

The Collectivity of Blaming

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Abstract

In this paper I want to argue that acts of blame are performed by collectives, and not by any collective but only by collectives that satisfy certain conditions – broadly those that, by collectivizing reason, can be held to be autonomous subjects to which it makes sense to attribute attitudes, including participant reactive attitudes such as resentment. The actors involved must also be related to the collective in particular ways in order to hold and be held responsible, but they need not have the same attitudes as the collective.

This implies both that our attributions of moral responsibility to an agent does not depend only on facts about the agent but also on facts about us, and that the reasons for which we hold responsible and by which we justify our moral practices, and which the agent can likewise appeal to in an attempt to avoid being held responsible, depend on the collective involved and its substantive ethical precepts. The answer to whether an agent is responsible, or is an appropriate object of a reactive attitude, is not to be settled purely by philosophical analysis, and even the kind of naturalistic description of the pattern of our reactive attitudes that [22] suggests in “Freedom and Resentment” will only go part of the way – the excuses and exemptions are things we might say in a dialogue where reasons are exchanged, but each collective has some leeway over what substantive reasons count as grounds of an excuse or exemption.

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1 Introduction

Peter steals from Paul, is caught, and the judge sentences Peter to a year’s imprisonment. The judge has blamed Peter, punished him, and

we can say that his doing this counts as the community blaming and punishing Peter, for the judge is authorized to act on behalf of the community in these matters. We can agree to this even if, motivated perhaps by hard determinist intuitions, we do not think that Peter is morally responsible and consequently not subject to a specifically *moral* form of blame. I will be concerned in this paper with genuine cases of moral responsibility, but to do that I need to explain where exactly the moral dimension enters into our moral practices and what it is needed for, and to do that I need to describe the cases where it is absent.

An incompatibilist will believe that Peter is not morally responsible and that our blaming Peter is not morally justified *if* his actions were determined. A hard determinist will believe further that Peter's actions *are* determined, and conclude that Peter is *not* morally responsible, and in fact that all moral concepts are empty, having no instances. It is not impossible (although it would be unusual) for such an incompatibilist to accept in part the kind of compatibilist view urged by Smart and Schlick that justifies our practices of blame and punishment instrumentally on the grounds of their deterrent effect and general usefulness. But the incompatibilist, even one who accepts this instrumental kind of justification to be valid, can still insist that this is not generally how we justify, because generally we do not conceive of blame fundamentally as regulation and management of social behaviour but take it to have a *moral* weight over and above its usefulness, and to require a correspondingly *moral* justification; he is likely to say also that if we look at what we offer in the way of justifying our moral practices, as a matter of empirical fact what we will find is that our justifications do concern themselves with moral considerations and that considerations of utility would be seen to be inappropriate or changing the subject. If we blame without conceiving of our blame in this particular way, then this is not to count as a case of *moral* blame. The kind of compatibilist who takes instrumental justification to be all there is cannot accept any genuine cases of moral blame, and attempts to morally blame would involve such a blamer in a pragmatic inconsistency. Not all compatibilists are like this, though, and some would agree with the incompatibilist that moral responsibility requires free will but provide an account of free will intended to be consistent with determinism without adjuring any conceptual revision upon us, yet still strong enough to ground those concepts, e.g., of moral responsibility.¹ If this succeeds, both some compatibilists and incompatibilists can be committed to there being such a dimension, while both hard determinists and Schlickian compatibilists are committed to there

not being such a dimension.

I have explained how the moral dimension enters into our moral practices and what it is needed for: to be engaged in and see oneself as engaged in a moral practice commits one to a conception of blame where it has moral weight beyond its usefulness, and this is reflected in our second-order practices of justifying those first-order practices and our moral discourse in general, which involves the exchange of moral reasons and not just instrumental reasons. One could not knowingly reject this conception and still see oneself as doing the same kind of thing; it is possible that we may still do the same things, but we could not conceive of what we are doing in the same way without pragmatic inconsistency.

I am going to labour this important point, because it is important to the kind of inquiry I am engaged in: the guiding intuition is that we take our practices of blame to have moral weight, and even if we are wrong about this, we would be acting inconsistently if we attempted to blame – conceiving blame here as we customarily conceive of it – while not believing our blame to be morally justifiable and for the person we blame not to deserve that blame. When we attempt moral blame, *a fortiori* we are committed to a certain conception of moral blame and of moral responsibility, whether we are aware of it, or are able to formulate or articulate it, or not. This is not a conceptual inconsistency and I am not engaged in a conceptual inquiry or analysis, except incidentally. The question is not whether determinism and moral responsibility are compatible concepts, but the pragmatic consistency of holding two views simultaneously.

However, although I will come back to the problem of free will later in the paper, it is not my primary concern here, which is rather to answer the question: seeing that moral practices are acts carried out in and by communities, what must the community be like in order to be justified in carrying out these practices? What does the conception of responsibility presupposed in these practices require of its practitioners so that they may practice without pragmatic inconsistency or performative contradiction? Let us pose the question more specifically: how does the judge's authority have moral weight, and how might it fail to carry this weight?

If social regulation were all there was to it, there would be no moral weight and there would be nothing more to the matter than the legal powers that have been distributed into various authorities — the judge's power to blame and punish, and represent the community as he does so, is given him by the legal system. Indeed, even when social regulation is

not all there is to its authority of this kind has this kind of backing. We must distinguish then between the authority that is invested in the judge in the form of his legal powers and responsibilities, and the distinctively moral authority he has in virtue of the community being a certain way such that the community has the authority to issue moral demands to its members, which is to say, in virtue of the community being characterizable as a *moral community*. In principle, it is quite possible to object that a judge lacks the moral authority to pass judgment in a particular case without saying that he is in any way abusing his legal powers when he does so.

In a sense Paul also acts on behalf of the community, for although the reactive attitude he holds towards Peter is a participant reactive attitude, Paul's reasons are agent-neutral though relative to the moral community whose norms Peter is deemed to have violated. That is to say, Paul believes that the reasons he has would generalise to cover any relevantly similar situation; this is just part of the phenomenology of those attitudes we count as moral. So another question is: how must Paul be related to Peter, and to the community? And as for Peter, how must he be related to this community in order to be held morally accountable to it? To what extent does his personal belief in the community's values (or lack thereof) or enculturation in the values of a different community, excuse him?

I want to show what kind of obligations these three persons have to each other and to the community, and gradually refine the conditions that the community must satisfy for these obligations to have force, that is to say, to define the kind of collective that the community must be in order to be a moral community. According to reactive attitudes theory, when moral blame (in the form of holding – but not necessarily expressing – a reactive attitude) is appropriate the agent blamed is morally responsible, and the blame gets its force and its backwards-looking character because it expresses reactive attitudes. This is largely true,² except that I argue that blame is a collective act and it is a collective reactive attitude that the act expresses; the community must be constituted in such a way that it makes sense to treat it as an intentional subject and attribute resentment to it.

One of my main claims is that, because of the way that the attitudes we can attribute to collectives supervene on those of the members of the collective, there can be cases where the agent is morally responsible and yet is not blamed, for the community can be said to blame the agent – or perhaps we might say that it has an obligation or commitment to

blame the agent – even when no member of the community blames the agent, or feels a reactive attitude towards him, or judges that a reactive attitude would be an apt response. I think that it is because there is an air of paradox in this that we have many of the intuitions that we do, especially when we worry over whether we have the moral authority or standing to hold an agent responsible; many of those intuitions appear in a different light when the blamer takes the viewpoint of the community and takes his blaming behaviour to be, in some degree at least, on the community's behalf.

2 *The Judge*

2.1 *The basis of moral authority*

One thing that must be true is that the judge has the *standing* to pass sentence, because he is authorized to do so by the community. It will be his job to adjudicate on questions of law, that is to say, to ensure that the rules of procedure for conducting a trial of this kind have been observed. When this is so, the verdict of the court (whether the judge's in the case of a non-jury trial or the jury's in the case of a jury trial) is binding. He blames Peter, and punishes him; when one with authority blames, this counts as the community blaming.

Note, though, that the judge does not necessarily have any feeling of moral indignation towards Peter, or even necessarily believe that Peter has done something morally wrong. He may believe that the crime Peter committed should not be considered a crime, or as a less serious crime; it may even be something that the judge himself has done on occasion. Rather, Peter's guilt comes down to this: when presented with the opportunity to give reasons that would have exonerated him or mitigated punishment (assuming procedure is correctly followed), he failed to do so, either by giving no reasons at all or by giving reasons that were not deemed acceptable. The community was obliged to give Peter that opportunity, and Peter was obliged to give reasons. Because Peter lacked a winning strategy in the dialogical exchange of reasons, he was found guilty. Had Peter not been presented with the opportunity to present reasons, then the verdict would not be morally justified, binding or have any moral weight.

