

## **1. A Methodological Intervention**

Blame is a central part of our moral practice. As such, it has rightly captured the attention of moral philosophers. There is a large and growing literature on when someone is to blame for a moral transgression and what it is to blame them for it. Its aim has been to secure a set of necessary and sufficient conditions for blameworthiness and blame, respectively.

How fruitful has this philosophical enterprise been? We can gauge the success of such a project in two ways: first by whether we have arrived at a successful analysis, second, by what we have learned from failed attempts.

So far, a successful analysis of blame and blameworthiness remains elusive. This perhaps is not entirely surprising. An analysis of a complex phenomenon takes time. What is surprising, however, is just how little the endeavor has to show for itself on the second measure. To see this, it is instructive to compare the project of analyzing blame to the analysis of knowledge. It's true that we never arrived at an analysis that dodges counterexamples. Still, the project achieved broad convergence on some necessary conditions for knowledge (justification, truth, safety) and the rejection of other candidate conditions.

In contrast, we are nowhere close to convergence on even a single necessary condition for blame and blameworthiness. Philosophers disagree on whether blame requires an emotion<sup>2</sup>, whether it requires a judgment<sup>3</sup>, or a desire.<sup>4</sup> They disagree about what falls under the scope of blame: whether it's only actions or also desires, emotions, even beliefs and implicit attitudes.<sup>5</sup> Not even the question whether blame for an action requires the action to be impermissible is settled.<sup>6</sup> If the project of analyzing

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<sup>1</sup> Thank you...

<sup>2</sup> For example, Pickard [2013a], MacNamara [2015], Menges [2017], Owens [2012], Watson [2013].

<sup>3</sup> Scanlon [2009], Wallace [1994], Hieronymi [2004], Sher [2005].

<sup>4</sup> Sher [2005], Smith [2012].

<sup>5</sup> What underlies the disagreement here is whether to be blameworthy for X, X must be under our voluntary control. See, for example, Smith [2005] for an inclusive account of blame that encompasses all of these. See Levy [2014] for criticism.

<sup>6</sup> For example, Wallace [1995] ties blame to the belief that an obligation has been violated (see e.g. p. 37). But according to Scanlon [2009], "[w]hen someone is blameworthy, it is generally for doing something that was wrong. But wrongness and blame can come apart." (p. 124-25) See also Graham [2014], Zimmerman [1988].

knowledge fizzled out, that of analyzing blame seems to fall apart from the very beginning.

In light of this, we might question whether there is a unified, sharp phenomenon of blame on which we have good pre-theoretic grip. Nussbaum suggests as much when after a survey of some prominent views of blame, she concludes:

...while we surely learn a lot from the distinctions that these fine philosophers have introduced, human reactions come in many types, and the word “blame” is very imprecise. Maybe it’s not quite as duplicitous as “privacy,” which covers things that have no common thread at all. But it’s pretty empty and uninformative. [...] Insofar as all these fine philosophers are pursuing a single essence, they appear to be pursuing a will-o’-the-wisp.<sup>7</sup>

More optimistically, we might reconsider how we conduct our philosophical inquiry. What alternative approach should we use? My first suggestion is that we shift the focus of our inquiry and look at blame first and foremost *as a practice*. This is, for the purpose of our inquiry, we think of blame as something we do – sometimes privately but often publicly. We blame others by saying certain things or thinking them in private. A typical way of doing so proceeds by an accusation – “You did this on purpose” – sometimes paired with a demand for explanation or apology: “How could you?” or “What were you thinking?”

This turns the conventional wisdom on its head, which regards blame first and foremost as a mental state and our blaming practice as derivative: a way to express the mental state in question. In contrast, I suggest to hone in on our blaming practice as our investigative focus, leaving open the question whether there is a specific, unified mental state that underlies it.

Second, I suggest that we investigate this practice by attending to its function. We do not engage in blaming just for the sake of it. Our practice of blame presumably exists because it answers some needs. What would we miss out on if we lacked this practice? Which interests of ours does having such a practice serve? With a hypothesis about the function of blame in hand, we then aim to recover – “reverse-engineer” – its central features. We gauge our success by the extent to which our hypothesis about the function of blame allows us to shed light on our actual blaming practice. After all, as Craig argues:

For it is not the idea to construct an imaginary concept, but to illuminate the one we actually have, though it be vague or even inconsistent; and to illuminate it by showing that a concept with the hypothesized role would have the characteristics closely resembling those that it exhibits itself.<sup>8</sup>

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<sup>7</sup> Nussbaum [2016], p. 260

<sup>8</sup> Craig [1990], p. 2.

My aim in this paper is to give this methodology a run for its money. I start by evaluating a prominent recent attempt to develop a function-based account of blame by Miranda Fricker. Fricker suggests that we can elucidate our practice of blame by focussing on the function of a *paradigm* form of it: Communicative Blame, whose aim, according to Fricker, is to inspire remorse in the wrongdoer. I argue that Fricker's account does not have the resources to account for some central features of our blaming-practice.

I then develop an alternative. I suggest that the function of our blaming-practice is *epistemic*. Wrongdoing changes the normative landscape. There is a characteristic set of moral obligations – reparative duties – and corresponding claim-rights that we incur by acting wrongly. Blame serves to facilitate common knowledge about the existence and scope of those reparative obligations. I argue that this hypothesis elucidates both how we blame as well as shedding light on how blaming hangs together with closely related normative practices: making excuses, explaining oneself, apologizing, and forgiving.

