



Why the Moral Equality Account of Hypocrisy Does Not Fail After All

David Chelsom Vogt¹ 

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Abstract

The Moral Equality Account of Hypocrisy (ME) is a prominent theory of why hypocrites lack moral standing to blame. Hypocrites make exceptions for themselves and thereby implicitly deny moral equality, which is an essential premise of moral standing to blame. ME has recently faced challenges from philosophers who deny that it is the hypocrite's rejection of moral equality that causes her to lose moral standing to blame. I have distinguished three main challenges which I discuss and rebut in this article: “The Internal Blame and Blame of Fictional Characters Challenge”, which I attribute to Todd (2019), and “The Hypercrite Challenge” and “The Inegalitarian Norm Challenge”, which are due to Lippert-Rasmussen (2021). The article begins by offering an account of ME. It fills in a few gaps in the theory, by explaining why it is necessary for a blamer to invoke a special right to blame and by determining the type of right that standing to blame is. It also distinguishes between the question of why hypocrisy is wrong or bad, and the question of why it undermines moral standing to blame. I hold that several theories provide plausible answers to the first question, but only ME has so far given a good answer to the second question. When distinguishing properly between these two questions, we see that ME can respond satisfactorily to the three challenges.

Keywords Hypocrisy · Moral equality · Standing · Blame · Special rights · Power · Liability · Blameworthiness

The Moral Equality Account of Hypocrisy (ME) states, roughly, that hypocritical blamers make unfair exceptions of themselves and thereby implicitly deny the moral equality of the persons blamed and themselves, the hypocrites. Because hypocrisy implies a denial of moral equality, it undermines the blamer's moral standing

✉ David Chelsom Vogt
David.vogt@uib.no

¹ Department of Philosophy, University of Bergen, Bergen, Norway

to blame. The reason is that moral standing presupposes the equality of persons. A hypocrite cannot claim standing based on moral equality and at the same time deny the validity of moral equality.

I will elaborate on this sketch of ME below. The account can be traced to R. Jay Wallace (2010), and it has been revised and refined especially by Kyle G. Fritz and Daniel J. Miller (Fritz and Miller 2018, 2019, 2022b). It is by many considered the leading explanation of hypocrisy (Herstein 2020). However, ME has recently faced challenges from philosophers who claim that it cannot account for some types of hypocritical blame.

I have distinguished three main challenges which I will discuss in this article. The first is what I have called “The Internal Blame and Blame of Fictional Characters Challenge”, which I attribute to Patrick Todd (2019). It concerns the inability of ME to explain why someone could lack standing to blame privately and to blame someone who does not exist and who therefore does not have interests. The second challenge is from Kasper Lippert-Rasmussen’s article “Why the Moral Equality Account of the Hypocrite’s Lack of Standing to Blame Fails” (2021). I call it “The *Hyper*critic Challenge” after Lippert-Rasmussen’s term for someone who blames herself excessively compared to others (unlike the hypocrite, who blames others excessively compared to herself). My response to this challenge differs from Fritz and Miller’s response, which accepts Lippert-Rasmussen’s claim that ME entails that hypercritics lack standing to blame others. I argue that ME does not have to embrace this unintuitive conclusion. Finally, the third challenge is Lippert-Rasmussen’s “Inegalitarian Norm Challenge” (2021). It concerns blame for breaching norms that deny moral equality. According to Lippert-Rasmussen, ME would entail that everyone who subscribes to the inegalitarian norm, and not just hypocrites, would lack standing to blame.

My aim is to show that ME can respond satisfactorily to these challenges. I will begin by explaining ME. In the process, I will fill in some gaps in the theory, by clarifying why it is necessary for a blamer to invoke a special right to blame and by accounting for the type of right that standing to blame is. I will also distinguish between the question of why hypocrisy is wrong or bad, and the question of why hypocrisy undermines moral standing to blame. I hold that several theories provide plausible answers to the first question, but only ME has so far given a good answer to the second question. When distinguishing properly between these two questions, we see that ME can meet the three challenges.

1 What is Moral Standing to Blame?

According to ME, hypocrisy is wrong in virtue of denying moral equality, and because it is wrong in this way, hypocrisy undermines the hypocrite’s moral standing to blame. To assess these claims, we need first to clarify what is meant by moral standing to blame.¹

¹ Note that I restrict the discussion to the practice of blaming. Questions about standing and about hypocrisy can be raised for other practices as well, but I will not go into these questions here.

The standard view of moral standing to blame sees it as a right or an entitlement to blame (Roadevin 2018: 137; Bell 2012: 269; Wallace 2010: 317; Isserow and Klein 2017: 202; Fritz and Miller 2018: 118; Todd 2019: 359; Cohen 2006: 120). It can be useful to compare with standing in law (Bell 2012: 269). “Legal standing” signifies a right to initiate a lawsuit, and thereby to hold someone legally to account. “Moral standing to blame” signifies the right to hold someone morally to account. Just like there are conditions on legal standing – such as the condition that the suing party must have been harmed by or have sufficient connection to the law or action in question – so there are conditions on moral standing to blame, such as the condition that the blamer must not be hypocritical.

Defenders of ME have taken moral standing to blame to be a basic right that we all retain by default *qua* moral agents. Blaming is an integral part of morality and the right to blame is grounded in our equal moral status, which is a condition for morality itself (Wallace 2010: 330; Fritz and Miller 2018: 126). Some philosophers have responded that even though blaming is integral to morality we do not have a right to blame. Matt King says: “I don’t think there is a right to blame. That isn’t to say one is never justified in blaming. Rather, blame just isn’t something to which one has a right” (2019: 7).

