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The Expressive Function of Blame

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1. Expression and the special force of blame

One of the central philosophical questions about blame is how to account for – and, if appropriate, justify – its special force. Perhaps anyone who takes morality seriously and thinks of persons as in some way accountable to moral standards will have to make some sort of negative evaluation of agents who fail to meet those standards. But we can imagine a form of moral seriousness that would have no role for the special force of blame. For instance, an agent might respond to wrongdoing with a simple moral "grading" or appraisal. Such appraisal might involve recognising and appreciating the gravity of some moral failure (in some sense at least); and it might issue in behaviour such as taking such steps as are prudent to limit the bad consequences (for oneself or more generally) of that failure for the future. It might involve making judgements of persons and their behaviour as better or worse depending on how closely they adhered to moral standards. Alternatively, an agent might respond to moral wrongdoing by verbal moral criticism, communicating the judgement that what was done was wrong in such a way that the offender can grasp the force of the reasons neglected in his action, and take them into account in the future. But something of our common reactions to wrongdoing would be missing on these approaches. Blame involves us in a more intimate and charged relationship with a wrongdoer than does grading or moral criticism. The flavour of blame can be captured by seeing it as an accompaniment to the question, "How could he/she/you/I?": it brings the offender's attitudes vividly into our field of attention and concerns us with how the offender could possibly have been thinking (as she acted thus). And notoriously, blame often issues in some sort of "withdrawal of goodwill" from the offender as a result of the offence.

The influential "reactive attitudes" approach of P. F. Strawson and R. Jay Wallace seeks to account for the special force of blame by seeing blame as an essentially emotional response.[1] However, if we are interested in attempting to justify blame, the emotions may be false friends. Appeals to the emotions in normative matters raise the suspicion that an important justificatory burden is being evaded by brute psychological fact.[2] If, on the other hand, we insist that emotions are not non-cognitive states, but that they (partly) consist in, or essentially depend on, judgements, we face the problem of explaining how, even if the judgement itself is appropriate

[1] P. F. Strawson, "Freedom and Resentment" in G. Watson, ed., *Free Will* (Oxford: Oxford University Press, 1986); R. Jay Wallace, *Responsibility and the Moral Sentiments* (Cambridge, Mass.: Harvard University Press, 1994).
[2] See e.g. J. D'Arms and D. Jacobson, "The Moralistic Fallacy: On the 'Appropriateness' of Emotions", *Philosophy and Phenomenological Research* 61 (2000).

and true, that part of blame that exceeds the judgement (for instance, the way blame leads us to treat the offender) is to be justified. Why the charged atmosphere of blame rather than rational moral criticism?

In this paper I am interested in an idea that might (mis)lead us into thinking that the force of blame has to be accounted for through the emotions – namely, the thought that blame's special force is *expressive*. I will explore the idea that, in accounting for this force, we do not get to the bottom of the matter, normatively speaking, if we appeal to the emotions. Rather, I think, we have to begin with the observation that expressive behaviour is *symbolic*, and that expressive behaviour is not merely instinctual or non-cognitive but that it *makes a claim to the adequacy of its symbolism*.[3] That way of putting it makes it clear that if, in seeking to justify blame, we are tempted to talk about its expressive nature, a justificatory burden is not being evaded. There are justifications to be offered, but they are justifications having to do with a) the need for a distinctively symbolic response, and b) the adequacy of a particular set of symbols. The crucial relation of "expression", on this view, is not a mechanical one, on which behaviour is pushed out of us by the force of internal emotional pressure; rather the symbolism responds to, and can seem to be required by, a way of understanding the normative demands of a situation.[4]

In developing this line of thought I will contrast it with the view of blame developed by T. M. Scanlon.[5] Scanlon's view is in some ways similar to the view I will propose:[6] it also seeks to give a justifiable interpretation of the idea that blame is essentially bound up with an impairment of relations with the offender and a withdrawal from the offender that reflects that impairment.[7] But these apparent similarities mask some fundamental differences. I will argue that Scanlon is right to think that blameworthiness involves the impairment of the relationship it is possible to have with the agent blamed, where this impairment is brought about by the manifestation of some intolerable attitude to others (or, indeed, to the proper demands of whatever is of value). But I will argue that there are two importantly different ways of understanding "impairment".

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[3] For another view of blame that (implicitly) draws on its symbolism, see J. Skorupski, "The Definition of Morality" in *Ethical Explorations* (Oxford: Oxford University Press, 1999).

[4] For the underpinnings of the view I am suggesting here, see the distinction between two meanings of "expression" drawn by Richard Wollheim in *Art and its Objects* (Harmondsworth: Penguin, 1968), and in particular the reference to "correspondences."

[5] T. M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Belknap Press: Cambridge, Mass.: 2008), Ch. 4. Page references in the text are to this work. See also *What We Owe To Each Other* (Belknap Press: Cambridge, Mass., 1998), Ch. 6; and "The Significance of Choice" in *The Tanner Lectures in Human Values*, vol. 7, ed. S. M. McMurrin (Salt Lake City: University of Utah Press, 1988), pp. 149-216. Unless otherwise noted, page references in the text are to *Moral Dimensions*.

[6] And have defended elsewhere: see e.g. my "Varieties of Retributive Experience," *Philosophical Quarterly* (2002), "Personal and Redemptive Forgiveness," *European Journal of Philosophy* (2003); and *The Apology Ritual: A Philosophical Theory of Punishment* (Cambridge: Cambridge University Press, 2008).

