This is a pre print version of the following article:

The Objective Stance and the Boundary Problem / Bagnoli, C.. - In: EUROPEAN JOURNAL OF PHILOSOPHY. - ISSN 1468-0378. - 29:3(2021), pp. 646-663. [10.1111/ejop.12678]

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18/11/2026 13:27

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European Journal of Philosophy

Blameworthiness Without Culpability: Accidents, Expectations of Apology, and Associative Responsibilty

Journal:	*European Journal of Philosophy*
Manuscript ID	EJP-21-027
Manuscript Type:	Original Article

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Blameworthiness Without Culpability

Accidents, Expectations of Apology, and Associative Responsibility

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Accidents happen all the time. Often they are innocuous. If two individuals bump into each other on a crowded sidewalk neither is likely to give the incident much thought. Sometimes, though, accidents can be serious, and the costs associated with them more substantial. This paper explores our responses to accidents with an eye towards what they can tell us about the nature of moral responsibility. Of particular interest is what such responses suggest about the possibility that *culpability is not a necessary prerequisite for moral responsibility*. This paper defends that possibility. More specifically, it argues that there are a wide variety of cases where we appropriately hold individuals morally responsible for events simply in virtue of their having played a role in bringing them about. That is, it argues that there are cases where we hold individuals morally responsible for events even when we don't think that in bringing these events about the relevant individuals have done anything wrong. Furthermore, it shows that the sense in which we can be morally responsible for these sorts of things is intimately bound up with blame and the reactive attitudes. And, more controversially, it defends the idea that in the sorts of cases discussed not only is blame to be expected, it is appropriate. In other words, the paper defends the thesis that the sort of moral responsibility capable of being generated simply in virtue of our association with bad or unfortunate events is bound up with (a certain kind of) *blameworthiness*, and this is true even though the fact of our moral responsibility in these cases need not implicate the quality of our will in any way.

The paper proceeds in four parts. Section 1 begins by using our responses to accidents involving negligence to illustrate the relationship between two ways of talking about responsibility and the role blame plays in mediating them. Doing so is important for two reasons. First, although nothing I say there is especially controversial, taking the time to sketch a baseline account of responsibility is necessary to forestall the objection that the radical thesis I later defend is plausible only because it conflates notions of blame and responsibility that ought to be distinguished. Second, although it has become common to distinguish the communicative role blame plays from other functions it might serve, as I do, I will show that it's equally important to disambiguate three distinct communicative

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roles blame plays, namely an identificatory, an evaluative, and a prescriptive role.

Section 2 then examines our responses to genuine accidents with an emphasis on what they tell us about the probative of blame. Here two novel conclusions are worth flagging. First, blameworthiness and responsibility are best understood as dynamic (as opposed to static) concepts in which blame plays a role in initiating and sustaining dialogue between parties. Second, as cases involving accidents make clear, what is often important in these cases is not that the individual being blamed admit wrongdoing, but rather that she express appropriate concern for the ways in which her actions have intertwined her life with the lives of others.

Section 3 further explores the probative role of blame with an emphasis on how it relates to the prescriptive role of blame. In particular, section 3 focuses on how blame and our responsibility practices more broadly are shaped by two things: 1) the opacity of our intentions and 2) the fact that our actions are influenced by myriad things beyond our control. Reflecting on these aspects of our lives, I argue, makes it plausible that we can sometimes be blameworthy for things even when we've not done anything wrong. Indeed, it suggests not only that our concepts of blame and responsibility as they have traditionally been understood stand in need of revision, but that there may also be a distinctive (and heretofore unexplored) kind of responsibility associated with the ways in which our lives are intertwined. I call that kind of responsibility *associative responsibility*.

Finally, section 4 concludes by considering the objection that making room for the idea that we can be blameworthy for things without being culpable for them leaves us with a concept of moral responsibility that is unrecognizable. As I show, not only does the concept of associative responsibility fail to do violence to our traditional concepts of blame and responsibility, in fact it helps to make our individual and collective responsibility practices seem less alien from one another.

1. *Accidents, Apologies, and Two Kinds of Moral Responsibility*

The language of moral responsibility is invoked in many contexts. Sometimes we use it to draw attention to the obligations that individuals incur in virtue of their relationships to various persons or events. For instance, we often say that parents are morally responsible for their children, and when we say this what we usually mean is that parents have duties to care for their children or, alternatively,

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that they are liable for what their children do. At least since P.F. Strawson wrote "Freedom and Resentment," though, philosophers interested in the nature of moral responsibility have focused their attention on something else, namely the set of practices bound up with our reactive attitudes and through which we bestow praise and blame on individuals.[1] Of particular interest has been the conditions that make an individual an appropriate target of resentment (or various other reactive attitudes). These philosophers, in other words, have used the language of moral responsibility to refer to what makes an individual *blameworthy* (or praiseworthy), and, following Strawson, most of them have explicated this in terms of what an agent's actions say about the quality of her will.[2] This paper is concerned with some underexplored features of the relationship between the two ways of talking described above, and specifically with how attention to these features helps to motivate the thesis that we can sometimes be blameworthy for things that don't indict the quality of our will.

For ease of exposition let us call the sort of responsibility associated with the first way of talking *obligation bearing responsibility*, and the sort associated with the second *blame warranting responsibility*. To make things a bit more precise, let us say that an individual *I* is *obligation bearing responsible* if:

> *I* has a moral obligation to perform some action φ (or, if we want to be a bit more capacious, if there is an expectation for *I* to φ that doesn't rise to the level of obligation, but is sufficiently weighty nonetheless).

Alternatively, let us initially say that an individual *I* is *blame warranting responsible* for an action *A* if and only if each of the following three conditions obtain:[3]

(1) It was wrong for her to act in this way.

(2) She acted freely (or at least had sufficient control over how she acted).[4]

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[1] Strawson, "Freedom and Resentment."

[2] Where "quality of will" is construed broadly here to include what one's actions might say about her character or about the ability of her decision making to withstand scrutiny.

[3] Note that for ease of argument I've characterized things in terms of responsibility for actions here. I assume, however, that everything I say can be reformulated in a fairly straightforward way to accommodate responsibility for omissions.

[4] The sort of responsibility typically at stake when we talk about responsibility as I have tried to characterize it here is typically an individual's *direct* responsibility for an action. However, I have tried to formulate this condition so that, read broadly enough, it can accommodate the notion of an individual being *indirectly* responsible for an action in virtue of her having acted freely (in suitably proximate circumstances) to put herself in a position where she would no longer be capable of *freely* acting, but would nevertheless be responsible for them.

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(3) She knew, or should have known, that acting in the way she did was wrong.[5]

Neither of these definitions captures everything that has been said to be characteristic of the respective kinds of responsibility. The second definition in particular is incomplete, and we'll soon introduce a fourth condition to round out that definition. But this first pass at things captures enough to allow us to provide a preliminary characterization of the distinction between the two kinds of responsibility and the relationship they bear to one another.[6]

Counting in favor of the distinction is the fact that the two are not extensionally equivalent. One can clearly be obligation bearing responsible without being blame warranting responsible. To say that someone is responsible for her children in the first sense is not to say that she has done anything objectionable, and this is true even when what we mean to be saying is that she is responsible *for what her children do*. This, of course, is because the fact that one's child has acted badly does not (necessarily) mean that one has herself done anything wrong. That said, while the two concepts may be distinct, they're clearly related, and the relationship between them is bidirectional. On one hand, the retrospective fact of one's blameworthiness often makes one responsible in the prospective sense of now having various obligations to discharge. In other words, an individual's blame warranting responsibility sometimes explains her obligation bearing responsibility. On the other hand, there are cases where the relationship runs the other way. One of the things that someone can do to make herself blame warranting responsible is to fail to fulfill an obligation that she has. And, in these cases, it is one's obligation bearing responsibility (along with the fact that she failed to fulfill one of the obligations or expectations she had) that explains why she is blame warranting responsible.

Even if there are cases where each brand of responsibility gives rise to the other, though, it remains to be seen whether analyzing this relationship can tell us anything interesting about either (or both) of the concepts. Michael Zimmerman, for instance, suggests that there are "no interesting, strictly logical ties" between the two types of responsibility, and he begins *An Essay on Moral Responsibility* with

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[5] I have formulated this condition in this way in order to accommodate cases involving *culpable ignorance*, as well as cases where one knowingly acts wrongly.

[6] There is a complementary sense of responsibility associated with praiseworthiness that warrants attention, and I think the account I develop in this paper may help shed some light on the puzzling asymmetry that exists between cases of praiseworthiness and blameworthiness. However, exploring that issue is beyond the scope of this paper.