## 2. Miranda Fricker's Paradigm-Based Account

Fricker advocates a version to the function-based approach. Amongst other things, she worries that even if the standard approach to blame could be successful, its success would be pyrrhic. The pervasive philosophical disagreements about the nature and scope of blame plausibly reflect its diversity and richness. Much of that gets lost when we try to wrestle things into the narrow confines of a set of necessary and sufficient conditions. As, Fricker notes:

...where X is an internally diverse practice there is a significant risk that the highest common denominator will turn out to be very low, delivering an extremely thin account.<sup>9</sup>

Her worry is that even if we could arrive at an analysis that dodges all counterexamples, it would hold little interest. Instead, Fricker suggests that we should approach blame by honing in on a paradigm instance of a blaming interaction and investigating its function. From there, we try to extrapolate to blaming interactions that depart from the paradigm in various ways. The approach is successful insofar as we can elucidate their features in terms of the paradigm. Thus, the paradigm is not merely intended to serve as a clear example of a blaming interaction but it's taken to be explanatorily prior.<sup>10</sup> Fricker suggests:

Specifically, the hypothesis I shall try out is that there is a basic second-personal interaction of X blaming Y for an action, motive,

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<sup>9</sup> Fricker [2016], p. ? See Nussbaum [2016], p. 259 for a criticism along exactly these lines of Smith's view defended in her [2013].

<sup>10</sup> Fricker [2016], p. 165.

or attitude (or lack thereof) from which other variant practices can be seen as derivative.<sup>11</sup>

What is the paradigm case? Fricker suggests it's "Communicative Blame": a second-personal, illocutionary speech acts, which involve a accusation of fault together with an expression of negative emotions – a moral protest infused with feeling:

My proposed paradigm form of blame is Communicative Blame—blame that is performed in the most simple and socially immediate sort of interpersonal exchange: I wrong you, and in response you let me know with feeling that I am at fault for it. It is an essentially second-personal, I-Thou interaction.<sup>12</sup>

The task is to reverse-engineer our blaming practice, starting from with the hypothesized function of Communicative Blame. What is the function of this type of blaming interaction? What's the point of having such a type of interaction in our repertoire? According to Fricker, the immediate point of Communicative Blame is to instill remorse in the wrongdoer:

...in Communicative Blame the speech act is geared specifically to bring us to feel the proper pang of remorse, where remorse is understood as a cognitively charged moral emotion—a moral perception that delivers a pained understanding of the moral wrong we have done.<sup>13</sup>

That, according to Fricker, is the illocutionary point of Communicative Blame. A second function is to bring about lasting moral change – a transformation of the wrongdoer's motivations – by prompting them to care about morality. This correspond to the perlocutionary point of Communicative Blame:

...the perlocutionary point of Communicative Blame is to prompt a change for the better in the behaviour (inner and outer) of the wrongdoer.<sup>14</sup>

This requires some more explanation. After all, a great deal of wrongdoing is the result of insufficient moral concern: the wrongdoer may simply not care, say, about keeping her promise. How could then a simple speech act transform what she cares about? Fricker's answer draws on the idea of a "proleptic mechanism".<sup>15</sup> Even if the wrongdoer does not much care about keeping promises, she will generally care about the opinion that others have of her. As Adam Smith noted, it is part of human nature to intrinsically care about what others think of us:

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<sup>11</sup> Fricker [2016], p. 167.

<sup>12</sup> Fricker [2016], p. 171.

<sup>13</sup> Fricker [2016], p. 172-73.

<sup>14</sup> *ibid*, p. 173.

<sup>15</sup> Williams [1995].

Nature, when she formed man for society, endowed him with an original desire to please, and an original aversion to offend his brethren. She taught him to feel pleasure in their favourable, and pain in their unfavourable regard. She rendered their approbation most flattering and most agreeable to him for its own sake; and their disapprobation most mortifying and most offensive.<sup>16</sup>

Communicative Blame, according to Fricker, exploits this natural inclination. We don't like being the target of negative emotions of others. This concern for the good opinion of our peers can, in its wake, bring about a realignment of what we care about. Faced with her colleague's disapproval, the promise-breaker may come to care after all about keeping promises – first instrumentally as a means to securing her colleagues good opinion of herself but eventually, perhaps, intrinsically, too:

The blamer cares about gaining the acknowledgement she feels was withheld from her; while the blamed party (if the blame communicated is to achieve its illocutionary point) cares in some more general way about the esteem of the blamer, with the result that the accusation of fault might be sufficient to bring a change of reasons.<sup>17</sup>

This gives us a first characterization of Communicative Blame and a hypothesis about its function. The next step is to show that attending to the function of this paradigm, we can account for the central features of our blaming practice.

### **3. Criticizing the Paradigm-Based Approach**

Undoubtedly, in honing in on Communicative Blame, Fricker has identified an important moral phenomenon. But I doubt that it can serve as a basis for a general account of our practice of blame. First, Fricker's account falls short of an important desideratum to which we should hold accounts of blame that focus on the practice: namely to elucidate why we blame *the way we do*. Second, there are reasons to doubt that amongst the many types of blaming interactions, we can pick out one that is explanatorily prior.