For King and other skeptics about standing, failure to fulfill the typical standing conditions, such as the nonhypocrisy condition, does not preclude justified blame (Bell 2012; Dover 2019; King 2019). Even hypocritical blame can have value, they say, for instance by allowing a wrongdoer to become aware of their faults, by strengthening adherence to social and moral norms, etc. Although the skeptics may be right about this, especially when blame is dialogical and constructive (Dover 2019), it is nonetheless the case that blame can be quite burdensome for the blamed. For this reason, it may be justified to set restrictions even on valuable blaming practices. We do this with many other moral practices, of course: We restrict the pursuit of value in order to protect affected parties. So it is with conditions on blaming.

Many philosophers stress the onerous function of blame when it takes the form of public “disapproval” (Roadevin 2018: 138) or “opprobrium” (Wallace 2010: 318), which then constitutes a form of “harm” (Todd 2019: 350, Telech and Tierney 2019: 30), “unpleasant experience” (Isserow and Klein 2017: 217), “negative social effect” (Wallace 2010: 329), etc. In addition to being a burden, blame entails an expectation to respond in an appropriate way. As James Edwards says, speaking in terms of responsibility: “To hold someone responsible [...] is not merely to describe the state of the world as we see it. It is also to demand something from those who are held responsible.” (Edwards 2019: 448). Blame constitutes a “demand for an uptake from my blamee” (Lippert-Rasmussen 2021: 667). The blamed person is called to answer; to apologize, to give an explanation (Duff 2010), or to otherwise act on the directives that blame provides (Herstein 2017). “By blaming, one creates an obligation for the blamed” (Fritz and Miller 2022a: 771). And because blame creates an obligation, it restricts the blamed person’s choices of morally acceptable actions. The blamer “imposes one’s will” on the blamed (Herstein 2020: 15) by making them set aside other projects to respond to the blame.

The function of standing norms is to set conditions on when the blamed person can justifiably be required to respond to charges against them and to bear the burden

of being held to account. Standing thus protects both the freedom and the interests of the person who may be held to account. Legal standing serves the same function in a legal context. Having to defend yourself in court is both a financial and an emotional burden. It also restricts your freedom, by requiring that you set aside other projects to prepare your defense and to stand trial. Conditions on taking someone to court, such as the requirement to have standing, but also the requirement to provide evidence, to show probable cause for indictment, etc., protect freedom by allowing an accused person *not to act*. The accused does not have to defend themselves unless the other party has standing. Likewise, conditions on blaming, such as the standing requirement, protect freedom by allowing an accused not to act. A standingless blamer fails to provide the blamed with a normative obligation to provide a response on the merits of the blame. The blamed is then morally free to ignore the blame or simply to respond: “Who are you to blame me?”, without thereby neither acknowledging nor denying the content of the blame (Herstein 2017; Statman 2022; Lippert-Rasmussen 2021).²

Another way of stating this point is to say that if the blamer lacks standing to require an uptake of blame, the blamed is normatively *immune* from this demand. Stated more generally: The concept of a right to blame makes sense only if, in the absence of the right, the blamed has a right not to be blamed, i.e., she is immune from blame. The very notion of standing thus presupposes another and more fundamental right: *the right not to be blamed* if standing (and other conditions) are not satisfied. This right is logically prior to standing. Therefore, it isn’t the right to blame that everyone retains as a default. It is the right not to be blamed which is the basic right against which the right to blame is an exception.³

Viewing justified blame as an exception from a general right not to be blamed accords with normal blaming practices: Nobody would say that we are justified in blaming anyone for anything all the time. It would, for instance, be wrong to blame someone for breathing or for having green eyes. We all have a moral right not to be blamed for such things. Indeed, we have a right not to be blamed for anything – except those things for which we are *blameworthy*.

When are we blameworthy? The ground for a person’s blameworthiness is her fault (having culpably committed wrong without justification or excuse). The normative significance of her blameworthiness is her liability to blame. As Mitchell Berman explains, “blameworthiness serves a liability function (removing a bar to otherwise impermissible treatments)” (2021: 1). The notion of “otherwise impermis-

² This does not imply, of course, that the blamed person does not have other, independent obligations that they cannot simply ignore. If they have wronged someone, they may for instance have obligations to compensate the person for their losses and to apologize – obligations which they incur due to their wrongdoing and irrespective whether they are blamed or not, and whether, if they are blamed, the blamer is hypocritical.

³ Note that I am not saying that the right not to be blamed is an indefeasible right. It is defeasible when we are liable to blame. In the same way, we might say that the state’s right to punish a criminal offender presupposes a logically prior right not to be punished. As with the right not to be blamed, the right not to be punished is defeasible: It is forfeited when one commits a criminal offense. See the discussion of general and special rights that follows below.

sible” blame makes sense only if we assume as default that we have a right not to be blamed, i.e., that blame is impermissible unless we become liable to it.