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the caveat that it is only the blame warranting sense that is at stake in books like his.[7] Nor is Zimmerman alone in assuming that, as a result, the two types of responsibility can (and perhaps should) be analyzed relatively independently of one another. This paper emphatically rejects taking such a narrow approach. Offering a satisfactory accounting of the blame warranting sense of responsibility is impossible if we ignore its relationship to the obligation bearing sense, especially if we're interested in cases involving accidents or other brands of moral luck where philosophers have often been compelled to defend claims about the responsibility of agents that seem paradoxical.[8]

The first thing to note about accidents is that when we are involved in them we almost always incur obligations of various sorts. The nature of these obligations depends upon our relationship to the accident and to the parties affected by it. If I caused the accident I may have an obligation to compensate the victims for any harms or costs imposed on them. Quite apart from this I may have an obligation to apologize, or at least to acknowledge the role I played in causing the accident. In these cases I am obligation bearing responsible, and it is the significance of the obligations that makes this a distinctly moral brand of responsibility. As a result of what I have done, or at least as a result of my relationship to some unfortunate event, I owe various things to other people. Furthermore, I may be vulnerable to sanction (or at least criticism) if I fail to fulfill these obligations. And this can be true even in cases where no one is actually in a position to criticize or punish me (say because no one is in a position to know that I have failed to fulfill an obligation I have).

That I can be responsible in the sense described above, however, doesn't yet suggest that I am (or even could be) responsible in any richer sense of the sort that says something about the kind of

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[7] *An Essay on Moral Responsibility*, 4–5. Note, that Zimmerman uses the terms *prospective* and *retrospective* responsibility for what I call *obligation bearing* and *blame warranting* responsibility. I've introduced my own terminology here because his obscures the role that obligation bearing (or prospective) responsibility sometimes plays in grounding blame warranting (or retrospective) responsibility.

[8] Here I follow conventional practice in using the term *accident* to refer broadly to cases where we unintentionally cause harm (or contribute to imposing costs in a related, but perhaps non-causal way). Within this broad class we can distinguish between *genuine accidents* and various species of *negligence*. In both cases the consequences of an agent's actions are not foreseen by her, with negligence differing in that its consequences are typically assumed to have been foreseeable (or the agent is assumed to have had a duty to anticipate the consequences). One reason we use the term accident in both of these ways is because the distinction between various types of accidents is not always clear, and, as we will see, this plays an important role in explaining some of the features of our responsibility practices.

person I am. Sometimes, though, the actions that give rise to accidents violate norms of proper conduct, and in doing so betray our ill will. It is in these cases that philosophers have tended to agree that it makes sense to say that we are morally responsible in the blame warranting sense. As a result of our negligence we are blameworthy for what we have done, and, although philosophers may disagree about what exactly makes us blameworthy in this sort of case, they tend to agree that our negligence says something about who we are (or at least who we were in the moment we acted). For instance, it may be that our negligence betrays the lack of regard we have for others, and it is in virtue of this that we are blameworthy. In this case, an individual's blameworthiness might indicate that it is (or would be) appropriate to hold her accountable for what she has done.[9] Alternatively, it could be that an individual's negligence reflects the quality of judgment that informed (or failed to inform) her decision to act. Here, to say that an individual is blameworthy is to say that she should answer for her poor judgment. She should, in other words, be willing to justify her actions to others, or at the very least to explain them, and when she can't do this she should be prepared to acknowledge this fact.[10] Or, it could be that an individual's negligent actions are indicative of some more durable quality of her character – including, perhaps, the fact that she is prone to act "out of character" – and it is in virtue of this that she is blameworthy. In this case blameworthiness suggests that it is fair to attribute the thing for which an individual is blameworthy to her, and, as a result, to expect her to respond in certain ways.[11]

In light of the considerations sketched above, we can now introduce a fourth condition that is necessary in order for blame warranting responsibility to be appropriate:

(4) An individual's action is indicative of the quality of her will, judgment, or character.[12]

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[9] See e.g. the treatments by Michael McKenna in *Conversation and Responsibility* and Stephen Darwall in *The Second-Person Standpoint* both of whom take themselves to be developing a Strawsonian account of responsibility.

[10] See e.g. the views defended by Angela Smith in "On Being Responsible and Holding Responsible," T.M. Scanlon in *What We Owe to Each Other* and *Moral Dimensions*, and R.A. Duff in "Strict Responsibility, Moral and Criminal."

[11] For discussion of this sort of view see Gary Watson who emphasizes the importance of the 'deep self' in *Agency and Answerability*, especially chap. 9, or Nomy Arpaly and Mark Schroeder who emphasize the 'whole self' in Arpaly and Schroeder, "Praise, Blame, and the Whole Self."

[12] Note that I've formulated this condition as broadly as possible in order to accommodate each of the three dominant views sketched above of what it is that makes us blameworthy. And note, too, that although condition (4) need not add anything over and above conditions (1) – (3) – because mutually satisfying those conditions may be sufficient grounds for concluding that one's actions were indicative of the quality of her will – I've included it in order to allow for the possibility that this is not the case.

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Accordingly, on our revised understanding of things, an individual *I* is *blame warranting responsible* for an action *A* just in case *A* is *objectionable* (in virtue of satisfying condition 1), and, in performing *A*, *I* satisfies: a *freedom* condition (condition 2), an *epistemic* condition (condition 3), and a *quality of will* condition (condition 4). Furthermore, in addition to these conditions on *when* one can be morally responsible in the blame warranting sense, we can also say that *what* is distinctive about being morally responsible in this way is the appropriateness of the reactive attitudes.

However one wants to make sense of blameworthiness and the sort of moral responsibility associated with it – in other words, whether one understands blame warranting responsibility in terms of *accountability*, *answerability*, *attributability*, or some combination of the three[13] – in each of these cases an individual's blameworthiness either makes certain reactive attitudes appropriate or is symptomatic of this fact. For instance, when someone negligently causes harm to someone else it may be fitting for her to feel guilt or remorse as a result. In this case, the agent's guilt is typically assumed to reflect her recognition that she has done something wrong. Guilt isn't the whole story, though. If an agent's negligence is particularly egregious – something of the sort that betrays her callous disregard for the welfare of others – then the individuals impacted by the agent's negligence may feel indignant or resentful, and will almost surely direct these attitudes towards her. Indeed, although it may be the appropriateness of an agent's guilt that is most indicative of her blameworthiness, and we can sometimes make sense of the idea of an individual "blaming herself", it is the cluster of reactive attitudes directed at a responsible agent by affected parties that provide us with the paradigmatic instances of blame. The impetus for these feelings is likely to be the lack of regard that the negligent actor showed her victims, or, at the very least, the poor judgment she displayed. As Zac Cogley has nicely described, though, whatever its impetus, there are at least three ways in which blame is important to our responsibility practices.[14] First, blame plays a role in *appraising* agents (as either acting or having acted wrongly). Second, it plays a role in *communicating* these appraisals (usually to the

[13] David Shoemaker is the clearest proponent of the latter view, having defended in various places the idea that moral responsibility sometimes takes each of the three forms described above. See e.g. his "Moral Address, Moral Responsibility, and the Boundaries of the Moral Community"; "Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility"; *Responsibility from the Margins*.

[14] Cogley, "The Three-Fold Significance of the Blaming Emotions."

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perceived wrongdoer, but sometimes also to others for whom the appraisal may be relevant). And, third, it plays a role in *sanctioning* individuals (who have been appraised as having acted wrongly).[15]

Cogley argues that the three ways in which blame is bound up with our responsibility practices can each tell us something different (and important) about those practices.[16] I agree. At the end of the day, though, it is the communicative role of blame that is most important. Or, more precisely, it is the communicative role that I think plays the greatest role in informing the blame warranting sense of moral responsibility, and it is on that role that I will focus.[17] In this respect my account follows Michael McKenna who has argued that moral responsibility in its blame warranting sense is best understood through the lens of conversation.[18] Where McKenna (like most others) emphasizes the tight connection between blameworthiness and quality of will, though, I think that unpacking the communicative role of blame actually shows that this connection is less tight, albeit still crucial. More specifically, I think that further unpacking the communicative role of blame will reveal that blame need not involve assessing those who are being blamed as having ill will (or as having exercised poor judgment or displayed poor character). In order to see this, however, we need to draw a further distinction between the types of information that blame conveys in its communicative role.

Among other things, blame helps to convey the attitudes (like anger or disappointment) that aggrieved parties might justifiably feel. More importantly, it conveys why the aggrieved parties feel the way they do, and also helps to indicate that certain responses are expected of the party being blamed (because of what she has done). For example, when directed at someone who has acted recklessly, blame might convey to the negligent actor that she ought not to have done what she did, and that, as a result, she should feel guilty (and perhaps should apologize). Of course, the precise information blame

[15] Note that this role is distinct from the role that blame plays in communicating that one deserves to be sanctioned in some way. More specifically, blame is capable of itself acting as a sanction insofar as individuals tend to dislike being blamed, and so blaming places a direct cost the party being blamed.

[16] On Cogley's view, in its appraisal role blame tells us something about when blame is fitting, in its communicative role that moral address is appropriate, and, in its sanctioning role something about when blame is deserved.

