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# The Second-Person Standpoint

*Morality, Respect,  
and Accountability*

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— PART I —



# — 1 —

## The Main Ideas I

People are self-originating sources of claims.

—JOHN RAWLS, “KANTIAN CONSTRUCTIVISM IN  
MORAL THEORY”

Call *the second-person standpoint* the perspective you and I take up when we make and acknowledge claims on one another’s conduct and will.<sup>1</sup> This might be explicit, in speech, as with the performatives J. L. Austin botanized—demanding, reproaching, apologizing, and so on—or only implicit, in thought, as with Strawsonian reactive feelings like resentment and guilt (Austin 1975; Strawson 1968).<sup>2</sup> But whether explicit and voiced—“You talkin’ to me?”—or only implicit and felt, as in a resentful sulk, the I-you-me structure of reciprocal address runs throughout thought and speech from the second-person point of view.

Austin taught us that speech acts addressed to others have “felicity conditions” that must be met for them to come off properly or, indeed, at all (Austin 1975). For an utterance to count as a command, for example, certain conventional authority relations must be in the background, and this must be common knowledge between speaker and addressee. Austin was not concerned with ethics, however. The questions he cared about were social and linguistic: What conditions must be satisfied for speech acts to succeed in conventional terms? It is enough for an utterance to amount to a command in this sense that the speaker has relevant authority *de facto*; she need not have it *de jure*.

Our questions, however, are normative. A command is a form of ad-

1. My terminology derives, of course, from the grammatical second person. It thus differs from, although it is not totally unrelated to, the use in Davidson 2001. More closely related is the genus of addressed thought and speech. But there are forms of addressed thought that do not seem to involve claim making.

2. Austinian performatives will be discussed in Chapter 3 and reactive feelings and attitudes in Chapter 4.

dress that purports to give a person a distinctive kind of (*normative*) reason for acting, one I call a *second-personal reason*.<sup>3</sup> What makes a reason second-personal is that it is grounded in (*de jure*) authority relations that an addresser takes to hold between him and his addressee. Unlike practical reasons of other sorts, therefore, second-personal reasons must be able to be addressed within these relations.<sup>4</sup> And, as I show, second-personal reasons are distinctive also in the kind of claim they make on the will.

Austinian felicity conditions are what must hold for a speech act to count as an act of some conventionally defined kind, say, a command, or for it not to be what Austin calls an "abuse," that is, a genuine act of that kind that nonetheless violates some convention for that kind of act, say, an insincere promise (Austin 1975: 16).<sup>5</sup> We, however, are interested in what we might call "normative felicity conditions": what must be true for second-personal reasons actually to exist and be successfully given through second-personal address.

When someone attempts to give another a second-personal reason, she purports to stand in a relevant authority relation to her addressee. I shall say that her address *presupposes* this authority. By this, I just mean that her having the authority is a necessary condition of the validity of the reason she purports to address and is thus a normative felicity condition of successfully giving her addressee the reason. *Qua* attempting to give her addressee the reason, therefore, she must assume this authority, as

3. Throughout, except where context makes clear, I will be referring to *normative reasons* rather than *motivating reasons*, that is, to reasons *to* do something, rather than whatever reasons someone actually acts on or any motivational state that explains one's act causally or teleologically. And I will follow ordinary usage, according to which "give someone a reason" is a "success" phrase: X gives Y a reason to do A only if there is a normative reason for X to do A.

4. I will frequently use "address a second-personal reason" as short for "purports to give an addressee a (second-personal) reason by addressing a demand or claim." Strictly, it is the claim or demand that is addressed. As I shall use the phrases, "addresses a claim or demand" and, consequently, "addresses a second-personal reason" are not success phrases. Although if X addresses a claim or demand to Y, X assumes or presupposes the authority to make the claim or demand of Y, X may lack this authority. In this case, although X purports to give Y a reason rooted in his claim (and so, in my terms, "addresses the reason"), no normative reason is actually given. I am grateful to Mark Schroeder for pressing me to clarify these points.

5. See the discussion of Austin in Chapter 3. I am indebted here to Kevin Toh for clarifying the discussion.

she must assume the satisfaction of any normative felicity conditions of giving the reason.

In addition to the specific presuppositions carried by different specific forms of address, a major claim of this book is that second-personal address has certain presuppositions built into it in general. To enter intelligibly into the second-person stance and make claims on and demands of one another at all, I argue, you and I must presuppose that we share a common second-personal authority, competence, and responsibility simply as free and rational agents.

### Second-Personal Reasons

To get the flavor of the kind of point I am trying to make, compare two different ways in which you might try to give someone a reason to stop causing you pain, say, to remove his foot from on top of yours.

One would be to get him to feel sympathetic concern for you in your plight, thereby leading him to want you to be free of pain.<sup>6</sup> Were he to have this desire, he would see your being in pain as a bad thing, a state of the world that there is reason for him (or, indeed, for anyone who is able) to change. And he would most naturally see his desire that you be pain-free not as the source of this reason, but as a form of access to a reason that is there anyway.<sup>7</sup> In desiring that you be free of pain, he would see this possible state of affairs as a better way for the world to be, as a possible outcome or state that, as Moore put it, “ought to exist for its own sake” (Moore 1993: 34).<sup>8</sup>

Structurally, the situation would be entirely analogous to a purely epistemic case, for example, one in which you give him reasons to believe that you are in fact in pain. Were he to credit the way things seem from

6. Hume supposes we are standardly led through sympathy to take account of the welfare of others: “Would any man, who is walking along, tread as willingly on another’s gouty toes, whom he has no quarrel with, as on the hard flint and pavement?” “Let us suppose such a person ever so selfish; let private interest have ingrossed ever so much his attention; yet in instances, where that is not concerned, he must unavoidably feel *some* propensity to the good of mankind, and make it an object of choice, if every thing else be equal” (Hume 1985: 225).

7. On this point, see Bond 1983; Dancy 2000; Darwall 1983; Hampton 1998; Pettit and Smith 1990; Quinn 1991; and Scanlon 1998: 41–55.

8. He would most likely desire this not just for its own sake, but for your sake as well. On the relevance of this latter, see Darwall 2002b.



the perspective of his desire, he would accept a *state-of-the-world-regarding* and *agent-neutral* reason for removing his foot.<sup>9</sup> The reason would not be essentially for him as the agent causing another person pain. It would exist, most fundamentally, for anyone who is in a position to effect your relief and therefore for him, since he is well placed to do so.<sup>10</sup> Finally, in “giving” him the reason in this way, you wouldn’t so much be addressing it to him as getting him to see that it is there anyway, independently of your getting him to see it or even of your ability to do so.<sup>11</sup> There are two points here. First, in pointing to the reason, you would be directing him epistemically rather than practically, albeit on a question of practical reason. *Qua* this form of reason-giving, you would be asking him to agree, as it were, that there is a reason for him to do something

9. Agent-neutral reasons contrast with agent-relative reasons, whose formulation includes an ineliminable reference to the agent for whom they are reasons (like “that it will keep a promise I made,” “that it will avoid harm to others [i.e., people other than me]” and so on). Agent-neutral reasons can be stated without such a reference: “that it would prevent some pain from occurring to someone (or some being).” On the distinction between agent-relative (also called “subjective” or “agent-centered”) and agent-neutral (also called “objective”) reasons, principles, values, and so forth, see Darwall 1986a; McNaughton and Rawling 1991; Nagel 1970, 1986; Parfit 1984; and Scheffler 1982. For a discussion that raises a question about the value of this distinction, see Korsgaard 1996d.

I argue for the claim that sympathetic concern involves there seeming to be agent-neutral reasons to further someone’s welfare in Darwall 2002b: 68–72. I do not deny, of course, that someone who already accepted various agent-relative norms might not be moved through empathy and sympathy to feel some special responsibility for relieving the pain. My point is that this would not come through sympathy alone.

Note also that there is an important difference between sympathy and empathy here. I am indebted to Nir Eyal for the following: “A beggar looks at passers-by in the eye, and lets them see his obviously painful wound, which clearly requires treatment. He continues to look at them intently. His conduct may be read as a communication of something like ‘Help me! You see I am in pain.’” Cases like this seem to be mixed, in my view, combining appeals to sympathy with implicit (second-personal) claims. To the extent that there is an appeal with a continued second-personal engagement that takes the passer-by into the afflicted person’s perspective, what we have is the address of a second-personal claim.

10. Note that superficially agent-relative reasons may be grounded more deeply in agent-neutral considerations and values, and/or vice versa. For example, rule-utilitarianism holds that rules of right conduct include agent-relative principles, such as those defining rights of promise and contract, on grounds of overall agent-neutral value.

11. Just as might be the case if you were trying to get him to see reasons to believe that you were in pain. A grimace might suffice without your having to presume any authority on the question.

rather than asking him to agree to do it. Any claims you might make would thus be on his beliefs about practical reasons and not directly on his will. Second, your being able to give him the reason would not depend in any way on his seeing you as trying to give it to him or as having any competence or authority to do so. Anything you might do to get him to see the reason would serve. It might be most effective, indeed, if he were to see you as so defenseless and vulnerable as to be unable even to reason with him, like a young child.

Alternatively, you might lay a claim or address a purportedly valid demand. You might say something that asserts or implies your authority to claim or demand that he move his foot and that simultaneously expresses this demand. You might demand this as the person whose foot he is stepping on, or as a member of the moral community, whose members understand themselves as demanding that people not step on one another's feet, or as both. Whichever, the reason you would address would be agent-relative rather than agent-neutral.<sup>12</sup> It would concern, most fundamentally, his relations to others (and himself) viewed from his perspective within those relations, in this case, that his keeping his foot on yours causes another person pain, causes inconvenience, and so on. The reason would not be addressed to him as someone who is simply in a position to alter the regrettable state of someone's pain or of someone's causing another pain. If he could stop, say, two others from causing gratuitous pain by the shocking spectacle of keeping his foot firmly planted on yours, this second, claim-based (hence second-personal) reason would not recommend that he do so.<sup>13</sup> It would be addressed to him, rather, as the person causing gratuitous pain to another person, something we normally assume we have the authority to demand that persons not do to one another.<sup>14</sup>

12. See the references in note 9.

13. A test for whether a given reason or principle is agent-relative or agent-neutral is to consider a case where it recommends someone's doing something and augment the case by stipulating that, as it happens, were the person not to perform that action (described in the relevant reason- or principle-sensitive way), it would bring about one other person's doing an action of the very same kind. If the reason is agent-neutral, then it should make no difference whether the agent performs the act without the other person's doing so or forbears the performance, thereby bringing about the other's performance. If it does make a difference, then the reason or principle is agent-relative. "Don't tread on me" and "Don't tread on other persons" do not reduce to "Bring it about that people are not tread upon."