One of the most pressing tasks for Fricker is to show how the paradigm of Communicative Blame sheds light on blaming interactions that are third-personal and dispassionate. After all, we often blame wrongdoers in their absence. A friend may complain to you about the injustice she suffered from the hands of another party. Or we may discuss whether someone is to blame when it's not us who have been wronged but another, absent party. Often such third-personal blame is dispassionate. Fricker argues that these blaming practices "naturally grow from" Communicative Blame. According to Fricker, what we are doing in such

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<sup>16</sup> Smith [1759/1976], p.116.

<sup>17</sup> Fricker [2016], p. 176.

cases, is to make a judgment that the wronged party is in their right to engage in an act of Communicative Blame. Fricker considers reading about a lorry strike in the newspaper and coming to blame the management for a breakdown in negotiations that led to the strike:

If at a distance I dispassionately blame the management for inflexibility in the pay negotiations, then my judgement of blame is essentially a vicarious application of the morally resentful accusation of fault that I consider the lorry drivers would be entitled to make for themselves in a performance of Communicative Blame addressed to their paymasters. In this sense the point of even such a distant third-personal application of blame is explained as derivative from the basic case of Communicative Blame.<sup>18</sup>

Fricker argues even such third-personal blaming activities inherit their function from acts of Communicative Blame. While Communicative Blame aims to align the moral understanding and concern of wrongdoer and wronged party, third-personal blame aims to align the moral commitments of the conversational parties with each other. When, in conversation with you, I blame John for having broken a promise to his friend Sam, I let you know where I stand on the question of promise-keeping. Insofar as you value my opinion, this may well prompt you to adjust your own position correspondingly.

But I worry that there are many cases of third-personal blame for which this strategy will not work. This would not be a problem if these were unusual cases. With a paradigm, we should expect that the explanatory links will grow weaker and eventually fizzle out the further away we move from the core to more marginal examples of the practice. But the cases I have in mind are mundane. Thus, we often blame a wrongdoer even if we explicitly believe that the wronged party does not have any standing to engage in acts of Communicative Blame herself. Thus, suppose I blame my friend Jane for ruining the wedding of a mutual friend, Judy. But Judy herself has ruined quite a few weddings that she has attended in the past (she has an unfortunate penchant for getting drunk on the reception champagne and then making long-winded and offensive speeches at dinner). And so, I explicitly judge that she is not entitled to engage in Communicative Blame. Second, we often blame wrongdoers for impersonal wrongs – such as destroying a rare plant – or wrongs done to animals – such as abusing a pet rat. How do we make sense of such blame in terms of Communicative Blame, which, recall, is an exchange between the wronged party and the wrongdoer?

My worry here is not that Fricker has no absolutely no way of accommodating these cases. Rather, it's that accounting for them in terms of the paradigm is too contrived to be plausible. Perhaps cases like the wedding example involve the counterfactual judgment that, had Judy not

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<sup>18</sup> Fricker [2016], p. 178.

forfeited her standing to blame others for ruining weddings, she would be entitled to an act of Communicative Blame towards Jenny. Perhaps blaming of the rat-torturer and the botanical vandal involves some anthropomorphizing of the rat and the flower respectively. But such explanatory connections seem strained.

The paradigm of Communicative Blame not only struggles to capture the full range of our blaming interactions. It also fails to elucidate the shape of our actual blaming practice: how we blame. It's true that we do not always blame "out loud" that sometimes blame can be a matter of a raised eye brow or a frown. Nevertheless, one striking feature of this practice is that it's *articulate* in characteristic ways. Typically, we blame each other by engaging in a range of specific speech acts:

"You did *this* on purpose!"

"How could she act in this way?"

"What were you thinking?"

"I can't believe he *did* this!"

"She definitely owes him."

"You owe me an apology."

This list is a mixed bag of speech acts. It includes accusations of intentional wrongdoing, demands for explanation or apology, assertions of obligations. Yet we readily recognize all of them as ways of blaming someone.

Why is our blaming practice comprised of these speech acts? The paradigm of Communicative Blame does not give us much guidance. This is because, if Fricker's account is correct, Communicative Blame is exhausted by the message "You wronged me. Feel bad!" Why then do we blame by demanding explanations? Why do we make the specific accusation of intentional wrongdoing? An account of blame should ideally shed some light on our blaming expressions.

Blame is not only articulate but also *commanding*: it requires an appropriate response. If you blame your friend for having stood you up on what was supposed to be your evening out and your friend fails to respond at all or responds inappropriately – she merely shrugs her shoulders, accuses you of being an overly sensitive pendant, or launches into an exhaustive list of implausible excuses – then this is not only a matter of a speech act misfiring or failing to bring about its characteristic perlocutionary effect. Such responses are morally problematic; they entitle you to not merely feel frustrated at the lack of uptake but *wronged*. An account of blame should both accommodate and explain this feature. But the paradigm of Communicative Blame does not have a natural story to tell here.

Third, it's curious feature of our blaming practice that accepting blame that is not fully deserved can be a morally admirable thing. We often admire those who "take responsibility" for wrongdoing rather than making excuses, even when they do have a legitimate excuse. Suppose you have given away a secret that a friend entrusted you with. It was unintentional on your part: you were tired and stressed and misspoke in a

heated conversation. When your friend confronts you, it may be very good of you to just own up and accept responsibility, rather than pointing to your stressful circumstances – even if those do constitute a genuine excuse. But it's unclear how to make sense of this in terms of the paradigm of Communicative Blame. To accept Communicative Blame is, presumably, to come to feel remorse. But feeling remorse in a situation in which you have a genuine excuse does not seem laudable; it seems somewhat perverse.