[17] Here I part ways with Cogley who suggests that the only considerations about the blaming emotions that ultimately inform the concept of moral responsibility are what they tell us about the fittingness of appraisals because these circumscribe the concept of blameworthiness. See Cogley, "The Three-Fold Significance of the Blaming Emotions," 216 although, as Cogley acknowledges, he provides no argument for this latter claim.

[18] See McKenna, *Conversation and Responsibility*.

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conveys will vary from case to case, as will the composition of the cluster of attitudes that characterizes it. Moreover, there may be cases where the party doing the blaming is not the aggrieved party, but rather an onlooker or someone else with standing to blame. Indeed, there may even be cases where there are no aggrieved parties, but where blame is nevertheless appropriate. Notice, however, that in most cases (including those just described) the information blame conveys will fall into one of three categories. The first is *identificatory* and associates an agent with an action (and in the typical case, with the action's consequences). The second is *prescriptive* and says something about how the agent should now act. And the third is *evaluative*, and implies that what the agent did was wrong (and, when this is indicative of an agent's ill will, poor judgment, or lack of character, indicates that this is the case).

In paradigmatic cases blame conveys all three types of information. However, distinguishing between the types of information blame conveys allows us to see the mechanism through which blame warranting responsibility can give rise to obligation bearing responsibility – by prescribing how one should respond to what she has done. Furthermore, as we will discuss at greater length in the sections that follow, it's not always the case that blame conveys each type of information. In particular, blame need not convey the evaluative claim that the agent being blamed did something wrong. Before turning our attention to the cases that will allow us to see this, though, it will be helpful to say something about why blame's role in conveying the expectation that one apologize is especially important.[19]

When we blame someone in the wake of an accident one of the things we're often doing is indicating that they ought to apologize for what they have done. In the case where an individual has been negligent this will typically be because she ought to have been more careful (or something similar). In other words, blame conveys both forward-looking information about the prospective obligation that one has incurred, and backward-looking information about why the prospective obligation was incurred. This backward-looking information, in turn, typically includes both the identificatory claim that the person being blamed has in fact done something that warrants our concern, and the evaluative judgment that what they did was wrong (and perhaps even the sort of

[19] It's also worth noting that blame sometimes conveys a fourth type of information, namely information about the party doing the blaming, e.g. that she is committed to certain norms and is prepared to police them. The role blame blames in conveying this type of information is important, but beyond the scope of this paper. See Tosi and Warmke, "Moral Grandstanding," for an interesting discussion of how things go wrong when this aspect of blame is abused.

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thing that casts doubt on the quality of their will).

The fact that being responsible in the blame warranting sense often obliges one to apologize is not the only way in which apologies are bound up with this sense of responsibility, though. Consider that when one fails to apologize this doesn't merely reflect poorly on her because she failed to meet this expectation. Instead it suggests that her actions were more callous than we may have initially supposed. This is because the urge to apologize is often indicative of guilt, or, at least, one's recognition that she has done something that gives others reason to question her conduct. More importantly, apologies are often the first step in making amends because they provide the guilty party with a way of retroactively showing victims and other affected parties the respect they deserve.[20] When someone causes harm to someone else and doesn't apologize, then, this suggests that she is unconcerned with (or at least unaware of) the effects that her actions have on others.[21] Moreover, because the way we respond to what we have done is largely a dispositional matter, a failure to apologize may not just be indicative of one's unwillingness to *now* answer (or be held to account) for what she has done. Instead, it may speak to what was *all along* her unwillingness to justify her actions to others (or to consider their interests and the impact of her actions on them in the course of deciding how to act).[22] In other words, when one isn't prepared to apologize for the harms she brings about this arguably makes her blameworthy not only for failing to apologize, but *more blameworthy than she otherwise would be for whatever it is she ought to apologize for*.

While the idea that one's willingness to apologize might modulate the extent to which she is

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[20] Of course, an apology cannot always undo what one has done, nor should we expect it too. A sincere apology, however, can go a long way towards revealing that one does in fact appreciate that she has acted badly. Similarly, an effective apology can show others that, as much as one's prior actions may have suggested otherwise, she really does take their interests seriously, and this can be crucial in cases where the members of one's community might otherwise be hesitant to continue associating with the person who acted badly. Indeed, there is robust experimental evidence that apologies play this latter role. See e.g. Schniter, Sheremeta, and Sznycer, "Building and Rebuilding Trust with Promises and Apologies"and Fischbacher and Utikal, "On the Acceptance of Apologies."

[21] Patrick Dunlop and colleagues have found that the proclivity to apologize, as measured by both self-report and evaluations from knowledgeable observers, is strongly correlated with humility and honesty. See Dunlop et al., "Please Accept My Sincere and Humble Apologies: The HEXACO Model of Personality and the Proclivity to Apologize."

[22] Of course, a failure to apologize need not be indicative of these things. Many people, e.g. those with autism spectrum disorders, may be perfectly prepared to justify themselves to others, but because they are insensitive to certain social norms or interpersonal cues, they may frequently fail to justify their actions to others in situations that call for doing so.

blameworthy is likely to strike many readers as plausible when it comes to harms that are brought about either intentionally or negligently, in what follows I hope to show that the same thing is often true of the expectation that one apologize for genuine accidents. Note, however, that I don't mean to be defending the claim that apologies are always (or even typically) acknowledgments of responsibility. As we will see, apologies play an important role in greasing the wheels of social interaction, and in many cases their ability to play this role has little to do with the role they play in facilitating responsibility taking.[23] That said, there are clearly cases where this is the role apologies play, and in the cases we will discuss that is (one of) the roles they are playing.

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2. *Regret and Regard for Others in Our Responses to Genuine Accidents*

The idea that the degree to which we are blameworthy for things that we've done might be impacted by our readiness to apologize for those things strikes me as an important and underexplored aspect of our responsibility practices. Rather than say more about this here, though, I want to instead focus on the similarities between our responses to genuine accidents and our responses to accidents involving negligence. As we will see, our responses to genuine accidents are particularly emblematic of the role that blame plays in indicating that certain things, like apologies, are expected of us. This is important for two reasons. First, it helps to illustrate the fact that while blame often conveys information about the quality of one's will, in some sense its most distinctive characteristic is the prescriptive role it plays. Second, it illustrates the fact that in many cases blame's function is probative rather than evaluative. In other words, blame often presents a *pro tanto* appraisal of an agent that is better interpreted as the opening of a dialogue with the party being blamed, as opposed to an *all things considered* evaluation of the party (to which she might or might not be invited to respond).

When someone accidentally causes harm to someone else without being even the slightest bit negligent, *ex hypothesi* she hasn't done anything wrong (at least not of the sort that bears on her culpability or the quality of her will). This is why, on the standard view, it doesn't make sense to say that such an individual is responsible in the blame warranting sense. Nevertheless, many of the very

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[23] For an account of the myriad roles apology plays see: Smith, *I Was Wrong: The Meanings of Apologies*.

same responses described in section 1, or at least responses very similar to them, are often appropriate. As Bernard Williams and others have pointed out, when individuals accidentally cause harm to others something very much like guilt, namely agent-regret, is often appropriate even when guilt is not.[24] Although agent-regret is not associated with the belief or feeling that one has done anything wrong, like guilt it is characterized by a deep regret for what one has done. Nor does this sort of regret extend just to the fact that something bad or unfortunate occurred. Rather, the regret typically concerns the role that the individual played in bringing the bad about. It's not uncommon, for instance, for persons who cause accidents to wish that they would have done something, anything, differently so that they might have avoided bringing about the bad, sad, or unfortunate consequence of their accident. What is particularly distinctive about agent-regret, though, is that it is typically felt *even when an individual knows that nothing she did violated any plausible norms of proper conduct*.

Of course, what makes agent-regret appropriate is not just that it is a regular feature of our psychology. It's not uncommon for individuals who cause harm to others to be plagued by pathological guilt and self-loathing, but this is both misguided and regrettable. Just as guilt reflects one's appreciation that she has acted badly, though, agent-regret reflects the fact that one played an integral role in bringing about harm (or something of comparable moral significance). This isn't something that should be swept aside. At the very least, as Adam Smith observed in his discussion of moral luck that Eric Schliesser, Simon Blackburn, and Keith Hankins have all recently drawn attention to, individuals who accidentally cause great harm to others should be expected to look upon such events as among "the greatest misfortunes" that could befall them.[25] And, as Hankins in particular has argued, what Smith is pointing to here is not just that one's involvement in an accident is likely to make her life worse (although it may do that). Instead, Smith's point is that, much like guilt, the presence of agent-regret is an indicator that one takes the interests of her neighbors seriously. If someone is instrumental in bringing about harm to someone else and feels no special regret over this fact this betrays a callous indifference to the suffering of others. Accordingly, agent-regret, like guilt, often manifests itself in the

[24] Williams's richest discussion of agent-regret is at *Shame and Necessity*, 69–74.