14. Suppose he rejects your request, enjoying being able to keep you under foot. Now

What is important for our purposes is that someone can sensibly accept this second reason for moving his foot, one embodied in your claim or demand, only if he also accepts your authority to demand this of him (second-personally). That is just what it is to accept something as a valid claim or demand.<sup>15</sup> And if he accepts that you can demand that he move his foot, he must also accept that you will have grounds for complaint or some other form of accountability-seeking response if he doesn't. Unlike the first state- or outcome-based reason, this second is second-personal in the sense that, although the first is conceptually independent of the second-personal address involved in making claims and holding persons responsible, the second is not. *A second-personal reason is one whose validity depends on presupposed authority and accountability relations between persons and, therefore, on the possibility of the reason's being addressed person-to-person.* Reasons addressed or presupposed in orders, requests, claims, reproaches, complaints, demands, promises, contracts, givings of consent, commands, and so on are all second-personal in this sense. They simply wouldn't exist but for their role in second-personal address. And their second-personal character explains their agent-relativity. As second-personal reasons always derive from agents' relations to one another, they are invariably fundamentally agent-relative.<sup>16</sup>

It is perhaps obvious that reasons that depend on orders or requests are second-personal in this sense, but I argue that moral obligations and demands are quite generally second-personal also. (This was implicit in my remark above that you might demand that someone stop causing you

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you have an even weightier claim. For now he is not simply causing you gratuitous pain, he is making you the object of his sadistic pleasure. And however much trouble we can legitimately put people through to ensure they not step on our feet, we can certainly put them through more to prevent their sadistically victimizing us. I am indebted here to discussion with Marshall Weinberg.

15. There are, of course, ways of accepting demands, say out of self-interest in a negotiation, that are different from accepting something as a valid demand.

16. The formulation of the reason may not always be agent-relative, however. Suppose, for example, that the best way of grounding the categorical imperative is, as I shall be suggesting, in an authority persons presuppose when they address one another second-personally. It is at least conceivable that what the categorical imperative itself requires is a principle of conduct that can be specified agent-neutrally. R. M. Hare, for example, believes that the categorical imperative can be seen to entail the sort of universal prescriptivism he favors and that this entails a form of act-utilitarianism (an agent-neutral theory). See Hare 1993.

pain not just as his victim, but also as a member of the moral community.) I claim that to understand moral obligation as related to moral responsibility in the way we normally do, we have to see it as involving demands that are “in force” from the moral point of view, that is, from the (first-person plural) perspective of the moral community.<sup>17</sup> As I clarify presently, however, this does not diminish their second-personal character, since that concerns their “demand addressing” quality.<sup>18</sup>

Of course, there might be agent-relative norms and reasons constraining our conduct toward one another that are not second-personal. We might think of the feet of persons as something like sacred ground that we all have reason to avoid stepping on, without supposing that this has anything to do with anyone’s authority to demand this, even God’s. Once, however, we have the idea that there exists a reason to forbear stepping on people’s feet in the fact that this is something we can or do reasonably demand of one another, or that we are *accountable* for this forbearance, we have the idea of a second-personal reason—a kind of reason that simply wouldn’t exist but for the possibility of the second-personal address involved in claiming or demanding.

Since second-personal reasons are always fundamentally agent-relative, the second-person stance is a version of the first-person standpoint (whether singular or plural). It is the perspective one assumes in addressing practical thought or speech to, or acknowledging address from, another (whether as an “I” or as part of a “we”) and, in so doing, making or acknowledging a claim or demand on the will. It involves practically directed and directive thought, thought that is addressed to, and that makes a claim on, a free and rational agent. What the second-person stance excludes is the third-person perspective, that is, regarding, for practical purposes, others (and oneself), not in relation to oneself, but as they are (or one is) “objectively” or “agent-neutrally” (including as related to

17. This would be like Hart’s interpretation of Bentham’s doctrine in *A Fragment of Government* as involving “quasi-commands” rather than the explicit commands of statute law. In such cases, Hart says, the command is taken to be implicit in acts of punishing. I will be saying the analogous thing about moral accountability (Hart 1990: 93–94). This analysis is the same as Strawson’s on the demand quality of reactive attitudes, which I discuss under “Strawson’s Point” below and in Chapter 4 (Strawson 1968). I am indebted to Rae Langton and others for pressing me on these points and to Rob Kar and Kevin Toh for discussion of Hart’s view.

18. For the claim that the moral point of view is “first-person plural,” see Postema 1995. It is also a theme of Korsgaard’s writings.

the person one is). And it rules out as well first-personal thought that lacks an addressing, second-personal aspect.

Thus, although second-person address is always also first-personal, it is never merely first-personal. One can occupy a first-person perspective, whether singular or plural, without explicitly addressing anyone. And even if all speech (and perhaps thought) involves implicit address of some form, a central theme of this book is that addressing second-personal practical reasons differs from other forms of reason-giving (advice, for example) in the distinctive claim it makes on the will.

### Logical and Personal Relations

It may help to understand the idea of a second-personal reason to consider it in light of a criticism that Christine Korsgaard makes of Thomas Nagel's idea that "deontological constraints" are agent-relative.<sup>19</sup> Quoting Nagel's remark that such constraints "permi[t] a victim always to object to those who aim at his harm," Korsgaard replies that "this is absolutely right," but that "the theory that deontological reasons are agent-relative ... cannot accommodate it" (Nagel 1986: 184; Korsgaard 1996d: 297–298). I argue that moral requirements are connected conceptually to an authority to demand compliance. Korsgaard notes that from the fact that an agent has an agent-relative reason to do something, it does not follow that anyone has a reason to complain if he does not do it. In our terms, no second-personal authority follows. In my view, however, it is not the agent-relativity of the reason that explains the deficit. Indeed, as I have said, second-personal reasons invariably are fundamentally agent-relative in the most familiar sense of having an ineliminable reflexive reference to the agent.<sup>20</sup> The truth is that whether a norm or reason is agent-relative or agent-neutral, unless it is itself second-personal, no reason to object follows directly from the fact that an agent contravenes it; indeed, no reason to object follows whatever the weight or priority of the norm or reason. Someone could acknowledge a norm or reason, whether agent-relative or agent-neutral, of whatever priority or stringency, without yet acknowledging anyone's authority to demand that he comply with it. The

19. They must be agent-relative, Nagel believes, because they hold, for example, that it is wrong to harm someone oneself, even if that is necessary to prevent exactly equivalent harm by someone else. I am indebted here to discussion with Chris Dodsworth.

20. See note 9.

former is, as it were, a matter of the logical form or weight of norms or reasons, whereas the latter concerns their second-personal authority.

Ultimately, Korsgaard wishes to reject the agent-relative/agent-neutral distinction and to argue that all reasons for acting must be capable of being “shared.” As she puts the point regarding the reasons involved in “deontological” moral obligations, “they supervene on the relationships of people who interact with one another. They are intersubjective reasons” (Korsgaard 1996d: 298). It is a fundamental point of agreement between this claim of Korsgaard’s and the outlook I defend in this book that moral obligations are irreducibly second-personal in this way (although unlike Korsgaard, I fail to see why all reasons for acting must be shareable in this sense).<sup>21</sup> In my view, however, the second-personal aspect of moral obligation cannot be explained by non-second-personal features of their logical form, nor by whether they are public or private in any usual sense.<sup>22</sup> As I hope to make clear, second-personal authority is simply an essential, irreducible aspect of moral obligation.

Whether a reason is second-personal is a matter not of logical relations but of personal relations. Second-personal reasons structure our relations to one another. And I argue that those connected to moral obligation and the equal dignity of persons are what we are committed to whenever we relate to one another second-personally at all.

### A Circle of Irreducibly Second-Personal Concepts

Second-personal reasons are invariably tied to a distinctively second-personal kind of *practical authority*: the authority to make a demand or claim.<sup>23</sup> Making a claim or a demand as valid always presupposes the authority to make it and that the duly authorized claim creates a distinctive reason for compliance (a second-personal reason). Moreover, these notions all also involve the idea of responsibility or accountability. The authority to demand implies not just a reason for the addressee to

21. However, Korsgaard also apparently believes that moral obligations can be grounded in the constraints of first-personal deliberation alone. I argue against this in Chapter 9.

22. In Chapter 9, I discuss Korsgaard’s deployment of Wittgenstein’s private language argument in Korsgaard 1996e.

23. See Joseph Raz’s idea of a “normative power” in Raz 1972. I am indebted to Gary Watson for this reference.

comply, but also his being responsible for doing so.<sup>24</sup> Conversely, accountability implies the authority to hold accountable, which implies the authority to claim or demand, which is the standing to address second-personal reasons. These notions—second-personal authority, valid claim or demand, second-personal reason, and responsibility to—therefore comprise an interdefinable circle; each implies all the rest. Moreover, I contend, there is no way to break into this circle from outside it. Propositions formulated only with normative and evaluative concepts that are not already implicitly second-personal cannot adequately ground propositions formulated with concepts within the circle.

For example, it is important in what follows that practical authority of this irreducibly second-personal kind differs from, and cannot be reduced to, authority of other sorts. Consider epistemic authority, for example. Even if the ways in which we respect epistemic authority are frequently second-personal—giving weight to someone's epistemic claims in discussion about what to believe—epistemic authority is not itself second-personal; it is third-personal. It depends fundamentally on a person's relations to facts and evidence as they are anyway, not on her relations to other rational cognizers. Even in cases of testimony where we take someone's word for something, this second-personal authority can be defeated by deficiencies of epistemic authority of the ordinary third-personal kind. If we have reason to distrust her beliefs or judgment, we also have reason to reject her second-personal epistemic claims. Moreover, it is possible to respect epistemic authority entirely privately without any form of acknowledgment to others as, for instance, when someone acts on a credible stock tip he overhears while serving drinks in the boardroom.