Applying Wesley Hohfeld’s (1913) classification of rights, the correlative normative position to liability is *power*. A blameworthy person is liable to blame from someone with power to blame. Standing, or the right to blame, is thus a Hohfeldian *power(-right)* (Edwards 2019; Fritz and Miller 2022a). There can be different grounds for standing: Sometimes it is grounded in a special relationship, other times everyone has standing if they satisfy certain negative conditions, such as nonhypocrisy. It might be, for instance, that only a member of a club has standing to blame another member for violating club rules, whereas everyone has standing to blame a bank robber as long as they fulfill the negative standing conditions. Whenever the grounds for standing are satisfied (whatever these may be), the normative significance is that the blamer has the right to lay the burden of blame upon a blameworthy person and to require an uptake of blame from her. Lack of the right makes blame *pro tanto wrongful* (Fritz and Miller 2018; Herstein 2020; Lippert-Rasmussen 2022: 230). Blame is then impermissible, because it violates the right not to be blamed by someone from whom one is not liable to blame.

To be sure, having the right to blame is not sufficient to justify expressing blame. There are further requirements for blame to be all-things-considered justified, such as it being proportional, deserved and conveyed in a justifiable way.⁴ Blameworthiness and standing are conditions for such justified blame. But they do not by themselves justify blame. They only remove a bar to blame, defeating the basic right not to be blamed.

2 Why Does a Hypocrite Lack Moral Standing to Blame?

To answer this question, we must distinguish between why hypocrisy is morally bad or wrong and why it undermines moral standing to blame. Some philosophers say that hypocrisy is wrong because the hypocrite, by violating the norm for which she blames someone, thereby fails to take that norm seriously (henceforth the TNS-theory of hypocrisy: *taking norms seriously*) (Todd 2019; Lippert-Rasmussen 2021; Rossi 2018). While hypocrisy may be morally objectionable for this reason, the proponents of TNS have not properly explained why failing to take the norm seriously would undermine one’s standing to blame (Fritz and Miller 2022b: 854). TNS does not explain the link between the badness of hypocrisy and its standing-cancelling function.⁵

Wallace’s moral equality account, however, starts from the premise discussed above that “we all have an interest in being protected from the kind of social disap-

⁴ I agree with Berman who distinguishes desert of blame from blameworthiness by saying that the former serves a “favoring function”, meaning that it contributes new value to a state of affairs, and the latter serves a liability function, meaning that it removes a bar to certain treatment (2021: 1). The value that expressing blame might contribute will factor into whether it is all-things-considered justified.

⁵ See below for a discussion of Todd’s “bedrock view” of the standing-cancelling function of hypocrisy, which gives up on providing an explanation for it. See also Riedener (2019) for a version of TNS that explains the standing-cancelling function of hypocrisy without appeal to the moral badness of hypocrisy.

proval and opprobrium that are involved in blame” (2010: 328). Wallace starts, in other words, from a theory of standing in order to explain what is wrong with hypocrisy: The hypocrite who blames another person while failing to blame herself for violating the same norm, fails to let the protection that standing gives apply equally to all.

As long as [hypocrisy] goes uncorrected, this complex stance attaches to my interests greater importance than it ascribes to yours, affording my interests a higher standard of protection and consideration than it affords to yours. This offends against a presumption in favor of the equal standing of persons that I take to be fundamental to moral thought (2010: 328).

Responding to Wallace, Fritz and Miller (2018) say that his theory of differential protection of interests applies only to overt blame, i.e., when the blamed is aware of or impacted by the blame, because that is when blame affects a person’s interests. They agree with Wallace that hypocrisy violates moral equality, but they locate the wrongness of hypocrisy in the dispositions of the hypocrite to differential blame of others and of herself, and not in the protection of interests. Such “Differential Blaming Dispositions” (DBDs) are morally wrong, Fritz and Miller claim, regardless of whether the blame is overt. Hence, Fritz and Miller’s version of ME (arguably) has a wider scope than Wallace’s, applying both to internal and external (overt) blame. I will return to this issue below.

Like Wallace, Fritz and Miller explain why hypocrisy undermines standing by the fact that the hypocritical blamer implicitly denies equality. Equality is an essential part of the grounding of rights, including the right to blame. “[O]ur shared (i.e. equal) personhood grounds the equal distribution and application of fundamental rights, obligations, and norms” (2018: 126). The hypocrite, Fritz and Miller say, “rejects the equality of persons with respect to violations of N [a norm]”, and thereby “rejects the grounding that gives the right to blame S for violations of N” (2018: 125). When someone rejects the grounding of a right, then unless that right is inalienable, she forfeits the right (2018: 127). If, say, I reject my membership in the local rowing club, I cannot later claim a right to use their boats – I have forfeited the right when I rejected that which grounded the right. Analogously, when a hypocrite implicitly rejects the notion that rights apply equally to all persons unless there are justifiable exceptions – a notion that grounds rights, including the right to blame – she forfeits her right to blame (2018: 125).

Notice that this presupposes that the blamer must invoke a right to blame. The blamer appeals to a right to blame and fails to attain it if she is a hypocrite, because she then rejects the grounding of the right. Wallace and Fritz and Miller start from the premise that standing is a right, but they do not explain the need for invoking this right. Here is a gap in the argument for ME that must be filled.

Why should we suppose that the blamer is implicitly appealing to a right to blame? We do not usually say of someone doing mundane things such as taking a walk or eating soup that she is invoking a right to do these things and that she is therefore implicitly appealing to moral equality. If, however, someone was to hinder the person in doing these things, we would say of the hinderer that she was justified in hindering

only if she had a moral right to do so. The hinderer, but not the hiker and the soup-eater must appeal to a right in order to justify acting as she does.