[25] Adam Smith, *The Theory of Moral Sentiments,* II.iii.3.4. For Schliesser, Blackburn, and Hankins's discussions of this and related passages see Schliesser, "The Piacular"; Blackburn, "Williams, Smith, and the Peculiarity of Piacularity"; and Hankins, "Adam Smith's Intriguing Solution to the Problem of Moral Luck."

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urge to apologize (or make amends in some other way).[26]

The parallels between our responses to accidents that respectively do and don't involve wrongdoing do not end with the self-directed sentiments like guilt or regret, though. Instead, they extend to the demands we place on each other. Consider, for instance, the expectation that one apologize. When someone causes an accident it is often incumbent upon her to apologize *even when she has not done anything wrong*, and the blaming emotions are often implicated in conveying this expectation.[27] Of course, such expectations might simply reflect sociological facts about our typical response to accidents, and in such cases the point of apologies is not necessarily for the party being blamed to admit fault, but rather to simply acknowledge the part she played in bringing something about.[28] Even if the admission of guilt is not necessary in such cases, though, the acknowledgment of involvement is, and this is what distinguishes such apologies from the sort that serve merely as

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[26] Note that the account of agent-regret sketched here differs significantly from the analysis that Daniel Jacobson has recently offered (see his "Regret, Agency, and Error"). Jacobson identifies agent-regret as the sentiment associated with the belief that one has erred that motivates the intention to act differently. And, as Jacobson points out, his account is at odds with Williams's (and by extension the account sketched here) because, on Williams's account, agent-regret is not associated with the belief that one has erred. Indeed, on William's account it is the lack of such a belief that distinguishes agent-regret from guilt. Jacobson argues that what Williams calls agent-regret is simply irrational guilt or rational dismay. Neither of Jacobson's characterizations, though, seem to capture the distinctive sentiment felt by the agent, like Williams's lorry driver, who has been instrumental in causing harm without being at fault. If we accept that the sentiment is best understood as irrational guilt, then we either can't make sense of the constitutive thought associated with agent-regret "that one didn't do anything wrong," or we have to deny in some important respect that the sentiment is not only to be expected of us, but appropriate. While to accept that it is dismay, on the other hand, is to fail to account for the ways in which the sentiment is distinctively directed at the exercise of one's agency, and not merely at events that have happened in the world. This, after all, is what allows the individual feeling agent-regret to have the perfectly reasonable (if impossible to fulfill) desire that she "would have acted differently" despite lacking the belief that she did anything wrong. While this response is unlikely to be completely satisfying to those persuaded by Jacobson's account, because the goal of this paper is not to defend a particular account of agent-regret space constraints prevent me from saying more here. That said, I hope that my discussion of the cases that follow will help to illustrate some of the costs of thinking about agent-regret in terms of either irrational guilt or rational dismay. And, for a discussion of agent-regret that better illustrates the role it plays in conferring value on choices not taken (or expressing concern for the unavoidable choices one confronts in moral dilemmas) see Bagnoli, "Value in the Guise of Regret."

[27] The ubiquity of this phenomenon is well established in the experimental literature. See e.g., Cushman, "Crime and Punishment," and Cushman et al., "Accidental Outcomes Guide Punishment in a 'Trembling Hand' Game," and note, too, that these judgments tend to be stable upon reflection. For evidence of the latter claim see: Pizarro, Uhlmann, and Bloom, "Causal Deviance and the Attribution of Moral Responsibility," and Nichols, Timmons, and Lopez, "Ethical Conservatism and the Psychology of Moral Luck."

[28] Indeed, as Cushman shows, our willingness to blame and/or punish in instances where we unintentionally bring about harm is often accompanied by the judgment that the agents being blamed were not wrong to act as they did.

expressions of sympathy (which might be expected of a bystander or friend).

T.M. Scanlon refers to the standpoint adopted in cases like the ones described above as *objective stigma*, which he distinguishes from the standpoint of moral blame.[29] The distinction, according to Scanlon, is that the latter, but not the former, involves a judgment of wrongdoing. On Scanlon's view, blaming an individual for an action involves taking the action to indicate something about the individual's attitudes that impairs one's relationship with her.[30] So, while objective stigma may be appropriate when an individual does something without malice (or any of the other traditional prerequisites for culpability), moral blame is appropriate only when an individual violates a standard having to do with "the kind of concern that we owe to one another."[31]

Scanlon is certainly right that there is an important difference between cases where the second personal demands we place on others are attached to evaluations of their reasons for action, and cases where they aren't.[32] Notice, however, that when it comes to allowing the parties affected by an accident to move on, acknowledging the role one played in bringing an event about can be just as important as admitting fault. Indeed, as anyone who has ever been in a committed relationship will recognize, two parties need not agree on who is at fault, or even whether anyone is at fault at all, in order to put things behind them. Sometimes, all that is necessary is that someone is willing to accept responsibility for what has happened. This happens for any number of reasons. In some cases it may be that it's simply not worth adjudicating wrongdoing. Perhaps the costs of fighting are too high, or the chances of a resolving a dispute too low. In other cases, it may be that there is insufficient information available to

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[29] See Scanlon, *Moral Dimensions*, 124–26 and 148–50.

[30] As Scanlon notes, strictly speaking, on this understanding wrongdoing is neither necessary nor sufficient for blameworthiness. This is because blameworthiness depends on reasons for action in a way that wrongness doesn't, so actions can be wrong, but not blameworthy. On the other hand, it can be appropriate to blame an individual for an action that isn't impermissible if the action was done for a bad reason.

[31] Scanlon, *Moral Dimensions*, 124. Scanlon also distinguishes moral blame, from non-moral blame. Here the distinction is that where the former involves agents failings to meet standards having to do with the kind of concern we owe to each other, the latter concern agents failing to meet standards of other sorts, e.g. norms of performance in sports.

[32] Although I've focused on Scanlon's distinction between blame and objective stigma here, I take it that Scanlon's view is representative of the dominant view in the moral responsibility literature, namely that blame is always evaluative (in some way). And even those who allow that blame need not be evaluative in every instance are careful to distinguish between causal or explanatory blame and the sort of blame that is associated with interpersonal accountability. See e.g. Kenner, "On Blaming"; Hart, *Punishment and Responsibility*.

determine culpability. We see this frequently with accidents where it's difficult to tell whether negligence was a factor or not.[33] In many cases, though, whether someone was at fault (and if so who) is simply not what is at stake. Instead, what matters *just is* how the affected parties are going to move forward. In these cases, expressing one's regret for what happened (or indicating that one is willing to do what it takes to ensure that those affected by an accident can get back on their feet) is often enough to assure others that one takes both their interests and complaints seriously.[34]

Note too that apologies of the sort I've been talking about – those involving neither an admission of wrongdoing nor an expectation that one admit wrongdoing – really are pervasive. Recall the example with which the paper began. When two individuals bump into each other on a crowded sidewalk often both will apologize. Usually this doesn't amount to much more than saying something along the lines of "excuse me, I didn't see you," but even a case as seemingly trivial as this is interesting for a couple reasons. First, note how striking it is for two individuals to apologize to each other for the very same thing. Normally we would expect one or the other to be at fault, in which case one would apologize and the other would accept the apology (or, more likely, excuse the guilty party). Of course, there may be instances where both parties are preoccupied – looking down at their phones, say – in which case both parties may be at fault and it's perfectly appropriate for both to apologize. Even when this isn't the case, though, the mutual apology is fitting (if not required).[35] To see why, imagine how

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[33] For an account of the importance of apologizing for accidents in cases where our intentions aren't clear see Watanabe and Ohtsubo, "Costly Apology and Self-Punishment after an Unintentional Transgression." Note, too, that apologies are often more important in these sorts of cases than in cases where an agent's intentions are clear. Indeed, as Urs Fischbacher and Verena Utikal have shown, far from helping to repair relationships, apologies for clearly intentional transgressions often significantly increase punishment and negative appraisals of the responsible party (see Fischbacher and Utikal, "On the Acceptance of Apologies.").

[34] For a nice discussion of our responses to accidents that focuses on the relationship between individuals taking responsibility for accidents and our collective responses to them see Schmidtz, *Rational Choice and Moral Agency*, especially 234. As Schmidtz points out, although personal responsibility cannot be all there is to our responsibility practices, "taking ourselves seriously as moral agents involves taking responsibility for our actions even when responsibility could not rightly be thrust upon us from outside."