How does the judge get his moral authority? It is implausible that one need to satisfy such stringent demands as for legal authority in order to have the moral authority to blame. Paul, for instance, will blame Peter by feeling resentment towards him, and these feelings will gener-

ally, at least, be appropriate. [22, 7-10] describes various excuses and exemptions that would be considered appropriate reasons for modifying reactive attitudes, but in the absence of these it seems that Paul, at least, appropriately blames Peter and has the standing to do so. It seems also that it would be appropriate for other members of the community to feel indignation towards Peter.³

Standing and moral authority, then, can have a much more informal basis than legal authority. On Tuomela's account, there must obtain the right social and normative circumstances, as given by formal and informal rules, underpinned by "general constitutive rules concerning the purposes and functions of the collective" and "proper social norms specifying his social roles" [23, 8]. We can say that when one with authority blames (although not only then), the community has a reactive attitude, and the blame expresses this attitude.

2.2 *Supervenience, dialogical commitments, and the autonomy of collectives*

How does it make sense to attribute the community with a reactive attitude? Doesn't this amount to treating the community as an autonomous, intentional subject? Yes, it does, but the autonomy in question is of a weak kind because the attitudes of the collective supervene on – and can be given a (possibly very complex) analysis in terms of – the attitudes of the members of the collective. The analysis involved here may not be of a straightforward kind, such as every member of the collective believing p making it the case that the collective believes p . On the contrary, it is quite possible for the collective to believe *not- p* when every member of the collective believes p , or for the collective to believe p when every member of the collective believes *not- p* .⁴

We have already seen this in the case of the judge. The judge, I said, ensures that procedure is correctly followed. Think of this procedure like a rule of inference. Given that certain premises are agreed to hold (i.e., that the case presented reaches a certain stipulated standard of proof), and given that the rule of inference has been agreed to be normative, the result is obtained by applying the rule of inference to the premises; this is referred to as meeting the burden of proof. This is a *premise-based* procedure, and there are cases where the result of following this procedure conflicts with what the members of the collective (say, the jury) believe. Every member of the jury may believe that the accused is guilty yet still rightly consider "not guilty" to be the correct verdict. This is because

the collective chooses to “collectivize reason” rather than suffer the radical discontinuities that can occur, for instance, in cases of discursive dilemmas. Instead of supervening on members’ beliefs about whether Peter is guilty, the group’s verdict about whether Peter is guilty is based on the members’ beliefs about things like whether Peter performed the act, knew what he was doing, etc., and that if these conditions are satisfied Peter should be found guilty. If they accept this last as a valid rule, then the procedure to ensure group rationality is to take some function of their beliefs that these conditions are satisfied depending on the standard of proof required, e.g., a majority or unanimous vote, and to apply the rule [12, 95-99]. [19] calls this a *premise-based* procedure, because only the individuals’ judgments of the premises are taken into account, and the conclusion calculated by a rule of inference they accept. This is precisely the case of the judge described above. Furthermore, because the judge and/or jury act on behalf of the moral community as a whole in virtue of the position they occupy (due to Tuomela’s conditions being satisfied), I would say that this group can be attributed with having the belief that Peter is guilty, and even if it so happens that no individual actually believes that Peter is guilty we might say that they *accept* that Peter is guilty.

The whole process can be usefully represented in the form of a dialogue in which the premises and rule have been agreed on at the start, and then simply applied by following the rules of dialogue. The contributors to the dialogue, once it has been shown that some proposition *g* follows from their other commitments, must likewise be committed to *g*. There is a very close analogy here between an acceptance and a commitment in dialogue. So, if Peter is unable to provide an excuse or exemption in the dialogical exchange of reasons, and the rule that in the absence of an excuse or exemption the agent is an apt subject for reactive attitudes and for being held responsible, the rules of dialogue generate a commitment to hold the agent responsible. This is a commitment for the community itself and for all participants in the dialogue, although it may be enacted only by individuals in the community with the authority to do so.

Let me explain what I mean by a commitment in dialogue. Suppose that I believe that I am less than six foot tall, to express which I utter the words “I am less than six foot tall.” When I do so I am performing the speech-act of assertion, since I am satisfying the conditions for performing this speech-act, namely (in part) that I am sincere, or in other words, that I believe what I say. If I do not believe that I am less than

six feet tall, then I cannot perform the assertion that I am less than six feet tall, and if I try to do so simply by saying “I assert that I am less than six feet tall” then the attempted speech-act *misfires* because some condition of its performance is not satisfied.

A *commitment* is not a mental state but more like a contractual obligation to an audience, who can justifiably act in expectation of a participant in the dialogue behaving consistently with their commitments (or at least the ones that the dialogue have made them aware of) and can justifiably sanction participants who do not. This is quite reasonable because it can be inferred from the fact that an assertion has been performed that whoever asserts believes what they say. Of course, an audience may not know whether the speech-act actually is a genuine assertion or a misfire, but I become committed to the propositional content of whatever I utter in an assertive mode. It is no excuse to say, after the fact, “I was not sincere when I said that, so you cannot hold me to it,” unless there was an attempt at the time of utterance to cancel the implicature that I should be understood as uttering an assertion and thus as committing myself to a truth-claim regarding the propositional content.

If caught out in an inconsistency then the rules dictate that I must withdraw one of the inconsistent commitments; in short, I cannot stubbornly continue to contradict myself. Why not? Conceding that the rules model a rationality constraint, why allow myself to be held to rationality constraints? Even if it is granted that I am acting irrationally and unreasonably, does it follow that I am acting immorally? Similarly, Pettit has shown that following a premise-based procedure is rational and that it is the way for collectivized reason to avoid inconsistency, but has not shown that it has any moral force; one can be irrational without being immoral, and intersubjective agreement on its own does not do the job, because one can break such agreements without necessarily incurring moral criticism.

It is for this reason that the authority requirement must be satisfied as well as the procedure to be followed for whatever issues from it to be group-binding — to have normative force in such a way that a group-member who behaves in a way incompatible with an accepted proposition may rightly be morally sanctioned by the group,⁵ though he is not morally required actually to believe that proposition. That is to repeat that the right social and normative circumstances, as given by formal and informal rules, must be present. These rules define what the position-holder has the authority to do in virtue of the position he holds

and are analogous to the speech-act conditions of performatives. If the position-holder exceeds their authority, then this does not ‘count’ and any propositions he accepts in this mode are not binding on or, properly speaking, attributable to the group.⁶ In speech-act terms, the position-holder’s public acknowledgment of the proposition misfires in much the same way that a baptism misfires if not performed by an ordained minister.

In summary, when reasons are exchanged in dialogue by, typically, making assertions, they incur commitments. It is dictated by the rules of the dialogue what reasons can be appealed to, but I propose that in the context of moral responsibility it is a constraint on these reasons that they fit into Strawson’s framework of excuses and exemptions. It is also dictated by the rules that each partner in the dialogue gets the chance to put forward reasons and to challenge the reasons put forward by the other. Reasons are conclusively established by showing that they follow from commitments already incurred, since one cannot incur a commitment that contradicts a prior commitment on pain of inconsistency. If the agent has failed to give reasons then he loses the dialogue, which is ended, I propose, by a speech-act of blame. Even if the speech-act is not actually performed, though, this does not mean that the agent is not morally responsible, there still being a commitment to blame generated by the rules of dialogue.

When there is a commitment to blame, we can say that resentment can be attributed to the community; this feeling of resentment supervenes on the appropriate members of the collective having certain beliefs about the premises and the inference-rule (i.e., that the agent’s reasons are unsatisfactory), and correctly applying the rule to those beliefs, or in dialogical terms agreement about certain starting-points and argumentation schemes that may be used in the dialogue, and the rules of dialogue themselves being correctly followed. In other words, the resentment results from a premise-based procedure and occurs only in collectives where reason, or at least, reasoning about moral responsibility, has been collectivized.

This speech-act of blame both expresses the community’s *belief* that the agent is morally responsible and also the *resentment* that can be attributed to the community because it supervenes on the attitudes whose dynamic, dialogical interplay has resulted in this commitment. I will call this a *reactive commitment*. Note that the attitudes in the supervenience base need not be reactive attitudes, but note also that it is the same rules that regulate those reactive attitudes that regulate also the conduct of

the participants in the dialogue, and that they can only ever appeal to reasons that can be discovered among the natural facts; we may discover these rules by examining our reactive attitudes, but neither blame itself nor the commitment to blame depends on those reactive attitudes, and the reactive attitude the blame expresses is the resentment that I have just said can be attributed to the community. This can be thought of as the community having an obligation to blame.⁷

I should say some more about this obligation, since it is closely tied to the collective's being morally autonomous in a certain (weak) sense. This kind of autonomy was argued for by [6]. Copp proposes two theses: a weaker and a stronger. The weaker thesis claims that we can ascribe moral properties – such as responsibility and obligation – to collectives, where we cannot ascribe the same properties to any of its members. In other words, collective C can be attributed moral property M1 even though no member of C can be attributed moral property M1, but at minimum some moral property Mn must be attributable to some member of C and it is in virtue of this (at least in part) that C possesses M1. In other words, it is possible that a group is responsible for a particular act but we would not like to say that any of its members are responsible for that particular act. I have defended this claim in [2] and argue that this is sufficient to achieve the result that collectives can be considered as having some moral autonomy, but I do not think that we should conclude from this that they should be considered as agents in their own right. Copp effectively does for moral properties what Pettit does for beliefs, and an analogous supervenience claim holds here also: the moral properties of the group supervene on the moral and non-moral properties of its members. The group is weakly autonomous when there must be at least some moral properties in the supervenience base. If there are none, this is strong supervenience.

