paradigms of Scanlonian blame would not be considered blame at all: The recognition that someone is constitutionally cruel or narcissistic or a pathological liar engenders what P.F. Strawson called “the objective attitude”, an attitude which contrasts with the reactive attitudes, including the angry emotions, in which blame (that is, angry blame) has its home.<sup>12</sup> More important than differences in vocabulary, though, is the difference, as I want to argue, between the sets of attitudes and associated activities and judgments that are picked out by Scanlonian blame and by angry blame respectively. These patterns of thought, feeling and practice have overlapping but different roles in our lives; they have different value and different conditions of justifiability.

There is a clear place in our lives for the judgments and attitudes that I take to be paradigmatic of Scanlonian blame. Some people have hardened hearts and vicious characters, and it makes sense to adjust our attitudes toward them accordingly, to protect ourselves both emotionally and physically if nothing else. I have tried to suggest that there is also a place for the range of judgments and attitudes that I have described as angry blame, in which people get hot and bothered, and want to scold and punish, and judge it appropriate that they do so. Getting angry and expressing it, and demanding a response, may bring people together and make them closer, rather than pushing them

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<sup>12</sup> P.F. Strawson, “Freedom and Resentment,” *Proceedings of the British Academy* 48 (1962) 1-25. My indebtedness to this essay should be apparent throughout.

away. In part this is because such behavior encourages apology and remorse more than other shifts of attitude that reflect an impairment in relationships. In part it is because in revealing one's anger (or resentment or indignation) toward a person, one shows that one regards the person *as* a person, and as a member or potential member of one's community (at the relevant level of intimacy). Getting angry, as opposed to withdrawing one's trust, shows that one does not regard the person exclusively with the objective attitude.<sup>13</sup>

In any event, liability to feel angry emotions and to form angry attitudes appears to be an inevitable feature of allowing oneself to be not just physically but emotionally vulnerable to other people. If one thinks that relationships characterized by such vulnerability play a distinctively valuable role in our lives, then one must at least recognize the angry emotions and attitudes as necessary elements of a package that is desirable overall.

#### *Angry blame and criminal justice*

It may be noted, however – perhaps with impatience – that all the examples I have used to make my case for angry blame concern relatively trivial acts by reasonably decent people in the context of fairly intimate relationships. (Welcome to my world!) Even if the liability to angry blame may appear to have an acceptable place in these contexts, we all know how dangerous such blame can be in other circumstances. People in intimate relationships – even reasonably decent people - offend or hurt each other not only in trivial ways but in major ones, too. They betray each other, they steal from each other, they assault and even kill each other. And then there are all the small and large

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<sup>13</sup> This is why some philosophers talk about resentment and punishment as ways of treating someone with respect. It also explains why being the object of someone's anger can strike one, in certain contexts, as a kind of compliment. When someone gets angry at you, it shows that your attitude towards her matters to her – that is, it shows that she cares about what you think and feel about her.

ways in which acquaintances and complete strangers hurt each other, due to greed, negligence, cowardice, cruelty, and more. As the hurt and offense gets larger, so does the level of anger, and the disposition to punish that is a part of that anger has a tendency to get out of control.<sup>14</sup> Moreover, when serious crimes are committed against us by strangers (or near strangers), we may jump to conclusions and allow our immediate angry emotions to express themselves without understanding what went on in the perpetrator's mind or what train of events led up to the harmful or offensive action.

Tales of vengeance gone wild are abundant and familiar. They at least partly explain why many people greet an account of blame that completely bypasses any justification of anger and its expression with relief. The dangers associated with the angry emotions make it rational to be anxious about an account of blame that legitimates these emotions and their expression. But we cannot so much as ask whether they are legitimate if we don't mark them out as distinct from other emotions and attitudes and patterns of behavior that respond to perceived wrongdoing in different ways. And when we do distinguish angry blame from these other attitudinal and behavioral responses (as exemplified by the paradigms of Scanlonian blame), we can ask not only whether such blame is ever legitimate, but also when and under what conditions it is appropriate, and appropriately expressed.