[35] Unless of course one is in a crowded city, like Manhattan, in which case both parties should probably just expect to go on their way without saying anything. What this fact reflects, however, is not so much the arbitrariness of the norms mediating the expectation of apology, but rather the costs associated with different norms in different contexts. As Colleen Macnamara has argued the reactive attitudes are characterized by a "call and response" structure in which the targets of a reactive attitude are typically expected to respond to the attitude in some way (see her "'Screw You!' & 'Thank You.'"). The same is true of apologies. What this means, however, is that when one apologizes one creates a

awkward it would be for just one of the parties to apologize. In this case, the party who apologized (call her Jane) is likely to think that the other person who doesn't apologize (call him Bob) is a jerk. Indeed, the fact the Bob doesn't apologize suggests that he probably is a jerk. What we see here is a clear case where the guilt or wrongdoing of the involved parties is not really at issue, and yet, whether the parties apologize really does matter. Furthermore, it matters because the willingness to apologize tells us something about their concern for others. Although Jane might not normally give Bob's failure to apologize a second thought, if it turned out that Bob was on his way to interview for a job with Jane, she might be perfectly justified in passing him over for the job in favor of another candidate. Here, whether Bob should (or even could) have avoided bumping into Jane on the sidewalk isn't at stake at all. *All that matters* is that Bob failed to take responsibility for something that he had done, and in doing so revealed himself to be the sort of person one might rather not work with.[36]

Of course, none of this is meant to suggest that admitting wrongdoing doesn't matter. As we saw in section 1, it often does. What is particularly interesting about the expectation of apology, though, is that even when individuals know that someone hasn't done anything wrong the expectation that they apologize is often still bound up with the reactive attitudes. Again Smith's reflections on moral luck are instructive. Consider, for instance, the following observation regarding accidents involving no obvious negligence that Schliesser, Blackburn, and Hankins draw our attention to:

> [The person who] has involuntarily hurt another, seems to have some sense of his own ill desert, with regard to him. He naturally runs up to the sufferer to express his concern for what has happened, and to make every acknowledgment in his power. If he has any sensibility, he necessarily desires to compensate the damage, and to do every thing he can to appease that animal resentment, which he is sensible will be apt to arise in the breast of the sufferer. To make no apology, to offer no atonement, is regarded as the highest brutality.[37]

Here Smith suggests that the desire to appease a victim's resentment or anger drives us to apologize for

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weak obligation (or at least expectation) on the part of the party being apologized to, to acknowledge the apology.

[36] For an alternative account of the importance of taking responsibility for things we do without intending to do so see Elinor Mason's account of extended blameworthiness in Mason, *Ways To Be Blameworthy: Rightness, Wrongness, and Responsibility*. In the next section I'll say more about how Mason's view differs from the one defended here.

[37] Smith, *The Theory of Moral Sentiments (6th Edition)*, II.iii.2.10.

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accidental harms in much the same way that agent-regret does. What makes this motive especially interesting, though, is that in cases involving no negligence the victim's resentment seems to be misplaced. If someone really hasn't been negligent, then the role they may have played in bringing about an accident is not indicative of the quality of their will. Arguably this is what Smith means when he describes the victim's resentment as 'animalian.' Although it arises reliably, and perhaps even automatically, it's not obvious that such resentment can stand up to scrutiny. As Smith notes, though, even if the victim's resentment is misplaced, to make no effort to appease the misguided resentment is rightly regarded as the highest brutality, and so our obligation to apologize seems to transcend the appropriateness of the victim's resentment.

To see why it really would be terrible for someone to make no effort to appease the misguided resentment of others consider the following example:

> *Neighbor's Dog*: Joe gets into his car in the morning to drive to work as he does every day. As he is backing out of his driveway, though, his neighbor's dog darts out behind his car and Joe runs it over. Let us assume that Joe was not being reckless. He was driving slowly and looking where he went. Furthermore he had no reason to anticipate the dog being there. The neighbor's yard is fenced and the dog had never been loose before. On this day, however, the dog managed to jump the fence, and even though Joe was backing out slowly he hit and injured the dog. In fact the dog's injuries were serious enough that it was only likely to survive if it had a very expensive operation which neither Joe nor his neighbor could afford.

Here it's easy to imagine Joe's neighbor, let's call her Mary, being extremely upset about the events that transpired. Indeed, Mary might blame Joe for the accident, and it would not be surprising if this manifested itself in her being angry with him, and perhaps even resentful. She might, for instance, demand that Joe apologize and ask that he pay for the dog's surgery even though she knows he couldn't possibly afford it. These feelings would be understandable. People often have deep bonds with their pets and Mary's reactions can be easily explained by the sudden and unexpected loss she is now facing. That her feelings are understandable, though, doesn't justify them. Her anger and resentment are inappropriate and she should not expect that Joe pay for the surgery. After all the dog got out of her yard, and Joe wasn't doing anything wrong. And yet, Joe should still apologize. Moreover, it is fair for

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Mary to expect him to do so (even if she shouldn't demand this of him). Certainly, Joe should not respond to the accident by telling Mary how inappropriate it would be for her to be upset with him or by reminding her that there was almost surely more that she could have done to prevent the accident. Those sorts of reminders, if they are appropriate at all, would be best left to a third party (perhaps a friend of Mary's). Indeed, if Joe tried to immediately pin the blame for the accident on Mary, we would likely think him to be a sort of moral monster.

What we see in *Neighbor's Dog* is a constellation of responses from the involved parties, some of which are appropriate, some of which aren't, and this illustrates two things. First, the relationship between blame and the responses it calls for is dynamic and can evolve over time. Second, the relationship is complicated, and while some responses to an event may be inappropriate there are better and worse ways to respond to this fact. Some inappropriate reactions should be coddled, others excused. The expectation that Joe apologize reflects this fact. Joe *should* apologize. Moreover, his apology should take a certain form. He shouldn't simply tell Mary that he is sorry that her dog died (or is likely to die). Instead he should tell her that he is sorry *that he hit the dog*. As I pointed out earlier, although he need not admit wrongdoing, acknowledging the role that he played in the accident is crucial. One of the things this does is to help to diffuse Mary's inappropriate but understandable anger. The more important thing that such an apology does, though, is convey that Joe recognizes the impact that his actions have on others, and that he is sensitive to those interests (in this case, perhaps especially Mary's). One way to see this is to consider the importance of Joe apologizing without being prompted to do so, for it's the disposition to apologize without prompting that most clearly signals that Joe is sensitive to the interests of others. Indeed, an analogous consideration explains why it might be inappropriate for Mary to demand that Joe apologize, for, just as apologizing provides Joe with a way of conveying to Mary that he recognizes the role he played in causing her suffering and that he takes her suffering seriously, giving Joe the opportunity to apologize without demanding this of him is a way for Mary to show that she respects him and considers him to be a responsible moral agent.[38]

[38] The view I am defending here is analogous in some ways to Patricia Greenspan's account of guilt for unavoidable wrongdoing in *Practical Guilt: Moral Dilemmas, Emotions, and Social Norms*, especially chap. 5. However, where Greenspan emphasizes the importance of social rules being teachable and the role our reactive attitudes play in providing these rules with motivational efficacy, my primary concern is with the role our norms and reactive attitudes

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3. *Probing Sentiments and Blame Without Indictment*

By now I've hopefully convinced even the most skeptical reader that apologies can be expected of us even when we've not done anything wrong. I've also argued that these expectations are intimately bound up with our reactive attitudes, and that even when these attitudes are inappropriate they remain an important part of the explanation for why the expectation of apology *is* appropriate. What, though, should we make of blame? After all, that the reactive attitudes are bound up with the expectation of apology in cases like the ones we have discussed is consistent with Scanlon's distinction between blame and objective stigma. Furthermore, in section 1 I endorsed the consensus view that paradigmatic instances of blame involve reactive attitudes like indignation or resentment. And, since I've suggested that these attitudes would likely be inappropriate in the *Neighbor's Dog* case, this would seem to make blame inappropriate there as well. Indeed, this might seem especially true in light of my claim that it would be inappropriate for Mary to demand an apology from Joe. This isn't right, though.

Consider Mary's expectation that Joe apologize. In particular notice that it's natural to say that Mary expects Joe to apologize *because she blames him for hitting her dog*. Although Joe didn't do anything wrong he played an integral role in causing Mary suffering, and blaming him is a way for Mary to convey this, even if it is only to herself.[39] This is why I think it makes sense to say that blame is primarily characterized by the prescriptive role it plays in conveying information to others about what they should do as a result of what they have done. It also explains why it's not enough for Joe to merely express his regrets about what happened to the dog as a bystander or friend might. The reason Joe must apologize for hitting the dog is because 1) *it is something he did*, and 2) *this is what Mary blames him for*. If she didn't blame him, then he need not apologize (even if doing so would still be appropriate).[40]

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play in helping us avoid interpersonal conflict (and navigate the conflicts that do arise). And, more importantly, where Greenspan focuses on guilt, I focus on agent-regret.

[39] As Macnamara points out, even when they are privately held, reactive attitudes have representational content, and although such attitudes may not evoke uptake of this content while they are privately held, they nevertheless have the ability to fulfill this function. For further discussion of this as well as more general discussion of the communicative role that reactive attitudes play see Macnamara, "Reactive Attitudes as Communicative Entities."

[40] Note that this fact helps forestall the worry that the view defended here threatens to make us responsible for too much. For, even if we are inextricably associated with myriad events that have moral significance to someone, our association with these events will only be morally salient in a relatively small number of these cases.