The authority to address second-personal reasons for acting, however, is fundamentally second-personal. When a sergeant orders her platoon to fall in, her charges normally take it that the reason she thereby gives them derives entirely from her authority to address demands to them and their responsibility to comply. This is not a standing, like that of an advisor, that she can acquire simply because of her ability to discern non-second-personal reasons for her troops' conduct. That is the point of Hobbes's famous distinction between "command" and "counsel."<sup>25</sup> The sergeant's

24. Thus, Michael Dummett remarks that the right to command entails that "the *right* to reproach is an automatic consequence of disobedience" (Dummett 1990: 9).

25. "They who less seriously consider the force of words, do sometimes confound law

order addresses a reason that would not exist but for her authority to address it through her command. Similarly, when you demand that someone move his foot from on top of yours, you presuppose an irreducibly second-personal standing to address this second-personal reason.

This does not mean, of course, that a claim to the authority to address either claims or demands in general or of some specific sort will not need justifying, or that someone might not come to have some such standing at least partly by virtue of her knowledge or wisdom. The point remains that the standing itself neither is, nor simply follows from, any form of third-personal or epistemic authority. And I maintain that the only way any such second-personal standing can be justified is within the circle of four interrelated ideas of claim, accountability, second-personal reason, and the species of authority that is related to these. Ultimately, I claim, it must be justifiable from within a second-person standpoint.

There is thus an important difference between the idea of an authoritative or binding norm in the familiar sense of a valid ought that entails genuine normative reasons, on the one hand, and that of an authoritative (second-personal) claim or demand on the other. A central claim of this book, for instance, is that what is called the inviolable value or *dignity* of persons has an irreducibly second-personal element, which includes the authority to demand certain treatment of each other, like not stepping on one another's feet. To be sure, dignity partly involves there being ways one must conduct oneself toward persons and ways one must not, that, as it is sometimes put, persons are beings who may not be treated in certain ways (Kamm 1989, 1992; Nagel 1995). But that is only part of it, since there can be requirements on us that no one has any standing to require of us. We are under a requirement of reason, for example, not

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with *counsel*. . . . We must fetch the distinction between *counsel* and *law*, from the difference between *counsel* and *command*. Now COUNSEL is a *precept*, in which the reason of my obeying it is taken from *the thing itself* which is advised; but COMMAND is a *precept*, in which the cause of my obedience depends on the *will of the commander*. For it is not properly said, *thus I will* and *thus I command*, except the will stand for a reason. Now when obedience is yielded to the laws, not for the thing itself, but by reason of the adviser's will, the law is not a *counsel*, but a *command*, and is defined thus: *LAW is the command of that person (whether man or court) whose precept contains in it the reason of obedience: as the precepts of God in regard of men, of magistrates in respect of their subjects, and universally of all the powerful in respect of them who cannot resist, may be termed their laws*" (Hobbes 1983: XIV.1; see also Hobbes 1994: XXV). In my view, failure to observe this distinction infects Joseph Raz's account of authority in Raz 1986. See also note 29.



to believe propositions that contradict the logical consequences of known premises. But it is only in certain contexts, say, when you and I are trying to work out what to believe together, that we have any standing to demand that we each reason logically, and even here that authority apparently derives from a moral or quasi-moral aspect: our having undertaken a common aim.<sup>26</sup> Requirements of logical reasoning are, in this way, fundamentally different from those that are grounded in the dignity of persons—and different also from moral requirements more generally. I claim that it is part of the very concept that moral obligations are what those to whom we are morally responsible have the authority to demand that we do. Clearly this is no part whatsoever of the concept of a demand of logic or a requirement of reason.<sup>27</sup>

Our dignity as persons includes, I maintain, an irreducibly second-personal authority to demand respect for this very authority and for the requirements with which it gives us the standing to demand compliance. Dignity is not just a set of requirements with respect to persons; it is also the authority persons have to require compliance with these requirements by holding one another accountable for doing so. Someone might accept the first-order norms that structure the dignity of persons and regulate himself scrupulously by them without accepting anyone's authority to demand that he do so. He might even accept these as mandatory norms in some suitable sense without accepting anyone's claim to his compliance. I claim, however, that he would not yet fully acknowledge the dignity of persons or respect persons for their dignity. These involve an irreducibly second-personal dimension.

There is hence a general difference between there being normative reasons of whatever weight or priority for us to do something—its being what we ought to or must do—and anyone's having any authority to claim or demand that we do it.<sup>28</sup> If, say, God has the authority to demand

26. Of course, these further constraints are frequently in the background, as they are, for example, whenever we do philosophy, say, right now. Because of the relationship you and I are currently in, each of us does have authority to call the other to account for logical errors, a standing that, without some such context, we lack. But however frequently that or some relevantly similar context obtains, the authority comes not just from the requirement of reason, but also from some other presupposed feature of the context.

27. I am indebted to Peter Graham for this way of putting the contrast.

28. Although not, of course, its being what we morally must do (are morally required to do), since this is what members of the moral community have the authority to demand we do.

that we comply with certain norms, his authority to demand this cannot be reduced to any normative reasons that the norms might themselves generate or entail, nor, indeed, to his knowledge of these.<sup>29</sup>

### Strawson's Point

We can see the same underlying idea from a different direction by considering P. F. Strawson's influential critique of consequentialist approaches to moral responsibility in "Freedom and Resentment" (1968). Against accounts that seek to justify practices of punishment and moral responsibility by their "efficacy . . . in regulating behaviour in socially desirable ways," Strawson argued that social desirability is not a reason of "the right *sort*" for practices of moral responsibility "as we understand them" (72, 74). When we seek to hold people accountable, what matters is not whether doing so is desirable, either in a particular case or in general, but whether the person's conduct is culpable and we have the authority to bring him to account. *Desirability is a reason of the wrong kind to warrant the attitudes and actions in which holding someone responsible consists in their own terms.*

We can call this *Strawson's Point*. We find essentially the same idea in Dewey. "There is an intrinsic difference," Dewey writes, "in both origin and mode of operation between objects which present themselves as satisfactory to desire and hence good, and objects which come to one as making demands upon his conduct which should be recognized. Neither can be reduced to the other." And lest we think that Dewey might not mean anything essentially second-personal by "demands," Dewey adds in a footnote: "Men who live together inevitably make demands on one another" (1998b: 319).<sup>30</sup> So we might call this Dewey's Point as well.

Strawson's Point illustrates a more general phenomenon that can

29. As I mentioned in note 25, Raz argues (1986) that the species of authority with which we are concerned, for example, political authority, can be grounded in epistemic authority. But as Nomy Arpaly has put it to me, "Just because I know more than you doesn't make me boss." Thomas Jefferson makes a similar point, when he says, "Because Sir Isaac Newton was superior to others in understanding, he was not therefore lord of the person or property of others" (Jefferson 1984: 1202). I am indebted to Charles Griswold for this reference. Raz's view deserves a more careful treatment than I can provide here, which I intend to provide on another occasion.

30. I am indebted to Elizabeth Anderson for this reference.

be dubbed the *wrong kind of reason problem*. For example, there might be pragmatic reasons to believe some proposition, but that doesn't make that proposition credible (Shah 2003). It doesn't justify believing it in terms of reasons and standards that distinctively apply to belief. Similarly, as D'Arms and Jacobson have pointed out, it is a "moralistic fallacy" to conclude from the fact that it would be morally objectionable to be amused by a certain joke that the joke is not funny.<sup>31</sup> The former is a reason of the "wrong kind" to justify the claim that a joke does not warrant amusement in the relevant sense (D'Arms and Jacobson 2000a).

To be a reason of the right kind, a consideration must justify the relevant attitude in its own terms. It must be a fact about or feature of some object, appropriate consideration of which could provide *someone's reason* for a warranted attitude of that kind toward it.<sup>32</sup> It must be something on the basis of which someone could (and appropriately would) come to hold the attitude as a conclusion of a process of considering (deliberating about) whether to do so. In considering whether to believe some proposition *p*, for example, it is simply impossible to conclude one's deliberation in a belief that *p* by reflecting on the desirable consequences of believing *p*. That is a reason of the right kind for desiring to believe that *p*, but not for believing that *p* (as is shown by the fact that one can come to desire to believe *p* by reflecting on the desirable consequences of believing *p*). The *desirable* concerns norms and reasons that are specific

31. D'Arms and Jacobson argue that this poses a problem for response-dependent or, as they call them, "neo-sentimentalist" accounts of various evaluative and normative notions, since it shows that, say, the funny can't be understood in terms of amusement's making sense or being warranted by just any reasons. There is a distinction between an emotion or attitude's being "the right way to feel" and its "getting [the relevant value] right." See also D'Arms and Jacobson 2000b. For an excellent discussion of how what they call "fitting-attitude" (or "FA") analyses can deal with the problem of distinguishing reasons of the right from reasons of the wrong kind, see Rabinowicz and Ronn  w-Rasmussen 2004. (See also Olson 2004.) I am indebted to Julian Darwall for discussion of this general issue and to Joe Mendola for a question that helped me to see that Strawson's Point is an instance of it.

32. Rabinowicz and Ronn  w-Rasmussen express essentially the same point by saying reasons of the right kind also appear in the content of the attitude for which they are reasons: the attitude is toward something "on account of" these reasons (2004: 414). As W. D. Falk pointed out, a favoring that is relevant to value is "by way of true comprehension of what [the object] is like" (1986: 117).

to desire, and the *credible* concerns norms and reasons that are specific to belief.

Similarly, the *responsible* and the *culpable* concern norms for the distinctive attitudes and actions that are involved in holding people responsible and blaming them. The desirability—whether moral, social, personal, or otherwise—of holding them responsible, or reasons why that would be desirable, are simply reasons of the wrong kind to warrant doing so in the sense that is relevant to whether they are responsible or blameworthy.<sup>33</sup> The former concerns reasons and norms of desire, and what is thus desirable, even from the moral point of view, is simply a different question from what we are justified in holding someone responsible or blaming them for in the relevant sense.