[7] For other interpretations of this influential idea, see P. Winch, "Ethical Reward and Punishment" in *Ethics and Action* (London: Routledge, 1972); I. Dilman, *Morality and the Inner Life: A Study in Plato's Gorgias* (Basingstoke: Macmillan, 1979), Ch. 5; H. Morris, "The Paternalistic Theory of Punishment", *American Philosophical Quarterly* 18 (1981), pp. 263-271; R. A. Duff, *Trials and Punishments* (Cambridge: Cambridge University Press, 1986), Ch. 9; R. Gaita, *Good and Evil: An Absolute Conception* (Basingstoke: Macmillan, 1991), Ch. 4; L. Radzik, "Making Amends", *American Philosophical Quarterly* 41 (2004), pp. 141-154.

The relationship *might* be impaired because the person's intolerable attitudes makes the person hard to trust, or hard to get on with. *Or* the relationship might be impaired because the person who takes seriously the values underpinning the relationship would experience that agent's intolerable attitudes as something it is necessary to dissociate herself from, so that it would appear a wrongful acquiescence in those attitudes to continue the relationship as normal. I will argue that the latter is the better way to understand impairment. However, I will argue that this is a line of thought that involves making the claim that the most adequate response to the situation is an expressive or symbolic one, and hence raises a question whether some normative reasons refer essentially to expressive or symbolic relations.

2. Scanlon on blame, impairment of relationships and withdrawal

Central to Scanlon's account of blame is the idea that wrongdoing impairs the relations it is possible to have with a wrongdoer: "to claim that a person is blameworthy for an action is to claim that the action shows something about the agent's attitudes towards others that impairs the relations that others can have with him or her. To blame a person is to judge him or her to be blameworthy and to take your relationship with him or her to be modified in a way that this judgement of impaired relations holds to be appropriate" (pp. 128-9). Thus wrongdoing takes place in the context of human relations: even though we might not actually have a relationship with the wrongdoer, he is someone with whom it is, other things being equal, possible to enter into a range of distinctively human interactions. Such relationships and interactions require certain sorts of mutual attitudes of respect and concern on the parts of their members. However, wrongdoing reveals that a person has attitudes that are incompatible with full membership of such relationships: the person does not give the appropriate importance to the standards of respect and concern that underpin that kind of relationship. As a result, the relations that one can have with that person are impaired. Scanlon illustrates his view with an example of friendship.

> "Suppose I learn that at a party last week some acquaintances were talking about me, and making some cruel jokes at my expense. I further learn that my close friend Joe was at the party, and that rather than coming to my defence or adopting a stony silence, he was laughing heartily and even contributed a few barbs, revealing some embarrassing facts about me that I had told him in confidence. This raises a question about my relationship with Joe. Should I still consider Joe to be my friend? This is not just a question about his future conduct ... The question is not just about how he will act in the future but about what happened in the past, and what it indicates about Joe's attitude toward me and about the nature of our relationship." (p. 129)

As a result of what one now knows about Joe, one might consider whether his action could be interpreted in such a way that it is consistent with the basic demands of friendship. In this example, it seems one might conclude that it is not so consistent, and hence one might alter one's relationship with Joe, thinking of him and treating him differently as a result of his action and what it shows about his attitude to you: "I might, for example, cease to value spending time with him in the way one does with a friend, and I might revise my intentions to confide in him and to

encourage him to confide in me" (pp. 129-130). The nub of Scanlon's view is that to judge that a person has failed to govern himself consistently with the basic demands of the relationship, and that this makes it impossible for the relationship to continue on its previous terms, is to judge the person blameworthy; and that to blame someone is to reorient (or downgrade) the relationship in accordance with this judgement.

Scanlon's central example of blame takes place in the context of an ongoing relationship characterised by shared interaction.[8] But Scanlon argues that the same structure of blame can be applied to violations of the terms of what he calls the "default moral relationship" that we are all in with one another simply by virtue of being rational human agents.

> "To judge individuals to be blameworthy, I am claiming, is to judge that their conduct shows something about them that indicates this kind of impairment of their relations with others, an impairment that makes it appropriate for others to have attitudes toward them different from those that constitute the default moral relationship. To blame someone is actually to hold modified attitudes of this kind toward him or her" (p. 141).

The default moral relationship exists because "morality requires that we hold certain attitudes toward one another simply in virtue of the fact that we stand in the relation of 'fellow rational beings'". It requires us to take care not to behave in ways that will harm those to whom we stand in this relation, to help them when we can easily do so, not to lie to them or mislead them, and so on (p. 140). This relationship is one we are in with "people in general not simply [with] specific individuals whom we are aware of or could specify" (p. 140). It may be odd to talk of being in a relationship with people one has never, and will never meet or have any interaction with. But the analogy is sufficiently close to make the structure of blame relevant to both because "when we do become aware of others and are in actual or potential interaction with them, we generally assume that even if they are strangers they will manifest at least the basic elements of this ideal concern" (p. 141).