Keeping this in mind with regard to what was said earlier about collectivised reason; collectivising reason does not amount to the claim that a collective literally has beliefs. Rather, a collective has a set of propositional contents (formed in the prescribed way) towards which the appropriate attitude to be taken by the members of the collective is the practical attitude of acceptance. Nonetheless, these propositional contents do depend on and supervene on the beliefs of the members, just not beliefs towards that particular propositional content, as we have already seen, but to contents relevant to it, i.e., the premises. To say that that a collective believes *p* is to say that *p* is one of those contents, and the usefulness of attributing a belief to the collective is to emphasize the

fact that it makes sense to say that a collective believes p even when none of its members do — they only *accept* p . Moreover, when the collective is a moral community, it makes sense to say that the members of the collective have moral obligations to accept these propositional contents, because Tuomela's conditions guarantee that these collective beliefs are normative and group-binding and at least sometimes (depending on the belief) this normativity is moral.

This idea extrapolates beyond beliefs. We can attribute moral sentiments, moral obligations and moral responsibility to the moral community that are distinct from any that we can attribute to its members — either because of having different propositional contents or because of having different circumstances in which they might be inappropriate — that nevertheless depend on those we can attribute to its members. There are two sets of circumstances in which it might be inappropriate for someone to blame: either they lack the moral authority as we have already seen, or; they have the authority and the moral obligation to blame, but that obligation is overridden either by another obligation or by a reason undermining their moral responsibility for not blaming, as we will see later. I want to be able to say in such cases that the moral community still has this moral obligation and can be morally responsible for not complying with it even when no member of the community can appropriately be held to it, and it will be shown in the next section how Copp argues for this result and that this amounts to the collective in question being autonomous. A moral community must be autonomous in this weak sense.

Collectives must be autonomous enough to be the bearers of intentional and moral properties such as belief and resentment on the one hand and moral obligation and responsibility on the other, without being autonomous so strongly that belief in some propositional content could be attributed to the collective without any beliefs at all (e.g., about its premises) being attributed to its members, or moral obligation to blame could be attributed to the collective without any moral obligations at all being attributed to its members. Copp's stronger thesis claims that we can ascribe moral properties to collectives where we cannot ascribe *any moral properties at all* to any of its members such that the moral property ascribed to the collective is constituted by or supervenes on these moral properties. This result is held to be shown by discursive dilemmas, but I hold that these dilemmas show only that the relation between the properties of the collective and its members can be exceedingly complex, and reject this stronger thesis. In other words, I hold that

there must always be something of the same kind as what is attributed to the collective in the supervenience base; if there were not I would call this autonomy strong, and I am sceptical whether collective autonomy as strong as this is possible. Fortunately, I do not need it, and no more will be said about this stronger thesis.

[6, 370] employs a distinction between *all things considered* obligations and responsibilities and *pro tanto* obligations and responsibilities. A *pro tanto* obligation is an intrinsically but defeasibly motivating reason for action with moral force. Thus an agent may have a *pro tanto* obligation to A but may not have an *all things considered* obligation to A, e.g., because of a conflict of duties out of which the duty to perform A is less pressing than some other incompatible duty. Similarly, the agent may be *pro tanto* responsible for A but not all things considered responsible for A. Whilst it is intuitively obvious what it means to have an *all things considered* or *pro tanto* obligation, what does it mean to be all things considered or *pro tanto* responsible? [6, 370] defines it as follows:

I stipulate that an agent is responsible ‘pro tanto’ for having done A just in case there is a moral basis for holding the agent to be deserving of a negative or positive moral response of some kind for having done A, where, in the absence of a countervailing considerations such as an excuse or justification, this reason would be sufficient to make it the case that the agent deserves the response all things considered.

This definition is clearly utilizing a reactive attitude theory of responsibility. An *all things considered* responsibility derives its categorical force because it occurs after all relevant considerations have been taken into account.

Let us return now to the speech-act of blame that in ideal circumstances terminates the dialogue. If the appropriate position-holder does not blame, despite there being a reactive commitment or equivalently an obligation to blame, then this is something for which the position-holder can validly be held to account, and for which he might be held morally responsible. This, I think, is what happens in many cases: the one whose task it is to blame does not blame for various good or bad – but easily understandable – reasons that generate the intuition that blame would be inappropriate, or that it would be inappropriate for *us*, or for some individual, to blame. Such an individual would try to justify his not blaming on the grounds of believing that blaming would have involved a performative contradiction, such as that he did not have the standing to

blame in this particular instance. Perhaps for some individuals the simple fact that he does not experience a reactive attitude would be a reason not to blame, as indeed would be the case were experiencing a reactive attitude a condition of satisfaction on the blame as belief in the truth of the proposition is a condition of satisfaction of asserting it, but it is not such a condition. It is that such a reactive attitude be attributed to the community that is a condition of satisfaction and not the individual's. The individual errs, then, when he takes his own reactive attitude or lack thereof to affect his standing to blame or justified-ness in blaming.

To repeat: absence of a reactive attitude is not a good reason for withholding blame, for not holding an agent responsible, for it is not a requirement of blame that the one who blames experiences a reactive attitude: this is reflected in my model by the fact that the speech-act of blame is performed by the community, and it is the beliefs and attitudes of (i.e., that can be attributed to) the community that are involved in the conditions of satisfaction of the speech-act of blame. In other words, although it is an individual who blames or carries out a speech-act, it is not the individual, but the collective on whose behalf he acts, that needs to have the right attitudes for a successful blaming and that are referred to in the speech-act's conditions of satisfaction.

However, there are also cases where it appears that the position-holder's *pro tanto* obligation to blame could in principle be over-ridden by another *pro tanto* obligation, without apparently over-riding the community's *pro tanto* obligation. This is because the individual involved may have a *pro tanto* obligation that applies to him personally (e.g., caring for a sick child) that are not plausibly obligations also of the collective to which the individual belongs, for which reason it defeats the individual's *pro tanto* obligation to blame without defeating the collective's *pro tanto* obligation. This, I think, *would* be a valid reason not to blame but, because the community's obligation to blame is still in force and, being undefeated, it is in consequence the community's *all things considered* obligation, we still have the result that the agent is morally responsible.

There is, then, a division of labour in my model: the conditions of satisfaction of the speech-act of blame, and the conditions that the collective must satisfy in order to perform that speech-act. So far I have been focussing on the latter.

2.3 The collective perspective and the individual perspective

That the latter is required at all might seem to present a problem for identifying the agent's being morally responsible with the appropriateness of moral blame. Only moral communities – collectives satisfying certain conditions – can blame, and only when it is someone who is authorized to blame by the community who blames is the blame appropriate and not a performative contradiction of some kind. This implies that whether an agent is morally responsible does not depend only on facts about him but on facts about the collective and about the agent's relationship to it, on whether the collective satisfies the right conditions, and on whether the one who blames satisfies the right conditions.

Smith tries to use this kind of intuition to drive a wedge between an agent's being responsible and our appropriately holding them responsible: we need a standing in order to hold someone responsible that we would not take to undermine responsibility itself, that is to say, cases where although we would agree that an agent is responsible we would not be willing to hold them responsible or even judge that it would be appropriate for us to do so. She gives cases like the following: feeling resentment about how one person treats another in their relationship while not believing that it is your place to “interfere” or take up an attitude of blame towards him, or not blaming behavior that you believe to be reprehensible out of a feeling that “People who live in glass houses should not cast stones”; e.g., because you are guilty of comparable misdemeanours [20, 478-480].⁸ Thus, “holding responsible” is not just a question of determining what psychological states the actor is in but, putatively, being responsible does depend only on the psychological states of the actor, in part on her motives/reasons for acting. This seems to offer the biggest obstacle to the identification of being responsible and holding responsible.

I think that this is actually a positive feature of this account, although it does imply a certain, irreducible degree of relativism: in an extreme case, it is possible that what is morally approved of in one culture would be morally condemned in another, and that an agent would be morally responsible in one group for some action but not in another.

Is it true, as Smith objects, that we sometimes do not hold someone responsible because we do not have the standing to hold them responsible, but that we nevertheless consider the person in question to be responsible? Does it follow that being responsible and being held responsible are not the same? I concede that if we take the individual perspective, a person may believe that they do not have the standing

and decide therefore that it would be inappropriate for them to blame, and forswear blaming. But, taking the perspective of the moral community, as long as you satisfy the comparatively weak authority conditions for blaming behaviour then this belief that you lack the standing is false and you do hold the person responsible, even perhaps if you think you do not, and I have argued also that the moral community does blame the person in question.