Let's take stock. I have pointed to several features of our blaming practice we would like an account of blame to shed light on and argued that the paradigm of Communicative Blame does not do so. Should we look for a different paradigm? I believe that there are good reasons for moving away from a paradigm-based approach altogether. Within the web of various blaming interactions – self-directed blame, second-personal blame, third-personal blame – and ways of blaming – more or less emotionally charged and involving distinct emotions, ranging from resentment and anger to sadness and disappointment – we are hard-pressed to give reasons to single any particular one as prior or more central to all others.

Any given practice can have several functions. In light of this, the worry is that looking at our blaming practice through the lens of any particular kind of blaming interaction will be distorting. This is because it draws our attention to what is distinctive about *this particular kind of* blaming interaction. The fact that Communicative Blame *qua* Communicative Blame has a distinct function – to instill remorse – is compatible with its having other functions in virtue of which it is a *blaming interaction*. And so, even if, wielding our chosen paradigm, we succeed – with some exertion – in bringing other variants of our practice within its fold, we may worry that this does not reflect the underlying logic of our practice but rather the adage that to a (wo)man with a hammer everything looks like a nail.

In what follows I will develop a function-based account along different lines. Rather than starting from the particular – a paradigm blaming interaction and the function it serves – I shall start from a very general human interest. I argue that the assumption that our blaming practice serves this interest allows us to recover and elucidate many of its striking and important aspects.

#### **4. The Epistemic Function of Blame**

In a nutshell, I suggest that a central function of our blaming practice is epistemic. A central aim of our blaming practice is to create common knowledge of our reparative duties and rights – those duties and rights that have resulted from wrongdoing.

##### *Our Interest in Knowing our Rights*

We have a general interest knowing the geography of the normative landscape in which we are embedded: what we owe to others



and what others owe to us. What grounds such an interest? For one, we have an interest to avoid wrongdoing. This interest is both intrinsic – as far as we are moral agents who care about acting morally – and instrumental. After all, wrongdoing makes us liable to complaint, sanctions, as well as compensation. Second, we have an interest in knowing whether others are doing right by us, whether they honor our rights. And we have an interest in knowing which personal relationships we stand in with others. We have, for example, an interest in knowing who our friends are – as opposed to mere acquaintances. But our relationships are partly constituted by a web of mutual obligations. It's partly constitutive of friendship that friends owe each other affection, good will, and support. We can expect that our friends will help us out not merely because they have done so in the past but because they are obligated to do so.<sup>19</sup>

Given this normative interest, we expect that activities that constitutively alter our rights and duties will go hand-in-hand with communicative practices that aim to make these alterations public. Promises and consent are both examples in point. Promises and consent bring about changes in the normative landscape. By making a promise to bake you a cake, I place myself under an obligation to bake it. By consenting to my hair dresser's cutting my fringe, I waive my right to non-interference with my fringe and give my hair dresser permission to cut it. Both promises and consent have closely associated communicative practices. There are established speech acts by which we signal that we are making a promise or consenting to something: by saying "I promise" or "you may". Indeed, some philosophers have even argued that promises and consent are *essentially* communicative. They argue that I have only made a promise if I have communicated my intention to place myself under the relevant obligation and that I have only consented to a course of action if I have communicated my intention to waive a particular right.<sup>20</sup> Others maintain that communication is not necessary; rather, promising or consenting are mental acts of which the relevant speech act merely gives us evidence. I will not weigh in on this dispute here. What matters for my purposes is that it's widely acknowledged that communication is important with respect to consent and promises precisely because promises and consent modify our rights and duties.

Rights and duties need to be public because their role is to guide our practical deliberation. As Cornell argues:

Rights [...] are significant mainly because they are action-guiding. That is, they tell an agent something about what she should do; they give her reasons. As Hohfeld famously made clear, rights correlate with duties. When one party has a right against another, the other party is bound by a duty owed to the first. Duty is a

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<sup>19</sup> Cite Shiffrin [2008]? Owens [2012].

<sup>20</sup> E.g. Dougherty [2015], Owens [2012].

normative notion—it describes what one ought to do. If you owe a duty, you have a certain kind of reason—perhaps especially pressing or second-personal or exclusive of others. So rights, correlative to duties, play a role in our deliberations about what to do. They give us reasons, presumably reasons of a special kind.<sup>21</sup>

But rights can only guide our deliberation if we have epistemic access to them. Again, this suggests that we should expect there to be a close connection between normative powers – activities which constitutively alter which rights are in play – with communicative practices that makes these changes public.

### *Wrongdoing Alters the Normative Landscape*

Promises and consent constitutively alter existing rights and obligations. Indeed, we make promises *in order* to place ourselves under certain obligations and we give our consent *in order* to waive certain rights. But there are other activities that constitutively alter the normative landscape: wrongdoing, in particular.