One proposal worth considering would restrict the appropriateness of angry blame, or at least of its physical expression, to private contexts of interpersonal relationships, and advocate that, in public contexts, and especially in connection with the criminal justice system, we assess and revise our practices exclusively with the more

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<sup>14</sup> Indeed, some might have assumed that my title referred to these kinds of cases. See, e.g., Mario Puzo, *The Godfather* (New York: Signet Books, 1969).

dispassionate model of Scanlonian blame in mind. This is not the only proposal worth considering, however. Restorative justice approaches to criminal wrongdoing, currently gaining influence in Australia and New Zealand, offer a model of criminal sentencing that brings criminals and their victims together, along with other members of the community, to participate in the determination of how the offender can make up for the harm he or she has done. Studies suggest that programs based on this model have lower rates of recidivism, than traditional court procedures and yield greater satisfaction for both victims and offenders.

The focus on relationships – on the relationships created and damaged in the commission of a crime – that distinguishes the restorative justice model of sentencing from more traditional procedures resonates well with Scanlon’s interpretation of blame as well as mine. This brings out a contrast between both our views of blame on the one hand, and a standard retributive conception, on the other, according to which blame involves the impersonal aim of matching an appropriate level of punitive suffering to a level of moral fault. But while Scanlon’s conception of blame is at least compatible with a static relationship between the subject and object of blame (adjusting one’s attitudes to someone in a way that reflects an impaired relationship may simply be a matter of ‘writing them off’ or of ‘cutting him dead’<sup>15</sup>), restorative justice depends on a specifically dynamic interaction. As at least some of the advocates of restorative justice agree, the most natural way to understand how it works involves recognizing benefits to the expression of angry emotions and attitudes.<sup>16</sup> The victims are given an opportunity to show their anger and hurt to the offender; the offender has the chance to acknowledge the

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<sup>15</sup> See p.171, and endnote 28, p. 229

<sup>16</sup> See, e.g., Victoria McGeer, “Co-reactive attitudes and the Making of Moral Community” unpublished manuscript.

victim's pain, to apologize and to make amends. In other words, restorative justice may be understood to address crime in a way that encourages victims to express and work through their anger, rather than to separate the criminal from the victim and her community so as to bypass their anger altogether.

### *Blame and Freedom*

So far I have defended the distinctness of the category of angry blame on two broad grounds: First, I pointed out that the word "blame" in *my* dialect conforms more closely to angry blame than to Scanlonian blame. If, as I suspect, my dialect is not idiosyncratic, there may be considerations having to do with conformity to ordinary language that support identifying 'blame' with angry blame. Second, I have argued that, whatever words we want to use for it, the range of emotions, attitudes, and behavioral expressions that I have called "angry blame" has a distinctive and positive role to play in our relationships and our lives. The value of angry blame, and its inseparability from valuable forms of relationship, may be understood as a kind of justification, not only for the distinctiveness of the concept but for its realization in our emotional lives.

Until now, however, I have kept in the background another feature of angry blame that is arguably seriously problematic. For even if positive effects of feelings of resentment, indignation, guilt and anger provide a kind of justification for these feelings, there is another, more internal kind of justification that these feelings and their expressions may be thought to require that remains in doubt. Specifically, the conditions of freedom required for the justifiability of angry blame appear to be different and stronger than the conditions necessary for Scanlonian blame, and it is famously a matter of controversy when if ever these conditions are met.

As Scanlon points out, justified blame is commonly thought to require that the object of blame had an “adequate opportunity to avoid” the act or character trait for which blaming him is being contemplated.(213) If you learn that a person who hurt you could not help but have done so, that seems to be a reason to withdraw the blame you might initially have had for him. If he could not help it, it seems unfair or inappropriate to blame him.

If we look beyond these words for a more specific explanation of the agent’s hurtful behavior, we may discover that we had misinterpreted the act. You thought he had hurt you intentionally, perhaps, but you discover that he was pushed or hypnotized, or that he was nonculpably unaware that you were sensitive in the particular respect that made his behavior to you hurtful. In such cases, Scanlon would agree “he couldn’t help it” is a reason to withdraw blame, but this is not because the agent lacked an adequate opportunity to avoid the action. Rather, in these cases, the reasons why the agent couldn’t help it reveal that the behavior has a different meaning than what one originally surmised. It is not an expression of ill will or indifference, for example, and so it does not, as one had thought, indicate anything about the agent that impairs his relationship. (In Scanlon’s terms, this is connected with the requirement of psychological accuracy.)