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Notice, too, that the analysis above helps us to see why it's important to distinguish the identificatory role of blame from its evaluative role. When Mary blames Joe, there's a sense in which she's conveying that he ought not to have done what he did. Things would have been better had Joe not done what he did, but this doesn't mean that Joe did anything wrong, and we shouldn't be so quick to assume that Mary's blaming Joe implies that he did. Indeed a third party in a situation like the one we have been discussing would not normally assume (at least not right away) that a response like Mary's implies that Joe had done something wrong. More importantly, though, to see why it's a mistake to assume that blame implies an assumption of wrongdoing consider how Mary might respond when pressed to forgive Joe.

Although it may be easy to imagine Mary maintaining that Joe had done something unforgivable if she were particularly attached to her dog, it's just as easy to imagine her admitting that Joe didn't do anything wrong, but that she blamed him anyway. Moreover, it's easy to imagine the feelings associated with the latter response persisting long after Joe has apologized. And, while this response may seem confused, notice that it's really just the second personal analog of agent-regret. Blaming Joe, even after he has apologized, is a way for Mary to indicate that he really should have apologized and that the regret he should feel shouldn't be merely transient. In other words, when Mary continues to blame Joe even after he has apologized this is a way of conveying a retrospective evaluation of sorts, but the evaluative claim in question is not a criticism of Joe. Rather, it's a defense of her (Mary's) standing to expect something of Joe (perhaps along with a judgement that Joe was right to meet this expectation). Here two things are worth noting. First, this aspect of Mary's response to the accident causes trouble for Zimmerman's retrospective/prospective distinction insofar as, on Zimmerman's view, when blame is deployed retrospectively it is a way of indicating that someone *didn't* do something that was expected of them. Second, and more importantly, this case points to a problem with the way philosophers in general have tended to think of the relationship between blameworthiness and excuse. The standard view of excuse is that it is a denial of blameworthiness. But this only needs to be true if we think of blameworthiness as a static concept. If instead we think of blameworthiness as a dynamic concept, as the communicative model suggests we should, then excuse need not be thought of as a denial of blameworthiness, but rather as a part of a dialogue about the

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extent to which one deserves to be blamed. In other words, an excuse might be offered not as a way of denying one's blameworthiness *tout court*, but merely as a way of denying that certain evaluative judgments associated with the blame are appropriate (or perhaps as a way of denying that any further sanctions would be warranted).

If the arguments above have been compelling then the *Neighbor's Dog* case suggests that blame can be appropriate in cases where no one has done anything wrong. However, the case isn't yet complete. For one thing, if it's inappropriate for Mary to demand that Joe apologize, or to resent him, then the fact that she blames him for hitting her dog may be indicative of the fact that she expects him to apologize for this, but it doesn't convey this *to him*. This need not be problematic, though. Even if Mary shouldn't confront Joe, it would be perfectly appropriate for her to admit that she blamed Joe for his role in the accident. Moreover, the fact that Mary blames Joe might still be indicative of the fact that he ought to apologize, and this can be true even if certain aspects of Mary's blame are inappropriate.

More worrisome for my account, though, is that someone like Scanlon can still argue that the absence of an evaluative component from the 'blame-like' standpoint one adopts in the cases we've been discussing makes this attitude a clear case of objective stigma as opposed to blame. To see why things are more complicated than this, then, let us turn to a third case with somewhat higher stakes:

> *Tragic Accident*: Alice and Kelly are neighbors and their children often play together. Kelly has a pool and one day, while Alice was at work, her son Billy was over at Kelly's house playing with Kelly's son in the pool. Kelly watched the kids as they played and occasionally warned them to be careful when, for instance, they ran too quickly around the pool. Nevertheless, accidents happen, and although neither boy had been doing anything especially dangerous, eventually Billy would slip on the wet pool deck and hit his head as he prepared to jump in and do a cannonball. Fortunately he didn't seem to hurt himself too badly. There was a small scrape on his hand and a bump on his head, but he didn't lose consciousness or cut his head open. Kelly got him an ice pack and sent the boys inside to relax. Kelly kept a close eye on Billy, but he seemed fine. After a few hours he still seemed to be showing no ill effects from the accident and Kelly was relieved that he hadn't hurt himself more seriously. Later that afternoon, though, Billy suddenly lost consciousness. Kelly couldn't wake him up and called an ambulance. The

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> ambulance got Billy got to the hospital, but he died shortly thereafter. He had suffered an acute subdural hematoma. It's possible that if Kelly had taken Billy to the hospital straightaway doctors would have discovered his injury in time to treat it, but there were no signs or symptoms of his injury. There's no way Kelly could have known he had hurt himself so badly.

The case described above is tragic. Alice would almost surely be overcome with grief. Kelly, on the other hand, would surely feel distraught and would more than likely blame herself for not having taken Billy to the hospital immediately after his accident. Presumably Kelly would also feel awful for Alice and would do whatever she could to comfort her. Among other things she would likely apologize profusely for the part she played in Billy's death. It wouldn't be surprising, though, for Kelly's apologies to fall on deaf ears and for Alice to want nothing to do with her.

As with Mary's response in *Neighbor's Dog*, Alice's response would be understandable. Few things could be worse than losing a child, and so Alice's anger would be even more understandable than Mary's. We might even excuse it, and it would be perfectly appropriate, albeit unfortunate, if Alice's relationship with Kelly was forever changed. If they were once close friends it wouldn't be surprising if they grew apart, and if they were just neighbors their interactions might become less friendly (although Alice might not be excused for allowing these interactions to turn hostile). Whether or not their relationship should change, though, Alice should certainly expect Kelly to apologize. And while it might still be inappropriate for her to demand that Kelly apologize, it would be appropriate for her to press Kelly in other ways. She might for instance ask why Kelly hadn't taken Billy to the hospital sooner or why she hadn't called her at work after the accident. There are many reasons for Alice to ask such questions, but among them is that they serve as invitations for Kelly to acknowledge her part in the accident, and this is something that Kelly should do regardless of whether she was at fault.

The discussion above points to a difficulty with Scanlon's distinction between blame and objective stigma. Although Scanlon recognizes that apologies are often not ways of admitting fault, but rather of affirming (or reaffirming) that one was not at fault,[41] in *Tragic Accident* we see that apologies of this sort are often offered in response to blame (rather than objective stigma as Scanlon's analysis

[41] See Scanlon, *Moral Dimensions*, 150.

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would suggest). Consider that one of the ways in which Alice can blame Kelly, is by asserting that "Kelly should have done more" or "should have known that Billy might have been seriously injured." In the case as I've described it Kelly's ignorance and lack of action are not culpable. But in blaming Kelly, Alice suggests that Kelly might have been culpable. Indeed she suggests that she *was* culpable. What Alice is doing, in other words, is offering a sort of *pro tanto* evaluation of Kelly that Kelly's apology might (or might not) successfully rebut. This is what makes the standpoint Alice adopts a clear instance of blame rather than objective stigma. More importantly, at least for our purposes, doing so is perfectly appropriate. Although Kelly is not culpable, this fact is not readily apparent. Alice's blame is *probative*. It initiates a dialogue between Alice and Kelly that puts them on a path towards reconciling themselves to what has happened (even if things will never go back to the way they were before). And it's because Alice's blame conveys a *pro tanto* evaluation of Kelly, that Kelly is *compelled* to respond.

Furthermore, note that the sort of conversation I've just described does not necessarily have to take place interpersonally. The same dynamic is likely to arise in the internal dialogue that Kelly is apt to have with herself. This is because, from her own perspective, Kelly's culpability (or lack thereof) will not usually be entirely apparent either. It's always possible that she should have done more to prevent Billy's death. Certainly she could have, and so when Kelly blames herself it's reasonable to assume that she's offering the very same kind of *pro tanto* evaluation of her actions that Alice is. Indeed, the willingness to subject oneself to scrutiny in this way is indicative of one's status as a mature moral agent who appreciates her moral and epistemic fallibility. And the fact that our intentions are often opaque even to ourselves makes this all the more true.

