

CHAPTER IX

*THE SECOND-PERSON STANDPOINT*

STEPHEN DARWALL

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## CHAPTER X

### DIGNITY AND THE SECOND PERSON: VARIATIONS ON FICHTEAN THEMES

“People are self-originating sources of claims . . . .” (John Rawls, “Kantian Constructivism in Moral Theory”) (Rawls 1980: 546)

“A human being regarded as a *person*, that is as the subject of a morally practical reason, . . . possesses a *dignity* . . . by which he exacts *respect* for himself from all other rational beings in the world. . . . Humanity in his person is the object of the respect which he can demand from every other human being . . . .” (Kant 1996e: 434-435)

In this chapter, I argue that the key to validating our dignity as persons is to appreciate what might be meant by saying, as Kant does in the passage above, that dignity is something by which we “exact” or “claim” respect “from every other human being.” Respect that acknowledges the validity of a claim is, as we saw in Chapter VI, second-personal, as are also the claim and the authority to make it. And the dignity of persons, I there argued, is the second-personal standing of an equal. It is the status of an equal member of the moral community (the “realm of ends”) to hold one another accountable for compliance with the mandatory norms that mediate relations between free and rational persons. When, consequently, someone respects another’s dignity as a person, she gives him the second-personal standing of an equal in her relations with him.

As we noted in Chapter I, dignity partly involves there being constraints on the permissible treatment of persons, ways one must act toward persons and ways one must not. (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.<sup>1</sup> The latter is what being in a position to claim or “exact” respect brings in—the authority to demand compliance with dignity’s requirements through mutual accountability.

Thought of in this way, dignity includes equal status in the moral community, understood as a cooperative of mutually accountable free and rational agents.<sup>2</sup> The dignity of persons, we might then say, is the complex whole that comprises all three of: the substantive mandatory norms regarding conduct toward persons, the standing to demand compliance with these as one among mutually accountable equals, and valid demands that are grounded in this authority.<sup>3</sup> (Again, I will argue in Chapter XII that the content of specific moral requirements can be explicated within a contractualist framework that is itself grounded in the second-person standpoint. The present chapter seeks to show that the second-person perspective is committed to dignity conceived as equal second-personal authority. Chapter XII argues that procedural versions of the CI, including a contractualist interpretation of the “realm of ends” formulation (FRE), can be grounded in this authority.)

But what commits us to this standing? Why should we suppose that we have the authority to claim anything from one another simply as equal persons? If the reasoning of the last chapter is correct, then even if the moral law, the dignity of persons, and autonomy of the will are all reciprocally related to one another, nothing within first-personal practical reasoning alone requires us to accept any of these. An agent might deliberate intelligibly (from a naïve first-personal standpoint) on the assumption that all are chimerical ideas. In the current chapter, I lay out reasons for thinking that dignity and autonomy (second-personal authority and competence) are inescapably presupposed in the second-person stance, and I begin to make the case, the main part of which is presented in the chapter

following, that an account of second-personal practical thought is central to a fully adequate account of practical reason.

If, however, the moral law is essentially tied to the dignity of persons, and if dignity includes an irreducibly second-personal standing, then it should not be surprising that the second-person perspective is essential to appreciating the bindingness of the moral law. No authority to address second-personal reasons of any kind is reducible to propositions of value or normative principles of right that can adequately be appreciated either first- or third-personally, since nothing of this sort will itself include the irreducibly second-personal element of claim or demand.<sup>4</sup> If, consequently, persons have the standing to make claims of one another as free and rational, this must be something we are committed to from within the second-person perspective. Moreover, in my view, it is a commitment to the equal dignity of persons in this irreducibly second-personal way that brings along with it a commitment to autonomy of the will and the CI, rather than *vice versa*.

#### **PRELUDE: ASSEMBLING THE MATERIALS**

Our goal in this chapter, then, is to construct an argument for the claim that the dignity of persons, conceived of as equal second-personal authority, is inescapably presupposed from the second-person standpoint as a normative felicity condition of addressing second-personal reasons and, therefore, that autonomy of the will is as well. We hope to conclude that addressing any second-personal reason whatsoever will necessarily commit one to these two assumptions. By now, we have in hand many of the materials we need for such an argument, including Strawson's and Pufendorf's Points. In this section, we shall briefly survey these so that we can, in succeeding sections, combine them with ideas of Fichte's about second-personal address in general to produce a convincing argument. Fichte claims that second-personal address always presumes, as such, to direct an agent's will

through that agent's own free choice. It attempts to make a claim on her through an address to her as a free and rational agent. We can call this *Fichte's Analysis* of second-personal address.