Strawson dubbed the distinctive attitudes involved in holding people responsible “reactive attitudes,” with prominent examples being indignation, resentment, guilt, blame, and so on. And Strawson pointed out what commentators have since stressed, namely, that reactive attitudes implicitly address demands. They invariably involve “an expectation of, and demand for” certain conduct from one another (1968: 85).<sup>34</sup> Reactive attitudes invariably concern what someone can be held to, so they invariably presuppose the authority to hold someone responsible and make demands of him. Moral reactive attitudes therefore presuppose the authority to demand and hold one another responsible for compliance with moral obligations (which just are the standards to which we can warrantably hold each other as members of the moral community). But they also presuppose that those we hold accountable have that standing also. They address another, Strawson says, in a way that “continu[es] to view him as a member of the moral community; only as one who has offended against its demands” (93). It follows that reactive attitudes are second-personal in our sense, and that ethical notions that are distinctively relevant to these attitudes—the culpable, moral responsibility, and, I argue, moral obligation—all have an irreducibly second-personal aspect that ties them conceptually to second-personal reasons.

33. Compare Prichard’s objection to attempts to vindicate morality and moral obligation in terms of self-interest in Prichard 2002.

34. Gary Watson stresses this (1987: 263, 264). Note also R. Jay Wallace: “there is an essential connection between the reactive attitudes and a distinctive form of evaluation . . . that I refer to as holding a person to an expectation (or demand)” (1994: 19). See also Bennett 1980; Scanlon 1998: 272–290.

## Rights

Another central ethical concept within the second-personal circle is that of a *right*, most obviously, of a claim right. You might think, for instance, that non-inadvertent stepping on your feet violates a right you have against other persons. If so, then what you think is not just that others should, or even must, take care not to step on your feet. The holding of even mandatory norms does not amount to the existence of a right. As Feinberg stressed, to have a claim right is to have someplace to “stand,” if you will permit the metaphor in this context, to claim or demand that to which one has the right. It includes a second-personal authority to resist, complain, remonstrate, and perhaps use coercive measures of other kinds, including, perhaps, to gain compensation if the right is violated.<sup>35</sup> In addition to there being weighty reasons against others stepping on your feet, indeed, in addition to members of the moral community having the standing to demand that people not step on your feet, if you have a right, then you have a standing to make a special demand against people who might step on your feet—you have the authority to resist, claim compensation, and so on.

This is implicit in Hohfeld’s famous formulation (1923).<sup>36</sup> According to Hohfeld, someone has a claim right to another person’s doing something only if that person has an obligation to her to do that thing.<sup>37</sup> And this consists not simply in its being the case that the other ought or has good and sufficient reasons to do it, even that the reasons for him to do it are exclusionary in Raz’s sense of not being appropriately weighed against otherwise competing considerations (1975), but in the claimholder’s authority to demand compliance and, perhaps, compensation for

35. “Having rights, of course, makes claiming possible; but it is claiming that gives rights their special moral significance. This feature of rights is connected in a way with the customary rhetoric about what it is to be a human being. Having rights enables us to ‘stand up like men,’ to look others in the eye, and to feel in some fundamental way the equal of anyone” (Feinberg 1980: 151). Compare Mill: “To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of” (1998: ch. 5).

36. I am indebted to Mark LeBar for reminding me of Hohfeld’s relevance here.

37. Hohfeld sets out the “jural correlatives” between persons as follows: (1) S has a right against T if, and only if, T has a duty to S; (2) S has a power with respect to T if, and only if, T has a liability with respect to S; (3) S has an immunity with respect to T if, and only if, T has a disability with respect to S; and so on (1923: 65–75).

non-compliance.<sup>38</sup> Rights are thus associated conceptually with second-personal reasons. There may of course be non-second-personal reasons for others to do what we also have a right to demand their doing, but the reason that is distinctively associated with the right is second-personal. It simply wouldn't exist but for the possibility of its being addressed in invokings of the right.

Rights of other kinds are second-personal as well, if less obviously. If the person who stepped on your foot were within his rights or morally free to have done so (had a Hohfeldian "liberty"), then neither you nor anyone else would have had any standing to demand otherwise or complain. In his famous "Are There Any Natural Rights," Hart argues, following a venerable tradition running through Fichte and Kant, that the idea of rights is conceptually connected to there being a distinctive justification for restricting freedom.<sup>39</sup> The central element of this conceptual area, Hart writes, is there being "no incongruity, but a special congruity in the use of force or the threat of force to secure what is just or fair or someone's right" (1965: 178). It is important in what follows that the relevant "congruity" cannot be fully captured in non-second-personal terms.<sup>40</sup> This is an aspect of Strawson's Point, and it connects with deeply related ideas of Pufendorf and Fichte that I will set out presently. A justification "of the right sort" for imposing upon another's freedom and directing his will exists only if one has the authority to make a claim on

38. See Thompson 2004. Also, compare here Locke's famous distinction between the right every individual has in the state of nature to punish transgressions of natural rights and victims' rights "to seek reparation." Both are second-personal, and both are held as members of the moral community, but only the latter involves a second-personal address on behalf of the victim (Locke 1988: II, §7–11).

As I've mentioned and shall stress more strongly in the next chapter, someone's being under a moral obligation not to step on your foot also entails a second-personal authority (in this case, of the moral community). What is distinctive in the case of rights is the distinctive authority of the right holder, including to demand compensation, as is implicit in Locke's distinction between the authority to punish (as a member of the moral community) and the authority to demand compensation (as the right-holding victim).

39. Hart notes that he is here broadly following Kant's doctrine in the *Rechtslehre* (Kant 1996c: 230–231). We will consider a further expression of this idea in Fichte's claim that a second-personal stance presupposes a "principle of right" ("I must in all cases recognize the free being outside me as a free being, i.e., I must limit my freedom through the concept of the possibility of his freedom") (2000: 49).

40. I am indebted here to discussion with Tom Hurka.

his will (and if no one, including the person herself, has the authority to complain or demand otherwise). Otherwise, an imposition of will is coercion pure and simple.

Now we are concerned less directly with rights than with *moral obligation*. As Hart himself notes, however, despite the fact that 'moral obligation' can sometimes be used as a "general label" for what "morally we ought to do," the concept has a more properly restricted content that is intimately connected with that of rights (1965: 178).<sup>41</sup> Neither concept can be understood independently of the idea of the (second-personal) authority to claim or demand. Just as a right involves an authority to claim that to which one has a right, so also is moral obligation conceptually tied to what the moral community can demand (and what no one has a right not to do). And what I am morally free to do is what no one can justifiably demand that I not do either as a member of the moral community (no conflicting moral obligation) or as an individual (no conflicting right).

### The Presuppositions of Second-Personal Address

Addressing second-personal reasons of any kind, I argue, always carries certain presuppositions concerning the second-personal authority, competence, and responsibility of addresser and addressee alike. I shall be focusing on pure cases of second-personal claiming and reason-giving, abstracting from manipulation, cajoling, or any other form of nonrational influence (alternatively, on actual cases, *qua* second-personal address). In a pure case, an addresser attempts to give an addressee a reason for acting that is grounded in normative relations that, as I argue, he presupposes the addressee can be expected to accept. What is built into this presupposition? Quite a lot.

### Fichte's Point

The post-Kantian German idealist Johann Gottlieb Fichte claimed that pure second-personal address always presumes to direct an agent's will through the agent's own self-determining choice. Only in this way, Fichte

41. However, Hart sometimes seems to restrict obligations even further to those that are voluntarily assumed or created (1965: 179n). I am indebted here to Rob Kar.

argues, can it simultaneously address and direct her as a free agent. Call this *Fichte's Analysis* of second-personal address. I defend Fichte's Analysis and follow Fichte further in arguing that Fichte's Analysis supports *Fichte's Point*, namely, that any second-personal claim or "summons" (*Aufforderung*) presupposes a common competence, authority, and, therefore, responsibility as free and rational, a mutual second-personality that addresser and addressee share and that is appropriately recognized reciprocally (Fichte 2000). The terms of second-personal address commit both parties to seeing each other as, in Rawls's famous formulation, "self-originating source[s] of valid claims" (1980: 546). Whatever more specific difference-defining authorities they presuppose, each is committed also to assuming that free and rational persons have a dignity or authority in common to address (and be addressed) second-personal reasons.<sup>42</sup> And each must also presuppose their common second-personal *competence*, a capacity to determine themselves by these reasons, which capacity includes motivation that, because the reasons are irreducibly second-personal, cannot be reduced to desires for any outcome.<sup>43</sup>

There is thus, I argue, a form of reciprocal respect that is built into all second-personal reason-giving, even when the authority relations it explicitly presupposes are at odds with the full equality we now believe to characterize the moral point of view. Any pure case of claiming or demanding presupposes the standing necessary to enter into second-personal reasoning at all. Specifically, it presupposes a distinction between legitimate forms of address that, as Fichte puts it, "summon" persons to determine themselves freely by second-personal reasons (however hierarchical), on the one hand, and coercion, that is, impermissible ways of simply causing wanted behavior that "depriv[e the agent] of its ability to act freely," on the other (Fichte 2000: 41).<sup>44</sup> This means that whenever

42. These are, more strictly, presuppositions of their address and acknowledgment, respectively, in the sense mentioned earlier in the chapter. The individuals themselves might not accept or even reject them. I will return to this point presently.

43. Ultimately, I argue, this competence amounts to Kant's "autonomy of the will": "the property of the will by which it is a law to itself independently of any property of the objects of volition" (Kant 1996b: 441). Also, see Gibbard 1990: 68–82, on the psychology of norm-acceptance. We might still call such states desires, but if so, we will need nonetheless to recognize that they are "principle-dependent" rather than "object-dependent" desires. For this distinction, see Rawls 2000: 45–48, 148–152.

44. A similar idea seems at work in the writings of Emmanuel Lévinas about encountering the "other," for example, Lévinas 1969. I am indebted here to Rachana Kamtekar.



second-personal address asserts or presupposes differential authority, it must assume also that this authority is acceptable to its addressee simply as a free and rational agent.