The basic structure of blame that holds in the case of friendship also holds in the case of the moral relationship but, as Scanlon notes, this poses a problem since he believes that "the basic forms of moral concern are not conditional on ... reciprocation. Even those who have no regard for the justifiability of their actions toward others retain their basic moral rights – they still have claims on us not to be hurt or killed, to be helped when they are in dire need, and to have us honor promises we have made to them." (p. 142) Thus while it may be an option in the case of friendship simply to end the relationship – and that is precisely what blame might consist it – no such thing is possible in the case of acts that undermine the moral relationship. So what can blame in this case consist in? Scanlon's answer is that we should look at that "range of interactions with others that are morally important but not owed unconditionally to everyone" (p. 143), such as our having a willingness to enter into agreements and other cooperative relations of

[8] For a good characterisation of this conception of a relationship, see Niko Kolodny, "Love as Valuing a Relationship" *Philosophical Review* 112, pp. 135-189.

trust, to help when it will cost us little, and to hope that things will go well for the person. It is these things that may be suspended in moral blame.

3. Why can't the relationship continue unaffected after wrongdoing?

One of the crucial moves on Scanlon's account – particularly in terms of the concerns of this paper – comes in answering the question why, if we have concluded that a person has violated the basic terms of some relationship, we should therefore reorient or downgrade the relationship. Scanlon answers this question by saying that the agent's own attitudes have impaired the relationship:

> "Impairment of the kind I refer to occurs when one party, while standing in the relevant relation to another person, holds attitudes toward that person that are ruled out by the standards of that relationship, thus making it appropriate for the other party to have attitudes other than those that the relationship normally involves. " (p. 135)

This way of putting it raises the question of what makes it appropriate for the wronged party to have attitudes that depart from those normal to that type of relationship. A similar question is raised by some of Scanlon's other formulations:

> "At the extreme I might conclude that Joe was not really a friend after all. To conclude that this is so would be to conclude that I have reason to revise my expectations and intentions in certain ways: to decide not to rely on or confide in Joe as one would in the case of a friend, and not to seek his company, to find it reassuring, or to have the special concern for his feelings and well-being that one has for a friend's. To revise my intentions and expectations ... in this way ... is to blame him ... [Alternatively,] the relationship can continue in an impaired form. If it does, there may be changes in the ways that the injured party has reasons to behave. For example, if I have been making fun of you behind your back, then you have reason to be less free in revealing yourself to me than you would normally be with a friend." (p. 136)

This passage makes the claim that the injured party "has reason to" abandon or downgrade the relationship, and that these reasons will be reasons to blame. What sorts of reasons are these? One possible answer that the passage above suggests is that the reasons to change the terms of the relationship are in the final analysis prudential: reasons of self-protection. This interpretation might give us an odd-sounding view, since it might seem unlikely that our reasons for blaming others are, at least in any direct way, self-interested reasons. However, this interpretation might be supported by Scanlon's claim that it would be weak or servile or demeaning to continue being good friends with someone who never treats one as friend himself. The person who fails to break

with the abusive friend is someone who puts too little weight on their own value, and hence is prepared to be a "doormat" for others to trample over.[9]

On the other hand, perhaps a stronger interpretation of Scanlon's view is that the reasons the person has to revise their treatment of the (erstwhile) friend have rather to do with the standards of friendship themselves. After all, there are degrees of friendship, based on confidence, trust, distance, sharing; and one can change the terms of a friendship to reflect the fact that a person is simply not as close a friend to you as you had previously thought. Another way of putting this would be to say that you change the terms of the friendship because, on the basic of her actions, the person does not deserve to be treated as one of your close friends. This second interpretation ties in with Scanlon's own characterisation of his theory as a type of desert theory:

> "My account of blame is a desert-based view, in the sense in which I believe that term should be understood. That is to say, I take blame to consist of attitudes toward a person that are justified simply by attitudes of that person that make them appropriate, and I hold that there is no need to appeal to other justifications such as the beneficial consequences of blaming or the fact that the person could have avoided being subject t blame. Like refusals of friendship, blame is justified simply by what a person is like." (p. 188)

Scanlon offers us a desert theory, where desert means in this case: having the relationship with each that their attitudes fit them for. In this case, desert involves including a person in those relationships in which they are fit to participate. Scanlon effectively gives a justification for the retributive-sounding idea that one should – or at least is permitted to – treat others as they treat you, but the force of this reciprocity comes, not from an independent idea of desert, but from the relationships themselves. No one deserves to be treated as a friend who does not treat their friends as friends.

We should briefly note at this point that there are in turn two ways of interpreting this claim about fittingness and desert. On the first interpretation, it is the thought that one should not have friendships with those who abuse you, not simply for self-interested reasons, but because such people are not the fitting objects of friendship: they have no claim on the deployment of your time and resources that is involved in friendship if they do not have the appropriate attitudes to you (they don't deserve your friendship). On the second interpretation, the thought is that the withdrawal is fitting regardless of any wider questions of how to spend one's time and resources; the point is rather that the other's attitudes make (that degree of) friendship between the two of you impossible. Given that the relationship "is constituted by certain attitudes and dispositions" parties have to one another (p. 131), it follows that where one party changes their attitude the relationship changes. Even if you, as the victim, ignored the other's violation of the terms of the relationship and continued to treat them as if nothing had happened, the friendship would not be

[9] J. G. Murphy, "Forgiveness and Resentment" in J. G. Murphy and J. Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988). See also P. Hieronymi, "Articulating an Uncompromising Forgiveness", *Philosophy and Phenomenological Research* 62 (2001), pp. 529-555.

what it was (or what you had mistakenly thought it was). Your actions in this case would be out of line with the nature of the relationship.