*Fichte's Point*, then, is that there are two conditions that must be satisfied for second-personal address, so analyzed, to succeed; hence there are two assumptions that any attempt to address someone second-personally is committed to making.<sup>5</sup> The first is that the addresser and the addressee share an equal authority to make claims of one another as free and rational. And the second is that they share a freedom to act on claims that are rooted in this authority. Fichte's Point, as I am interpreting him, is that any second-personal address whatsoever must simultaneously presuppose (equal) second-personal authority and second-personal competence.<sup>6</sup> Indeed, being second-personally competent is what we should understand 'free' in the phrase 'free and rational' to refer to.<sup>7</sup> In effect, then, our aim in this chapter is to construct an argument for Fichte's Point. I believe that this can be done by combining Fichte's Analysis with Strawson's and Pufendorf's Points.

*Strawson's Point.* Holding someone responsible always addresses a demand, and the only way to justify any such demand is with second-personal reasons, that is, from within the standpoint we must occupy to address it. Otherwise, we will be invoking "reasons of the wrong kind." This gives us the framework of four interdefinable, irreducibly second-personal notions we have identified: (i) addressable demands, (ii) the authority to address them, (iii) second-personal reasons that are implicit in their address, and (iv) accountability to others. Any one of these four notions implicitly involves the other three, and there is no way to reduce the distinctive normativity of any one of them to norms and values that can be appreciated fully without a second-person standpoint.

Strawson makes these points about moral responsibility in particular, but nothing restricts their application to the moral case. Whenever someone puts forward a putatively valid claim or demand of any kind, she purports to initiate a second-personal relation that inevitably involves all four concepts. Two elements of this framework are especially relevant to the argument of the current chapter. One is the connection between addressing demands and accountability. To address a demand is invariably to attempt to initiate a relation whereby the addressee can be presumed responsible for complying with the demand. (Conversely, holding responsible invariably addresses demands.) As we have seen, it is impossible for any such attempt to succeed unless a more general accountability relation already obtains between addresser and addressee, which relation both presuppose in addressing and acknowledging the demand respectively. This is the version of Strawson's Point we called Cudworth's Point, which we saw in Cudworth's critique of theological voluntarism and which I appealed to in discussing Gilbert and Scanlon at the end of Chapter VIII. God cannot obligate us by specific commands unless we are already accountable to Him in general, and it is impossible for you and me to agree to take a walk together, or for either of us individually to promise to return a spear for a boomerang, unless we already have the second-personal authority to make or refuse agreements or to give or receive promises, as we presuppose when one of us issues an invitation or attempts to make a promise and the other accepts or declines.

The second element is the distinctive kind of reason for acting that authoritative demands invariably address taken together with the capacity to act on a reason of this kind (second-personal competence) that we presuppose when we address any such demand. Second-personal reasons are authority-regarding rather than outcome- or state-of-the-world-regarding. Recall our initial example, in which you are in pain because someone is stepping

on your foot. The fact that you are suffering pain that might be relieved by someone's moving his foot is, in itself, an agent-neutral, outcome-regarding, non-second-personal reason for him to move it. Such a person is simply in an especially good position to bring about a better state of the world; this reason for him to do so is one that is also had, in principle, by anyone who can bring about this state. If, however, you address a demand to him that he move his foot (since he had no right to step on yours in the first place), the reason you attempt to give him is authority- rather than state-of-the-world-regarding; it is agent-relative and second-personal. In addressing the demand you need presuppose nothing about him having a reason to bring about the relief of your pain in that's being a better state. What you presuppose is rather that you have the authority to demand that he move his foot, that there is therefore a reason for him to do so (whether he wants to or thinks that would be a particularly good thing or not), and, finally, that he is accountable for doing so.

Now as we saw at the end of the last chapter, when we hold one another morally responsible, we presuppose that we can each comply with moral requirements, not just in the weak sense of having the ability and the opportunity to do so, but in the stronger sense of having the capacity to recognize and (freely) act on the distinctive second-personal reasons they involve. And we saw also that this requires us to presuppose that we have the capacity to act on reasons that are rooted simply in the second-personal authority of a free and rational agent as such and that are consequently independent "of any features of the objects of volition."<sup>8</sup> Moral accountability thus presupposes autonomy of the will. We can be held morally responsible only for what we can hold ourselves responsible for by making moral demands of ourselves from the perspective of one free and rational agent among others.<sup>9</sup>

I contend that one consequence of Fichte's Analysis is that these presuppositions are not limited to the moral case; they are invariably implicated in second-personal address. Any second-personal reason whatsoever is authority- rather than outcome-regarding, and any address of a second-personal reason purports to initiate an accountability relation in which both parties are responsible to one another as rational and free (second-personally competent). In effect, then, I shall claim that it is a consequence of Fichte's Analysis that second-personal address must always presupposes autonomy and the dignity of persons. If the address of any second-personal reason is to an agent as free and rational, then being accountable for compliance must involve the addressee's capacity freely to determine herself by reasons that are grounded in a second-personal competence and authority that addresser and addressee must be presumed to have in common.<sup>10</sup> Second-personal address must always presuppose equal second-personal authority and second-personal competence.

