

CHAPTER I

THE SECOND-PERSON STANDPOINT

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CHAPTER I

THE MAIN IDEAS I

“People are self-originating sources of claims” (Rawls, 1980: 543)

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.¹ 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.² (Austin 1975; Strawson 1968) 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 even, 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, will be normative. A command is a form of address that purports to give a person a distinctive kind of (*normative*) *reason* for acting, one I will call a *second-personal reason*.³ 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.⁴ And, as we shall see, 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.⁵ (Austin 1975: 16) We, however, will be 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 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 will be 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 shall 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 shall be 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.⁶ 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 can) 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.⁷ 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.”⁸ (Moore 1993: 34)

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 the perspective of his desire, he would accept a *state-of-the-world-regarding* and *agent-neutral* reason for removing his foot.⁹ 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.¹⁰ 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.¹¹ 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 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.¹² 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.¹³ It would be addressed to him, rather, as the person causing gratuitous pain to another person, something we persons normally assume we have the authority to demand that persons not do to one another.¹⁴

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.¹⁵ 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.¹⁶

It is perhaps obvious that reasons that depend on orders or requests are second-personal in this sense, but I shall be arguing 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 pain, not just as his victim, but also as a member of the moral community.) I shall be claiming 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.¹⁷ As I shall clarify presently, however, this does not diminish their

second-personal character, since this concerns their “demand addressing” quality.¹⁸

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 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.¹⁹ 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 1996a: 297-298) I shall 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.²⁰ 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 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 1996a: 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).²¹ 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.²² 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 shall be arguing 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.²³ 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 comply, but also his being responsible for doing so.²⁴ 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 will be 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, on the other hand, 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."²⁵ The sergeant's 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 will claim, it must be justifiable from within a second-person standpoint.

There is also 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, will be 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 and 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 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 one another reason logically, and even here that authority apparently derives from a moral or quasi-moral aspect: our having undertaken a common aim.²⁶ Requirements of logical reasoning are, in this way, fundamentally different from those that are grounded in the dignity of persons—and different also, I will argue, from moral requirements more generally. I shall 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.²⁷

Our dignity as persons includes, I shall argue, an irreducibly second-personal authority to demand respect for this very authority and for the requirements compliance with which it gives us the standing to demand. Dignity is not just a set of requirements with respect to persons; it is also the authority persons have to require compliance with these 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 shall argue, 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 thus a perfectly 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.²⁸ If, say God, has the authority to demand 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.²⁹

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.” (Strawson 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.” (1968:72, 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.” (Dewey 1998b: 319)³⁰ So we might call this Dewey’s Point as well.

Strawson’s Point illustrates a more general phenomenon that can 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 being amused by a certain joke is morally objectionable that the joke is not funny.³¹ 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 towards it.³² 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*, 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 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.³³ The former concerns reasons and norms of desire, and what is thus desirable, even, indeed, 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.³⁴ (1968: 85, emphasis added) 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.” (Strawson 1968: 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 shall be arguing, moral obligation—all have an irreducibly second-personal aspect that ties them conceptually to second-personal reasons.

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.³⁵ In addition to their 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.³⁶ (Hohfeld 1923) 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.³⁷ And this consists, not simply in its being the case that the other ought or has good and sufficient reasons to do it, even indeed, 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 claim-holder's authority to demand compliance and, perhaps, compensation for non-compliance.³⁸ Rights are thus associated conceptually with second-personal reasons. There may of course be non-second-personal reasons for others to do what we have a right to their doing also, 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 that their being a distinctive justification for restricting freedom.³⁹ The central element of this conceptual area, Hart writes, is of 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 will be important in what follows that the relevant "congruity" cannot be fully captured in non-second-personal terms.⁴⁰ This is an aspect of Strawson's Point, and it connects of 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 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 shall be 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.⁴¹ (1965: 178) 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 morally 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 shall 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’ll argue, he presupposes the addressee can be expected to accept. What is built into this presupposition? Quite a lot, I shall argue.