Similarly with hypocrisy: is it true that I lack the standing to blame if I have been guilty of the same kind of violation? Is non-hypocrisy a speech-act condition of blaming? Furthermore, is it actually inappropriate to hold someone else to an expectation or demand that one would not hold oneself to in the same circumstances? Does a blamer need to be consistent and, if so, why? Is hypocritical blame non-blame?

Wallace's answer is, briefly, that when we blame hypocritically we are implicitly taking ourselves to be of a different moral standing to the one we blame, and by doing so fail to respect our equality as persons ([24]). I find this less than obvious and, in fact, I do not think that a blamer must be consistent over time. In fact, I believe that when I blame an agent for an action I implicitly blame all relevantly similar agents performing relevantly similar actions. If I myself have performed such actions then I fall within the scope of my own blame, and I may indeed realise this and deeply regret my past transgressions and see them for what they were and see the excuses and justifications I may have appealed to at the time to be the self-deceptions they were. The 'inconsistency' involved here seems to be nothing more or less than conscience.

Thus, there is no moral fault in hypocritical blame — it is often the first step on the road to moral realisation and non-hypocritical blame. This is not to say that being hypocritical is not a morally reprehensible quality in and of itself, but there need not be anything defective in the blame itself or unwarranted in giving the blame its usual force, especially since this force ultimately comes from the moral community itself. "People who live in glass houses should not cast stones" is not a moral principle, and the intuition that hypocrisy defeats the obligation to blame comes ultimately from taking the individual perspective rather than that of the collective.

This erroneous charge of hypocrisy comes up in another way. Remember that the commitment to blame is always attached to the particular dialogue in which it occurs. We can see this in our own culture over an extended period of time: accepted practices of those cultures (e.g., slavery) are deeply objectionable to the cultures that succeeded them,

though in some sense it is the same culture. Are we then being hypocritical when we condemn those cultures? Granted, I think there is reason for saying that they are not responsible, but this, I think, is because it makes little sense to think of a society that has passed away as being in a dialogue with us now, or of our obliging the society to justify itself, or of it being obliged to justify itself to us. The intuition that it would be hypocritical and that it is specifically this that undermines our holding them responsible – though widespread and powerful enough to explain our feelings of inappropriateness – has nothing to do with it.⁹ We are not prevented from holding those involved in those practices responsible in some sense, and even, arguably, bearing some of that responsibility ourselves, as the successors of that culture.¹⁰ We have already seen how a member of a collective can be obliged to *accept* something even if he does not agree with it, and in consequence he is *pro tanto* responsible for it. Cultural ignorance is not, itself, a case of exemption, but it may be that in some blame societies it is accepted as grounds for an exemption, or at least a mitigating circumstance in the punishment phase. All that matters is a *participatory intention*, and while this intention should be *strategically responsive* to cultural changes, it is by no means obliged to bring those changes about; on the contrary, the obligation is always in favour of the *status quo*, just as it is the *pro tanto* obligation of the judge to follow procedure irrespective of whether he believes the procedure to be correct, for it is only because the procedures are followed correctly and seen to follow correctly that what issues from them is binding on all members of the community.

Participatory intentions and *strategic responsiveness* are technical terms introduced by [10]. Rather than introduce Kutz's account here, I will note this point about *strategic responsiveness* follows from there being a *pro tanto* obligation to follow a procedure – or, in this case, to conform with a customary practice – and that this obligation will often win out against the *pro tanto* obligation to change the procedure and to not conform to the practice out of a conviction that the procedure is defective. Generally the first priority is to follow procedure, because it is precisely by following procedure that reason is collectivized and attitudes can be attributed to the collective; it is by following procedure that the position-holders act on behalf of the collective, and if procedure is not followed then one exceeds one's authority as a position-holder and whatever speech-acts are performed by the individual will not be binding on the collective. The validity of the outcome – what makes the outcomes of the individual deliberations qualify as the decision of the collective –

is following those procedures, even if from a wider point of view another procedure would be fairer, and even if the individuals know this. If, however, a better procedure is introduced then the individuals should be responsive to that fact. So, although there is, I think, a *pro tanto* obligation to change a procedure believed to be incorrect, I do not think that this obligation necessarily wins out against the *pro tanto* obligation to follow procedure. The individuals must be *strategically responsive*, but not necessarily pro-active. This is just another case where an individual finds himself obliged to accept *qua* his social role and position something he personally does not believe or endorse.

Kutz's account attempts to characterize a kind of collective that is more weakly bound together than those that the analysis of Tuomela is trying to capture. I do not intend to weaken thereby the conditions that need to be satisfied for a community to be the kind of collective that can blame; Tuomela's account described how a collective must be in order to blame, whereas Kutz's account describes how a collective must be in order to be blamed, for where the cultural practice is morally reprehensible it is the collective whose practice it is that is blamed first and its members second and incidentally.¹¹ Possibly there is an asymmetry then in the strength of the conditions collectives must satisfy to occupy their respective positions in the blame relation. More likely, though, both collectives must satisfy the stronger conditions, although it is the weaker conditions that account for the kind of responsibility that an ordinary member of a collective may have simply in virtue of being a member of a collective, irrespective of what position he occupies within the collective. If a collective act or practice is morally reprehensible, then this reprehension is shared by every member of the collective no matter what their personal feelings on the matter are or how they conceive of what they are doing when engaged in the practice. It is what they accept that counts.

This is not to say, of course, that if the collective is morally responsible then its members *must* be morally responsible — we have already seen that this is not true because of the possible existence of *pro tanto* obligations possessed by individuals but not by the collective they belong to. For the same reasons a collective may hold an agent morally responsible, without any of its members holding an agent morally responsible. Unlike the standing and hypocrisy cases, where I argued that the intuitions generated, though understandable, were erroneous, here I think the blamer is right not to blame. It does not follow, of course, that there is no longer a *pro tanto* obligation for the individual to blame,

still less that there is no longer a *pro tanto* or even *all things considered* obligation for the collective to blame. Because there is an *all things considered* obligation for the collective to blame the agent is deemed to be held responsible by the collective and to be responsible. This is not a case where the agent is responsible but it is inappropriate to hold them responsible. On the account I have been proposing, Smith is wrong to think that there could be such cases.

Sometimes no sanctions are actually taken against the person either because you consider your obligation to sanction to be defeated by other factors or because you do not personally share the reactive attitude and, now taking the individual perspective, are not prepared to act upon it. Also, one is more inclined to take the individual perspective towards someone with whom you have a personal relationship than otherwise. Consequently, you may take a different attitude towards cases of negligence, or towards cases of a husband being boorish towards his wife, depending on whether the parties involved are friends or strangers. This does not mean that the group does not hold them responsible or that your reasoning does not result in blameworthiness.

On the other hand, it does not necessarily mean that the group *does* hold them responsible either. The possibility is left open that some groups may accept as reasons what others may not; an agent may have a winning strategy in one dialogue that he does not have in another. This means that whether an agent is responsible cannot be determined solely by facts about the agent.

2.4 *Accountability and responsibility*

We can summarize what we have said so far by saying that to be responsible and an apt object of reactive attitudes an agent must first of all be *morally accountable*. The idea of accountability is that if an agent is accountable, then there is a *prima facie* case against the agent that the agent is obliged to answer. It does not say anything about whether this case can be answered, and in many cases it can. Here is the definition of accountability as such:

(ACCOUNTABILITY) An agent A is accountable for X if there is a group G such that

- i) G is *autonomous* towards blaming A for X;
- ii) A is so related to G that A is obliged to justify X-ing to G;

iii) G *can* carry out sanctions against A.

I will now gloss this.

The notion of autonomy in (i) is the weak kind I defended earlier that allows us to treat G for certain purposes as if it were a subject. In particular, it can blame, which is conceived on the analogue of a speech-act. Nor is (ii) a very strong condition; being a member of a group certainly does not require endorsing all its values, and the values that she may appeal to in the course of justifying her actions need not be ones that she personally endorses, and she is acting both morally and rationally when she does this. The condition (iii) recognizes that if a group cannot carry out any of the sanctions that it entertains then dialogical commitments have no force. If (iii) is not satisfied then G can only play at blame; it may still perhaps be counted as carrying out an evaluation of A, but this has no force. There must at least be the possibility that the resulting commitment can be expressed and externalized in some act of blaming, whether it actually is or not.

Note that this is a definition of accountability as such, and not specifically *moral* accountability. For *moral accountability* I argued above that Tuomela's authority condition must also be satisfied in order to make the attitudes that can be attributed to the collective (i.e., the group-beliefs) normatively binding on the collective — these are not only attitudes that the group has but that it *ought* to have and in contradiction to which members of the group *ought* not to act. When this is so the blame, obligations and (implicitly) commitments involved in the definition can be characterized more or less equivalently as moral blame, moral (*pro tanto*) obligations and reactive commitments. In such a circumstance I will say that A is *morally accountable to* or *responsible to* G. Here is the definition of being responsible:

(RESPONSIBILITY) An agent is considered to be morally responsible if s/he can be morally praised or blamed by a group towards which the agent is morally accountable.