*Pufendorf's Point.* The second element we will need for our argument is Pufendorf's Point, which Pufendorf puts forward as a claim about moral motivation. In order for God's commands to create obligations, we must be able to distinguish between someone being moved to comply by fear of, or by the desire to avoid, God's sanctions, on the one hand, and his being moved by the conviction that the sanction "falls upon him justly," on the other.<sup>11</sup> (Pufendorf 1934: 91) We can be genuinely obligated to comply with God's commands only if we have the capacity to accept His authority and to determine ourselves freely by this acceptance. We must have second-personal competence.

One way we have been putting this point is by saying that to be subject to an obligation and be, consequently, responsible for compliance, the obligated agent must be capable of holding himself responsible. To do this, he must be able to see the addresser's claim or demand, not just as externally imposed, even, indeed, as imposed justifiably from

the addresser's perspective, but as something he, the addressee, justifiably demands of himself from a standpoint that he and his addressee can share. He must be able to think, not just that someone else might have reason to reproach him were he not to comply, but that he would be to blame, that he would warrantedly reproach and blame himself.

This is Pufendorf's Point from, as it were, the addressee's perspective. But it has two corollaries from the addresser's perspective. First, although special authority may carry distinctive forms of accountability of an addressee to a specially authorized addresser, there must always also be an underlying presupposed authority to hold responsible that addresser and addressee have in common. Any special authority must still presuppose that an addressee's failure to comply would be an appropriate object of blame and other reactive attitudes, and these, as Strawson pointed out, always implicate the perspective of second-personally competent persons as such (the moral community). For the addresser to think that an addressee would be to blame for not complying with her demand, she must think, not just that she (the addresser) would have standing to complain, but that her addressee would be to blame, that is, appropriately blamed by anyone.<sup>12</sup> She must think that her addressee has the same basic authority to blame himself that she has to blame him.

Second, Pufendorf's distinction from an addressee's perspective between acting on a desire to avoid sanctions and acting on a second-personal reason generates a complementary distinction from the addresser's point of view. Any addresser of a second-personal reason is committed to there being a difference between relating to someone in "demanding" (coercive) ways in making a valid demand or holding him responsible for complying with it, on the one hand, and merely forcing him to comply, for example, by threatening some evil, on the other. Part of the very idea of accountability is that there must be something (call it a "sanction" or "consequence") that someone with the authority to hold a person responsible

can demand that the person accept if he fails to do what he is responsible for doing. Exactly what an appropriate consequence would be is a normative rather than a conceptual question. In theory it could consist in no more than having to be the object of a reactive attitude, to listen to a charge, to acknowledge responsibility or guilt, or maybe even something weaker. But what is not left open by the concept is liability to a consequence of some kind, that is, that some consequence would “fall upon” one justly so that accepting it would help constitute one’s taking responsibility for what one has done.

The idea of accountability therefore requires a distinction between the authority to put someone on notice of a sanction as part of holding him accountable, on the one hand, and illegitimately threatening the very same evil without this authority, that is, coercion, on the other. It follows that someone who addresses a demand or puts someone on notice of a purportedly valid sanction presupposes that, although she may act towards the other in this coercive or “demanding” way because of her authority, she could not legitimately do so if she lacked the relevant authority. Without that authority, what would have been a valid notice of sanction becomes coercion, and this would violate the addressee’s authority. Indeed, without the relevant authority, even the attempt to direct the agent’s will by making the demand in the first place would be coercion.<sup>13</sup> She is committed, therefore, to the idea that *it takes second-personal authority to have a justification of the right kind (second-personal reasons) to direct the will of another free and rational agent.*

We can see this in the phenomenon of blame itself. Reactive attitudes exert a kind of coercive pressure on their objects. We naturally resent therefore being the object of resentment we think unwarranted. But blame is not influence pure and simple. Blame purports to be a second-personally warranted form of influence, to be justified, that is, by an authority its object can accept because it springs, ultimately, from the same authority he

himself has, and must accept himself as having, in being an accountable agent at all. When we blame someone, we “view him as a member of the moral community; only as one who has offended against its demands.” (Strawson 1968: 93) So in blaming him, we acknowledge his authority, and implicitly acknowledge that if we didn’t have second-personally adequate grounds for blame then our coercive influence would be illegitimate; it would be a violation of his authority.