Other stories, which would equally support describing the agent’s behavior as something he couldn’t help, may not have implications that call for a withdrawal of Scanlonian blame, however. Perhaps he did hurt you intentionally, but it is because, due to his abuse as a child, he is full of rage he cannot control. He is taking anger management classes, but so far he has met with little success. Or perhaps he knowingly made insulting remarks about gay men, but, given the way he was brought up and the

limited community to which he has been exposed, one could not have expected him to be able to appreciate how objectionable and unjust his views and their expression are. As Scanlon might admit, such back stories may show that the agent in question lacked the opportunity to avoid being hurtful or offensive in the way the specific act revealed, but this doesn't undermine one's right or one's reasons for adjusting one's attitudes toward him in a way that constitutes Scanlonian blame. A disposition to be overcome with rage certainly impairs relationships, as does prejudice against homosexuals,<sup>17</sup> and no one can complain if your attitudes take this impairment into account. "If," on the other hand, "blame is seen as a sanction," Scanlon writes, "the requirement of fair opportunity to avoid may seem to apply." (p.184)

Although understanding blame in terms of angry attitudes and emotions is not quite the same as seeing blame as a sanction, these conceptions are related. In any event, it seems to me that the requirement of fair opportunity to avoid applies to the justification of angry attitudes and emotions, as it does to the justification of sanctions. In other words, it seems to me to be a condition of angry blame toward a person that the person toward whom blame is being considered had adequate opportunity to avoid being its object.

The problem of free will may be interpreted, in large part, as a problem about what the relevant sense of 'he can't help it' is, which disqualifies a person from angry blame. Or, perhaps more helpfully, we may think of the problem as one that concerns what constitutes an *adequate* opportunity to avoid the behavior or character for which

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<sup>17</sup> Presumably, it especially impairs relationships with gays and lesbians and people with gay and lesbian friends, but it may impair other relationships too. It is an interesting question how broadly Scanlon would regard the scope of the impairment to extend – would it impair relationships with everyone who believed that gay-bashing was disrespectful and wrong? Would it impair relationships even with people who shared the agent's prejudice?

one is inclined to angrily blame someone. Most libertarians seem to believe that only creatures with a distinct metaphysical status, incompatible with any sort of determinism, can ever have a relevantly adequate opportunity to avoid anything.<sup>18</sup> I tend to think that the condition is less metaphysically demanding. It seems to me, for example, that one can make the relevant distinction between people who can control their anger and those who cannot, “within the facts as we know them” (to use P. F. Strawson’s phrase), and independently of the truth or falsity of any metaphysical thesis of determinism.<sup>19</sup> But defending my views on free will is, happily, beyond the scope of this paper.

The important point in this context is that whereas the justification of Scanlonian blame need not deal with the problem of free will, a justification of angry blame must confront it. And, though Scanlon was not seeking an interpretation of blame that would avoid the problem of free will and determinism when developing his view, the fact that his account does avoid it may seem to him as well as others as a considerable fringe benefit. Many people, after all, are sick to death of the free will problem and many are convinced that the problem is unsolvable. They may think that angry blame requires a metaphysical status we simply don’t have, or, perhaps even worse, that angry blame requires a kind of agency that is ultimately incoherent or self-contradictory. If one is convinced that, due to considerations such as these, angry blame is never justifiable, one might be attracted to the idea that we adopt a revisionist understanding of blame. I view things differently.

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<sup>18</sup> David Wiggins is atypical. See Wiggins, “Toward a Reasonable Libertarianism,” in Gary Watson, ed., *Free Will*, Second Edition (Oxford: Oxford University Press, 2003) 94-121.

<sup>19</sup> I would stop short of characterizing compatibilists in general, however, as committed to the view that an adequate opportunity to avoid angry blame is compatible with determinism. For many self-identified compatibilists do not recognize the distinction between angry blame and Scanlonian blame, and their compatibilism may be a consequence of their identifying blame, as Scanlon does, with something that does not essentially involve the angry emotions and attitudes.