Fichte realized the fundamental significance of his point for the philosophy of right, and so made it part of a "Deduction of the Concept of Right" at the outset of his *Foundations of Natural Right*.<sup>45</sup> If a right, by its very nature, involves the authority to claim or demand, so also, Fichte argues, does second-personal address presuppose both the competence and the authority of addresser and addressee alike freely to determine themselves by second-personal reasons, that is, reasons whose validity itself depends on that very authority and their ability freely to determine themselves by acknowledging it. And this, he argues, commits addresser and acknowledging addressee to accepting a fundamental principle of right: "I must in all cases recognize the free being outside me as a free being, i.e., I must limit my freedom through the concept of the possibility of his freedom" (2000: 49). The very distinction between coercion, that is, attempting to direct someone's will without second-personal reasons he can be expected to accept, on the one hand, and making a directive claim on someone's will backed by second-personal authority, on the other, itself presupposes that addresser and addressee share a common authority as free and rational, which they reciprocally recognize in the address and uptake of an *Aufforderung*.

Fichte connects this insight, also correctly in my view, to a fundamental difference between theoretical and practical reason. Second-personal address both makes possible and simultaneously makes us aware of a species of practical freedom that lacks any analogue in the theoretical realm. I develop and defend this claim, relating it to Kant's notion of autonomy of the will. It turns out, I argue, that Fichte's Point is exactly what is needed to work out properly the central Kantian ideas of the dignity of persons and autonomy of the will.

### Pufendorf's Point

A final piece of the puzzle that is needed, along with Fichte's Analysis to establish Fichte's Point, is an idea that Samuel Pufendorf advanced in the

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For an illuminating discussion of the way in which, according to Lévinas, encountering an other "face to face" involves a second-personal demand for respect, see Putnam 2002.

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course of defending a theological voluntarist theory of moral law in the seventeenth century. According to Pufendorf, moral obligation's connection to responsibility is explained by the fact that the moral law derives from God's commands. Moral obligations are all ultimately owed to God. But Pufendorf also thought that obligations can arise in this way only if God addresses us as rational agents and if we and he understand this address in a certain way. *Pufendorf's Point* was that genuine obligations can result only from an address that presupposes an addressee's second-personal competence.<sup>46</sup> To intelligibly hold someone responsible, we must assume that she can hold herself responsible in her own reasoning and thought.<sup>47</sup> And to do that, she must be able to take up a second-person standpoint on herself and make and acknowledge demands of herself from that point of view. For God to be able to obligate us by his command, consequently, God (and we) must assume that we can be moved not simply by a fear of sanctions that might coerce compliance, but by "acknowledg[ing] of [ourselves] that the evil, which has been pointed out to the person who deviates from an announced rule, falls upon him justly" (Pufendorf 1934: 91). This is the difference between a kind of coercion, on the one hand, and free self-determination by an internal acceptance of an authoritative demand, on the other. To be obligated by God's command, we must be able to take a second-personal standpoint on ourselves and be motivated by internally addressed demands whose (second-personal) authority we ourselves accept.

Properly appreciating Strawson's, Fichte's, and Pufendorf's Points together will enable us to see why any second-personal address whatsoever presupposes a common second-personal competence, responsibility, and authority that addresser and addressee share as free and rational agents. It is assuming a second-person standpoint that gets us inside the circle of interdefinable second-personal notions and that commits us, moreover, to the equal dignity of free and rational persons. Substantially the same point can be put in Rawlsian terms by saying that it is second-personal address that gets us into the space of "public reason" and the "reasonable" rather than the (merely) individually "rational" (Rawls 1980, 1993). Any such address unavoidably presupposes that its addressee can accept as

46. Pufendorf's Point resonates with Hart's distinction between being obliged (by force or circumstance) and being obligated (1961: 6–8).

47. On the significance of the ability to hold oneself responsible, see Westlund 2003. Cf. Kant's remark that "I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation" (1996b: 6:417).

reasonable both the claims it addresses and the authority on which these claims are based, and it consequently assumes relations of reciprocal respect and mutual accountability, which are mediated by public reasons and a conception of the reasonable.

It is entirely possible to give people reasons for acting that are not second-personal, however, without assuming any common competence and authority to address reasons to one another. If, say, God can get us to see the risks of hellfire, he will have given us a reason not to sin regardless of any second-personal authority he or we might have or lack. Neither need he presuppose that we can be expected reasonably to accept anything. In other words, whether we are "reasonable" in any sense that is relevant here will simply follow from whether we can see and be moved by the relevant reasons. Similarly, you can get someone to see that you are in pain, that it is a bad thing that you are, and consequently that there is reason for anyone who can to alter this bad state without that raising any issue of your authorities with respect to each other. When, however, we address second-personal reasons, the existence of the reason itself depends upon whether its addressees can reasonably accept the authority relation from which it ostensibly flows. This is a consequence of Fichte's Point. And it is why a contractualist framework like Rawls's or Scanlon's must ultimately tie "what we owe to each other," that is, what we can authoritatively demand from one another, to mutual respect and a test of reasonable agreement (Scanlon 1998). I argue that it is the equal authority we presuppose from the second-person standpoint that most deeply underlies contractualism.

I should make clear that I do not claim in any of this that participants in second-personal interaction invariably do accept or are aware of these presuppositions, or even that the necessary assumptions must be accessible to them.<sup>48</sup> The idea of moral community between free and rational persons is a significant achievement of relatively recent human history, and there is no reason to think that it was even available, say, to an ancient Hittite issuing an order or making a request. Pufendorf himself would no doubt have rejected what I am claiming he is committed to by the distinctions he made. My thesis is that the assumptions I identify are presuppositions of second-personal address in the sense that (second-personal) reasons can be validly addressed only if these assumptions hold.

48. I am indebted to Eric Schliesser for pressing me on this point.

They are “normative felicity conditions” of the (pure) address of second-personal reasons in general.

Indeed, the very distinction between a pure case of second-personal reason-giving and nonrational forms of influence—or the abstraction: *qua* second-personal address—is no doubt itself relatively recent. When I say that addressing second-personal reasons carries certain presuppositions, I should be understood as talking about the pure case, which, along with its implicit presuppositions, only comes clearly into view retrospectively (although from this latter perspective, the presuppositions will seem to have always been implicit).<sup>49</sup> My claim is that a common second-personality is a necessary condition of the success of second-personal address in its own terms, that is, for the relevant reasons actually to exist and be given.

As an analogy, consider the familiar thesis that punishment can be fully justified only on an assumption of freedom of the will. There is probably no reason to think that this latter idea, at least in its modern form, was available to the ancient Hittites either, but they surely had punishment of a sort.<sup>50</sup> No doubt their practices differed in various ways from what we would consider punishment as a pure case. But that is just the point. Freedom of the will can plausibly seem a presupposition of punishment in the pure case (in its own terms) as we now distinguish it. And similar things, I argue, are true of the pure address of second-personal reasons in general.

49. This is, of course, a favorite theme of Hegel's in *The Phenomenology of Spirit* (1977).

50. See Neufeld 1951. For an interesting discussion of the development of our contemporary notion of responsibility and associated practices of legal accountability, which argues that courts were initially conceived of as sites of neutral and reasoned adjudication between parties who would otherwise exact or suffer vengeance, see Pound 1922: ch. 4. I am indebted to Randall Curren for this reference and for helpful discussion. See Chapter 4 below for a discussion of the difference between the desire to retaliate or avenge and reactive attitudes as implicitly seeking second-personal recognition or respect.

## The Main Ideas II

### Moral Obligation's Purported Normativity

The most familiar characterization of moral obligations' purported normative force is in terms of their putatively *categorical* character, their purporting to be what Kant (1996b) called "categorical imperatives." Philippa Foot (1972) points out that this cannot mean just that moral obligations are categorical in form, that they "apply" independently of their relation to the agent's ends. Requirements of etiquette are unconditional in this way also, but nobody thinks that their putative normative force is anything like that of moral requirements. Foot concludes that the Kantian claim must rather be that moral obligations "necessarily give reasons for acting to any man" (309). Frequently this claim is strengthened to what Scheffler calls the "thesis of overridingness": "it can never be rational knowingly to do what morality forbids" (1992).<sup>1</sup> In other words, moral obligations always give agents conclusive reasons for acting that outweigh or take priority over any potentially competing considerations; or, at least, they always purport to do so.

This surely captures part of what is felt to be special about moral requirements, but only part. Compare logical requirements. If a conclusion follows from known premises, then we are under a requirement of reason to infer it that apparently applies to all rational beings also, considerations to the contrary notwithstanding. But there is an important difference between moral obligations and requirements that are imposed by logic. Morality involves a distinctive kind of accountability by its very nature. If I fail to act as I am morally required without adequate excuse, then distinctively second-personal responses like blame and guilt are

1. David Brink calls this the "supremacy thesis" (1997: 255).

thereby warranted.<sup>2</sup> But it is only in certain contexts that responses like these seem appropriate to logical blunders, and even here what seems to be in question is a moral error of some kind (as when I have a special responsibility for reasoning properly).<sup>3</sup> Moreover, although a connection to accountability is part of the very concept of moral obligation, it is obviously no part whatsoever of the idea of a logical requirement.<sup>4</sup>

Mill famously remarked that “we do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience.” We may think there are strong moral reasons for people to do something and “dislike or despise them for not doing” it; but unless we think “blame” or some other form of “punishment” is warranted, perhaps just the feeling of guilt, we do not think it “a case of moral obligation” (Mill 1998: ch. 5). Many philosophers today broadly concur with these Millian sentiments (Adams 1999: 238; Baier 1966; Brandt 1979: 163–176; Gibbard 1990: 42; Skorupski 1999: 142).<sup>5</sup> Matters of moral obligation are the moral community’s “business,” as Kurt Baier puts it (1966: 223). When we are morally obligated, we are not morally free to act otherwise; members of the moral community have the authority to hold us responsible if we do. Moral obligations are thus *to* others in a more robust way than those of logic are.<sup>6</sup> Anyone who feels guilty about logical errors would seem to have a “moralized” sense of the logical.