Pufendorf’s Point mirrors our analysis of the second-personal features of Kant’s example of the “fact of reason.” Citizen must choose between complying with her moral obligation not to betray an honest person (and collude with a tyrant), on the one hand, and saving her skin, on the other. Part of Kant’s point is that we recognize that we can do as we morally ought, our fear and desire for self-preservation to the contrary notwithstanding. And I argued that, if we attend to the presuppositions of moral responsibility, we will agree, not just that complying with moral obligations is always deliberately open to us, but that we can act as we are obligated for the very reasons that we are obligated. And this commits us to Pufendorf’s distinction between being moved by fear of some evil consequence and being moved by our acceptance of the moral obligation (in our terms, by accepting the moral community’s authority to demand compliance and, identifying with this perspective, making the demand second-personally of ourselves).

Pufendorf’s Point and this second-personal analysis of the “fact of reason” are both advanced, like Strawson’s Point, with respect to moral obligation and responsibility in particular. But I claim that a lesson of Fichte’s Analysis is that whenever we address demands and assume the authority to hold one another responsible, we commit ourselves to Pufendorf’s distinction in both its addressees’ and addressers’ versions. We presuppose a distinction between being moved by desires for goods or evils, on the one hand, and being

moved by an acceptance of the relevant second-personal reasons (and thereby making the relevant demands of ourselves), on the other. And we commit ourselves to the complementary distinction between attempting legitimately to direct someone's will with the relevant second-personal authority, on the one hand, and illegitimately imposing our will on him, and so violating his authority as a free and rational person, on the other.

### **FICHTE'S ANALYSIS: SECOND-PERSONAL ADDRESS AND FREE PRACTICAL REASON**

We can begin to work toward an argument for Fichte's Point by attempting first to understand Fichte's Analysis. Fichte calls any second-personal address a "summons" (*Aufforderung*). And he argues that issuing or acknowledging a summons commits addresser and addressee alike to recognizing what he calls the "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."<sup>14</sup> (Fichte 2000: 49) Considerations of the right are thus second-personal reasons that are rooted in a common authority that you and I have as free and rational. And Fichte argues also that any summons presupposes the freedom of both addresser and addressee to act on these reasons. His claim, as I shall interpret it, is that any summons commits both parties to recognizing the principle of right as well as the freedom of addresser and addressee to act on the second-personal reasons it encodes.

I should emphasize that I shall be extending Fichte's claims and arguments farther than he does or would himself.<sup>15</sup> For reasons I cannot adequately discuss here, Fichte distinguishes between moral duty and the right, and he understands enforceable constraints of right as "technical" or "practical," that is, as hypothetical requirements that agents are committed to only insofar as they aim to live together.<sup>16</sup> I believe, however, that Fichte's ideas support, indeed that they require, the stronger proposition that second-personal

address invariably presupposes categorical requirements rooted in the dignity of persons (second-personal authority) along with autonomy of the will (second-personal competence).

Fichte connects his analysis of second-personal address to a fundamental distinction he makes between the kinds of freedom that are involved in theoretical and practical reason, respectively. When you and I reason about what to believe, we aim to construct representations of a common world, to “represent . . . objects” as they are “apart from any contribution by us.” (2000: 19) In theoretical reasoning, our respective perspectives are the way the world is, according to each of us respectively.<sup>17</sup> If, consequently, you have reason to think that my view of things is mistaken or skewed, you may discount my beliefs as mere appearances when forming yours.

From the second-person standpoint, however, we see that nothing analogous can hold in practical reasoning (naïve first-personal deliberation to the contrary notwithstanding). When you and I make claims on one another’s will, we take ourselves to be free to act on reasons that are grounded, not in our relations to an independent ordering of the value of different outcomes or possible states of the world, but just in our authority with respect to each other. Our respective practical perspectives are thus not simply standpoints on an independent something and discountable when they reflect it poorly. Fichte’s Point is that they are the perspectives from which we lead our lives as free and independent rational agents and relate to one another on terms that respect this status. When we make claims on each other second-personally, we acknowledge a source of reasons and a kind of freedom—second-personal authority and second-personal competence—that make practical reason fundamentally different from theoretical reason.