We act wrongly by performing actions that violate a moral obligation we are under or that infringe on someone's moral right. As often noted, wrongdoing has normative consequences: it causes harm, undermines trust, impacts relationships. But wrongdoing also alters existing sets of rights and obligations. If I wrong you, say by reneging on my promise to bake you a cake, I thereby acquire new duties and you acquire new, corresponding claim-rights against me. Now, in addition to a cake, which I may still owe, I also owe you an apology and explanation why I haven't spent the afternoon baking. I may owe you some compensation – perhaps some brownies, in addition to the cake.

We can make some general observations about the kinds of duties we typically acquire as a result of wronging someone. They include the duty to acknowledge our wrongdoing and the harm that the wronged party has suffered, the duty to give the wronged party our attention and to listen to her complaints, the duty to validate her feelings of disappointment, anger, resentment, the duty to explain our actions and motivations that led to the wrongdoing, the duty to apologize, and the duty to compensate. The wronged party may acquire a corresponding set of claim-rights: the right to complain about the wrongdoer's action, the right to express her anger, resentment, or frustration, the right to demand an apology and to demand compensation.<sup>22</sup> Let's call these *reparative duties* and *reparative claim-rights*, respectively.

I have mentioned a few typical reparative duties and rights but this list is not meant to be exhaustive, nor do I mean to suggest that every

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<sup>21</sup> Cornell [2015], p. 127.

<sup>22</sup> See Thomson [1990], p. 84-98. Thomson argues that violating someone's right leads to "moral residue". My suggestion here is that this "moral residue" involves a creation of further rights.

instance of wrongdoing will give rise to all of these. The exact scope and content of one's reparative duties will depend on the details of the wrongdoing: its nature and gravity, its consequences, the history of the relationship between the two parties. It's also worth noting that, depending on its nature and circumstances, wrongdoing may also alter the normative landscape in additional ways, beyond giving rise to reparative duties. For example, by intentionally betraying a good friend for your own benefit, you may lose a right to her goodwill and her trust – your friend may no longer be obliged to wish you well, she may no longer be obliged to help you when you are in need.

The idea that wrongdoing changes the set of obligations and claim-rights in play between the wrongdoer and the wronged party spells out an idea that is very common in the literature on blame and wrongdoing: namely that wrongdoing can impair relationships.<sup>23</sup> After all, relationships are partly constituted by the obligations and rights in play. In addition, the framework of rights and obligations captures an aspect of wrongdoing that has been less discussed: namely, that wrongdoing can not only alter but *create* moral relationships. As Walker rightly observes:

When a crime victim has been unjustly harmed by a stranger, the offense creates a relationship where there was none before. Part of the sense of outrage, resentment, fear, hopelessness, and shame of crime victims can be the sense that their life is invaded, that now they are bound in their life in a charged and exhausting fashion to someone who has no right to be there.<sup>24</sup>

Wrongdoing creates new moral relationships not only in the sense that the wrongdoer may have irrevocably inserted him- or herself into their victims biography but also in that all of the sudden, as a result of the wrongdoing, the wronged party finds herself in possession to an (unwelcome) set of claim-rights against the perpetrator.

Wrongdoing thus alters the normative landscape in systematic and predictable ways – just as promises and consent do. Given that we have an important interest in knowing what our rights and obligations are, we should thus expect that there is an associated communicative practice which makes these changes public. That is, we should expect there to be a communicative practice that aims at creating common knowledge of the existence and scope of reparative duties and rights.

At this point you might worry about the parallel between promising and consent, and wrongdoing that I have been drawing. Sure, you might say, it makes sense for promising and consent to be closely correlated with communicative practices because it is their aim to alter the rights and obligations in play. But it's not the constitutive aim of wrongdoing to give rise to obligations and rights. Second, promising and

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<sup>23</sup> See Scanlon [2009], chapter 4.

<sup>24</sup> Walker [2006], p. 159.

consenting are things that we undertake *intentionally*. You cannot unintentionally promise to do something, nor can you unintentionally give your consent. But wrongdoing can be intentional and unintentional – I may violate my moral obligation knowing full well that this is what I am doing or unwittingly, as when I forget to do what I have promised to do.

I agree that all these are important differences between promising and wrongdoing. But I do not think that they create trouble for my line of argument. For even if wrongdoing clearly does not *aim* at creating obligations to apologize, compensate, etc, it is nevertheless not an accident that wrongdoing creates them. Insofar as an action gives rise to the obligation to apologize and compensate, this is *in virtue* of its being an instance of wrongdoing. The fact that wrongdoing is often unintentional and unwitting only strengthens the need for a communicative practice, since it means that it may not always be transparent to the wrongdoer what the normative upshots of her actions are. Nor is it always manifest to the wronged party that she has been wronged or what she is owed as a result. So, it is in the interest of both the wrongdoer and the wronged party to have such a communicative practice in place.

#### *Blame Communicates Changes in the Normative Landscape*

I have argued that we have a general interest in knowing what our rights and obligations are. In light of this interest, we would expect there to be communicative practices associated with activities that systematically alter which rights and obligations are in play. Since wrongdoing is such an activity, we would expect there to be a corresponding communicative practice. My suggestion is that blame is the communicative practice that serves this role. Thus, our practice of blame is characterized by the function to create common knowledge of reparative duties and claim-rights. Call this the *epistemic function account*.