I won't attempt definitively to adjudicate between these interpretations of Scanlon's "desert" theory of blame, except to ask what the significance of each is for the question of why we have reason to blame. The second interpretation has the advantage of restricting our reasons for withdrawal to considerations to do with the nature of the relationship, rather than invoking the wise use of time and resources. But, perhaps for that very reason, on this interpretation Scanlon lacks a good answer to the question of why I have strong reason to change my behaviour towards the offender. If I fail to withdraw from one who has abused me, my actions might be out of line with the relationship – but is it a vice or a virtue to be more generous to a person than the relationship demands? If we have strong reason to blame then, other things being equal, there must be some failing in not blaming. It is not clear, that, on this second interpretation, Scanlon can explain what that failing is.

4. Problems with Scanlon's view

Assuming, at any rate, that the "desert" account in some shape is the correct interpretation of Scanlon's view, there are a number of problems with it. First of all, it is not clear that the desert theory can give him the conclusion that he wants. In the phrase I quoted above, Scanlon characterises blame as coming about when a person's attitudes are such that it impairs the relationship one "can" have with her. It is this "cannot" that is meant to explain why relations between the two parties have to change when such attitudes are manifested. The interpretation of this "cannot" that I am offering is that, on Scanlon's desert theory, the person's attitudes show her to be unfit for friendship. However, contrary to Scanlon, being unfit for friendship doesn't make it the case that one *cannot* seek to have a relationship of friendship with them. One may be unwise to; it may be pointless; one may be leaving oneself open to abuse; perhaps the relationship is unlikely to be successful. But is that what is meant by "cannot"? It would have struck the wrong note if Scanlon had characterised blame as the revision of relationships that comes about when someone acts in a way that makes it *inadvisable* to continue to have the same relationship with her. Alternatively one might interpret Scanlon's view as saying that one is *within one's rights* to revise the relationship, or that, given the level of her commitment, the other can have no justified complaint if one does so. However, this does not give us the conclusion that the relationship is impaired in the sense that one cannot continue as things were.

A further response to these concerns would be to turn to the second interpretation of "desert" that I offered above. On this interpretation, Scanlon's thought is that, because the relationship is constituted by the attitudes the parties can have towards one another, a certain degree of friendship cannot exist when one party has attitudes incompatible with that degree. And that would seem to be correct. However, this "cannot have that (degree of) relationship" is meant in turn to explain why one cannot continue to treat the person as though nothing had happened. And that it fails to do. Failing to withdraw might be out of line with the nature of the friendship. But as I said above, Scanlon doesn't explain what reason this gives a person to withdraw (except that

it is inadvisable, unwise, pointless, a waste of time, etc. not to). Scanlon's view, then, fails to give us a satisfying account of the strength and nature of our reasons for withdrawal.[10]

Secondly, as Scanlon himself notes, there are problems applying this model to the default moral relationship. In the case of friendship, it might – the criticisms of the last paragraph notwithstanding – be plausibly argued that the viable existence of the relationship is conditional on a person being in some way fit for it, where fitness will involve certain commitments to respecting and sustaining the terms of the relationship. Even if disqualification is not called for, there are degrees of friendship, degrees that are determined by some sense of the extent to which the parties are committed to one another. Given this, Scanlon can argue that the existence or degree of the relationship depends on the extent of the commitment. If we apply this model to the default moral relationship, we get the claim that what is owed to the person as a member of the relationship is similarly conditional on the degree of their commitment to it, and that there can be degrees of what is owed in the way of basic moral respect. As we have seen, Scanlon denies this conclusion, and argues that all that can change is our morally good but not required willingness to "go the extra mile" for someone. However, his analogy between blame in friendship and blame in the moral relationship would seem to suggest that, when someone has done a serious moral wrong, *something* counts in favour of making their inclusion in the default moral relationship – and hence basic moral respect – reflect the level of the person's commitment to moral ends, even though some other prohibition (the one that makes Scanlon unwilling to make basic respect conditional) makes it impermissible to do so. But this seems uncomfortable: on Scanlon's account we end up, in offering wrongdoers basic moral respect, treating people as if they were fit to participate in the default moral relationship even though they are not.

Thirdly, a consequence of this second problem is that, in his account of blame in the moral relationship, Scanlon loses the ability to claim that his account respects the intuition that the degree of blame should be proportional to the seriousness of the wrong. Scanlon's friendship example appeals to a strong intuition that one should drop or at least revise one's relationship with the offender. But to what *extent* should the relationship be revised? The proportionality intuition that I am interested in is that the revisions one is prepared to make in the relationship reflect one's view of the seriousness of the wrong. Let us adapt Scanlon's example and imagine that a third close (mutual) friend – call her Jerry – was also present at the event and, although she did not join in with Joe, neither did she act as though what Joe had done to you should in any way affect her relationship with him. She protested a little, perhaps, but not to any great degree: she is still seeing Joe socially as a friend and has not dissociated with him to the extent that you think is necessary to the case. You remonstrate with her about her continued relationship, telling

[10] My argument here assumes that Scanlon does indeed seek to account for our reasons for withdrawal. Theoretically he could claim that he only seeks to account for our reasons to thinking that wrongdoing impairs the relationship. But the section on "The Ethics of Blame" suggests that Scanlon does think that a disposition to blame and withdrawal is constitutive of taking a relationship seriously: e.g. "the complete rejection of blame would rule out important relations with others" (p. 168). My concern is that his desert theory doesn't give a good explanation of that claim.