Like Kant, therefore, Fichte is committed to practical reason’s embodying a form of freedom that goes beyond any species, positive or negative, that is presupposed in theoretical

reasoning (or in naïve first-personal practical reasoning). Agency itself involves, Fichte claims, a “positing” of oneself as an agent, and an agent cannot “posit itself without ascribing free efficacy to itself.” (Fichte 2000: 4,18) Fichte stresses, moreover, that the “free efficacy” we assume in practical reasoning differs from any we must presuppose in rationally representing or “intuiting a world.” Any such representing is “*constrained* and *bound* with respect to its content.”<sup>18</sup> Belief, by its very nature, aims to represent the world as it actually is. The activity involved in an agent’s self-positing, by contrast, is “opposed to such representational activity” and “*free* with respect to its content.” (Fichte 2000: 19) In the terms we developed in the last chapter, it involves a kind of freedom that goes beyond any a naïve agent must assume.

But neither, and again like Kant, is practical freedom for Fichte simply the capacity to set ends.<sup>19</sup> (For Kant, recall, it also includes autonomy.) Fichte does say that “what is contained first and foremost in the concept of freedom is nothing but the capacity to construct, through absolute spontaneity, concepts of our possible efficacy,” or “the concept of an *end*.” (2000: 9,20) However, Fichte adds: “But if a rational individual, or a person, is to find himself as free, then something more is required.” (2000: 9) What free agency involves beyond the ability to set ends (formal freedom) is a “positing” of our own free agency. And Fichte maintains, as we shall see in the next section, that we posit ourselves as free agents from a second-person standpoint.

For Fichte, it is second-personal engagement that makes us aware of a kind of freedom we have that is fundamentally unlike any that is involved in theoretical reasoning or in practical reasoning from a naïve first-person standpoint. Fichte believes that second-personal engagement commits addresser and addressee alike to limiting their “external freedom” through the “principle of right.”<sup>20</sup> In so doing, each “lets his own external

freedom be limited through inner freedom.” (2000: 10) “Inner freedom” must thus include second-personal competence. Addresser and addressee freely restrict their external freedom when they accept one another’s authority and impose demands on themselves (the principle of right) that either person would make on both from a standpoint they can both share as rational and free (second-personally competent). As I interpret it, therefore, Fichte’s “inner freedom” (second-personal competence) is the formal analogue of Kant’s autonomy of the will.

### **FICHTE’S ANALYSIS: POSITING AGENCY AND SECOND-PERSONAL REASONS**

But why does Fichte suppose that we “posit” ourselves as free agents from a second-person standpoint? In the first-person perspective, agency is “backgrounded” and no part of the agent’s “deliberative field.”<sup>21</sup> A deliberating agent’s focus is on the alternatives she faces along with their supporting reasons. So unless the reasons are of a special agency-regarding sort, like second-personal reasons, it will not be on her own agency. (Pettit and Smith 1990; Regan 2003a and 2003b) Consider, again, an agent occupying a naïve first-person standpoint, deliberating on the basis of her preferences, desires, or Moorean evaluations of possible outcomes. She sees possible states or outcomes as more or less desirable (worth bringing about) and possible actions as more or less likely to effect them. Her deliberation is instrumental and transparent with respect to her own agency—it looks through her will to what valuable outcomes she can achieve.<sup>22</sup>

When we deliberate second-personally, however, in the light of a “summons” from one rational agent to another “calling upon it to resolve to exercise its efficacy,”<sup>23</sup> we are required to posit the free agency of addresser and addressee alike as part of our reasoning. (Fichte 2000: 31) Although agency is no doubt assumed in the background somehow in any deliberation, it is only from a second-person standpoint that my own free agency (and that of

addressees) must be posited, that is, brought into my reasoning as a premise. And when it is, addresser and addressee alike must also assume that both have the capacity to act on second-personal reasons, that both are second-personally competent.

The summons is to someone as a free agent (including as second-personally competent), so in being aware of it, the summoned is aware of herself as thus regarded. Taken only so far, however, this might be no different from an observer's awareness. That someone sees one as a free agent is but another aspect of the way things are in the world anyway, part of the causal order of things that might be made better or worse. What makes all the difference is that a summons addresses one second-personally; it comes with an RSVP. In taking it up, even, indeed, in publicly considering whether to take it up, one *per force* relates-to-the-other-relating-to-one-as-a-free-agent. One deliberates within a second-personal relationship in which each reciprocally recognizes the other as a "you" to whom she is a "you" in return. The presuppositions of intelligible second-personal deliberative thought require that one deliberate on the assumption, that is, on the premise, that one and the other are both agents with second-personal competence. Through responding second-personally to a summons, "the subject acts in such a way that the concept of itself as a free being and the concept of the rational being outside it (as a free being like itself) are mutually determined and conditional." (2000: 40) This gives us a practical perspective on our own agency that is irreducible to any consciousness we might have of ourselves as part of a causal order. One simultaneously "posits" oneself and the other as free and rational agents within one's own deliberation. (2000: 9)