Praise and blame are success terms. To say that an agent has been morally blamed then implies that the one doing the blaming would satisfy the conditions on the speech-act of moral blame.

2.5 *Blame and free will*

I noted earlier that there was a division of labour in my model: the conditions of satisfaction of the speech-act of blame, and the conditions that

the collective must satisfy in order to perform that speech-act. The conditions that the collective must satisfy in order to perform that speech-act are given in the definitions above. It remains to give the conditions of satisfaction of the speech-act of blame:

(BLAME) A group G ‘blames’ an agent A if and only if:

- i) A is in dialogue with G, and the rules of the dialogue allow for A to put forward reasons, and for those reasons to be challenged. (The rules facilitate and cannot prohibit the free exchange of reasons beyond the fact that it must guard against an inconsistent commitment-set).¹²
- ii) A has no winning strategy in the dialogue. (A fails to defend his actions by appeal to commitments shared with the group).
- iii) The group believes the actions defended by the agent to be raising a question that is “distinctively moral.”
- iv) The group believes its own response (the ascription of blame to the agent) to this question to be also “distinctively moral.”
- v) The agent is not believed to be the beneficiary of moral luck (good or bad).

It should be noted that these definitions (praise being defined in a similar manner) allow for an agent to be blamed when there is a dialogue between A and G [condition (i)] whether or not A is obliged to be in the dialogue with G, although the inference from blame to being considered to be responsible only goes through when there is such an obligation, as the definition of responsibility shows. The definition of blame also allows for an agent to be blamed when any of the attitudes listed in BLAME (iii-v) are false; sincerity does not imply truth but only believed truth. What this shows is that when we blame and take our blaming to have moral weight, we are implicitly committed to a conception of responsibility that rules out the morally unlucky as candidates for moral responsibility. This is why responsibility is defined above in terms of an agent being *considered to be* morally responsible, rather than morally responsible *simpliciter*. To put it another way, it is an account of responsibility-*attribution*.

Note also that there is no reference here to what the agent’s actual motivating reasons are; for instance, an agent may be praiseworthy even if he did not do the right thing for ‘the’ right reason, but there must be ‘a’

right reason that he shares with the group that can be appealed to. Nor, to an extent at least, does it matter what the group's actual motivating reasons for blaming are. Consider the judge again, and suppose that he feels, and acts on, a retributive urge towards Peter, so that it is not the reasons that morally justify his blame that actually motivate it. We can use the account recursively, this time taking the judge as the plaintiff. Can the judge justify to the group he represents the act of blaming Peter? Does the judge have a winning strategy? It seems to me that he does: namely, that the conditions of satisfaction on blame were satisfied, and even should this be a *post facto* rationalization of the blame it does not make the blame any less blame or Peter any less morally responsible.¹³ This is not to say that the judge has not acted reprehensibly in allowing himself to judge in this way. Similarly if the blame is hypocritical, that is to say, the judge would not hold himself to the norms that Peter has violated. It is a false (though understandable) intuition that this undermines his moral authority to blame Peter; although hypocrisy and rashness are reprehensible in themselves, this does not mean that hypocritically or rashly blaming Peter is also morally reprehensible.

By analysing the speech-act of blame we find ourselves constrained by its satisfaction conditions; these conditions are basically criteria for determining who can be blamed without performative contradiction, and indirectly an analysis of the conception of responsibility involved in acts of blame.

The first constraint is that only groups – or individuals taking the perspective of the group – can blame. This may appear unmotivated. Why can praise and blame only be performed by a group? It should be pointed out here that it is often the case that it is simply not in a single person's power to sanction another, and without the ability to sanction and to carry out threats there is no accountability. However, there are also clearly cases where it is in a single person's power in so far as the individual gets to execute an action – express a reactive attitude – to which the group have given at least their passive consent. So when I say that only groups can praise and blame it does not mean that an individual literally is unable to perform an act, but that in doing so he acts *qua* member of the group and on behalf of the group (though possibly on his own behalf as well). Should he literally be unable to perform the act this does not mean that he does not have the corresponding attitude but only that he is unable to express it, at least in such a way that it is analysable as a dialectical move affecting commitments; he is merely blowing off steam. Nor does failing to have the corresponding attitude

prevent in any way his performing the act. So, he can have the attitude and fail to perform the act, and fail to have the attitude but still perform the act. This, as I have said, is because the attitudes involved in the blame are those that are attributed to the group. But he must satisfy the conditions for being a position-holder, since otherwise he does not act on behalf of the group and the speech-act does not count as that of blame because it is not then a speech-act performed by the group. Having the authority to act on behalf of the moral community is thus an external condition on successful performance of the speech-act, and does not in fact rely on what the speaker believes, although the speaker would nevertheless be acting inconsistently if he thought that he did not have the moral authority and yet still attempted to perform this speech-act; what I am saying is that the speech-act may still actually be successful when he is mistaken in this belief.

So we can rephrase the question: why is taking the perspective of the group a constitutive condition of speech-acts of blame and praise? One answer is that it is already there implicitly in the reactive attitudes theory when it talks about cultural *practices* such as those of retributive justice; these are collective *acts*, and not mere attitudes.

A better answer is that such acts of blame are considered by their perpetrators to be distinctively moral, and this carries along with it the implication that it is how every relevantly similar agent would act when faced by relevantly similar cases. This is part of the phenomenology of moral reasoning and action and is unaffected should it turn out that relevantly similar cases are treated differently by different groups. In principle, it is even possible for one group to praise what another group would blame, and for a person who belongs to both groups to praise *qua* member of one of those groups what he blames *qua* member of the other. It is important to realise that such a person is not being inconsistent or making a performative contradiction, since his actions are relative to the group. This is reflected dialectically by the fact that there is a different dialogue and *commitment-set* for each group to which the person facing sanction must defend himself, and no inconsistency in a commitment-set is produced by this apparently contradictory behaviour. Similarly, the person facing sanction need not defend himself in the same way to each such group. She must defend herself only by appeal to commitments that she shares with her interlocutor, and it is of course entirely possible that she might share commitments with one group that she does not with the other. She, also, is not behaving inconsistently or making a performative contradiction when she does. On the contrary, considered

dialectically she is arguing precisely how she should. What makes this consequence less palatable is that, according to what I said above, if one group praises her and another blames her, then she *is* (or, rather, considered to be) both praiseworthy and blameworthy.

However, the bullet may not be so indigestible after all, because there are constraints on the group's activity if it is not to be involved in a performative contradiction, and I will argue that the central aspect of this is the disqualification of moral luck. I start by assuming that the purpose of moral practices is to discourage the morally reprehensible and that the group accepts the principle of "ought implies can." Luck, by definition, is not something about which we *can* do anything, so it cannot be the case that we *ought* to do anything. Of course, it might be argued that this assumption is false in some cases and there are real cases where bad luck is punished, but where it is then I would say that the practices in question are not distinctively moral and that being distinctively moral was one of the conditions of satisfaction of blame. So, such a group plays at blame, but does not really blame. Blame plays some other social function here: as ritual or bonding exercise.

I have now used the phrase "distinctively moral" several times and it could be asked what I mean by this. I will demonstrate what I mean by using it in an argument. Let's start with an argument from [14] that is in some ways analogous. Malcolm argues not that determinism is inconsistent with intentional action but, interestingly, that the *assertion* of determinism is inconsistent with intentional action, because when I use language I would not be relying on its intentional properties for communication but only on its causal properties. But this is a false dilemma, and Malcolm has fallen into the trap of confusing determinism with (mechanistic) reductionism; it is quite possible for deterministic causes to include beliefs, intentions and everything else required for successful performance of an assertion or other illocutionary acts.

However, I do not think that assertion of or belief in determinism is consistent with successful performance of acts analysable as blame. If determinism is true, then ascriptions of blame are just as much determined as everything else. This response is an ancient one that goes back to the Stoics but is rarely countenanced in the modern literature. The Stoics did not actually endorse this response, being stern moralists according to Sorabji who at [21, 87] gives details of its ancestry. Sorabji calls this a hard determinist response, but I think that this is a little unfair. The point is rather that, if we *assume* determinism, there is no real moral question of whether our blame is just or not, for whether we

blame or not is decided by some causal route over which we have no control; the whole debate becomes beside the point. My point is that we also are moralists, albeit a little less stern than the Stoics, and take our blame to have a moral weight that it could not have were it determined. We do not take the debate to be beside the point but to be very much on point, and this in itself – whatever side we may take in the debate – commits us to a certain conception of responsibility that is inconsistent with determinism. To put it another way, one side of the debate actually seems to be incoherent with having a debate at all.

Thus the judge, in believing that his judgment has a distinctively moral status, must assume that his judging is free, and that at least he himself has libertarian free will; otherwise, talking of morality's aims is redundant. If everything can be described in a purely descriptive vocabulary, then questions about morality and the values of personal relationships in a deterministic universe are problematic only in the sense that they cannot arise at all.