To explain this asymmetry, and to see its relevance for the right to blame, we can apply H. L. A. Hart's (1955) distinction between general rights and special rights. Special rights are rights to do something which would otherwise constitute an interference of another's sphere of autonomy. General rights apply to all and are rights not to be interfered with unless someone else has a special right to do so. If I invoke a special right to your services according to our contract, this appeal to a special right makes sense only if, but for the special right, you are protected by a general right of non-interference not to render the services.

This puts the burden of justification on special rights. It is when an action requires special rights that we can infer that the person justifying such an action must appeal to a right. Talking a walk or eating soup does not require such an appeal; these acts do not require a special right to interfere with someone else's general rights of non-interference. It is hindering these acts that requires an appeal to a special right to do so.⁶ A landowner, for instance, must invoke a special right if she is to justify hindering a hiker from crossing her fields. This special right only makes sense if but for the special right the hiker would be protected by her general right of non-interference to walk wherever she pleases. Likewise for blaming: Only if we assume that as default we all have a general right not to be blamed does it make sense that blamers must invoke a (special) right to blame. Therefore, since ME explains the hypocrite's lack of standing by the self-defeating nature of her implicit appeal to a right to blame, ME must presuppose that as default we all have a general right not to be blamed, which is defeated only when we are liable to blame from someone with a special right (standing) to blame.

The upshot of Hart's distinction is that the concept of a right presupposes everyone's freedom, or what Hart calls our "natural right to freedom" (Hart 1955; Vogt 2021). Firstly, as we have seen, because a private sphere of autonomy is logically necessary as the negative against which special rights make sense. And secondly, Hart argues, because special rights to interfere can be granted by exercising one's autonomy, for instance by signing a contract, or in the case of blame, by culpably committing wrong and thereby making oneself liable to blame. To have and to create rights and duties requires autonomy. Indeed, rights- and duty-holders must be *equal*

⁶ If we are hindered in taking a walk or eating soup, we might of course invoke our rights not to be hindered in doing these things. General rights are then "asserted defensively", as Hart says (1955: 187). Thus, we might invoke a general right as a matter of convincing someone that the action in question is protected by it, e.g., by saying "I have a right to eat whatever I please". There is nevertheless an important difference between such an assertion of a general right and an appeal to a special right: The actions that are protected by general rights require no justification. The burden of proof lies on the party that wants to restrict the general right of non-interference. We do not have to appeal to a right to justify doing things that do not affect other people's rights. Opposite with special rights: If I make a claim to your services based on a contract, the claim requires that I justify it – that is, unless we agree that there is such a contract or I can justify the claim by producing the contract or otherwise prove that we have indeed made such a contract, it is your general right to non-interference that is valid. Applied to our topic: If a hypocrite fails to obtain a special right to blame because their hypocrisy undermines their right, then the default right not to be blamed, i.e., a general right of non-interference, obtains. I thank a reviewer for prompting me to make clear the difference in the burden of justification between special rights and general rights.

in this respect. The blamer's right to blame presupposes both their own capacity for having rights and the blamed's capacity to create a liability. Rights and duties are thus grounded on *equal* freedom, in other words, on our equal capacity to have and to create rights and duties for each other. Equality is indeed constitutive of rights, as ME claims.

This brief exposition of the moral equality theory of hypocrisy explains, as I see it, why hypocrisy undermines moral standing to blame. However, if ME is problematic for other reasons we might nevertheless have reason to reject ME and go searching for a better theory. Let us therefore consider the three mentioned challenges to the theory.

3 The Internal Blame and Blame of Fictional Characters Challenge

Todd (2019) presents the case of three shop owners, Simon, Sebastian and Samuel. They have each been the victim of a shoplifter, and each feels rage and a desire to confront the criminal. Simon has previously shoplifted from others. Sebastian has never shoplifted, but not for want of trying (his car broke down on the way to shoplifting). Samuel has never tried to shoplift, but not for wanting or wishing to do so. He simply lacks the means to do so (he does not have a vehicle and there are no shops within walking distance). Todd makes the point that all three equally lack the moral standing to blame. It is moral luck that distinguishes the cases, and as Todd says, "a difference in moral standing can never be a mere difference in luck" (2019: 363).

Todd then takes the thought one step further: What if it turned out that the shop owners were mistaken and that nobody had stolen from them? "[W]e may simply suppose that the entire episode was fabricated, and never in fact took place. None of this will change our conviction that Samuel lacked the standing to *feel* as he did." (2019: 363).

Further, Todd asks, what if the episode was fabricated in the sense that it was fiction, and it was known to be fiction by the blamer? "Suppose, however, that Samuel were simply watching a film – *Trainspotting*, say – in which one of the characters shoplifts, and imagine Samuel becoming morally agitated with that character on account of his behaviour." This would be hypocritical, Todd says, and concludes that "one may lack the (basic) moral standing to blame even creatures of fiction" (2019: 364).