The most perspicuous interpretation of Fichte's idea is in terms of second-personal reasons. A summons is any attempt to address second-personal reasons to some free and rational (second-personally competent) agent. Only by addressing a second-personal reason

can one agent attempt to direct the will of another through the other's free choice. "The rational being's activity is by no means to be determined and necessitated by the summons in the way that . . . an effect is necessitated by its cause; rather the rational being is to determine itself in consequence of the summons." (2000: 35) A summons attempts to give another agent (second-personal) reasons by which she can freely determine herself, and it does this by addressing the other as rational and free.<sup>24</sup> This is Fichte's Analysis of second-personal address.

If one person attempts to give another reasons for acting that are not second-personal, then no second-personal address in the current sense is involved; no claim is made on the other's will and only epistemic authority is presupposed. In pointing to non-second-personal reasons for acting, an advisor does not aim to direct an advisee's will as such: "I'm not telling (demanding, requesting, etc.) you to do anything. I'm just giving you advice."<sup>25</sup> Advice makes a claim, not on an advisee's will or actions, but on her beliefs about what there is reason for her to do. An advisor summons an advisee, not to act in some way or other, but only to believe that certain considerations are reasons for her to act. So an advisor addresses an advisee directly, not as an agent, but as a cognizer of practical reasons.

If, however, someone issues a request, order, or demand, say, if you ask someone to move his foot from on top of yours, then you address your addressee directly as an agent who is capable of freely determining himself to act on the reasons you address. And if he takes up your address (which he cannot avoid doing if it is common between the two of you that he has listened and heard), then he reflects back a reciprocal address (as someone who has, like you, the standing and competence to address and act on second-personal reasons as well). Even a bare request addresses a second-personal reason that is additional to any non-

second-personal reasons that might stand behind it, since it presupposes the normative standing to make the request.

### **FICHTE'S POINT: THE PRINCIPLE OF RIGHT AND EQUAL DIGNITY**

Now the kind of case Fichte has most especially in mind is a summons addressed to someone simply as one free and rational agent among others, that is, as an equal. Thus a request or a demand to another that he move his foot from on top of yours might most naturally be presented and interpreted as grounded in normative relations presumed to hold between free and rational persons as such. In interpreting your request as an address of such a (second-personal) reason, your addressee must presuppose that you are claiming a second-personal authority simply as a rational person with second-personal competence, which status you must assume he has also.

Presently we shall consider Fichte's claim that second-personal recognition commits both parties to the principle of right. It may seem no surprise that reciprocal recognition as an equal should lead to this conclusion, however, since it seems already to be packed into the premises framing such mutual respect in the first place. But what about an address that presupposes an unequal, unreciprocated authority of addresser over an addressee? On Fichte's Analysis, even hierarchical forms of second-personal address are fundamentally to another as a free and rational agent, since they address (second-personal) reasons by which the addressee can freely "determine [himself]," (2000: 35) and that is possible only if the addressee can accept the authority the addressee presupposes (simply as free and rational). So even the addresser of a demand that is presumed to be based in an unreciprocated, hierarchical authority must assume that the authority on which the demand is based is one the addressee can freely and rationally accept. Otherwise, we don't have a case of Fichtean

second-personal address, but an attempt to influence or cause compliance in some other way that “depriv[es him] of [his] ability to act freely.” (2000: 41)

In supposing, moreover, that an addressee is responsible for complying with a demand, an addresser is committed to a number of other assumptions that imply a second-personal authority issuing from second-personal competence. First, the addresser can intelligibly hold an addressee responsible for compliance only if she assumes that he can hold himself responsible. But the addressee can do this only if he can blame himself for not complying, that is, only if he can make the demand of himself from the same perspective from which he accepts the addresser’s authority, the standpoint of a free and rational agent. Likewise, second, to hold the addressee responsible, an addresser must assume that the addressee would be blameworthy for failing to comply with the demand. So the addresser must also assume that her own authority to blame the addressee for noncompliance comes ultimately from the very same point of view. She must think that were the addressee not to comply without excuse, he would be to blame period, that is from a perspective that addresser and addressee can share as free and rational. Third, in assuming that an addressee is responsible for complying with a demand, the addresser must presuppose that she has an authority to relate to the addressee in “demanding” ways that would be illegitimate were she to lack the authority.