her you feel undermined by her, and that it puts your own friendship in doubt. Whether that accusation would be right or wrong in this particular case, these are conversations that we often have, and they reflect our interest in proportionality of response. Scanlon can capture proportionality in a manner of speaking when he concentrates on the case of friendship. Here his desert theory would suggest that the revisions in the relationship should reflect, not necessarily the seriousness of the wrong, but the extent to which the wrong shows that the person is not fit for the relationship. One should downgrade one's relationship so that it reflects the degree of the other's commitment. Perhaps this view could then give us an interpretation of what is going on when we criticise one another for departures from proportionality. Too little and one could be criticised for underestimating the extent to which the wrong manifested a lack of the commitment necessary for the relationship; too much and one is overestimating. However, as we have seen, the ability to downgrade the terms of the relationship to reflect the level of the wrongdoer's commitment is lost when we move from friendship to the moral community. It's perhaps a hoary example, but there does seem something a bit strange in the view that the blame we could express towards murderers and rapists would simply take the form of not trusting them, not helping them, and not hoping things go well for them.[11]

Furthermore, this is a serious problem because proportionality between the manner in which the offender is treated and the seriousness of the wrong (or the extent to which the wrong shows a lack of commitment) is essential to the credibility of blame as an expression of disapproval. At least, that is the thinking that would seem to underpin criticism of one's friend for not blaming Joe enough. Because she does not blame enough, she does not disapprove enough: she is treating it lightly, as though it were consistent with the terms of the friendship to act in that way. None of this makes sense unless we think of blame as an expression of disapproval, an expression that is called for when one is in relations with the wrongdoer, and where the degree of the blame (or withdrawal) should reflect the seriousness of the wrong.

Could Scanlon deny that blame is an expression of disapproval? In fact, I think this is perhaps the position he should, in consistency, take. However, this leads on to the fourth and most fundamental problem: that the view of blame as an expression of disapproval, which his desert theory fails to capture, is a natural and compelling way to think about blame. Blame, on Scanlon's view, is simply the reorientation of a relationship so that it better matches the level of commitment that the person brings to that relationship. But nowhere does he canvass the natural and simple idea that the justification of blame lies in the need to disapprove of wrongdoing. However, this means that Scanlon also cannot accommodate the natural thought that to blame someone is to hold them accountable to the standards that they violated. For Scanlon, the person who blames does not assert the authority of the violated standards but rather downgrades the standards to which she thinks it appropriate for the person to be held. In some ways this sounds more like a judgement of contempt rather than blame. Blame pays the offender the compliment

[11] Of course, this is not to deny that other actions may be taken against murderers and rapists, such as strong verbal criticism, legal sanction (where this is not seen as an institutionalised form of blame), etc.

of asserting that the more demanding standards of the higher form of cooperative relationship are still appropriate: an account of blame should explain the sense in which it is inclusive where contempt is exclusive.[12]

5. Disapproval and the symbolism of blame

The problems with Scanlon's account point us towards a more adequate understanding of blame. Like his view, this more adequate account sees blame as a kind of withdrawal or distancing that occurs in the context of a relationship when the terms of that relationship have been violated. But on this view the distancing is rather experienced as a necessary part of taking wrongdoing seriously and disapproving of it. On this view, it is in order to do justice to the significance of some wrong that we must partially suspend the attitudes of goodwill, respect and concern that would normally be owed to a person with whom we are in that relationship, and we must do so in a manner proportionate to the seriousness of the wrong. Grading judgement is unsatisfactory because it is inadequate to the seriousness of the wrong: the special force of blame – including the withdrawal of goodwill – is needed to reflect the seriousness of the situation. This way of justifying blame can be called expressive since it appeals to the idea that withdrawal from the offender is the necessary and appropriate vehicle of condemnation, and that without this vehicle the condemnation lacks meaning and hence fails adequately to distance the condemner from the wrong.

If blame expresses disapproval, and blame consists in partial and temporary withdrawal from a relationship one has with the offender, then there is an obvious sense in which, as Scanlon wants to say, the wrong impairs the relationship one can have with the person. However, rather than the "cannot" being prudential or advisory, or to do with a person's "fitness" for the relationship, it is now a distinctively ethical "cannot". One cannot continue the relationship with the person as before e*xcept by failing to express appropriate disapproval of his action*. But failing to express disapproval of the action means condoning it, or acquiescing in it, perhaps even becoming complicit in it. That is what you might feel towards your friend: that in continuing to have a normal relationship with Joe she has associated herself with what he did, become part of it, taken his side against you. Therefore, on this view, taking the demands of the relationship seriously and disapproving of what was done requires that one do not continue the relationship as before: some sort of withdrawal or blame is required as what Feinberg calls "symbolic nonacquiescence."[13] In the face of wrongdoing, one must not simply avow that it is wrong; one must distance oneself from it. Hence the act impairs the relationship that it is possible, consistent with proper respect for the demands of the relationship, to have with the person.

Contrary to Feinberg's position on the symbolism of punishment, though, we cannot see the symbolism of blame as merely conventional. In order to explain this point, we can look again at

[12] The failure to capture the sense of superiority inherent in contempt is a problem with Michelle Mason's attempted defence of this reaction: "Contempt as a Moral Attitude" *Ethics* 113 (2003), pp. 234-272.