For example, incompatibilists often complain that determinism diminishes things, such as human relationships, that have great value to us, and compatibilists in their turn take a great deal of trouble to show that this is not the case. But both the question and the answer presuppose that there is a moral issue at stake, that it matters — it occupies a domain whose problems are not settled by simple description, e.g., of human behaviour, and neither side would consider such a description to be apposite. But if determinism is true then it seems as if to every genuine question a description should serve as an answer.¹⁴ Similarly, in my view, the worry that our moral practices are unjustified if determinism is true misstates the problem, for if determinism is true no questions about its moral status can seriously arise.

There is also a methodological implication here. Sometimes empirical psychologists present various scenarios and ask for some kind of moral judgment. When the scenario is a deterministic one and aimed at assessing whether folk intuitions about moral responsibility, to take an example, are compatibilist or incompatibilist,¹⁵ this question is improper, in my view, unless, perhaps, “not applicable” is provided as a candidate answer. It should not be assumed that this is a genuine question, or that “Yes” and “No” exhaust the possible answers; they are not even relevant answers if the question involves a false presupposition.

Scenarios described in physicalist language are simply not the kind of things about which a group is asked to make moral judgments, or could usefully do so; “not responsible” here should be taken as a para-

phrase of “responsibility is not an applicable concept in this scenario.” In other words, the question itself is at best infelicitous and at worst fallacious. For the same scenario described in psychological language, the agent could provide the group with reasons and excuses of the type that the psychological description at least suggests and for that reason a dialogue where they are discussed can be imagined to take place because of which we may have (or imagine that we would have) a reactive attitude. In reality, of course, we do not have that choice if mechanism is true, because in mechanism as in determinism it is not the agent that makes the relevant difference but facts out of his control. Either way, we cannot evaluate physical causes normatively. Finding oneself expected to evaluate physical causes is to find oneself in a contradictory situation where we have no intuitions to guide us. This also ties in with the concept of moral luck, because the intuition is that the agent who does not have libertarian free will has been lucky when his causal history has resulted in acts we count as morally good and unlucky when they are bad.¹⁶ Again, there seems to be no point in moral criticism of what is determined, or to be more precise, the criticism would carry no moral weight.

In short, determinists are not entitled to anything other than descriptive terms, and determinists who ask, answer, or just take seriously questions couched in such terms are themselves in performative contradiction. Although determinism and free will, or determinism and responsibility, may not be logically or conceptually inconsistent, the speech-act of blame is inconsistent with a belief in determinism in exactly the same way that an attempt to assert a belief in free will would be. The judge would be making a performative contradiction.

Put this way, it seems obvious that facts about the judge as well as about the actor are relevant to the actor’s responsibility. Moral questions, we are inclined to think, are questions worth asking and answering, and the judge takes himself to be doing exactly this when he stands in judgment. Of course, he may be mistaking what he is doing, so I have not shown that determinism and responsibility are incompatible; what I have shown is that, because when we take a genuine act of blame to have been committed we must take the blamer to believe that his act of blame is distinctively moral (because this was one of the internal conditions of satisfaction of the speech-act), and this is inconsistent with attributing also the belief in determinism to him, for determinism rules out the distinctively moral. Similarly and implicitly for ourselves whenever we engage in a moral practice. Now, we might try to reconcile moral

language with determinism by considering free will as a necessary and convenient fiction which is, strictly speaking, false. But even this does not get around the fact that the judgment itself, and not only the act judged, must be determined. To call something “distinctively moral” can thus be thought of as the semantic thesis that moral acts cannot be represented without the use of moral terms. If moral acts are actually performed, then certain things must be presupposed.

3 *Paul and Peter*

How must Paul be related to Peter and to the community?

We have already said that the standing needed for blame itself, in contrast to punishment, is fairly minimal, and in fact for blame there seems to be no real distinction between Paul and the judge. True, it is Paul that will tend to actually experience a reactive attitude, and this attitude is likely to be due more to affect than to moral reasoning of the kind I have been describing, but as I have already said the motivating reasons for the reactive attitude have little to do with the appropriateness of the blame. True, a judge in the sense of a moral and legal authority has a greater obligation to reach his decisions by reason rather than emotion than is the case of the one who is directly affected, but as long as there are reasons, that is to say, a winning strategy, the responsibility-attribution is not undermined.

There is one further thing that I think is worth saying does not undermine Paul’s reactive attitude or Paul’s thinking his attitude to be appropriate: it does not matter whether the content of the norm that Peter violates is one that Paul himself endorses. That, as a matter of fact, you have a certain entitlement to make moral demands, is a separate issue from whether you personally think that such-and-such ought to be a moral demand.

Suppose, then, that Paul rather peculiarly does not think that being stolen from ought to be a norm. Because he does not, he may not even resent Peter for stealing from him. Yet he might still, and appropriately, resent Peter for violating a norm *just because it is a norm*, and because as a matter of fact there is such a norm it is appropriate for Paul to hold Peter to that norm and make the moral demand of Peter not to violate the norm. Paul is no less entitled to make this demand on account of not thinking that the norm ought to be a norm. I have already said briefly in the discussion of hypocrisy that the fact that Paul might not hold himself to that norm does not undermine the responsibility-attribution either.

It is of course possible and easily understandable that in such circumstances (where he does not personally endorse or hold himself to the violated norm) Paul might withdraw the reactive attitude, but I believe that any feeling that he may have that this withdrawal is incumbent upon him on grounds of appropriateness are mistaken; such feelings are due to taking the perspective of the individual rather than the collective, where it is the appropriateness of the collective's reactive attitude, in the form of the reactive commitment, that is relevant to the question of whether Peter should be held responsible. The moral demand gets its force from the moral community. This does not alter the fact that the moral demand is actually made by one individual to another,¹⁷ and that the making of such demands regulates first and foremost a particular relationship between those individuals.

As for Peter, the important thing to remember is that being a member of the moral community, and sharing goals with the moral community, in no way requires Peter to endorse those goals or to embrace those norms and expectations he is charged with violating. Nor does there seem to be any reason to suppose that Peter is unable to regulate himself according to those norms and expectations. This means that Peter is an apt object of reactive attitudes.

4 *Conclusion*

As I said near the start of this paper, the guiding intuition is that we take our practices of blame to have moral weight, and in doing so we find ourselves committed, whatever our other metaphysical beliefs (e.g., about whether determinism is true), to having a certain conception of moral responsibility and moral blame. I have followed a tradition that sees the blame as a speech-act and these commitments as its conditions of satisfaction.

Some of these conditions will be internal conditions, which is to say that they can be performed only by a speaker with the right psychological attitudes, and it is in this way that the speaker's conception of moral responsibility gets embedded in the speech-act of blame. My innovation is to say that it is the moral community itself that should be regarded as the speaker, so it is the attitudes that can be attributed to the community that are relevant to the successful performance of the speech-act, rather than the individual's attitudes. As Pettit would put it, the community must be one where reason has been collectivized, and this is a matter of following procedures.

These procedures amount to a supervenience relation between the reactive attitude attributed to the community and the beliefs of its members, or to be more precise (since we should not assume sincerity) the beliefs attributed on the basis of their speech-acts to its members (including the one to be blamed) about whether excuses or exemptions obtain. Just as this allows beliefs to be attributed to the community even in cases where no member of the community has that particular belief, so, I argued, a reactive attitude could be attributed to the community even in cases where no member of the community has that particular reactive attitude. In such cases the members of the community may be said to *accept* the belief or reactive attitude.

As well as beliefs and reactive attitudes, there is also an obligation to blame attributable to the community derived from the dialogical interplay of reasons as a corollary to the belief that the agent is responsible. In this case there will be a similar obligation that is attributable to its members, or at least those in the community with moral authority. Even though they have the same content, the obligations are nonetheless distinct because some considerations can defeat or override some or even all of the obligations of the individuals without defeating the obligation of the community. Even so the community's obligation supervenes on the same set of propositional contents; the belief that the agent is responsible (i.e., has no winning strategy) comes first and the obligation to blame is its corollary (provided that the agent is responsible to the community and consequently obliged to provide it with a justification in the first place).

It follows because of this that the community's members have obligations, so it is still true to say that the moral obligations of the community supervenes on those of its members, even if the order in which we actually attribute obligations tends to go from the community first to the members second. Even though all the member's obligations can be defeated, a defeated *pro tanto* obligation is still a *pro tanto* obligation, so there will always be *pro tanto* obligations in the supervenience base and it is not implied that the community must be strongly rather than weakly autonomous. This is how it goes with acceptances too, since, provided that certain other conditions on membership in the community are satisfied, there is a *pro tanto* obligation for those in the community to accept the belief attributed to the community and others in the community are entitled to expect certain performances on the basis of that obligation, such that they are entitled to require you to justify yourself if either you do not carry out such performances, or (as is more likely the case) you

do something that conflicts with that obligation. When the acceptance is that some agent is responsible and there is a corresponding obligation to blame him, and I do not, this does not mean that the agent is not to blame but simply that I am accountable for not blaming him. There is then two cases of moral expectations not being met, by the agent and then by myself.