According to Todd, these examples pose a problem for ME for the following reason: Since creatures of fiction do not have any interests, hypocrisy in blaming them cannot be morally wrong due to an unequal concern for their interests. Wallace's view that hypocrisy is objectionable because "I [the hypocrite] take your interests to be less important than my own" (2010: 328) does not apply when the object of blame does not have any interests. Neither does the theory apply when blame is entirely internal, because private thoughts and feelings do not affect the interests of others.⁷

⁷ Wallace remarks that internal hypocritical blame is also objectionable (2010: 324), but I believe Todd and Fritz and Miller are correct that his theory of hypocrisy cannot account for it because it relies on

Todd concludes that unlike ME, TNS can explain why hypocritical blame is objectionable in these cases. Samuel's feelings are morally objectionable because he does not take seriously the norms that he blames the shoplifter (real or fictional) for breaking. His blame is therefore inauthentic or in bad faith, which reflects badly on his character. I agree with Todd that TNS provides a good explanation in these cases. However, Fritz and Miller's version of ME can also explain why hypocritical internal blame and hypocritical blame of fictional characters is morally inappropriate or bad, even though nobody's interests or rights are affected. They see hypocrisy as objectionable due to the differential blaming dispositions (DBDs) of the hypocrite. These dispositions can be present when the object of blame is fictional, when blame is entirely internal, and when moral luck has prevented the blamer from committing a similar act as the blamed. Samuel's DBD shows that he considers others as unequal to himself, and this reflects badly on his character. Thus, when it comes to explaining why hypocrisy is morally bad or inappropriate in these cases, Todd's challenge has traction only against Wallace's version of ME.

Todd makes a stronger claim as well. It is not just that hypocritical internal blame and blame of fictional characters are morally objectionable. He says that Samuel lacked the *standing* to feel as he did, and that one may lack moral standing to blame fictional creatures. As I mentioned above, it does not follow from the fact that hypocrisy is bad or wrong that it undermines standing. There are, after all, many faults a blamer can display, such as pettiness, stinginess and arrogance that do not cause the blamer to lose standing (Bell 2012: 275). We require a separate argument for why the wrong of hypocrisy causes the hypocrite to lose standing. TNS has not supplied this argument. Todd acknowledges this, and suggests a bedrock view, where the best answer is, "he just does" (2019: 371). There is no need to accept this bedrock view, however, because ME can supply the required argument, as we saw above: The hypocrite denies that which grounds his right to blame: moral equality.

Notice that ME does not explain lack of standing simply by the moral fault of the blamer. It is not the moral fault of having differential blaming dispositions (DBD) that by itself causes the hypocrite to lose standing. It is DBD *while invoking a moral right which presupposes non-DBD*, i.e., moral equality, that causes the hypocrite to lose standing. It is this self-defeating feature of hypocrisy which explains its standing-cancelling function, presupposing moral equality while denying moral equality.

ME's argument for loss of standing is therefore relevant only when the blamer is required to appeal to a moral right to blame, and not when no such moral right is required. This same conclusion follows from an analysis of the concept of standing. As we have seen, the function of standing norms is to protect against the burdens of blame in situations when the blamed is not liable to blame from the blamer. Hence, in situations where there either is no burden against which to protect (internal blame) or there is nobody to protect from burdens (blame of fictional characters), the concept of standing serves no function at all. Samuel does not require standing in order to justify certain feelings towards others. His feelings do not constitute a burden for someone else, and even hypocritical blame cannot then qualify as a wrong against some-

unequal concern for the blamed person's interest in being protected from blame, which is not affected when blame is internal. See further discussion in the main text.

one else. Granted, we often say things like, “I don’t think you have the right to feel resentment towards Carl”. And such statements make sense if we assume that your resentment will somehow affect the way you act towards Carl, which it often will, of course. But if, as stipulated, the feelings remain entirely internal, one does not require a right to feel them. Standing is not relevant when blame is not communicated.

Nor does Samuel require standing to blame fictional characters, even if he expresses the blame to someone, say his girlfriend with whom he is watching *Trainspotting*. If he is hypocritical, she might criticize him for it and justify the criticism by reference either to TNS or to the DBD-version of ME. But his moral fault of hypocrisy does not cancel his standing because the concept of standing is irrelevant in the first place. A fictional character does not have a general right not to be blamed, and Samuel does not therefore require a right to blame.

ME can thus meet The Internal Blame and Blame of Fictional Characters Challenge by distinguishing between the question of why hypocritical blame may be bad in such cases – a question that the DBD-version of ME can answer – and the question of why a hypocrite would lack standing in such cases – a question to which the answer is that the hypocrite would not lack standing because the requirement of standing does not apply.

4 The Hypercrite Challenge

Lippert-Rasmussen poses the following challenge for ME: Moral equality can be denied not only by making exceptions for oneself in a favorable way; it can be denied by unfairly blaming oneself more than one blames others. The latter type of blamer he calls a *hyper-crite*. “If the hypocrite implicitly denies moral equality of persons by implicitly affirming her own elevated moral standing, then so does the hypercrite, by implicitly affirming her own lowly standing relative to other persons” (2021: 668). Unlike, the hypocrite, however, the hypercrite does not lose her moral standing to blame others, Lippert-Rasmussen claims.

Suppose Adrian severely blames himself for, say, stealing \$10 from a rich person, while at the same time expressing mild disapproval of Beth’s theft of all of the possessions of a poor person. Surely Beth cannot dismiss Adrian’s mild disapproval on the ground that, owing to his hypocrisy, he has no standing to blame her (2021: 668).

The upshot is that it cannot be denial of moral equality that explains why the hypocrite loses moral standing, since the hypercrite also denies moral equality but does not lose moral standing to blame. The hypocrite’s lack of standing requires another explanation, and Lippert-Rasmussen opts for TNS.