Each of these assumptions commits an addresser to a second-personal authority deriving from second-personal competence. The first two illustrate the Strawsonian point that reactive attitudes like blame always involve an aspect of mutual accountability, since they are always addressed from the perspective of someone as a second-personally competent person (a member of the moral community) to someone as a(nother) second-personally competent person (and thus an equal member). (Strawson 1968: 93) They thereby ultimately

derive their authority to address their implicit demands from this perspective. The third assumption makes explicit a point that is implicit already in the first two, namely, that the authority to hold responsible implies a distinction between legitimately relating to someone in “demanding” ways that, however coercive, do not amount to coercion because they are warranted by second-personal reasons (reasons that, it is assumed, an addressee could himself freely accept and that holding himself responsible would require him to accept), on the one hand, and relating to him in the very same ways without the relevant authority, which would then be coercion and therefore an illegitimate violation of the addressee’s authority as free and rational, on the other.

Consider, for example, an order delivered by a superior to an inferior within a military chain of command. If a sergeant orders a private to do ten pushups, she addresses a reason to him that presupposes her authority to give the order and the private’s obligation to obey it. So far the only relevant normative presupposition is of unequal authority, that the sergeant has the standing to give orders to the private, whereas the private has none to give orders to the sergeant. But an order doesn’t simply point to a reason holding in normative space; it purports to address it second-personally, and thereby to hold the addressee responsible for compliance. As second-personal address, an order presupposes that its addressee can freely determine himself through accepting the reasons it addresses and the authority in which they are grounded and hold himself responsible for complying with it. Any second-personal address whatsoever calls for reciprocal recognition of the authority it presupposes (in this case the sergeant’s authority). It attempts to direct an addressee’s will through the addressee’s own free acceptance of that authority.

This ups the ante on the presupposed authority and consequent second-personal reasons, since it requires that the authority be one that the addressee can accept as free and

rational. This is what follows when we combine Fichte's Analysis with Pufendorf's Point from the addressee's perspective. There must be a distinction between the addressee's (the private's) complying with a demand because of a desire to escape some evil, on the one hand, and his complying because he freely accepts the addresser's (second-personal) authority and therefore the addressed second-personal reason, on the other. So although the sergeant of course addresses her order, not just to any rational person, but to the private, there is an important sense in which her addressee must be conceived to be a-person-who-happens-to-be-a-private. Second-personal address is always to a free and rational agent. That is why an order can constitute a summons the taking up of which requires an addressee to posit both himself and his would-be superior as free and rational agents. In presupposing, therefore, that the private can accept her authority, the sergeant cannot simply assume that he can be expected to accept this as a private. Nothing about actually occupying that role can be relevant to whether to accept the norms and authority relations that define it. Rather the sergeant must presuppose that the private can accept the authority she claims as a person, that is, from the (second-person) standpoint they both share as free and rational, and that, as a person, he can accept the specific normative requirements she attempts to place on him for the hypothetical case of occupying the role of private.

In assuming that the private is responsible for complying with the order, the sergeant is committed to thinking that the private would rightly be blamed if he didn't without adequate excuse. But reactive attitudes like blame address demands from a perspective they presuppose their addressee can share. So although the sergeant assumes she has a distinctive authority to hold the private accountable, which goes with her special authority to issue the order in the first place, any such specially authorized standing must ultimately be grounded in an authority she must assume that the private shares with her (to hold himself

accountable). Otherwise, threatening a sanction, even one he couldn't complain about, would give him a reason of the wrong kind to comply. The reason would not be a second-personal reason to do the pushups whether or not he could escape the sanction, one the acceptance of which is part of holding himself responsible.

So, finally, in making a claim on the private as free and rational in this way, the sergeant must also presuppose a distinction between making a legitimate claim on the private's will in a way that respects his authority as free and rational, on the one hand, and, on the other, attempting illegitimately to direct his will by simply imposing her will on him in some way that "depriv[es him] of [his] ability to act freely," (2000: 41) that is, by coercion. However hierarchical, therefore, any address of a second-personal reason also implicitly presupposes a common second-personal authority as free and rational. This is Pufendorf's Point from the addresser's perspective projected through Fichte's Analysis into the second-person framework in general.

Suppose, for instance, that the sergeant believes that if the private disobeys, she will then be entitled to put him in detention. Seeing what she regards as signs of incipient disobedience, she reminds the private of this fact; she puts him on notice of a sanction that she would be authorized to apply in holding him responsible. In so doing, she necessarily presupposes a distinction between the justified threat of this sanction, which she must suppose to be consistent with the addressee's freely determining himself by the second-personal reasons provided by her order, on the one hand, and attempting unjustifiably to determine him to do the same act by the mere threat of the very same unwanted alternative in which the sanction consists, that is, without the relevant authority, on the other. To use Hart's helpful terms, she must presuppose a distinction between obligating the private by an order and obliging him illegitimately by coercion. (Hart 1961: 6-8) She must assume that

although the private is subject to her orders, it would nonetheless be a violation of his normative standing to attempt to direct his will by threatening the very same evil if she lacked the requisite authority (and other things were held equal). And this commits her to presupposing his authority as a free and rational agent.