Moreover, even in cases where our *pro tanto* evaluative judgments (of either ourselves or others) are conclusively shown to be mistaken, this doesn't necessarily absolve the party being blamed of responsibility. While Kelly's explanation that she watched Billy carefully for any signs that he had hurt himself more seriously than it first appeared may excuse her actions partly, no explanation she could give is likely to excuse her actions completely. One reason for this is that, even in the absence of the judgment that Kelly did something wrong, Alice and Kelly are both justified in believing that *in retrospect* Kelly ought to have done something differently. And while this belief may not have been justified prior to the tragedy unfolding as it did, the fact that Kelly could have done something

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differently is enough to sustain it, if for no other reason than that there is a clear sense in which she was the agent most closely associated with the event. Of course, the tension between our retrospective and prospective judgments in such situations is what makes many observers hesitant to ascribe Kelly responsibility for the accident. Consider that, if Kelly had called Alice away from work immediately following the accident, Alice might have (justifiably) believed Kelly to be overly cautious. And if Alice were called away from an important meeting she might even have been annoyed (although such an attitude would certainly have called for revision upon the discovery of Billy's brain injury). Even if we deny that Kelly should have acted differently, though, it seems uncontroversial to say that she should regret things having turned out as they did in the distinctive agentive sense of wishing that she would have acted differently. And a natural way of describing this normative belief is to say that Alice blames Kelly (or Kelly blames herself). Nor is the sense of blame at stake here merely causal – in the sense a farmer might blame the weather for a bad crop. Rather, the blame is inextricably bound up with the contention that the target of the blame had the capacity to act differently.[42] Or, to adopt the helpful terminology that Elinor Mason uses, following Gabrielle Taylor, the blame at stake in cases like these flows from the idea that the action for which one is being blamed "is one's own."[43]

Indeed, in many respects the argument laid out above is analogous to the one that Mason makes for the notion of extended blameworthiness.[44] Like me, Mason defends the importance of individuals taking responsibility for their actions in cases where they did not intend to do wrong, and where they at least appear to have had no ill will because their actions were inadvertent or the result of things like implicit bias that are not consciously accessible. And like me she argues that this is important in part because of the role that doing so plays in sustaining relationships, including impersonal ones, and, more generally, because it helps us secure the trust and respect of others. In particular, she emphasizes the fact that something seems to go wrong with the agent who takes a very strict or robotic approach to

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[42] Following Karen Jones we might refer to the notion of responsibility at stake here as a *trajectory dependent property*. See her "How to Change the Past."

[43] Mason, *Ways To Be Blameworthy: Rightness, Wrongness, and Responsibility*, 187–91, where she is building upon Taylor, "Guilt and Remorse."

[44] Mason, *Ways To Be Blameworthy: Rightness, Wrongness, and Responsibility*, chap. 8.

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assessing the quality of their will or the degree of their responsibility for an action.[45] However, where Mason's view differs from my own is that she tries to cordon off the set of cases to which her notion of extended blameworthiness applies, limiting it to those where an agent is able to recognize the objective wrongness of her action. Just as Scanlon draws too sharp a distinction between blame and objective stigma, though, Mason's view seems to rely on our ability to draw an implausibly sharp distinction between actions that are wrong (even if we could not or did not appreciate the reason why at the time of action), and those that are bad merely in virtue of the outcomes with which they become associated.

There are two reasons to be suspicious of the move that Mason's view rests on. First, the opacity of our intentions suggests that it will often be difficult to distinguish the unfortunate outcomes of our actions that were wrongly, but inadvertently brought about, from those that were merely the result of bad luck. How for instance are we supposed to know whether a particular decision of ours was in fact influenced by implicit bias? Or whether a car accident was caused in part by our being momentarily distracted, or if it was genuinely unavoidable. Second, even if we could distinguish the wrong from the merely bad in the way Mason presupposes, she underestimates the extent to which our association with the latter often call for us to take responsibility for our actions in a way that "engages in the blame conversation in a sincere way," which is precisely what she thinks makes it appropriate to extend the notion of blameworthiness to the former case.[46] That is, she fails to account for the fact that it's not uncommon for agents to own actions whose outcomes don't reflect their quality of will (even in the ambiguous way that our implicit biases or inadvertent actions might). Williams's lorry driver is perhaps the paradigmatic example here.[47] Even if the lorry driver who accidentally kills an unsuspecting pedestrian can convince himself that he was not at fault, *indeed even if he can convince himself that the accident was the pedestrian's fault* – something that Kelly from our previous example cannot do – we might expect him to nevertheless own his part in the accident. The pedestrian would not have died had he not been driving, and it's reasonable for him to take responsibility for this.

Mason tries to forestall the conclusion I've drawn above by distinguishing the agent-regret we

[45] Mason, 191–96.

[46] Mason, 187.

[47] Williams, "Moral Luck."

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expect the lorry driver to feel, from remorse, which is associated with an agent's subjective belief that (at least in retrospect) she should have acted differently. Even if we may not always be able to draw a clear distinction between these attitudes, she argues that it is remorse that is required to engage in the blaming conversation in a sincere way. The lorry driver, she suggests, doesn't truly own the action in question, because he doesn't (and shouldn't) think that he should have acted differently.[48] But just because he ought not think that he should have acted differently, doesn't mean that we wouldn't still expect him to wish that he would have acted differently. And it seems to me that, given the circumstances, the lorry driver who takes this kind of attitude is engaged in a blaming conversation in a serious way, and that this conversation is fitting.

Alternatively, and to again utilize the framework set out by Zac Cogley, we might say that blame is deserved when it properly fulfills its roles of appraising, communicating, and sanctioning. *The contention here is that the blame-like responses we've discussed do precisely this*. Of course, this claim is controversial. Indeed, Cogley's criteria for desert are introduced in order to allow us to distinguish between cases where blame is deserved and where it might be justified on other grounds, and he almost surely disagrees with my assessment of when blame fulfills its roles.[49] In other words, on Cogley's view, it may be that the blame we direct at agents in the wake of accidents is understandable, and perhaps even justified, but ultimately undeserved, and the problem posed by moral luck is sometimes diagnosed along these lines.[50] Notice, though, that embracing this sort of asymmetry is not easy. For one thing, it leaves us with an unsettled answer as to whether blame really is appropriate or not. Nor is the benefit of drawing such a distinction obvious. What solace is the individual who does not deserve to be blamed, but who is nevertheless justifiably blamed, supposed to take in the fact that

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[48] Mason, *Ways To Be Blameworthy: Rightness, Wrongness, and Responsibility*, 187–91 and 204–6.

[49] For Cogley's distinction between when blame might be justified and when it is deserved see his "Basic Desert of Reactive Emotions," sec. 4.3. The difference in our assessments of when blame fulfills its roles stems from the fact that I distinguish between several communicative roles that blame plays.

[50] For example in "Moral Responsibility and 'Moral Luck'" Brian Rosebury argues that because our moral practices are imbedded in non-ideal epistemic conditions the problem of moral luck is that individuals subjected to moral assessment don't always deserve to be assessed in the ways that it's appropriate for others to assess them. While I do not agree with all of the conclusions he draws, Rosebury's argument is also noteworthy for its discussion of the importance of reflecting on our own fallibility when we assess the actions of ourselves and others.

the blame, censure, or punishment she faces is not truly deserved?[51]

Also worrisome is that the asymmetry just described makes it harder to understand the expectation of apology. While it's easy to see why an individual who is being blamed for an accident would apologize in order to avoid future sanctions, it's harder to see why she *should* apologize if she doesn't actually deserve to be blamed. Given the important role apologies play in allowing parties affected by accidents to move on, this would be an unfortunate result. Furthermore, even if we allow that individuals should sometimes apologize for things that they don't deserve to be blamed for, accepting the idea that blame and blameworthiness can come apart threatens to undermine the ability of apologies to provide individuals with a way of expressing their concern for others in the aftermath of accidents. This is because in the absence of the belief that blame is deserved, an agent's willingness to apologize can easily appear to be driven not by remorse or regret, but merely by the desire to appease the affected party. And, as anyone who has ever chastised a child will recognize, apologies of this sort tend to ring hollow.

Perhaps more important than any of the considerations just sketched, though, is that it's hard to deny that individuals who cause accidents sometimes deserve to be blamed given that these individuals so often sympathize with the idea that this is something that they do, in fact, deserve. As I've discussed at length, agent-regret is often called for in the aftermath of serious accidents. And while agent-regret can sometimes degenerate into the sort of guilt that it is easy to say is unwarranted, it's far harder to distance ourselves from the desire to atone that normally accompanies such regret. Indeed, putting too much distance between oneself and the unfortunate events that circumstances have conspired to associate one with can often reveal one to be callous and self-absorbed – someone unmoved by the suffering of others.[52] And, although the critic may worry that these observations are

[51] Reflecting on his earlier work on moral luck Bernard Williams expresses a worry like this in his "Postscript," 254.

[52] This marks another point of difference between Mason's account of extended blameworthiness and the view defended here. Although I suspect Mason would agree with my assessment of what it says about an agent's character if she is too quick to distance herself from accidents with which she is associated, Mason distinguishes the "outward looking" orientation of her account of the importance of taking responsibility from Raz's more inward looking account. In particular, where Mason emphasizes the importance of this aspect of our responsibility practices to maintaining our relationships, Raz emphasizes their importance to maintaining our sense of self-respect. See Mason, *Ways To Be Blameworthy: Rightness, Wrongness, and Responsibility*, 184–85, where she is contrasting her view with Raz, *From*

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merely artifacts of the cases we've discussed, it bears emphasizing that those cases are not unusual. Individuals confront myriad scenarios where their actions do not necessarily reflect their intentions or the quality of their will. Soldiers conscripted into fighting are forced to kill, and even soldiers who voluntarily take on their roles all too often find themselves involved in friendly fire and collateral damage incidents where they accidentally kill. Train conductors involuntarily find themselves instruments of death when people commit suicide by jumping on the tracks.[53] And in everyday life our appraisals of others are frequently based on the false or misleading testimony of normally reliable judges of character.