One possible response to Lippert-Rasmussen is to say, as Tierney (2021) does, that Lippert-Rasmussen proves too much, because his example undermines not only ME but his own TNS-theory. The hypercrite fails not only to treat herself and others equally; she also fails to take norms seriously by failing to blame others sufficiently. However, this response will not suffice for defenders of ME, who will not be content

to prove that *neither* ME *nor* TNS properly accounts for why hypocrites lack standing to blame.

Defenders of ME are left with two main options: They can deny the asymmetry between hypercrisy and hypocrisy that Lippert-Rasmussen proposes, and instead argue that *both* hypercrites and hypocrites lack the standing to blame others. Or they can accept Lippert-Rasmussen's claim that the hypocrite, but not the hypercrite, lacks the standing to blame others, and argue, contra Lippert-Rasmussen, that ME can explain this asymmetry.

Fritz and Miller have chosen the first option. They acknowledge that "it may indeed seem odd to insist that hypercrites like Adrian lack the standing to blame others" (2022b: 850). Even after having proposed some arguments for this view, Fritz and Miller admit that the intuitions in favor of Lippert-Rasmussen's conclusions are "hard to shake" (2022b: 854). Yet, they agree with Lippert-Rasmussen that "ME, at least, must indeed insist on the hypercrite's undermined standing" (2022b: 850). They choose, in other words, to bite the bullet and to accept the unintuitive and, in my opinion, implausible view that excessive self-blamers lack the standing to blame others.

There is another way out. Defenders of ME can take the second option and explain why hypercrites, but not hypocrites, retain their standing to blame others. They can do so by distinguishing, as I did above, between the question of why hypocrisy is bad or objectionable and the question of why hypocrisy undermines moral standing to blame. On Fritz and Miller's version of ME, hypocrisy is objectionable because the hypocrite displays a differential blaming disposition in her blame of others. A hypercrite may evince the same moral fault by blaming herself disproportionately harshly. But ME does not explain lack of standing simply by the moral fault of the blamer. It is not a differential blaming disposition (DBD) by itself that causes the hypocrite to lose standing. As we have seen, it is DBD *while invoking a moral right which presupposes non-DBD (moral equality)* that undermines standing, because the appeal to standing is self-defeating. The hypercrite does not display this type of DBD. Unlike the hypocrite, who presents herself as someone who is not liable to blame, and hence who is protected by the right not to be blamed, the hypercrite invites blame from others by expressing self-blame. She does not, in other words, make an exception for herself from the right of others to blame her when she is liable to blame – and therefore her appeal to a moral right to blame others is not self-defeating.

Could perhaps the hypercrite lack standing to blame *herself* due to her DBD? Lippert-Rasmussen has not made this claim, but others have argued that standing norms apply to self-blame and not just to blame of others (Todd and Rabern 2022; Tierney 2021; Fritz and Miller 2022b). According to Fritz and Miller, you lack standing to self-blame if you have an unjustified differential blaming disposition with respect to the norm for which you blame yourself. Hence, hypercrites lack standing to self-blame.

Here is the upshot: If it is true that the hypercrite lacks standing to blame herself, then by doing so, the hypercrite is violating standing norms. If she then appeals to standing norms to blame others, she will be hypocritical with regard to standing norms – and hence, her appeal to standing norms to justify blame of others will be self-defeating.

On the standard view of standing as a right to blame this is an implausible conclusion. The right to blame only makes sense if, but for the right, everyone has a general right not to be blamed. This general right of non-interference, however, is here only relevant to the extent that blaming qualifies as interference. As we saw above, it is common among philosophers to see public blame of others as “harm”, “opprobrium” etc., which makes a demand on the blamed for an uptake of the blame. In the case of self-blame, however, blame is not a burden placed on the blamed by another. There is no interference or demand for action from someone else. In short, there is no infringement against which a right not to be blamed protects. Standing thus serves no function.

In response to this argument, defenders of the claim that self-blame requires standing might appeal to the familiar notion that some acts toward oneself can infringe upon one’s own rights. Hypercritical self-blame might then constitute an infringement of one’s own right not to be blamed by someone who lacks standing. If that is the case, however, presumably it is a right that the self-blamer can waive and thus automatically gain a special right (standing) to self-blame. *Volenti non fit iniuria* – “to a willing person it is not a wrong”. Hypercrites and others do not lack standing then, because they can exercise their autonomy to grant themselves the right to blame themselves.

Against this view, Fritz and Miller discuss the possibility that protection from excessive self-blame is a nonwaivable right, like a Kantian duty toward the self (Fritz and Miller 2022b: 853). That solution is also implausible, however. Most rights are waivable, like the right to get paid according to a contract or the right to hinder others from walking through your fields. For Kant, only those rights that are constitutive of one’s morality are nonwaivable (Kant 1996: 419). We have perfect duties to ourselves not to commit suicide, not sell ourselves into slavery, not to incapacitate ourselves through intoxication, etc. These are nonwaivable rights (i.e., perfect duties) to ourselves because if we did have the right to waive them, we would deny our very capacity to have rights, and hence, as with hypocrisy, our implicit appeal to moral rights would be self-defeating. That is not the case with self-blame. Blaming oneself, even excessively, is not an act that undermines one’s moral agency. It can be morally objectionable and a sign of insufficient concern for oneself. But someone who is excessively strict with herself retains her rational and moral capacities. Excessive self-blame is not therefore something it is plausible that one has a perfect duty toward oneself to avoid.