[13] J. Feinberg, "The Expressive Function of Punishment" in *Doing and Deserving* (Princeton: Princeton University Press, 1974), pp. 95-118.

how this view of the significance of withdrawal differs from Scanlon's. On Scanlon's view, as we have seen, withdrawal is appropriate because or insofar as the offender has shown himself to be unfit for the relationship. On the view I am now proposing, however, withdrawal is appropriate precisely because the offender *is* fit for the relationship. Withdrawal is called for in order to capture the "What did you think you were doing?" – since this is someone who *should* have known better. Blame is a partial and temporary withdrawal from an offender, a) carried out because of responsible wrongdoing, and b) carried out in a way that the offender herself can be expected to understand. Because of a) and b), blame is a way of treating the offender as a moral agent. It asserts the authority of the violated norms over the offending agent, holds the offender accountable to those norms, and in doing so includes the wrongdoer in the moral community. Therefore in blaming we include by partially excluding. That this is what we do, however, seems no accident: it is behaviour that is sensitive to the offender's moral position and the need to find a form of behaviour towards the offender that is adequate to that position. This is the way we need to treat the offender because the offender is a competent member of our moral community, a community defined by an understanding of what we owe to one another on the basis of the relationship we are in together, but who has violated the basic terms of that understanding. Understood in this way, the appropriateness of the symbolism is not simply conventional (at least if we mean by that that it is an intrinsically arbitrary marker that has its place because of a mutual agreement to use it in a certain way), but has rather to do with the fittingness of the action to the situation. In blaming we give display our understanding of how to translate the significance of the situation of wrongdoing into action.

What *is* true in the claim that such behaviour is conventional is the Fregean thought that, as with any individual proposition, any piece of symbolic behaviour can only symbolise by virtue of its place in a wider language that contains myriad other expressive possibilities. Unlike the mystical claim that there are hidden "correspondences" that exist between different objects, the existence of which is prior to forms of human understanding being brought to bear, symbolic relations of the sort I am interested in cannot be thought to exist independently of the human ability to trace connections, similarities, resonances. But this lack of strict mind-independence need not be thought to undermine the thought that these resonances, once noticed, can be compelling.

On the view I am proposing, we might say, the right way to account for the special force of blame is in terms of its expressive power. Talking of expressive power makes it clear that the notion of expression that we are interested in is not merely the notion of an instinctual expression of the emotions. It is not simply that the expression is forced out by some inner emotional force. If there is a connection between emotion and expression in the sense I am using it, it is rather that the expression gives form to the emotion, or rather gives form to the sense of salience or significance that constitutes the way in which the person experiencing the emotion construes the situation. Just as expression, in my sense, is not instinctive, so it is not a contingently appropriate means to a further end: we should not confuse expression, either with the actions one might choose as an effective way of venting one's feelings, or the actions one might choose as an

effective way of communicating one's feelings to others. Like finding an effective means of reducing psychological pressure or of communicating, finding the right form of expression is like solving a problem. But deliberating about the latter is essentially backward-looking – it has to do with finding a proportionate response to some past event that conditions the situation one is now in – whereas deliberating about the former requires an empirical investigation into how to produce some future good state of affairs. It is in order to distinguish the sense of expression I am interested in from these other interpretations that I have stressed the symbolic element of expressive action. The idea is that expressive action purports to be a symbol of the situation, where a symbol is not merely a conventional way of denoting something other than itself but is rather a meaningful item that bears a more intimate relationship to the thing signified: successful symbolic action is like a successful metaphor, capturing that aspect of the thing signified that is most relevant in the context.

Clearly blaming is not the only such symbolic action. Other examples include acts of symbolic nonacquiescence such as civil disobedience, the act of marriage, expressions of gratitude, acts of grieving and mourning. Perhaps not surprisingly, it is often when we are confronted by important passages from one place or state or situation to another that we reach for symbolism in an attempt to capture the importance of what we think we are going through.[14] And in all of these cases, an important parameter of appropriateness will be the proportionality of the response to the significance of the occasion. In the case of mourning, for instance, where one has lost a loved one, one might search for a way of capturing one's sense of the significance of the loss: one might feel that words are not enough, and that a certain way of treating the person's body is now important, before that opportunity is irrevocably lost. Something like that thought might be the driving force behind the various forms of funerary rites that we find resonant. As with blame, there are various equally valid ways of carrying that basic impulse through; but the impulse itself, and the basic form of its symbolism, doesn't seem merely conventional.

To sum up the thesis for which I have argued in this section, blame is an expression of disapproval; it works in symbolic terms, attempting to capture or do justice to the offender's moral position as a member of a relationship who has violated the basic terms of that relationship. In more general terms, I have claimed that some acts are essentially symbolic in that they work a bit like metaphors, capturing and illuminating some aspect of the situation. The form of the behaviour is not conventional or arbitrary, but rather has an essential role in making the action adequate to the situation. Like a metaphor, sometimes symbolic action can seem to get the situation just right (as when, after much deliberation, one alights on just the right way to express one's gratitude for the help one has been given). Thus sometimes the symbolism of the action is compelling. Otherwise put, sometimes it is the symbolism of the action that provides the reason to do the action. Therefore, a consequence of what I have argued here is that, in order to give a

[14] For an account of ritual action that draws on this point about passage from one state to another, see R. A. Rappaport, *Ritual and Religion in the Making of Humanity* (Cambridge: Cambridge University Press, 1999). However, I do not intend the thesis here to apply only to ritual or ceremonial action.

comprehensive theoretical account of our best understanding of morally adequate response, we need to recognise a category of essentially expressive, symbolic reasons, reasons for action the force of which has to do with the way in which those actions symbolically capture or do justice to the significance of situation.