Let's clarify the account. To say that the function of blame is to create common knowledge is to make a claim about the constitutive aim of the practice. It is what makes our blaming practice a *blaming practice*. To say that a practice has a constitutive aim or serves a distinctive function is to make a claim about the nature of the practice as a whole and not about each individual blaming interaction. It does not commit us to the claim that each and every blaming interaction takes place with the intention of achieving such common knowledge, nor that it is a necessary condition for a particular interaction to count as a blaming interaction that it be done for that purpose. This is exactly parallel to other claims about constitutive aims in philosophy. To say that belief is a mental state which constitutively aims at knowledge is not to say that every single time an agent forms a belief, this is because she wants to get at knowledge. People believe things for many, sometimes epistemically nefarious, reasons.

The thought that the practice of blame serves an epistemic function raises a question about the relationship between blame and assertion. After all, according to a number of accounts of assertion, assertion is a speech act

whose constitutive aim is to transmit knowledge. Does the epistemic function account thus say that blame is a kind of assertion? I don't think so. While there are parallels between the speech act of assertion and the practice of blame, this does not make the latter a special kind of the former because there is no unique speech act that constitutes blame. Rather, there are many different speech acts with which we can blame another party: by asserting, yes, but also by accusing of intentional wrongdoing, by demanding an apology, by ordering to give compensation, by questioning motives.

Finally, in saying that blame is characterized by an epistemic function, I am not ruling out that there may be other functions that are constitutive of this practice. Nor do I mean to foreclose the possibility that there may be sub-types of blame that may have additional, distinct functions – Communicative Blame may well be a case in point.

What the epistemic function account does commit us to, however, is that the aim of facilitating common knowledge is a core function which unifies our blaming practice. To evaluate this hypothesis, we must look at how it fares with respect to some of the central features of blame that we identified earlier.

## **5. Putting the Epistemic Function Account to Work**

I have suggested that the function of our practice of blame is to facilitate common knowledge about the scope and existence of our reparative duties. To evaluate the hypothesis, we have to see whether it helps us shed light on central features of our blaming practice. Can we reverse-engineer our practice from the human interest I have identified? Let us look at the aspects that emerged in our discussion of Fricker.

### *Second-Personal and Third Personal Blame*

As we have seen, blaming interactions come in second-personal and third-personal varieties. The wronged party blames the wrongdoer “to their face”. She may blame the wrongdoer in their absence, to a third party (“Can you believe what she did to me?”). A third party, may blame the wrongdoer for what they have to another person – “How could you do this to her?!”). Or, as in Fricker's lorry driver case, two parties can blame an absent wrongdoer for having wronged someone else. All of these blaming-interactions are ubiquitous.

On the epistemic function account, it's not a surprise that blaming interactions come in all these varieties, nor does it treat any of these as prior to the others. All serve our interest to arrive at a shared understanding of the reparative duties in play in the wake of wrongdoing. Blaming interactions in which the wrongdoer is blamed directly (whether by the wronged party or a bystander) serve the interest of the wrongdoer, who may not be aware that she has acted wrongly and hence that she has acquired reparative duties, or who may be uncertain as to their exact scope. Blaming benefits the wronged party who has an interest in knowing what

claim-rights she holds against the wrongdoer. But even as third parties, we have a general interest in knowing what rights and duties people have to each other. Such an interest is not merely an unsavory penchant for gossip. After all, which rights and obligations someone else incurred as a result of their wrongdoing may have direct implications for what *our* own obligations are. For example, a number of philosophers have argued that those who benefit from past injustice – even if they benefit unintentionally and unwillingly – may acquire moral obligations as a result, including duties to compensate. And these duties may not be owed to the wronged parties but to their descendants. Wrongdoing can establish moral relationships beyond merely that between wrongdoer and victim.<sup>25</sup>

Importantly, the epistemic function account makes sense of the fact that blaming is often not just a one-off exchange of attitudes, but a process that unfolds over the course of a conversation. In the course of that conversations, new considerations may come to light which affect the existence and scope of reparative duties in play. In my blaming my friend for failing to show up on the agreed upon time, I may learn that she may have an excuse or that her no-show was justified.

#### *Blame as Articulate*

I have noted that an important feature of blame is its being *articulate*. There are specific speech acts and expressions that, when directed at us, we readily recognize as blame. Think about:

"You did *this* on purpose!"

"What have you done?!"

"How could she act in this way?"

"What were you thinking?"

"I can't believe he *did* this!"

"She definitely owes him."

"You owe me an apology."

We recognize these as constituting blame whether or not they are delivered with anger, resentment, or any other emotional force. On the epistemic function account it is to be expected that blame will be articulate. Insofar as blame serves the aim to foster common knowledge of reparative rights and duties, we would expect our blaming practice to involve communicating those rights and obligations. What's more, the epistemic function account makes sense of the particular locutions and speech acts we use to blame others. Reparative duties include the obligation to acknowledge our wrongdoing, to give the wronged party our attention, to explain our actions and motivations, the obligation to apologize, and the obligation to compensate. And so, it's not surprising that we blame by asking for explanation, accusing of wrongdoing, demanding apology.

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<sup>25</sup> See, for example, Thompson [2001], Butt [2007].

### *Blame as Commanding*

Blame is commanding. There are ways to respond to being blamed that are not merely inappropriate but that constitute moral wrongs. To be told you are overreacting when you object to having been treated unjustly may not just be frustrating and upsetting but wrongful.