To conclude, ME can meet The Hypercrite Challenge because it can explain why hypocrites lack standing to blame others and why hypercrites do not lack standing to blame others or themselves.

5 The Inegalitarian Norm Challenge

Lippert-Rasmussen (2021) introduces another challenge for ME: Hypocritical blame for violating an inegalitarian norm cannot be explained by the hypocrite’s denial of equality, he says. Imagine that three aristocrats agree to the following inegalitarian norm: Aristocrats ought to help other aristocrats even at a moderate cost to them-

selves, but they ought to help commoners only at a small cost to themselves. The first aristocrat violates the norm by helping a commoner at a moderate cost to himself. The second and third aristocrats blame him for doing so, but of those two, the second aristocrat is hypocritical, for he has previously helped commoners at a moderate cost to himself. Lippert-Rasmussen makes the following point: Both the second and third aristocrat deny moral equality since they subscribe to the inegalitarian norm. Hence, it cannot be as ME claims that denial of moral equality can explain the specific wrong of the second aristocrat's hypocritical blame.

Anticipating a response from defenders of ME (which until now has not appeared), Lippert-Rasmussen claims that it will not save ME if one insists that ME applies only to second-order norms about how we assess violations of first-order norms, and not directly to first-order norms. The inegalitarian norm that Lippert-Rasmussen's aristocrats subscribe to is a first-order norm. Therefore, one might be tempted to say that it is irrelevant to ME that the aristocrats deny equality by subscribing to it. To stave off this response, Lippert-Rasmussen suggests what he calls a Complex Inegalitarian Norm, which is a second-order norm: Three aristocrats agree that blame from aristocrats requires uptake from the blamed, e.g., by apologizing, but blame from commoners should be ignored. If the second and third aristocrats blame the first for his uptake of blame from a commoner, and the second aristocrat has previously done the same and is hypocritical in his blame, the situation will be as with the first-order norm: It cannot be denial of equality that explains the specific wrong of the second aristocrat's hypocritical blame of the first aristocrat.

Although Lippert-Rasmussen's Complex Inegalitarian Norm may seem somewhat contrived, I believe we find other instances of it, for instance when adults feel they can ignore blame from children, or when experts disregard non-experts. An example: Some musicians might agree among themselves that they should not care about bad reviews from music journalists, since journalists do not have the musical expertise that musicians acquire by creating music. We can imagine a similar scenario to Lippert-Rasmussen's, where the second and third musicians criticize the first for caring about a bad review. If the second musician also cares about a bad review of her music, she is hypocritical in her blame of the first musician, and her blame is therefore wrong in a way that the third musician's non-hypocritical blame is not. ME explains this difference by the second musician's differential blaming disposition (DBD) vis-à-vis the first musician. But if Lippert-Rasmussen is correct, DBD cannot account for the difference, because all three musicians have DBDs with regard to music journalists. The second musician's DBD is therefore not unique to her.

As explained above, however, ME does not imply that denial of equality or DBD by itself causes the hypocrite to lose standing. It is DBD *while invoking a moral right which presupposes non-DBD (moral equality)* that undermines standing. Such a claim to standing is self-defeating. In the cases of the inegalitarian aristocrats and musicians, the fact that they are inegalitarian and display DBDs is insufficient to lose standing. It is DBD while claiming a right to blame the first aristocrat/musician that undermines standing to do so. A blamer can deny equality in other instances. She can even be hypocritical in other instances of blaming. She might for example be hypocritical with regard to abortion, blaming women who take abortions while seeking an abortion herself, but nonhypocritical with regard to condemnation of infidelity. She

will then have standing to blame her husband for cheating on her, even though she displays DBD in the context of abortions. More generally, the equality requirement for blaming applies regardless of the content of the blame. That is why a racist can have standing to blame another racist for not being sufficiently racist. As long as the racists consider each other as equals, they can have standing to blame each other, even though they do not consider racial minorities as their equals. Standingless blame is a wrong that is independent of the wrong for which blame is expressed.

This point can also be stated in terms of first- and second-order norms. I believe Lippert-Rasmussen is correct to suggest that ME should be understood as a theory about second-order norms. Indeed, all theories of moral standing to blame are theories about second-order norms; they are theories of norms for blaming violators of other norms, regardless of the content of these other, first-order norms. ME, specifically, is a theory of the wrongness of inegalitarian blaming. As such, it has nothing to say about the content of the norms for which someone is blamed. The content of these norms may be inegalitarian.

This explains why Lippert-Rasmussen's example of the aristocrats' violation of the Complex Inegalitarian Norm fails to disprove ME. It is correct that The Complex Inegalitarian Norm is a second-order norm about blaming for violations of other norms. However, when the second and third aristocrat blame the first for breaching it, The Complex Inegalitarian Norm functions as a first-order norm in relation to the blame for violating it. The fact that The Complex Inegalitarian Norm is inegalitarian is irrelevant to the second-order norms regulating blame of the norm. What matters on the level of the second-order norms of blame for violating The Complex Inegalitarian Norm is, according to ME, that the blamer treats the blamed with equal respect as herself. That is not the case when the second aristocrat displays DBD while blaming the first aristocrat for violating The Complex Inegalitarian Norm. Hence, contrary to Lippert-Rasmussen's claim, ME can explain the specific wrong of the second aristocrat's hypocrisy.