6. Scanlon on affirming victims and "symbolic value"

Having looked at some problems in Scanlon's account, I have argued that a more plausible theory of blame would see it as an expression of disapproval without which agents relevantly connected to the offence would be condoning or acquiescing in the offence. In order to justify blame we would have to argue that the symbolism of blame – specifically the enactment of a kind of distancing or withdrawal – is necessary to bring this nonacquiescence about. In this section I would like to point out that a number of the elements of this theory are to be found in other aspects of Scanlon's work. I will argue that Scanlon has the resources to accept a) that essentially symbolic acts are necessary to bring about non-acquiescence in an offence, though he rejects b) that withdrawal is the necessary symbolism. However, c) he recognises that blame essentially involves withdrawal, and therefore d) attempts to account for such withdrawal in a different way. In response I want to argue that d) fails and that b) is unnecessary.

In his reflections on punishment, Scanlon is sensitive to the point that I have claimed is central to understanding blame, namely, the importance of affirming the claims of the victims of wrongdoing.[15] He argues that "the expression of condemnation seems to be importantly connected with punishment ... The central function of criminal law is to protect rights whose violation makes condemnation appropriate. So punishment will not be justifiable except where condemnation, and hence the affirmation of victims' rights, is appropriate, and *just punishment will constitute such affirmation*".[16] In this aspect of his position, Scanlon seems to accept that a failure to mark the violation of rights as such would reflect "indifference on the part of society towards the wrongs and those who suffered them" and that "the victims of such wrongs are demeaned when the victimizers are treated as respected citizens with no mention of their crimes" (p. 223). Another way of putting this point, which Scanlon makes use of, is to say that violations of rights must be given proper *recognition*. However, to see that this commits Scanlon to something in the way of what I have called the expressive, consider that there are two things that might be meant by "recognition," and hence by the claim that a failure to engage in certain acts of affirmation shows lack of recognition. One is that recognition consists in cognitive appreciation or understanding. If we think of recognition in this way then Scanlon's claim is false: it is not true that a failure to engage in acts of affirmation necessarily shows either a failure to understand the gravity of the act or indifference to it. Someone might care deeply that a person's rights have been violated but think that the appropriate response is simply doing what

[15] T. M. Scanlon, "Punishment and the Rule of Law" in *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, 2003), pp. 219-233.

[16] "Punishment and the Rule of Law", pp. 231-2 (my italics). Note that Scanlon complicates this position by arguing that the need for affirmation, though it will justify having some public forum for the recognition of violated rights, will not itself justify punishment.

one can to prevent such things happening again. Such a person would be unusual, but not inconsistent. However, another thing that might be meant by the need for "recognition" is that the violation of victim's rights must be reflected in one's own behaviour, in the sense that an essentially symbolic affirmation is called for. On this reading of "recognition", I have argued, Scanlon's claim is true: a failure to engage in symbolic affirmation is a failure to dissociate from the wrong, and hence represents culpable indifference. Therefore this aspect of Scanlon's position should be understood as committing him to the necessity of *something* in the way of essentially symbolic understandings of "affirmation", "recognition" and "indifference".

That Scanlon can accept the importance of the expressive is also suggested by his inclusion of "symbolic value" in the discussion of the value of choice:

> "In a situation in which people are normally expected to make choices of a certain sort for themselves, individuals have reason to value the opportunity to make these choices because not having or not exercising this opportunity would be seen as reflecting a judgement (their own or someone else's) that they are not competent or do not have the standing normally accorded an adult member of the society."[17]

For instance, he suggests that, in a society in which arranged marriages are not the norm, having one's parents make the choice of marriage partner would be "demeaning" on the grounds that it would "suggest that they are not competent, independent adults."[18] Thus we could interpret his claims about condemnation on these lines: that in a society in which certain acts are normally understood as expressing condemnation for an act, failure to engage in those acts will symbolise indifference. Admittedly, these brief remarks on symbolic value could be interpreted in two ways. First of all, as I suggest, they might be read as committing Scanlon to the claim that some actions have an essentially expressive or symbolic aspect, and that a failure to engage in symbolically adequate acts can be in itself wrong. Or, secondly, they could be given a more deflationary reading: that what is wrong with engaging in behaviour that has a certain symbolic value is that, given a certain audience, one thereby *conveys the impression* that one has certain beliefs about the person's value or standing (and giving that impression can have bad consequences, say). My reasons for thinking that Scanlon is committed to the first reading is that he does not simply say that, in a given context, depriving a person of certain choices gives the impression that the agent views the person as lacking competence or independence; rather, in this case and the case of failure to condemn, he says these actions *are demeaning*. As I have explained, this understanding of demeaning requires some awareness of the symbolic adequacy of our actions.

Hence I think that Scanlon has the resources to accept my claim that what makes an act obligatory can be its symbolism (and that this symbolic relation does not reduce to a more fundamental claim about bad consequences). However, what Scanlon is prepared to say about

[17] What We Owe to Each Other, p. 253.
[18] What We Owe to Each Other, p. 253.

state condemnation of wrongdoing raises the question why he does not see blame similarly as a symbolic expression of disapproval and nonacquiescence. I think the reason for this may be that Scanlon is persuaded that some sort of withdrawal or impairment of relationships is essential to blame, but is also convinced that condemnation does not need the symbolism of withdrawal in order to be adequate to the gravity of the wrong. Therefore he cannot make the move I make, using symbolism to explain the meaning of withdrawal. As a result, he develops his distinctive desert theory. As we have seen, the cost of this development is that he gives up the natural thought that blame is essentially an expression of disapproval, a holding to account. Hence my claim that the stronger account of blame will be one on which the blamer sees withdrawal precisely as the necessary vehicle for the expression of disapproval.