I develop this theme and argue that any account of the distinctive normativity of moral obligation that fails to capture this second-personal element is deficient. What’s more, I argue that this second-personal aspect also helps to explain why moral obligations purport to be supremely authoritative in the more familiar sense of being categorical and over-riding.

The root of this latter explanation is the conceptual connection be-

2. Indeed, the very idea of an “excuse” is not internal to the rules of logic; it must be understood in relation to a broader context that includes other norms.

3. I don’t mean, of course, that logical errors aren’t subject to criticism, or that we don’t sometimes use words like “blame,” as when a teacher says that he doesn’t blame his student for a given error on a first try.

4. Again, I am indebted to Peter Graham for this point.

5. See also Ewing’s distinction between two senses of ‘ought’, one concerning the weight of normative reasons, the other conceptually related to blame (1939: 3). I am indebted to Howard Nye for reminding me of this passage.

6. See Thompson 2004.

second-personal address asserts or presupposes differential authority, it must assume also that this authority is acceptable to its addressee simply as a free and rational agent.

Fichte realized the fundamental significance of his point for the philosophy of right, and so made it part of a “Deduction of the Concept of Right” at the outset of his *Foundations of Natural Right*.<sup>45</sup> If a right, by its very nature, involves the authority to claim or demand, so also, Fichte argues, does second-personal address presuppose both the competence and the authority of addresser and addressee alike freely to determine themselves by second-personal reasons, that is, reasons whose validity itself depends on that very authority and their ability freely to determine themselves by acknowledging it. And this, he argues, commits addresser and acknowledging addressee to accepting a fundamental principle of right: “I must in all cases recognize the free being outside me as a free being, i.e., I must limit my freedom through the concept of the possibility of his freedom” (2000: 49). The very distinction between coercion, that is, attempting to direct someone’s will without second-personal reasons he can be expected to accept, on the one hand, and making a directive claim on someone’s will backed by second-personal authority, on the other, itself presupposes that addresser and addressee share a common authority as free and rational, which they reciprocally recognize in the address and uptake of an *Aufforderung*.

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Properly appreciating Strawson's, Fichte's, and Pufendorf's Points together will enable us to see why any second-personal address whatsoever presupposes a common second-personal competence, responsibility, and authority that addresser and addressee share as free and rational agents. It is assuming a second-person standpoint that gets us inside the circle of interdefinable second-personal notions and that commits us, moreover, to the equal dignity of free and rational persons. Substantially the same point can be put in Rawlsian terms by saying that it is second-personal address that gets us into the space of "public reason" and the "reasonable" rather than the (merely) individually "rational" (Rawls 1980, 1993). Any such address unavoidably presupposes that its addressee can accept as

46. Pufendorf's Point resonates with Hart's distinction between being obliged (by force or circumstance) and being obligated (1961: 6–8).

47. On the significance of the ability to hold oneself responsible, see Westlund 2003. Cf. Kant's remark that "I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation" (1996b: 6:417).



reasonable both the claims it addresses and the authority on which these claims are based, and it consequently assumes relations of reciprocal respect and mutual accountability, which are mediated by public reasons and a conception of the reasonable.

It is entirely possible to give people reasons for acting that are not second-personal, however, without assuming any common competence and authority to address reasons to one another. If, say, God can get us to see the risks of hellfire, he will have given us a reason not to sin regardless of any second-personal authority he or we might have or lack. Neither need he presuppose that we can be expected reasonably to accept anything. In other words, whether we are "reasonable" in any sense that is relevant here will simply follow from whether we can see and be moved by the relevant reasons. Similarly, you can get someone to see that you are in pain, that it is a bad thing that you are, and consequently that there is reason for anyone who can to alter this bad state without that raising any issue of your authorities with respect to each other. When, however, we address second-personal reasons, the existence of the reason itself depends upon whether its addressees can reasonably accept the authority relation from which it ostensibly flows. This is a consequence of Fichte's Point. And it is why a contractualist framework like Rawls's or Scanlon's must ultimately tie "what we owe to each other," that is, what we can authoritatively demand from one another, to mutual respect and a test of reasonable agreement (Scanlon 1998). I argue that it is the equal authority we presuppose from the second-person standpoint that most deeply underlies contractualism.

I should make clear that I do not claim in any of this that participants in second-personal interaction invariably do accept or are aware of these presuppositions, or even that the necessary assumptions must be accessible to them.<sup>48</sup> The idea of moral community between free and rational persons is a significant achievement of relatively recent human history, and there is no reason to think that it was even available, say, to an ancient Hittite issuing an order or making a request. Pufendorf himself would no doubt have rejected what I am claiming he is committed to by the distinctions he made. My thesis is that the assumptions I identify are presuppositions of second-personal address in the sense that (second-personal) reasons can be validly addressed only if these assumptions hold.

48. I am indebted to Eric Schliesser for pressing me on this point.

They are “normative felicity conditions” of the (pure) address of second-personal reasons in general.

Indeed, the very distinction between a pure case of second-personal reason-giving and nonrational forms of influence—or the abstraction: *qua* second-personal address—is no doubt itself relatively recent. When I say that addressing second-personal reasons carries certain presuppositions, I should be understood as talking about the pure case, which, along with its implicit presuppositions, only comes clearly into view retrospectively (although from this latter perspective, the presuppositions will seem to have always been implicit).<sup>49</sup> My claim is that a common second-personality is a necessary condition of the success of second-personal address in its own terms, that is, for the relevant reasons actually to exist and be given.

As an analogy, consider the familiar thesis that punishment can be fully justified only on an assumption of freedom of the will. There is probably no reason to think that this latter idea, at least in its modern form, was available to the ancient Hittites either, but they surely had punishment of a sort.<sup>50</sup> No doubt their practices differed in various ways from what we would consider punishment as a pure case. But that is just the point. Freedom of the will can plausibly seem a presupposition of punishment in the pure case (in its own terms) as we now distinguish it. And similar things, I argue, are true of the pure address of second-personal reasons in general.

49. This is, of course, a favorite theme of Hegel's in *The Phenomenology of Spirit* (1977).

50. See Neufeld 1951. For an interesting discussion of the development of our contemporary notion of responsibility and associated practices of legal accountability, which argues that courts were initially conceived of as sites of neutral and reasoned adjudication between parties who would otherwise exact or suffer vengeance, see Pound 1922: ch. 4. I am indebted to Randall Curren for this reference and for helpful discussion. See Chapter 4 below for a discussion of the difference between the desire to retaliate or avenge and reactive attitudes as implicitly seeking second-personal recognition or respect.

## The Main Ideas II

### Moral Obligation's Purported Normativity

The most familiar characterization of moral obligations' purported normative force is in terms of their putatively *categorical* character, their purporting to be what Kant (1996b) called "categorical imperatives." Philippa Foot (1972) points out that this cannot mean just that moral obligations are categorical in form, that they "apply" independently of their relation to the agent's ends. Requirements of etiquette are unconditional in this way also, but nobody thinks that their putative normative force is anything like that of moral requirements. Foot concludes that the Kantian claim must rather be that moral obligations "necessarily give reasons for acting to any man" (309). Frequently this claim is strengthened to what Scheffler calls the "thesis of overridingness": "it can never be rational knowingly to do what morality forbids" (1992).<sup>1</sup> In other words, moral obligations always give agents conclusive reasons for acting that outweigh or take priority over any potentially competing considerations; or, at least, they always purport to do so.

This surely captures part of what is felt to be special about moral requirements, but only part. Compare logical requirements. If a conclusion follows from known premises, then we are under a requirement of reason to infer it that apparently applies to all rational beings also, considerations to the contrary notwithstanding. But there is an important difference between moral obligations and requirements that are imposed by logic. Morality involves a distinctive kind of accountability by its very nature. If I fail to act as I am morally required without adequate excuse, then distinctively second-personal responses like blame and guilt are

1. David Brink calls this the "supremacy thesis" (1997: 255).

thereby warranted.<sup>2</sup> But it is only in certain contexts that responses like these seem appropriate to logical blunders, and even here what seems to be in question is a moral error of some kind (as when I have a special responsibility for reasoning properly).<sup>3</sup> Moreover, although a connection to accountability is part of the very concept of moral obligation, it is obviously no part whatsoever of the idea of a logical requirement.<sup>4</sup>

Mill famously remarked that “we do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience.” We may think there are strong moral reasons for people to do something and “dislike or despise them for not doing” it; but unless we think “blame” or some other form of “punishment” is warranted, perhaps just the feeling of guilt, we do not think it “a case of moral obligation” (Mill 1998: ch. 5). Many philosophers today broadly concur with these Millian sentiments (Adams 1999: 238; Baier 1966; Brandt 1979: 163–176; Gibbard 1990: 42; Skorupski 1999: 142).<sup>5</sup> Matters of moral obligation are the moral community’s “business,” as Kurt Baier puts it (1966: 223). When we are morally obligated, we are not morally free to act otherwise; members of the moral community have the authority to hold us responsible if we do. Moral obligations are thus *to* others in a more robust way than those of logic are.<sup>6</sup> Anyone who feels guilty about logical errors would seem to have a “moralized” sense of the logical.

I develop this theme and argue that any account of the distinctive normativity of moral obligation that fails to capture this second-personal element is deficient. What’s more, I argue that this second-personal aspect also helps to explain why moral obligations purport to be supremely authoritative in the more familiar sense of being categorical and overriding.

The root of this latter explanation is the conceptual connection be-

2. Indeed, the very idea of an “excuse” is not internal to the rules of logic; it must be understood in relation to a broader context that includes other norms.

3. I don’t mean, of course, that logical errors aren’t subject to criticism, or that we don’t sometimes use words like “blame,” as when a teacher says that he doesn’t blame his student for a given error on a first try.

4. Again, I am indebted to Peter Graham for this point.

5. See also Ewing’s distinction between two senses of ‘ought’, one concerning the weight of normative reasons, the other conceptually related to blame (1939: 3). I am indebted to Howard Nye for reminding me of this passage.