Because there is this distinction between beliefs and acceptances, and moral obligations with respect to both, there may be a conflict between what you personally believe to be the morally right thing to do and what you accept as the morally right thing to do, and there will be a corresponding conflict between obligations. On the basis that you have violated an expectation you can be required to give a justifying reason, and you may say that your moral conscience did not allow you to, that for you the *pro tanto* obligation was defeated and consequently not your *all things considered* obligation. Often we admire such people, especially when hindsight has shown them to be right (our admiration is probably biased by a one-sided diet of examples, although it commendably cautions us not to take our moral superiority for granted). Whether and to what extent this is acceptable as a justifying reason to the moral community to whom it is given, however, is a matter of the substantive ethical code of that community.¹⁸ Some form of mitigation would probably be appropriate, but this need not undermine the blame or responsibility-attribution itself. If, in the exchange of reasons, the agent fails to give a reason considered by the moral community to be justifying, then on my account he is (considered to be) morally responsible. One can, then, be morally blamed for doing something that is morally good, and one can be morally obliged to do something that one considers to be morally bad. The obligation to blame is *pro tanto* only, but it remains: this is captured in my definition of accountability.

In summary, the community must be (weakly) autonomous: it must be possible to attribute intentional and moral properties to the community that supervene on those of the community's members but can vary in propositional content and/or being defeated or not (which affects in consequence what comes out as *all things considered*).

Some of the conditions of the speech-act of blame will be external conditions. The conditions on membership in the community, whose function in moral practices and moral justification are described above, are such external conditions. I have used the accounts of Tuomela and Kutz to cash out these conditions. The details do not actually matter too much and one can probably substitute other accounts without loss.

The only thing that we need to ensure is: i) that a distinction between an acceptance and a belief is maintained (i.e., reason is collectivized); ii) that beliefs attributed to the group are normatively binding on the group; iii) that at least sometimes this normativity is moral, and; iv) that corresponding to this moral normativity are *pro tanto* moral obligations. To these we may add: v) that the procedure from which the acceptance results embodies norms of communicative rationality, or to put it in dialogical terms, that the collective follows rules of dialogue that allow for the “free” exchange of reasons, the commitments in the dialogue corresponding to the attitudes we attribute to the group, of which group both the accuser and the accused are parts and play complementary roles in the dialogue, even though on another level they are mutually antagonistic.¹⁹ The accountable agent must be given the opportunity to answer, and reason cannot be collectivized in such a way that excludes certain individuals or sub-groups within the collective.

Moral reasoning – or at least reasoning about whether an agent is morally responsible – is reasoning about who has the winning strategy in a dialogue conducted according to rules that allow for an appeal to dialogical commitments shared by the moral community, and where the substantive content of these commitments can be fitted into the Strawsonian framework of excuses and exemptions. In my view, this is a framework only, and different moral communities may have different substantive views on what fits into this framework, that is to say, on what they are prepared to consider as grounds for the excuses and exemptions. One reasonably substantive thing that I think *must* count as grounds for an exemption is moral bad luck. I have taken the view that this is embedded in the community’s conception of responsibility itself, but perhaps it might just be an empirical fact that all communities accept an ‘ought implies can’ principle, and from the way I have justified it – that morally blaming the morally unlucky would be pointless – it does not follow that it is a conceptual truth about responsibility, or that we must consider it to be such when we blame.²⁰ There are many speech-acts that we are able to perform, and even do perform, even though performing them is pointless or redundant. Pointlessness does not equate to a performative contradiction, as perhaps it would do when we blame someone who we know to be quite unable to understand what it is we are doing or to recognize our illocutionary intentions, as to someone for whom an exemption obtains ([26]).

Blaming is a collective act, and its appropriateness depends on the collective’s substantive ethical concerns. Responsibility is definable in

terms of performance of this act. If one of the external conditions is not satisfied then the blamer does not have the standing to blame; the blame is not successfully performed and is not binding on the one who is blamed, just as a legal sentence must be pronounced by a judge or other authorized party or else it is not a legal sentence at all. The external conditions are not difficult to satisfy, however. Also, although Paul, in the example, is the one who is likely to have the reactive attitude, and may express the reactive attitude, he is not in a privileged position with regard to blaming Peter, and in fact it is only because Paul takes his blame as having moral weight, that is to say, by integrating into his experience the perspective of the community itself that is the source of the moral norms Peter has violated, that Paul's blame has the particular kind of moral force that Paul takes it to have. Again, this integration of the two perspectives is not a difficult condition to satisfy, but is in fact a commonplace of moral experience, and both Paul's own reactive attitude and that reactive attitude we attribute to the community are expressed in one and the same act, though it is the latter that accounts for the moral force.

Finally, I claimed that those who blame see their blame as the appropriate moral response to a moral wrongdoing, and thus as requiring a moral justification by moral reasons; Strawson agrees with the incompatibilists that those compatibilists change the subject who give an instrumental justification in terms of management, regulation, and put objective attitudes in place of the reactive attitudes, thereby relegating reactive attitudes to mere psychological phenomena that provide no insight into moral questions as such. This is just not how we conceive of our moral practice, and our moral conceptions must reflect this fact; these conceptions underlie our blaming and are implicitly affirmed when we blame. As already said, we incur a commitment to these conceptions, and even if we cannot formulate them, the patterns of our reactive attitudes seem to show that we are at least sensitive to the features involved in them. I put this in terms of the "distinctively moral." I argued then that if there was a sphere of the distinctively moral – and our moral practices seemed to commit us to there being one – then determinism must be false, for determinism cannot tolerate any genuinely normative language but must re-interpret it as a disguised description of our psychology. Of course, on one level it does describe our psychology, but we do not mean or intend it that way when we use it. When we use normative language, and especially moral language, either directly or through practices indirectly analysable as speech-acts of praise or blame, we are also committed

to determinism being false and are in a performative contradiction if we blame while believing determinism to be true, irrespective of whether we or anyone else are aware of this. This was not so much because an agent's actions being caused amounted to coercion or some other reason that might undermine his moral responsibility, but because we cannot conceive of the act of blaming itself as being caused and yet still having the moral force and weight that we take it to have. Of course, as a matter of fact the act of blaming might be caused without our being in any way aware of it, so determinism itself is not inconsistent with holding people responsible. What I do say is that the conception of responsibility that we find ourselves committed to excludes the possibility of determinism being true, so it is a pragmatic/performative contradiction to allow that it is true or even that it might be true when we blame.

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Notes

- 1 It is this intuition (viz., that this kind of compatibilist has taken the morality out of our presumptively moral practices of blame and punishment) about which Strawson [22, 4] says that the ‘optimist’ (Strawson’s term for the Schlickian kind of compatibilist) has nothing more to say, to compatibilism’s detriment. It should be observed that Strawson limits the discussion of compatibilists to the optimists, apparently ignoring the other kinds of compatibilism just mentioned.
- 2 I must admit that I always feel reservations about the interpretation of Strawson’s arguments as drawing conclusions about the concept of responsibility itself. I prefer to think of reactive attitudes theory as an account, or perhaps a methodology for acquiring an account, of responsibility-*attribution*, and Strawson’s arguments as making epistemological points rather than conceptual points. I would also question whether Strawson really says that being responsible is a matter of being held responsible; all that I think strictly follows from his arguments (if they are good) is that the reasons for which we consider someone to be responsible can be discovered by naturalistic description of the pattern of our reactive attitudes and do not require further justification.
- 3 Excuses function by showing that an action did not manifest ill-will and obtain when the agent could say in response “I didn’t mean to,” “I hadn’t realized,” “I didn’t know,” along with things like “I couldn’t help it” when backed by “I was pushed,” “I had to do it,” “It was the only way,” or “They gave me no choice.”

One kind of reason that the norms of appropriateness are sensitive to, then, are those concerned with quality of will. Importantly, an agent excused in this way is still held to expectations and as one for whom reactive attitudes are apt [22, 7-8].

Exemptions function by showing that the agent's agency is too diminished either by their incapacity to understand expectations and norms, or by their incapacity to regulate themselves by those expectations and norms, for it to be appropriate to hold such agents to those expectations and norms; they are not apt objects for reactive attitudes. *Exemptions* obtain when the agent (or someone on the agent's behalf) could say in response "He wasn't himself," "He has been under very great strain recently," "He was acting under post-hypnotic suggestion," "He's only a child," "He's a hopeless schizophrenic," "His mind has been systematically perverted," or "That's purely compulsive behaviour on his part." A second kind of reason that the norms of appropriateness are sensitive to, then, are those concerned with incapacity [22, 8-10]. Here the reactive attitudes should be replaced with objective attitudes and by doing so we treat the agent as less than fully human, in some sense, and seek only to manage him.

When an excuse or exemption obtains, we do not consider resentment appropriate. Indignation is the analogue of resentment when one is not oneself the injured party, and is argued (on the grounds that supposing otherwise leads to a pathological kind of moral solipsism in which one considers oneself to have some kind of morally privileged position compared to everyone else) to have the same conditions on appropriateness as resentment.