Therefore the heart of the matter, perhaps not surprisingly, turns on Scanlon's rejection of retributivism. For I think it is this that leads him to deny that withdrawal is necessary for symbolically adequate condemnation.[19] However, I would like to conclude by suggesting that Scanlon could accept the claim I have advanced in this paper about the symbolism of withdrawal without committing himself to what is objectionable in retributivism. What leads Scanlon to reject retributivism would seem to be the thought that retributivism consists in what he calls the Desert Thesis: "that when a person has done something that is morally wrong it is morally better that he or she should suffer some loss in consequence."[20] However, if my account of blame is retributivist then what it justifies is not the infliction of suffering or the valuing of that person's suffering or harm as such, but rather a kind of cutting off or distancing. Such withdrawal may itself cause suffering; furthermore, it may turn out that such withdrawal may make it permissible to cause or allow certain harms to a person that would not otherwise have been permissible.[21] But these further harms are not essential to the nature of blame (except insofar as blame can be characterised as a willingness to let such things happen). Blame can successfully be carried out without such suffering occurring (except, perhaps, the pain of remorse). Does the symbolic view commit me to the worrisome view that "when people's moral deficiencies are great, the proper response on our part is to see even their most basic moral claims on the rest of us as limited and qualified" (p. 142)? Not necessarily. It depends what degree of withdrawal is proportionate to wrongs of such seriousness. Proportionality, it is fair to say, is not well understood in desert theories of punishment and blame. I don't have a general theory to offer; nor am I sure that one could be given (though it seems also fair to say that the possibility of social interaction requires that there be some shared basis for judging which claims about proportionate response are reasonable and which not). But one crucial thing to be taken into account in any judgement about

[19] It also leads him to deny that punishment is necessary for state condemnation of wrongdoing – though this makes it harder to interpret his claim that when punishment is carried out it could constitute such condemnation. See "Punishment and the Rule of Law".

[20] What We Owe to Each Other, p. 274.

[21] It is not clear that Scanlon's own position on punishment is coherent unless he accepts the same. His claim is that those who deserve condemnation can be punished for deterrent purposes. However, he presumably doesn't think that the innocent can be punished when doing so would be necessary for some important deterrent effect. Therefore Scanlon seems committed to the thought that being condemnation-worthy makes it permissible to cause you harms that would not otherwise have been permissible. See "Punishment and the Rule of Law."

proportionate blame and withdrawal is the point I made earlier in criticism of Scanlon: that the right theory of blame should be able to account for the fact that blame is *inclusive* as well as *exclusive*. We withdraw from the offender precisely *because* she is that extraordinary and valuable thing, an agent capable of self-government. The offender's moral status as an agent with whom we could potentially engage in distinctively human, rational, ethical interaction should be to the fore whenever we blame, as a factor informing our judgements about what blaming response is proportionate. A plausible implication of this is that blaming judgements do not require us to neglect the basic human needs even of very serious wrongdoers. At the same time, on this theory of blame, we might also be able to explain that sense of discomfort, even horror, that is sometimes reported by those who find themselves in the presence of evil.

7. Conclusion

I have defended two main claims in this paper. The first is that the most promising way to understand – and, if appropriate, to justify – the special force of blame, is to see blame as embodying the view that, in order for a response to (serious) wrongdoing to be adequate to the significance of those wrongs, one must not simply say or judge that the action is wrong but must distance oneself from it. Such distancing, through withdrawal of goodwill, is what blame consists in. The second claim says that the best way to understand the first thesis is to see it as appealing persuasively to some kind of symbolic necessity, that is, to the fact that what makes it the case that one must distance oneself from wrongdoing is that such including-but-distancing behaviour captures or reflects the offender's moral situation; and that the fact that such behaviour captures the offender's moral position makes it wrongful acquiescence or complicity to continue the relationship as normal. I imagine that objections to my argument will either, as on the view I ascribed to Scanlon in the preceding section, accept my wider claims that the symbolism of an action is sometimes the ground of our reason to do that action, but dispute my claim that blame and withdrawal are necessary in order to do justice to the wrongs; or reject the idea that symbolic relations can be the ground of moral reasons at all.

I admit that the topic of the normativity of expressive action bears a good deal of further research; no doubt further argument is required to make it persuasive to many readers. On the other hand, the position for which I have argued has been, if not well-understood, at least reasonably familiar, in Anglo-American moral and legal philosophy since Feinberg and the Hart-Devlin debate, though it has its roots in the Romantic reaction to the Enlightenment, in Hegel's theory of action, and in Baudelaire's Symbolism. It is perhaps more often found in aesthetics than in moral philosophy, but that seems to me a mistake. In neglecting the expressive, symbolic aspects of action, or treating them as at best conventional, and at worst dangerously irrational, moral philosophy deprives itself of one of our basic modes of responding to moral significance.[22]

[22] The ideas in this paper benefited greatly from discussions at a symposium on *The Apology Ritual* held at the University of Valencia in January 2011. I would like to thank the participants at that event, and in particular Josep Corbi, Antony Duff, Jules Holroyd and Sandra Marshall. I am also grateful to Rob Hopkins and Andrew Williams for discussions on these topics, and to the editors for helpful comments on an earlier draft.