6. See Thompson 2004.

tween moral obligation and responsibility, specifically, obligation's tie to warranted blame. Along lines similar to Bernard Williams and others, I argue that blame implies that the blamed agent had reason enough not to do what we blame him for doing in something like the way that Moore held that asserting *p* implies that one believes that *p* (Gibbard 1990: 299–300; Moore 1942: 540–543; Shafer-Landau 2003: 181–183; Skorupski 1999: 42–43; Williams 1995: 40–44). Just as it is unintelligible to assert something but deny that one believes it, so also does it make no sense to blame someone for doing something and then add that he had, nonetheless, sufficient reason to do it, all things considered. It is common to blame and other second-personal reactive attitudes through which we hold one another responsible that they presuppose not just that the person shouldn't have done what he did "morally speaking," but that he shouldn't have done it period. A person who in one moment "admits" his guilt, but in the next, asserts that he had, nonetheless, good and sufficient reasons for doing what he did could hardly be said to have accepted responsibility for his action. Or to put the point the other way around, if someone can establish that he had sufficient reason to do what he did, then he will have accounted for himself and shown thereby that blame is unwarranted.

### The Scope of Moral Obligation

I should emphasize that nothing in the idea of moral obligation as involving reciprocal accountability rules out its scope or content extending beyond the needs and interests of free and rational individuals considered as such. For all I say in this book, what we are morally responsible for might include, for example, the protection of cultural treasures, wilderness, and/or the welfare of other sentient beings, quite independently of the relation any of these have to the interests of free and rational persons. I take no stand here on whether or not this is so. What I say entails that if we have such moral obligations, then these are among the things we free and rational agents have the authority to demand of one another. Of course, even if we do not, even if, say, harming wilderness or members of other species were not in itself to violate any demand for which we can be held morally accountable, there would still be weighty reasons against such harm. In any case, what I do argue is that moral obligations essentially include demands free and rational individuals have standing

to make of one another as such and that we are committed to the standing to make these demands by presuppositions of the second-person standpoint. Whether we are morally accountable for more is obviously an important question, but it is not one I can address here.<sup>7</sup>

Of course, even if moral obligations concerning other species, say, can be accommodated within the kind of framework I am sketching, it may still be objected that there is no place in it for the idea that these obligations are owed to the beings themselves if they lack second-personal competence and so, according to my argument, the authority to demand anything. But the kind of view I develop may have resources for response even here. First, although I am bound to insist that moral obligation, like the concept of a right, cannot be understood independently of authoritative demands, the thought that moral obligations can be owed to beings who lack second-personal competence might be able to be elaborated in terms of trustees' (for example, the moral community's) authority to demand certain treatment on their behalf (perhaps also to claim certain rights, compensation, and so on, for them). Thus, Dr. Seuss's character the Lorax (a free and rational being) declares, "I speak for the trees" (Dr. Seuss 1971). Second, to the extent that we find the thought that we owe obligations to nonrational beings a natural thing to think, it seems likely that we also impute to them a proto- or quasi-second-personality, for example, as when we see an animal's or an infant's cry as a form of complaint. In any case, what I seek to show in this book is that the second-personal competence that makes us subject to moral obligation also gives us an authority to make claims and demands of one another as members of the moral community. Whether the scope or content of moral obligation extends farther is a question I do not here consider.<sup>8</sup>

### Vindicating Moral Obligation: The Kantian Project

Whether moral obligations purport to be supremely authoritative is one question, but whether they actually are is another.<sup>9</sup> The project of vin-

7. I am indebted to Allen Buchanan for pressing me to clarify the points in this paragraph.

8. I am indebted to Jim Staihar and Howard Nye for discussion of the points in this paragraph.

9. Alternatively, we could say that moral obligations are supremely authoritative by definition, but then the question just becomes whether the specific injunctions we take to

dicating morality's putative authority poses one of moral philosophy's great challenges. A mark of the Kantian tradition has been to take the challenge seriously and attempt to meet it (Darwall 1983; Gewirth 1978; Korsgaard 1996f; Nagel 1970). Kant's own strategy apparently changed significantly from the *Groundwork* to *The Critique of Practical Reason*, however. What held constant throughout was his "Reciprocity Thesis," Kant's conviction that the moral law is equivalent to what he called "autonomy of the will": "the property of the will by which it is a law to itself (independently of any property of the objects of volition)" (Allison 1986; Kant 1996b: 440).

Consider, first, how Kant argues in the *Groundwork*. At the end of *Groundwork*'s section 2, Kant remarks that it is consistent with his arguments to that point that morality is nothing but a "figment of the mind." He believes he has already proven in sections 1 and 2 that morality's fundamental principle is the Categorical Imperative (CI) and that it holds if, and only if, the will has the property of autonomy (the Reciprocity Thesis). But so far he has simply analyzed the "generally accepted" concept of morality. All he has shown, consequently, is that *if*, and only if, there is such a thing as morality is conceived to be, then "the categorical imperative, and with it autonomy of the will, is true and absolutely necessary as an *a priori* principle" (1996b: 445). To vindicate the moral law, however, it is insufficient to establish this biconditional, since it is merely an analytic truth that is consistent with morality's and autonomy's both being mere "figments." He must establish either that autonomy really holds or that the CI does (either will do because of the Reciprocity Thesis). And both, he says, are synthetic *a priori* claims that require the kind of critique of practical reason he sets about providing in section 3.

In *Groundwork* 3, Kant attempts to establish autonomy of the will as an independent premise and to prove the CI on its basis. He claims that autonomy is a necessary presupposition of the practical standpoint—we "cannot act otherwise than *under the idea of freedom*"—and then argues (via the Reciprocity Thesis) that in presupposing autonomy a rational agent is committed to the CI (the moral law) (1996b: 448). Contemporary Kantians, most notably Christine Korsgaard, often pursue some version of this strategy also (Hill 1985; Korsgaard 1996b, 1996e, 1996f).

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be moral obligations are moral obligations in fact. So far as I can see, nothing hangs on this semantic choice.

I argue that any such attempt must fail. Autonomy of the will, as Kant defines it, is a form of freedom that is distinctively practical and that lacks any analogue in theoretical reasoning. However, the only argument that Kant gives in *Groundwork* 3 (1996b: 448) for the proposition that we must presuppose autonomy in practical reasoning is that we must assume a freedom of reason in forming any judgment, whether practical or theoretical. Kant's idea seems to be that if we see our thinking or judgments in any area as simply directed from without, we will not be able to regard ourselves as reasoning or making rational judgments in that area. No doubt this is true, but it doesn't follow that the reasons on the basis of which we judge are not themselves drawn from features of our judgment's object (and hence, in practical deliberation, from properties of the objects of our desire and volition). When we reason about what to believe, at least about empirical matters, for example, there is a clear sense in which we need to see our thinking as responding to independent objects and states of the world about which we are attempting to form beliefs.<sup>10</sup> Theoretical reasoning evidently involves no form of freedom that is analogous to autonomy of the will, the will's being "a law to itself (independently of any properties of the objects of [desire and] volition)" (Kant 1996b: 440).

But neither, I argue, need autonomy be assumed in just any intelligible practical reasoning. Consider what practical reasoning would be like if it were structurally analogous to rational belief formation about the empirical world. (I am not saying for a moment that this is a plausible picture of practical reasoning, only that it is an intelligible one, and that since autonomy would not be assumed in such reasoning, it cannot, therefore, be an inescapable presupposition of the practical standpoint.) A naïve theoretical reasoner takes her experience as evidence of states of an independent world (the objects of correct beliefs). An analogously "naïve" practical reasoner might take her desires and other forms of "practical experience" like pleasure and pain as forms of epistemic access also, only this time, not to the world as it is, but to how it would be good or bad

10. This point holds whether or not transcendental idealism is true. Even a transcendental idealist will need to draw a distinction between object- or state-responsive thinking (like that involved in ordinary belief formation about states of the world, i.e., the objects of empirical belief) and thinking that isn't. It is significant in this regard that Fichte contrasts practical freedom from any we can have in "representational activity" (2000: 19), as does Kant in the *Critique of Practical Reason* (1996a: 20).



for the world to be, how it should or should not be.<sup>11</sup> To an agent with a desire that  $p$ , it will seem that the world should be such that  $p$ , as if  $p$  would be a good thing, hence, as if there is reason for her to bring  $p$  about, and similarly for experiences of being pleased or pained that  $p$ . Naïve practical reasoning on this basis would therefore see reasons for acting as deriving from features of the objects of desire and volition and so would not presuppose autonomy in Kant's sense.

So I argue that Kant's *Groundwork* argument fails, as must, indeed, any argument that attempts to prove that autonomy is an inescapable assumption of any possible practical reasoning.<sup>12</sup> The problem, as I diagnose it, is that it is only deliberation from the second-person standpoint that requires us to assume autonomy of the will.

By the time Kant wrote *Critique of Practical Reason*, he had apparently abandoned the *Groundwork*'s strategy of trying to establish the moral law from a prior premise of autonomy as an inescapable assumption of any practical reasoning. There he holds that we have no independent way of establishing autonomy other than through our consciousness of a particular kind of reason, namely, being bound by the moral law. What Kant calls the "fact of reason" (1996a: 31), the awareness of our freedom through consciousness of being bound by the moral law, itself assumes morality's supremacy and cannot therefore be used to establish it.