- 4 As an example, consider a tenure committee from the point of view of the members' beliefs about the areas in which the candidate excels. Individual M_1 believes that candidate D excelled in research and teaching, but not in service. Since M_1 believes that D did not excel in all three areas, for these beliefs to be deductively closed and hence rational, M_1 must also believe, and does, that D should not be granted tenure. Individual M_2 believes that D excelled in research and service but not in teaching, and so agrees with M_1 that D should not be granted tenure. Similarly, individual M_3 believes that D excelled in teaching and service but not research, making it unanimous that D should not be granted tenure. These beliefs are all rational on the individual level.

However, the majority believed p that D excelled in teaching (individuals M_1 & M_3), a majority believed q that D excelled in research (individuals M_1 & M_2), and a majority believed r that D excelled in service (individuals M_2 & M_3). They also all believe *not-g* that D should not be granted tenure. The problem is that they also believe the biconditional (g if and only if (p and q and r)), i.e., that tenure should be granted if these propositions are true; furthermore, the majority do believe of these conjuncts that they are true, so if they believe the biconditional, then they should also believe D should be granted tenure in order for the group to be rational. Otherwise, the beliefs of the group will not be deductively closed. *Proposition-wise* supervenience, where the group's belief about some proposition (in the example, g) is taken directly as a function (in this example a majority, but other functions are possible but lead to the same results) of the members' beliefs about that same proposition, leads to refusal of tenure and irrationality at the group-level [12, 92-93].

- 5 [9, 67] expands on the kind of normativity involved:
- a. Each participant has an obligation not to act contrary to the shared intention.

- b. Corresponding to these obligations are rights or entitlements of the other parties to the appropriate performances.
- c. If one participant does something contrary to the shared intention, the others have a special entitlement to rebuke that person.

She calls this the *obligation criterion*. There is a broad consensus that there are moral norms of this kind, differing only in details, such that I do not intend to defend these claims or argue for them further, nor does it matter for my purposes which account of group intentionality is correct as long as it accounts for these moral norms (Bratman’s is the only account of joint intentionality that I know of that denies any moral normativity).

- 6 For instance, if one of the members of the tenure committee was not properly elected to the committee in the first place then the committee does not grant tenure irrespective of what attitudes can be attributed to its members.
- 7 There is a strong similarity between my dialogical view and Wallace’s [25] view that an actual reactive attitude is not necessary to hold an agent responsible if instead there is a judgment that a reactive attitude would be appropriate.
- 8 [20, 470] argues:

From the fact that I do not “hold” someone responsible for an objectionable attitude or action, in the sense of actively blaming her for it, it might be inferred that I do not hold her to be responsible for that thing, in the sense of open to moral appraisal, or that I do not hold her to be culpable for it, in the sense of open to legitimate moral criticism. But these things simply do not follow. If a good friend of mine is under a lot of stress, for example, I may not “hold” her responsible, in the sense of actively blaming her, for some insensitive comments she makes to me. I can judge both that she is responsible for her comments, and that she is open to legitimate moral criticism for them (because they are hurtful). But given the circumstances, I may decide that it would be uncharitable for me to take up attitudes of anger and resentment, or to explicitly reproach her in any way. In making such a judgment, however, and in renouncing these attitudes and responses, I need not think that my friend is not really responsible, or not really at fault, for her behavior.

- 9 [11] reports empirical research that shows how widespread this intuition is, although she considers it to be a *tu quoque*. A female student of Libby’s argued thusly:

If I think that it is likely that I would have owned slaves had I been born into the American slave-owning South, then it is not appropriate for me to say that slave-owners were blameworthy. Likewise, if I think that I would have followed the orders of the SS, then it is not appropriate for me to blame those who did. [11, 10]

However, Libby considers this intuition mistaken:

Perhaps she was worried that she would be labeled a hypocrite for pointing out the moral mistakes of others in light of the fact that she herself had surely committed her own mistakes. . . . [T]his charge of hypocrisy . . . would be fallacious. The fact that Emmy has failed to perform all and only morally permissible actions is not logically relevant to her arguments attempting to establish that some other individual has done something morally impermissible. [11, 7-8]

- 10 According to [8] it is not necessarily inappropriate to feel guilt or shame for practices that were in fact socially approved of at the time.
- 11 This over-simplifies. For a more subtle analysis see [1].
- 12 McKenna calls such a dialogue a *moral responsibility exchange*. In [4] I show that this follows closely a particular dialectical model regulated by a specific set of rules. Note also that another way of stating the same condition is to say that G has the reactive attitude for resentment towards A, for the condition here is the same as that by which resentment is attributed to the collective.
- 13 We can take the same approach to the personal *pro tanto* obligations mentioned earlier. Does the obligation of caring for a sick child defeat the obligation to show due diligence? I think it depends on the substantive ethical norms of the moral community whether this is to count as grounds of, for instance, the excuse “I had no choice.”
- 14 “The factual ... is a paradigm case of the non-normative,” Cohen [5, 316] says. This does not rule out that our methodology for finding the answer may be based on description. It does not rule out a Strawsonian kind of naturalism where the conditions of responsibility are held to be discoverable by investigation of and description of our psychological habits regarding reactive attitudes.
- 15 Nahmias et al have done the experiment of describing the same deterministic background and varying whether an action is described as caused by his intentional states or by his neurophysical states, notwithstanding the fact that each are equally determined. They discovered that respondents were ready to attribute responsibility where psychological language was used but not when physical language was used. This seems to show that people are generally amenable to compatibilism between determinism and responsibility, contrary to the claims of incompatibilists, but not to the compatibilism between mechanism (the reduction of the description to a physicalist language) and responsibility. When examined more closely the folk conception of responsibility is not incompatibilist, it is argued, but only seems to be [16]. Against this, [18] argued that the folk conception of responsibility was incompatibilist and that what the studies (backed up with studies of their own) showed was that when presented ‘concrete’ cases subjects tended to exhibit compatibilist tendencies, but that when presented abstract cases subjects tended to exhibit incompatibilist tendencies. This in turn was explained by the fact that concrete cases elicited high affect which biased the psychological process; compatibilist intuitions were performance errors. But [17, 255-256] turns this around:

With no other information given, people tend to assimilate determinism to coercion, but this suggestion is concealed when an intentional action is described in concrete terms. Determinism is also sometimes assimilated in people’s minds to reductionism. But determinism does not preclude intentional, rational action. The concrete case avoids these faulty assimilations.

These assimilations being faulty in her opinion, it is incompatibilist intuitions that are performance errors.

- 16 See [3, 26-27] where I argue that the issue of moral luck underlies and explains many of our otherwise puzzling intuitions.
- 17 [7, 9] will similarly claim that moral demands are second-personal though they get their force from being norms of the moral community:

I claim that to understand moral obligations as related to moral responsibility in the way we normally do, we have to see it as involving demands that are “in force” from the moral point of view, that is, from the (first-person plural) perspective of the moral community. . . . [T]his does not diminish their second-personal character, since this concerns their “demand addressing” quality.

- 18 A situation that is similar in some ways occurs when your conflicting belief is due to enculturation in a different moral community. Also, because one may belong to more than one moral community, acceptances may conflict with other acceptances as well as with personal beliefs; the reasons that would be acceptable in one community need not be acceptable in another. What would be the justifying reasons in such cases, though, are not those reasons themselves, but *the fact that one has been enculturated to accept and comply with those reasons*. This is a separate reason, and whether it is acceptable is a substantive issue and cannot be settled by philosophical analysis ([1]).
- 19 There is a hint of circularity here. Is there an *obligation* to allow the accountable agent the opportunity to defend himself? If there is, as I suggested earlier, then it does not seem that this obligation can be brought about as the result of a dialogue of this kind, for this *presupposes* such an obligation. Here, then, I say only that the collective actually follows the rules, not that they are obliged to. One wonders whether this is strong enough, for then it is not obvious that one can be sanctioned for not following the rules of dialogue and the blame will consequently be deprived of its moral force. My preference is to see the rules of dialogue as having a moral force of their own, and this because dialogue is itself a co-operative activity in which each participant is entitled to expect certain performances from every other, and a participant cannot unilaterally break off this activity once there is *de facto* agreement to engage in it. My concern with this, though, is that this seems to give moral force to the rules just because they are rules, because they have been agreed to or because they are instrumental to the goal of the activity, and not because of their content as such — it seems quite possible that completely different rules might have been agreed to, and this account would give them the same moral force. What I think I would need to show is that such norms are instrumental, not to the specific goal, but to co-operation as such, or perhaps to co-operation whose goal is to resolve an issue that is “distinctively moral.”
- 20 Perhaps we might offer a Watson-type argument that reactive attitudes would not have a communicative function for the morally unlucky. Watson insists that impossibility of having a communicative function is not just an instrumental justification, but I find him to be ambivalent on this point. In cases where the agent is incapable of recognizing moral reasons I think Watson is right and the justification is not instrumental, but in the case where the agent acts out of character due to stress, the inappropriateness of the reactive attitude does seem to be justified on the instrumental grounds that doing so would be pointless ([26]). The morally unlucky person does not generally fail to recognize moral reasons, and so seems more like an example of the second case than the first.

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