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 argues, can it simultaneously address and

direct her as a free agent. Call this *Fichte's Analysis* of second-personal address. I shall 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 one another as, in Rawls's famous formulation, "self-originating source[s] of valid claims." (Rawls 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.⁴² And each must also presuppose their common second-personal *competence*, a capacity to determine themselves by these reasons, which motivation, because the reasons are irreducibly second-personal, cannot be reduced to desires for any outcome.⁴³

There is thus, I shall 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.⁴⁴ (Fichte 2000: 41) And this means, I shall argue, that whenever 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*.⁴⁵ 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 shall 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 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.⁴⁶ To intelligibly hold someone responsible, we must assume that she can hold herself responsible in her own reasoning and thought.⁴⁷ 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 "acknowledge[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, I shall argue, enables 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; Rawls, 1993) Any such address unavoidably presupposes that its addressee can accept as reasonable both the claims it addresses and the authority on which these claims are based, and 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. Better: 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 shall argue, indeed, that it is the equal authority we presuppose from the second-person standpoint that most deeply

underlies contractualism.

I should make clear that I will not be claiming 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.⁴⁸ 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. 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 already been implicit).⁴⁹ 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.⁵⁰ 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 will be arguing, are true of the pure address of second-personal reasons in general.

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 discourse. But there are forms of addressed thought that do not seem to involve claim-making.

² Austinian performatives will be discussed in Chapter III and reactive feelings and attitudes in Chapter IV.

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 her 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 it, “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 III. I am indebted here to Kevin Toh for clarifying discussion.

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 Darwall 1983; Bond 1983; Pettit and Smith 1990; Quinn 1991; Hampton 1998; Scanlon 1998: 41-55; and Dancy 2000.

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 2002a.

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, etc., see Nagel 1970; Scheffler 1982; Parfit 1984;

Nagel 1986; Darwall 1986a; and McNaughton and Rawling 1991. For a discussion that raises a question about the value of this distinction, see Korsgaard 1996.

I argue for the claim that sympathetic concern involves there seeming to be agent-neutral reasons to further someone's welfare in Darwall 2002a: 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, then 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, for example, 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.

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 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 claims 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.

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 say the analogous thing 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 IV. (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 moral point of view is "first-person plural" see Postema 1995. It is also a theme of Korsgaard's writings.

¹⁹ They must be agent-relative Nagel believes, since 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.

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 IX.

²² In Chapter IX, I discuss Korsgaard's deployment of Wittgenstein's private language argument in Korsgaard 1996b.

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

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 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 31.

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 one another 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 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, 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.

²⁹ As I mentioned in note 27, Raz argues (Raz 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." Jefferson makes a similar point, when he says that "Because Sire 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.

³⁰ I am indebted to Elizabeth Anderson for this reference.

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 Ronnøw-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 Ronnøw-Rasmussen put 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. (Rabinowicz and Ronnøw-Rasmussen 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.” (Falk 1986: 117)

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 in Watson 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).” (Wallace 1994: 19) See also Bennett 1980 and Scanlon (1998: 272-290).

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) Compare Mill: “To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of.” (Mill 1998: V)

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: (i) S has a right against T if, and only if, T has a duty to S; (ii) S a power with respect to T if, and only if T has a liability with respect to S; (iii) 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).

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 are 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 1996b: 230-231) We will consider a further expression of this idea in Fichte’s idea 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” (Fichte 2000: 49))

⁴⁰ I am indebted here to discussion with Tom Hurka.

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

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 shall 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 1996c: 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 Levinas about encountering the “other,” for example, Lévinas 1969. I am indebted here to Rachana Kamtekar. For an illuminating discussion of the way in which, according to Levinas, encountering an other “face to face” involves a second-personal demand for respect, see Putnam 2002.

⁴⁵ Published in 1796-7, just before Kant’s *Rechtslehre*. See Frederick Neuhouser’s very helpful introduction to Fichte 2000.

⁴⁶ Pufendorf’s Point resonates with Hart’s distinction between being obliged (by force or circumstance) and being obligated. (Hart 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" (Kant 1996c: 6:417)

⁴⁸ See note 4. I am indebted to Eric Schliesser for pressing me on this point.

⁴⁹ This is, of course, a favorite theme of Hegel's in *The Phenomenology of Spirit*. (Hegel 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. IV. I am indebted to Randall Curren for this reference and for helpful discussion. See Chapter IV 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.