The epistemic function account gives us a straightforward explanation of this feature of blame. Think about the obligations that are incurred by the wrongdoer: to acknowledge her wrongdoing, to listen to the wronged party's complaints, to explain her actions, to apologize. Being blamed for a wrong typically communicates that you have incurred some of these obligations; that these are things you owe *right now*, as a result of what you have done in the past.

If you simply brush the blame aside – if you ignore it, or aggressively dispute it, or make unconvincing excuses –you are genuinely “adding insult to injury”. To the original wrong, you are now adding a further one: not only have you, let's say, broken a promise, you are now also refusing to acknowledge that failing, to apologize for it, to make amends. In doing so, you are breaching your reparative duties to the wronged party. This constitutes a further wrong, one which gives rise to a further set of reparative duties. Thus, that there is nothing unusual about someone's apologizing for the way they responded to having been blamed, in addition to also apologizing for the original wrong.

[Aside: I have a hunch that the epistemic function account can also help us make progress in some of the disputes around whether blame requires “moral standing”. But this is something I need to think through in more detail. I'd welcome discussion about that.]

### *Making Excuses & Taking Responsibility*

Two responses are open to us when we find ourselves being blamed. We can dispute it. Or we can take responsibility. The epistemic function account sheds light on both. A central way of disputing blame is to make excuses. This generally involves giving an explanation for why we acted (or were compelled to act) wrongly. Not just any explanation: in making an excuse, the aim is not merely to render our course of action understandable but to put on the table additional considerations about the nature and circumstances of our wrongdoing which cast it a different normative light – circumstances that the blaming party may either not be aware of or (we think) may not be giving sufficient weight to.

Nevertheless, to give such an explanation is not the same thing as making an excuse. After all, I can say to someone “I'm so sorry I forgot to pick up the milk. I was really tired from the long day at work – but still, I should have remembered.” Or we even explicitly say: “I'm sorry. I got distracted but I don't intend this as an excuse.”<sup>26</sup>

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<sup>26</sup> Baron [2007], p. 29.

According to the epistemic function account of blame, blame serves to facilitate common knowledge about the existence and scope of reparative duties. This suggests a natural correlate function for excuses: the point of making an excuse is to correct misconceptions as to the nature and circumstances of our wrongdoing in order to influence the set of obligations and rights the wrongdoer has incurred. To make an excuse – whether for our own behavior or on behalf of someone else – is to negotiate the nature and scope of reparative obligations.<sup>27</sup>

This also leaves space for our practice of offering explanation without making excuses. To do so, is to offer more information about the wrong without thereby seeking a reduction in reductive duties. What’s the point of doing so? For one, wrongdoing may give rise to an obligation to explain why you have acted as you did. Thus, to “explain yourself” may be part of your reparative duties. Second, we may offer such explanations to present our wrongdoing as an aberration – an “out of character” misstep that will not happen again. In doing so, we may not want to quibble about the scope of our reparative duties. Still, we may hope to influence the blaming party’s opinion of us, our character, and our general trustworthiness.

To “take responsibility” for one’s wrong involves accepting the full set of reparative duties attributed to one. Sometimes we can “take responsibility” even though we do in fact have a good excuse. The epistemic function account allows us to make sense of why this can be an admirable thing to do. In such cases, what we in fact owe – given the circumstances and nature of our wrongdoing – is less than what is being attributed to us by the blaming party. Rather than negotiating, however, the wrongdoer can choose to simply accept what is attributed – thereby voluntarily taking on additional reparative duties beyond those she owes as a result of her wrongdoing.

Taking responsibility in this way involves placing ourselves under obligations to do certain things, beyond what we already owe. It’s an exercise of our normative power, much in the same way as making a promise. It is not surprising that this can be a generous, admirable act.

Let’s stand back for a moment. The epistemic function account captures and sheds light on central features of our blaming practice: its span across a range of different second- and third-personal interactions, the way in which it’s typically expressed, the fact that it demands a certain response. It also makes sense of the various ways of responding to blame: what is distinctive about making excuses, and why taking responsibility can sometimes seem like an admirable, supererogatory act.

## **6. Blame, Resentment, and Forgiveness**

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<sup>27</sup> One virtue of this way of thinking of excuses is that it allows us to make sense of excuses as coming in different strengths. For more discussion, see my [ms].



I want to end by considering an objections to the epistemic function account. There is a long-standing philosophical tradition on which what is central to blame and blaming are negative affective responses – hostile emotions such as resentment, anger, indignation, scorn. The epistemic function account, however, seems to leave out the affective from blame altogether: in doing so, you might think, it misses out on a central component of blame as a moral phenomenon. Thus, many views see the connection between these affective responses and blame as constitutive: to blame someone just is to experience such hostile emotions, or to judge that such emotions would be fitting.<sup>28</sup>

This raises a particular challenge for how to think about forgiveness on the epistemic function account. For the received wisdom about forgiveness is that it is a matter of, or at least constitutively involves, “getting over” one’s negative emotions. As Murphy argues:

[F]orgiveness is the foreswearing of *resentment* – where resentment is a negative feeling (anger, hatred) directed toward another who

has done one moral injury or harm (e.g., violated one’s rights).<sup>29</sup>

Thus, we may put the objection as follows: the epistemic function account seems to leave out a characteristic feature of blame, namely its affective component. Among other things, this creates a challenge for explaining the relationship between blame and forgiveness – a plausible desideratum on an account of blame.