Although I would agree with Scanlon and defenders of a Scanlonian interpretation of blame that it is enormously valuable to recognize a category of attitudes and behaviors one may have toward people who act badly that do not require for their justification that the people in question had the opportunity to avoid their bad tendencies, I would prefer that we not use the word 'blame' to refer to this category. Some people, perhaps many or even most people do not use the word 'blame' as Scanlon does; if they did, it would be hard to see why anyone ever thought that blame might be incompatible with determinism. We cannot, therefore, so much as understand that (very large) part of the free will problem that is concerned with moral responsibility and blame if we do not recognize that a kind of blame different from Scanlonian blame was thought to be at stake. This in itself seems to me a reason to find a different term for Scanlonian blame.

Further, even if those pessimists who think that angry blame is never justified and that we should cease to be philosophically engaged by the problem of free will are right, the adoption of a revisionist interpretation of blame would be premature. For justifiable or not, the attitudes and practices that comprise angry blame are out there and we need a term, a concept, to pick them out, if only to question their value and their justifiability.

### *Conclusion*

In the last section of Scanlon's chapter on blame, he reviews what he has done, helpfully distinguishing the analytic and normative claims he has made from the interpretive ones. Under the first category, he reminds us that he has argued that our emotional and behavioral repertoire contains a type of moral response to a person's act that has two components: the first is a judgment about the act's meaning to the effect that the action indicates something about the agent in virtue of which certain of the agent's

relations are impaired. The second is a decision (albeit not necessarily a choice) to adjust one's attitudes toward the agent in a way that reflects the impairment. His suggestion that we identify the judgment and the adjustment of attitudes respectively with blameworthiness and blame constitute the interpretive part of his project (p. 211). He then lists three ways in which he recognizes that his account of blame may seem to be revisionary, and concludes with the hope that those who are unsatisfied present alternative accounts with which his can be compared.

If I have been clear in my remarks, it will be understood that I completely accept Scanlon's analytic and normative claims. The recognition of the categories of judgment and of the attitudinal responses associated with it that I have called Scanlonian blame is important and valuable, capturing well a kind of judgment and response we often have, and should have, to others in both private and public contexts. My objections, then, have been solely to Scanlon's interpretive claims – to his suggestions that we identify the judgments and attitudes he has pointed out to us respectively with blameworthiness and blame. Even here, I hope it is clear that my concern is not essentially a matter of vocabulary. The set of attitudes that Scanlon wants to identify with “blame” is an important one, but so, I have argued, is the set of attitudes that I have referred to as “angry blame.” Still, it may be helpful in furthering debate about the issues I have discussed if I respond to Scanlon's plea by sketching more explicitly an alternative interpretation of blame which my remarks about angry blame seem to suggest, and comparing that interpretation with Scanlon's in respect to the features he highlights in his final section.

Obviously, the angry emotions and attitudes are at the center of my interpretation. The *paradigm* of blame, according to this interpretation, involves an ‘angry’ feeling or attitude – such as righteous anger, resentment, indignation, or guilt – which one person has or experiences toward another in connection with something hurtful or insulting that the latter is perceived or imagined to have done toward the former or someone in her community, and which disposes the blamer to scold or punish the person whom she blames. But, while this kind of case strikes me as paradigmatic of blame, it seems to me more useful, as well as more in accord with ordinary language, to admit cases of blaming in which no such angry emotion or attitude is present. So the account must be somewhat more complex than one might initially suppose.

Relying on the paradigm of blame in which blame involves the holding of an angry attitude toward someone who is perceived to have committed a relevant offense, we may construe the judgment of *blameworthiness* as the judgment that a person is such as to deserve being the object of such an attitude. It may be noted that on this interpretation the conceptual priority of blame and blameworthiness is the reverse of Scanlon’s. Anger, resentment, and the like are the prior concepts. It is only when one steps back and reflects on one’s attitudes that the question of whether they are deserved or appropriate can be asked.