6 Conclusion

I have argued that the moral equality theory of why hypocrites lack the moral standing to blame can satisfactorily respond to three challenges that have been made against it in the literature on hypocrisy: The Internal Blame and Blame of Fictional Characters Challenge, The Hypercite Challenge, and The Inegalitarian Norm Challenge. I have also added to the reasons in favor of ME. I have done so by explaining why blamers must invoke a right to blame and why this right presupposes moral equality. When hypocrites implicitly deny moral equality, they thereby vanquish the moral ground on which justifiable blame rests.

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References

- Bell, Macalester. 2012. The Standing to Blame: A Critique. In *Blame: Its Nature and Norms*, ed. D. Justin Coates and Neal A. Tognazzini, 0. Oxford UP.
- Berman, Mitchell N. 2021. Blameworthiness, desert, and luck. *Nous*. <https://doi.org/10.1111/nous.12405>
- Cohen, G. A. 2006. Casting the First Stone: who can, and who can't, condemn the terrorists? *Royal Institute of Philosophy Supplement* 58: 113–136. <https://doi.org/10.1017/S1358246100009334>
- Dover, Daniela. 2019. The Walk and the talk. *The Philosophical Review* 128(4): 387–422. <https://doi.org/10.1215/00318108-7697850>
- Duff, R. A. 2010. Blame, Moral Standing and the legitimacy of the criminal trial. *Ratio* 23(2): 123–140.
- Edwards, James. 2019. Standing to hold responsible. *Journal of Moral Philosophy* 16: 437–462.
- Fritz, Kyle G., and Daniel J. Miller. 2022a. A standing asymmetry between blame and Forgiveness. *Ethics* 132(4).
- Fritz, Kyle G., and Daniel J. Miller. 2022b. Two problems of self-blame for Accounts of Moral Standing. *Ergo an Open Access Journal of Philosophy* 8: 54. <https://doi.org/10.3998/ergo.2255>
- Fritz, Kyle G., and Daniel J. Miller. 2018. Hypocrisy and the Standing to blame. *Pacific Philosophical Quarterly* 99(1): 118–139. <https://doi.org/10.1111/papq.12104>
- Fritz, Kyle G., and Daniel J. Miller. 2019. The unique badness of hypocritical blame. *Ergo: An Open Access Journal of Philosophy* 6.
- Hart, H. L. A. 1955. Are there any Natural Rights? *The Philosophical Review* 64(2): 175–191.
- Herstein, Ori J. 2017. Understanding Standing: permission to deflect reasons. *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 174(12): 3109–3132. <http://www.jstor.org/stable/45094034>
- Herstein, Ori J. 2020. Justifying standing to give reasons: Hypocrisy, minding your own business, and knowing one's place. *Philosopher's Imprint* 20(7).
- Hohfeld, Wesley Newcomb. 1913. Some fundamental legal conceptions as Applied in Judicial reasoning. *The Yale Law Journal* 23(1): 16–59.
- Isserow, Jessica, and Colin Klein. 2017. Hypocrisy and moral authority. *Journal of Ethics and Social Philosophy* 12(2).
- Kant, Immanuel. 1996. *The Metaphysics of Morals. The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*. Cambridge: Cambridge UP.
- King, Matt. 2019. Skepticism about the standing to blame. In *Oxford Studies in Agency and responsibility volume 6*, ed. David Shoemaker. 1–33. Oxford: Oxford UP. downloadable pdf-version.
- Lippert-Rasmussen, Kasper. 2021. Why the moral equality account of the hypocrite's lack of standing to blame fails. *Analysis* 80(4): 666–674. <https://doi.org/10.1093/analys/anaa009>
- Lippert-Rasmussen, Kasper. 2022. Praising without standing. *The Journal of Ethics* 26(2): 229–246. <https://doi.org/10.1007/s10892-021-09374-2>
- Riedener, Stefan. 2019. The Standing to blame, or why Moral Disapproval is what it is. *Dialectica* 73(1–2): 183–210. <https://doi.org/>
- Roadevin, Cristina. 2018. Hypocritical blame, Fairness, and standing. *Metaphilosophy* 49(1–2): 137–152. <https://doi.org/10.1111/meta.12281>
- Rossi, Benjamin. 2018. The commitment account of hypocrisy. *Ethical Theory and Moral Practice* 21(3): 553–567. <https://doi.org/10.1007/s10677-018-9917-3>
- Statman, Daniel. 2022. Why disregarding hypocritical blame is appropriate. *Ratio*. <https://doi.org/10.1111/rati.12345>

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- Telech, Daniel, and Hannah Tierney. 2019. The comparative nonarbitrariness norm of blame. *Journal of Ethics and Social Philosophy* 16(1).
- Tierney, Hannah. 2021. Hypercrisy and standing to self-blame. *Analysis* 81(2): 262–269. <https://doi.org/10.1093/analys/anaa074>
- Todd, Patrick. 2019. A unified account of the moral standing to blame. *Noûs* 53(2): 347–374. <https://doi.org/10.1111/nous.12215>
- Todd, Patrick, and Brian Rabern. 2022. The paradox of self-blame. *American Philosophical Quarterly* 59(2): 111–125. <https://doi.org/10.5406/21521123.59.2.01>
- Vogt, David Chelsom. 2021. The natural meaning of crime and punishment: Denying and affirming freedom. *Criminal Law and Philosophy*. <https://doi.org/10.1007/s11572-021-09624-2>
- Wallace, R. Jay. 2010. Hypocrisy, moral address, and the equal standing of persons. *Philosophy & Public Affairs* 38(4).

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