The epistemic function account can allow that our blaming practice may very often include affective responses. First, the epistemic function account does not deny that we often do feel anger, resentment, indignation in response to wrongdoing and that our blaming speech acts can express those emotions. Second, it may well be that reparative duties make reference to affective responses. Thus, some cases of wrongdoing may obligate the wrongdoer to listen to, acknowledge, and validate the wronged party’s expressions of negative, hostile emotions and they may entitle the wronged party to express them.

The epistemic function account thus acknowledges that our blaming practice often involves emotional responses and their expression. What it denies is that the expression of emotional responses plays a constitutive role in this practice. And this is exactly right, I think. There are aspects of our blaming practice for which emotional responses is just neither here nor there. The person to blame for a wrong need not be the wrongdoer: parents can be to blame for mischief done by their children, a senior consultant can be to blame for medical complications that arose from surgery of a junior doctor subordinate to her. They can be to blame even if there was no wrongdoing or failing on their part, simply in virtue of being the ones ultimately “in charge”: it’s them who have to apologize,

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<sup>28</sup> For the former, see Watson [2013], Owens [2012]. For the latter see Wallace [1994].

<sup>29</sup> Murphy [1982], p. 504. See also Allais [2008].

acknowledge, compensate. The epistemic function account can easily make sense of this practice: to be to blame someone for mistakes, mischief, or wrongs done by their subordinate is to be the one on which the bulk of the normative consequences – the reparative duties, in particular – fall.

We are emotional creatures and so it's not surprising that many of our practices – normative and communicative – are often infused with emotions. Promising things is often an emotionally-laden affair – many of our most important promises are made with ample expression of emotions: the “I do” in a marriage ceremony, the deathbed promise, the promise to become a more committed partner. But no one would seriously suggest that affective responses are partly constitutive of making promises. Assertions are often emotionally charged – as when the defendant asserts she didn't do it, or the passionate environmentalist testifies about the destruction of the rain forest. But this does not mean that affective attitudes are partly constitutive of our practice of making assertions.

This still leaves us with the challenge of how to understand forgiveness on the epistemic function account of blame. But there is a natural alternative to thinking of forgiveness as the forswearing of resentment: the idea that forgiveness is a normative power. To forgive is to waive one's reparative claim-rights and to release the wrongdoer from her correlative claim-rights. Thus, Warmke suggests:

...forgiving alters the norms of interaction for both the victim and the wrongdoer in certain characteristic ways: the victim relinquishes certain rights or permissions and the wrongdoer is released from certain personal obligations.<sup>30</sup>

Forgiveness, on this view, is similar to consent. This view of forgiveness is contested<sup>31</sup> but it has recently been gaining traction in the literature. It has many attractive features: it explains why we cannot forgive unintentionally or involuntarily and why we can forgive someone by engaging in a characteristic performative speech act (“I hereby forgive you”).

I cannot do full justice to the view here, nor can I offer an independent defense of it. But the present sketch is sufficient, I think, to see that it fits nicely with the epistemic function account of blame.

The overall picture of the relationship between wrongdoing, blame, and forgiveness is this: wrongdoing gives rise to a reparative duties. Forgiveness releases the wrongdoer from them. Both wrongdoing and forgiveness thus change the normative landscape. This explains why blame becomes inappropriate once the wrongdoer has been forgiven: it becomes inappropriate to blame because there are no reparative obligations to which the wrongdoer can now be held.

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<sup>30</sup> Warmke [2016], p. 15. See also Cornell [2017], pp. 243-46 for a discussion of parallels between forgiving and granting permission. For a criticism of thinking of forgiveness as a normative power, see Owens [2012], p. 54.

<sup>31</sup> Owens [2012], p. 54.

Since reparative duties and rights can make reference to affective responses, forgiveness can involve waiving one's right to feel or express one's anger. Once I have forgiven you, any residual resentment on my part becomes my problem, something I have committed myself to "get over".

## 7. Conclusion

This paper developed an account of blame that seeks to characterize our blaming practice in terms of its function. I suggested that the function of our blaming-practice is *epistemic*. Wrongdoing changes the normative landscape. There is a characteristic set of moral obligations – reparative duties – and corresponding claim-rights that we incur by acting wrongly. Blame serves to facilitate common knowledge about the existence and scope of those reparative obligations. I have argued that this hypothesis allows us to elucidate central features of our actual blaming practice: the fact that we blame others by saying certain things, the fact that blame morally requires a particular response, and that we are just as likely to blame wrongdoers "to their face" as we are to blame others in their absence. The epistemic function account, I have argued, also sheds light on how blaming hangs together with other, related normative practices: explaining one's actions, making excuses, taking responsibility, and forgiving.

I want to end by mentioning one benefit of the methodology I have been following in this paper. The epistemic function account vindicates the existence of a blaming practice: such a practice serves an important normative role, since we have an interest in knowing the scope of our reparative duties and rights, which follows from a more general interest of knowing what we owe and are owed. But it does not vindicate our practice unqualifiedly, in all its forms. Some ways of blaming may serve the function of facilitating common knowledge better than others and some may not serve it very well at all.<sup>32</sup> The epistemic function account thus not only portrays some blame's essential features; it also provides us with a starting point and framework for critique.

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<sup>32</sup> See, for example Pickard [2013b] and Lacey and Pickard [2015].

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