Blaming someone, then, would involve either i.) holding one of the angry attitudes toward him or ii.) behaving toward him in a way, such as scolding or punishing, that characteristically expresses an angry attitude and which is thought to be licensed by the judgment that such an angry attitude is deserved.

Obviously, this sketch of an alternative interpretation of blame is very rough. A more precise account would require a more thorough understanding and characterization of the angry emotions and of the types of behavior that characteristically express them, as well as of the kinds of perceived (or imagined) actions (insults, harms, violations of rules, displays of indifference, and so on) that intelligibly and justifiably evoke them.

Noticing how this interpretation of blame compares to Scanlon's account with respect to the three ways Scanlon notices his account may be revisionary may be instructive despite the crude form of the alternative I have offered.

First, Scanlon notes, his account understands blame as a response to a view about a person's attitudes, and that as such it minimizes the importance of the fact that blame is always *for some action*. My interpretation preserves the more customary emphasis on action: Anger and resentment are typically responses to something a person *does* (or fails to do) not to what a person *is*. As I mentioned earlier in the paper, it strikes me as a virtue of this interpretation that it helps us notice and understand that one may justly get angry at or resent or blame a person for something the person does even if she is, on the whole, a nice and reasonable human being.

Second, Scanlon writes that "it might be held that the appropriateness of blame does not vary in the way [he] suggests, according to the relation between the agent and the person who is doing the blaming. Rather, it might be claimed that to blame someone is to accept a negative judgment about that person's character or moral record, a judgment that anyone can make in the same way." (p.212) If an account is considered revisionist because it presents the appropriateness of (different types of) blame as variable, however, I am all on the side of revision. With Scanlon, I take it to be a fact

about the character of our moral experience that blame is variable and appropriately so, according to the way the relationships between the blaming and the blamed parties are affected by the behavior to which the blaming is a response.

Third and finally, Scanlon notes that, according to his interpretation of blame, “people can be blamed for things that are not under their control.” Since, as he says, “many people seem to take it as an obvious truth that blame presupposes some kind of freedom,” this feature of his interpretation is apt especially to give rise to charges of revisionism. Unlike Scanlonian blame, the justification of anger, resentment and indignation seems to me to include a condition of freedom of the kind that is frequently presupposed as a requirement of justifiable blame. If it seems this way to others, too, my account of blame will thus conform to this presupposition and so it will not be seen as revisionary. I must admit, however, that I have not offered any account of *why* freedom is a condition of anger and resentment. Indeed, I am not even sure what such an account would look like.

Comparing Scanlon’s interpretation of blame with the sketch I have offered of angry blame with respect to the features that Scanlon himself brings out as possible reasons for finding his account revisionary, angry blame appears to conform more closely to our customary understanding of the term. But, as I mentioned earlier, I am not especially interested in defending linguistic conservatism, much less linguistic chauvinism. My concern is not essentially a matter of vocabulary. My worry is rather that, if we use “blameworthiness” and “blame” as Scanlon proposes, we will fail to recognize and appreciate the distinctiveness of that latter set and the importance of the issues that essentially concern it.

It is telling that in listing reasons why some people might find his account revisionary, Scanlon does not even mention the consideration that his account of blame makes no essential reference and gives no central place to attitudes like anger, resentment and indignation. Asking myself how Scanlon could have overlooked this point, I can only surmise that the majority of his friends and neighbors are Presbyterian.

Tolstoy famously wrote that “All happy families are all alike; each unhappy family is unhappy in its own way.”<sup>20</sup> It’s a great line. But, reading Scanlon’s discussion of blame makes me suspect that Tolstoy was mistaken. In some happy families, people may treat each other with unfailing respect and consideration, or, when they do not, they may patiently correct each other or adjust their attitudes (and locks) to each other with a sanguine temperament. In some happy families, though, people get angry; they raise voices, they fight, they cry, and then they apologize, they kiss and make up. The spirit of multiculturalism calls on us to celebrate this diversity. I just want to make sure that we have a similarly diverse repertoire of concepts to match.

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<sup>20</sup> Leo Tolstoy, *Anna Karenina*, translated by Richard Pevear and Larissa Volokhonsky (New York: Penguin Classics, 2000) p. 1.