I think Kant was right to give up the strategy of the *Groundwork* and to argue that consciousness of autonomy of the will involves an awareness of being bound by and able to act on a reason of a distinctive kind. Perhaps we can now glimpse why I claim that the requisite kind of reason must be second-personal. First, as I mentioned in the last chapter, any second-personal address or acknowledgment commits us to the equal

11. This is not far from the picture Dennis Stampe provides in "The Authority of Desire" (1987).

12. As I argue in Chapter 9, I differ here with writers like Korsgaard and Wood who attempt to provide a sound reconstruction of the Formula of Humanity, autonomy, and related concepts from presuppositions of practical reasoning alone (Korsgaard 1996b, 1996e, 1996f; Wood 1999). As I point out in more detail later, although Korsgaard shows a keen appreciation of the role of reciprocity and mutual accountability for a Kantian framework (Korsgaard 1996a, 1996d: 301), she also believes that autonomy and the Categorical Imperative in its various formulations are transcendental presuppositions of the practical standpoint. I believe this to be mistaken. In my view, there is no way of deriving these ideas outside of the second-person standpoint and within a comprehensive theory of practical reason that is enriched by it.

dignity of persons, conceived as equal second-personal authority, and to the idea that addresser and addressee alike are capable of acting on reasons that are grounded in this authority and so are irreducible to the value of any outcome or state (hence to any property of any object of desire). Second-personal address thus commits us to the idea that agents capable of entering into relations of mutual accountability must have within this capacity (second-personal competence) a second-personal authority that is a source of reasons and norms independently of any features of desired (or desirable) outcomes or states along with the ability to act on these norms and reasons. When we acknowledge the summons of another free and rational agent, we confront, in effect, the "fact of reason." We presuppose the equal dignity of rational beings and our ability to act on a "law" or reason—a second-personal reason grounded in this dignity—that derives not from the value of any state of affairs or outcome that might be the object of a desire, but, ultimately, from what it is to be one free and rational person interacting with others.

Second, consider briefly how the "fact of reason" functions within Kant's own argument in the second *Critique*. Kant asks us to imagine someone whose prince demands that he give false witness against an honorable man on pain of death (1996a: 30). Kant notes that no one can say for sure what he would do in such a situation, but Kant nonetheless insists that anyone in the situation would have to admit that he could refuse the prince's request, since he would judge that he should do so. Because we all already implicitly acknowledge the authority of the moral law, we are forced to conclude that we have the capacity to act on it. We cannot coherently think that it is impossible to do something and still think, from the practical standpoint, that it is something we should do. If we can't do something, then the practical question is what else to do in light of that fact.

Obviously, if acknowledging the authority of moral obligation is what requires us to assume we can act on a law that binds us independently of our desires (including for survival), then we cannot assume autonomy in an argument for the authority of moral obligation. But as I've said, Kant is no longer interested in that strategy. Nonetheless, Kant clearly takes this example as evidence, not just that anyone must admit that he could comply with this moral obligation (in accepting it), but that he can comply with the Categorical Imperative in general, since Kant presents a formulation of the CI ("So act that the maxim of your will could always

hold at the same time as a principle in a giving of universal law") just after the passage we have been discussing (1996a: 30).<sup>13</sup> And that, after all, is what would be necessary for him to have established in order to show that we must accept autonomy of the will—that we are bound by a *formal* principle of the will. But why should that be? All we know so far is that we can act on a principle of right we accept, irrespectively of our desires for any outcome. It is consistent with this that, as deontological intuitionists like Richard Price (1974) and W. D. Ross (1930) believed, this is explainable by an independent fact of right rather than by anything like autonomy of the will. Why suppose there must be some formal principle of the will like the CI that stands behind our moral obligations?

Suppose we were to consider, however, not just that anyone in the situation Kant describes ought to reject the prince's demand, but also that he would be morally responsible for doing so. In the second-personal address of holding him responsible, we would have to assume that he had within him a source of motivation to do as he was morally obligated. We cannot intelligibly hold someone to a demand as a moral agent without supposing that he could hold himself to that same demand by acting on the relevant second-personal reasons. And if we think that any rational person in that situation would be thus answerable, we are committed to thinking that what makes a rational person subject to moral obligation must itself include a source of motivation to do as he is morally obligated. The need for this presupposition comes not from supposing there to be normative reasons for someone to do something, regardless of their priority or weight but rather from the distinctively second-personal reasons that are involved in moral obligation. It comes from what Gary Watson calls "constraints of moral address" (1987: 263, 264). It follows, I argue, that the second-personal competence that makes us subject to moral obligation must include a source of the (second-personal) reasons in which moral obligation consists, along with the capacity to act on these reasons. In presupposing this, we effectively presuppose autonomy of the will. The capacity of will that make us apt to be held responsible, second-personal competence, is a "law to itself," since it is the basis of second-personal authority.

13. Which Kant there calls the "Fundamental Law of Pure Practical Reason" (1996a: 30).

## A Second-Personal Interpretation of the CI

What then does second-personal competence consist in? Well, it must consist in something like the capacity to make demands of oneself from a second-person standpoint: in being able to choose to do something only if it is consistent with demands one (or anyone) would make of anyone (hence that one would make of oneself) from a standpoint we can share as mutually accountable persons. But that is just a second-personal version of the CI. In fact, the most natural way of interpreting the CI and kindred moral principles like the Golden Rule is second-personally, in terms of demands that one (anyone) would sensibly make of all from the shared standpoint of a member of the moral community. What matters for moral obligation is not what one would like or prefer all people do, but what one would expect of others, what demands one could endorse anyone's being able to hold others to as members of a community of mutually accountable equals. What forces an assumption of autonomy of the will, therefore, is the second-personal aspect of moral obligation, that is, that what is morally obligatory is what we are responsible to one another for doing.

But isn't acting on demands that others can make of one heteronomy rather than autonomy, being governed by them rather than by oneself? Or, to put it another way, how could autonomy consist in a law that comes from nothing outside of the will itself if it is realized in second-personal interaction? The response to this objection is that when one decides to reject the prince's demand because this is what the moral community authoritatively demands, the second-personal perspective of a member of the moral community is as much one's own as it is anyone else's. One demands the conduct of oneself from a point of view one shares as a free and rational person.

## A Foundation for Contractualism

An account of the second-person standpoint along the lines that I develop in this book provides the most natural way of motivating the moral theory known as "contractualism." Contractualists see morality as most fundamentally concerned with "*how persons are to relate to one another,*"

to quote one insightful commentator (Kumar 1999: 284).<sup>14</sup> Or as Scanlon puts it, "The contractualist ideal . . . is meant to characterize" a specific "relation" with others: "mutual recognition" (1998: 162). Moral principles have a distinctive *role* on a contractualist view: they mediate mutual respect.<sup>15</sup> They don't just tell us what actions we should or must perform; they mediate a fundamental interpersonal *relation*: mutual respect between mutually accountable persons.<sup>16</sup> These are all irreducibly second-personal matters.

For Scanlon, the problem of accounting for morality's authority is that of explaining "the *priority* of right and wrong over other values" or accounting for their special "importance" (1998: 148, 149). In the paper in which he originally formulated the position, Scanlon (1982) maintained that the "motivational basis" of contractualist morality is a desire to act in a way that can be justified to others. In *What We Owe to Each Other*, however, Scanlon departs from his prior view and claims that contractualism's basis is the "value" and "appeal" of standing to others in the relation of mutual recognition, both in itself and as an ineliminable aspect of other valuable relations such as friendship (1998: 158–168).

This is obviously an attractive idea, but like Mill's attempt to explain the bindingness of morality in the appeal of "unity with our fellow creatures," to which Scanlon in fact compares it, it is hard to see how it can adequately account for the nonoptional character of moral obligation (Mill 1998: ch. 3). This is another instance of Strawson's Point; such an argument seems to provide a reason of the wrong kind. By contrast, the approach I sketch promises to explain how the standing to make claims and demands on one another as free and rational persons is something to which we are jointly committed whenever we take up the second-person stance more generally rather than simply being an ineliminable aspect of interpersonal relations we find appealing.

A central issue in the debate between consequentialist theories of right and deontological theories such as contractualism has been whether a

14. Compare Korsgaard's remark that, on a Kantian view, "the subject matter of morality is . . . how we should relate to one another" (1996d: 275). See also Schapiro 2001 and 2003b.

15. As Rahul Kumar says, they provide a "basis for a shared understanding of the kind of consideration . . . persons may legitimately expect of one another, as a matter of mutual respect for one another as persons" (1999: 284).

16. Compare Elizabeth Anderson's (1999) relational theory of equality.

satisfying philosophical rationale can be provided for agent-relative restrictions ("deontological constraints") (Nagel 1986; Scheffler 1982). Consequentialists since Moore have argued that if, for example, betraying or causing harm to others is to be avoided, then that must be because it is a bad thing.<sup>17</sup> And if it is bad, then it is equally bad regardless of the perpetrator. So if, for example, an agent could do something that would amount to her betraying another person but it would also prevent an exactly similar betrayal involving two other people, say because another would-be betrayer would be sufficiently shocked at seeing the first agent's betrayal that she would give up her treacherous plans, then these two outcomes should cancel each other out from the moral point of view. The fact that one betrayal would be by the agent herself should make no intrinsic difference to what there is reason for the agent to do. There will end up being a net gain of one betrayal in the world whatever she does.

It is well known that, in addition to being part of moral common sense, agent-relative constraints can be derived within contractualism or, for that matter, within indirect consequentialist approaches such as rule utilitarianism.<sup>18</sup> The problem has remained of how to give any of these derivations a deeper philosophical rationale that itself confirms rather than undermines the case for agent-relative constraints. The problem with indirect consequentialism, for example, is that even if we think there are (agent-neutral) consequentialist reasons to call actions that violate common sense agent-relative moral constraints "wrong," or to want people (ourselves included) to think them wrong, it is not obvious how a consequentialist can herself sensibly think (simultaneously with accepting the deeper agent-neutralist reasons) that agents really should avoid performing such actions, when doing so would advance the overall agent-neutral value.

If a foundation for contractualism can be found in commitments within the second-person standpoint, this can provide, I believe, the kind

17. For some of the history of this debate and a different proposal about how to justify agent-relative constraints, see Darwall 1986a.

18. See, for example, Kumar 1999. For rule utilitarianism, see Brandt 1979; Hooker 2000; Johnson 1991; Parfit 1984. For a (seemingly) dissenting view, see Brand-Ballard 2004. I say "seemingly" because Brand-Ballard's arguments put pressure on the claim that the agent-relative deontological constraints of the strength of common sense can be derived within contractualism, although not, perhaps, on the claim that agent-relative constraints of some sort might be.

of rationale for agent-relative restrictions that is needed. It would vindicate reasons that are in their nature relational, that concern, not how it would be good for the world to be anyway, or even what kinds of acts are called for by their intrinsic nature, but how we are to relate to one another owing to claims and demands that we cannot avoid assuming we have the authority to address to each other as one free and rational person among others. It would provide the right kind of reason.