Reflecting on the arguments above, and the cases which motivated them, we can draw two conclusions. First, whether one takes blame warranting responsibility to be about accountability, answerability, attributability, or some combination of the three, it's no longer obvious that culpability of some sort is a necessary prerequisite for being responsible in this sort of way. Second, and more speculatively, there may be a fourth aspect of the concept of moral responsibility associated with blame and blameworthiness distinct from the three just mentioned. This fourth dimension, which has by and large escaped the careful scrutiny of philosophers, is not primarily concerned with what we do, but rather with the significance of how we respond to what we do. More specifically, it's concerned with our sensitivity to the interests of our fellow human beings and our recognition of the ways in which our lives are intertwined. I propose that we call this *associative responsibility*. Often this aspect of our responsibility practices is bound up with the other aspects insofar as how we respond to what we do reflects the quality of our will or character. Sometimes, though, this aspect of responsibility stands alone and manifests itself in the fact that taking oneself seriously as a responsible moral agent in a world like ours means accepting responsibility for the things that circumstances have conspired to associate us with through no fault of our own.

4. *Associative Responsibility and the Unity of Individual and Collective Responsibility*

Of course, critics of the view defended here are likely to protest that the view does violence to

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Normativity to Responsibility, pt. 3. My own view is that both of these orientations are important.

[53] Goos, "Rail Suicide: A Train Driver's Struggle to Return to the Tracks."

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the deep-seated intuition that blameworthiness and wrongdoing are intimately related. Let me conclude, then, by saying something about why I think this worry is less serious than it appears.

First, notice that when we blame probatively the question at hand is whether one might have done something wrong. And even when we aren't probing it can be hard to distinguish probative blame from deployments of the reactive attitudes used to convey that an individual has done something that demands acknowledgement of some sort. Nor is the implication of this account that excuses should not be thought of as straightforward denials of responsibility as radical as it might seem at first glance. Consider, for instance, that traditional analyses of excuses have long made room for the fact that excuses are often offered with the goal of *mitigating* (as opposed to denying) one's responsibility for an action.

Second, notice that accepting the idea that we can be blameworthy without having done anything that implicates the quality of our will need not suggest that we are vulnerable to the full range of reactive attitudes. Nor is this surprising. Even when one is blameworthy in a sense that implicates the quality of her will, which reactive attitudes she is vulnerable to typically depends on how her will was defective.[54] Furthermore, everything I've said is consistent with the claim that core cases of blame warranting responsibility are still best understood along the traditional lines sketched in section 1. All I have defended here is the claim that the four conditions laid out in section 1 are not in fact necessary for blame warranting responsibility. And, while this is a major departure from traditional views, it is not so large in light of the widespread disagreement among philosophers regarding what the precise necessary (or sufficient) conditions for moral responsibility actually are.[55]

Perhaps most significant, though, is that embracing the concept of associative responsibility has the virtue of making our analysis of individual responsibility more synonymous with analyses of both legal and collective forms of responsibility. Consider, for instance, that strict liability has long had an important place in the law. And while there's no reason to think that legal and moral responsibility must track one another perfectly, our legal practices become harder to justify as they become more

[54] For the most thorough exploration of this issue see Shoemaker, *Responsibility from the Margins*.

[55] Bob Adams, for instance, has argued that control and freedom are not prerequisites for the sort of blameworthiness associated with holding one another accountable. See his "Involuntary Sins."

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divorced from our considered moral judgments.[56] Making room for the idea that we can be blameworthy for things without being culpable for them, thus makes our legal practices easier to account for.[57]

Similarly, a common worry about the notion of collective responsibility has been that, even if they are agents in a meaningful sense, corporations, states, and collective entities of other sorts to which responsibility has been attributed typically lack the sort of will, intentional states, or embodied nature that would make them fitting targets of the reactive attitudes. By casting doubt on the thesis that blame must convey evaluative claims, though, the view defended here makes such worries less serious. Furthermore, as David Silver has argued, the fact that blame and other reactive attitudes are reliably directed at corporate entities gives us reason to conclude that such entities are capable of bearing (a kind of) moral responsibility.[58] And, although Silver doesn't suggest that corporate reactive attitudes sever the connection between blame and evaluative judgment, when we ask what we're doing when we blame a corporation we might find that this aspect of our practices is more analogous to associative responsibility than the other brands of moral responsibility familiar in the literature.

Finally, there is second set of questions in the collective responsibility literature that are relevant to the view defended here. Those questions arise in the debates concerning: 1) whether we can be responsible for historical injustices and 2) whether individual members of a collective can be responsible for the actions of the whole (especially when they themselves did not participate in said actions). And while disagreement over these issues persists, in both cases there is increasing consensus

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[56] See Honorè, "Responsibility and Luck: The Moral Basis of Strict Liability," for an argument of this sort that both defends strict liability and offers an account of moral responsibility that can provide the needed justification for it.

[57] Of course, how compelling one finds this argument depends on the extent to which one thinks norms of strict liability in the law stand in need of moral justification, and one reason for thinking the moral implications of strict liability are limited is that it plays a much more significant role in civil (as opposed to criminal) law. Two things are worth noting here, though. First, things like tortious liability can have a significant impact on how one's life goes. Second, one lesson for moral responsibility that we might draw from the law is that analyses of moral responsibility have focused too narrowly on questions of culpability, and not enough on questions of liability. Michael Goodhart has argued for a version of the latter claim in the context of questioning why arguments about moral responsibility have proven so ineffective in the face of systematic injustice. See Goodhart, "Interpreting Responsibility Politically."

[58] Silver, "A Strawsonian Defense of Corporate Moral Responsibility."

that the answer to questions is "yes."[59] Stephen Winter, for instance, has argued that apologies by representatives of political communities for historical injustices are often important not because they constitute admissions of wrongdoing (although they might), but because they provide a mechanism for restoring the legitimacy of the community, validating the experiences of victims of injustice, and of inviting those victims back into the political community. On the other hand, focusing on the implications of collective responsibility for individuals, Avia Pasternak has described the *associative obligations* individuals acquire in virtue of belonging to political communities, even when they play no part in (and may even object to) the actions of the broader community.[60] And although Pasternak suggests that these obligations do not flow from an individual's responsibility for things in the blame warranting sense, others have argued that in these cases it can be appropriate for individuals to feel guilty for the wrongs perpetrated by groups simply in virtue of their membership.[61] Moreover, while some philosophers have cast doubt on the relationship between blame and "metaphysical guilt" of this sort, Linda Radzik has persuasively argued that the appropriateness of both these feelings and the duties they are associated with are rooted in the fact that members of victimized groups will often reasonably associate innocent members of groups that have committed injustices with those injustices.[62]

Of course, even if there are parallels between the notion of collective responsibility and the view of blame warranting responsibility defended here, the former notion remains controversial, and even if this weren't the case there's no reason to think that what's true of collective responsibility should

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[59] For example, with respect to the first question, see: Thompson, "Collective Responsibility for Historic Injustices," and Winter, "Theorising the Political Apology." With respect to the second: Thompson, "Moral Responsibility of Public Officials: The Problem of Many Hands," and Pasternak, "Sharing the Costs of Political Injustices." And with respect to both: Radzik, "Collective Responsibility and Duties to Respond"; Van Den Beld, "Can Collective Responsibility for Perpetrated Evil Persist Over Generations?"; and Silver, "Collective Responsibility and the Ownership of Actions."

[60] Pasternak, "Sharing the Costs of Political Injustices."

[61] Karl Jaspers, Margaret Gilbert, and Larry May probably provide the clearest defenses of this claim. Although May prefers to use the language of "moral taint." See Jaspers, *The Question of German Guilt*; May, *Sharing Responsibility*; Gilbert, "Group Wrongs and Guilt Feelings."

[62] Radzik herself is hesitant to endorse the language of "blame" here, and she points out that it can sometimes be counterproductive to characterize individuals as guilty for injustices in which they played no part because doing so may cause them to come to resent the victimized group to whom they might now owe something in virtue of their guilt. Nevertheless, what Radzik shows is that in such cases we appropriately inherit a kind of "metaphysical guilt" that gives rise to duties to respond, and the appropriateness of this guilt and the associated obligations we bear stems from the fact that others rightfully associate us with the injustices which we have acquired duties to respond to.

necessarily be true of individual responsibility. Nevertheless, I take it to be a virtue of the view defended here that it makes our analysis of individual responsibility more analogous to our analysis of collective responsibility. And, if I am indeed right that the implications of the view defended here are not as radical as they might have seemed at first glance, then this virtue provides good reason to adopt the view defended here. Accordingly, I submit that we can and should embrace the idea that individuals can be blameworthy for things even when they are not culpable for them.

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