Similarly, from the addressee's perspective, if the private is responsible for compliance and being placed in detention by the sergeant is a second-personally justified way of holding him responsible, then the private must accept a distinction between any reason to comply with order in order to escape the sanction (whether justified or not) and the second-personal reason to comply that the sergeant attempts to give him in issuing her order. Holding himself responsible requires accepting the latter reason and acting on it. If he fails to comply, moreover, then accepting the sanction is not simply acquiescing in something he deserves; it is a way of holding himself responsible, which, again, he can do only from the standpoint that he and the sergeant share as free and rational. So both the sergeant and the private are committed to recognizing their common second-personal competence and second-personal authority.

We come now to Fichte's claim that reciprocal recognition between rational agents commits both parties to the 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). In this abstract form, the principle of right is already implicit in the line of thought we have just traversed. If the argument of this section has been correct so far, then second-personal engagement invariably commits both parties to presupposing that their relations are properly governed by their common standing as rational persons, more specifically, that each will seek to "determine" the other only in ways that are consistent with, and do not undermine, the other's self-determination as an equal free and

rational person. Fichte draws the further consequence that this requires recognizing “spheres of freedom” within which individuals have enforceable rights to do as they will and with respect to which others are required to forbear interference. (2000: 10, 40-41, 44) If any legitimate interference must be able to be justified to others by second-personal reasons they can themselves accept as rational persons, then this will circumscribe a sphere within which individuals have an enforceable claim to non-interference.<sup>26</sup>

### **AN OBJECTION: SLAVERY**

In the next and final section, I shall formalize the argument for Fichte’s Point that I made informally in the last section. First, however, I want to consider what may seem an obvious objection to the line of thought I have sketched thus far.

When we think about familiar cases of subjection and domination that take an apparently second-personal form, it can seem quite incredible that second-personal address must presuppose anything even remotely like equal dignity. Surely the argument proves too much. It is one thing to say, for example, that slavery is immoral. It is quite another to say that slavery involves conceptual confusion or some sort of pragmatic contradiction. Something must be wrong, certainly, with any argument that would require us to conclude anything like that.

Nothing I have said, either in Fichte’s voice or my own, however, entails that slavery or similar practices are necessarily conceptually confused or pragmatically contradictory. What I have said does imply that the addressing of a demand or order by a slaveholder to a slave, *qua* purporting to be second-personal address, does indeed presuppose that the slaveholder and the slave share a common normative standing as free and rational persons. Unlike subjection or subjugation, any second-personal address seeks reciprocal recognition

by its very nature. However, several observations are necessary to avoid misunderstanding on this point, so it will be useful to consider the example of slavery in some detail.<sup>27</sup>

First, I am not saying that it must be the case that slaveholders actually accept that their slaves have equal standing in any respect. For one thing, even if a slaveholder purports to address a slave second-personally, his address may be inauthentic or insincere. This is like the kind of violation of a speech act's felicity conditions that Austin calls an "abuse." (Austin 1964: 18) Even if a slaveholder purports to address a pure second-personal reason to a slave, the most I would claim is that if the slaveholder does not accept that the slave has a normative standing as an equal free and rational person, then he addresses the slave "abusively." His belief conflicts with what the slave is given a claim to expect by the terms of the slaveholder's address, and it is contrary to what would have to be true in order for any second-personal reason to be successfully addressed, hence for any more specific such reason to be addressed to the slave. (Again, my claim in this case, as in others, concerns "normative felicity conditions" for the reason's actually existing and being successfully given, not a conventional, Austinian condition of his speech act's constituting an order. The former presupposes authority *de jure*, the latter, only authority *de facto*.)

For a second, the slaveholder's approach to the slave may not even purport to be second-personal address in our sense. He may simply be attempting to force the slave's submission or compliance in one way or another that doesn't even purport to address a second-personal reason. To be sure, the most interesting and disturbing cases of domination include second-personal traces or simulacra, such as a humiliating mutual acknowledgment of the slaveholder's power to subjugate the slave.<sup>28</sup> But even here, if there is nothing that purports to be authentic second-personal address of the kind we have been concerned with, the argument simply does not apply. As I pointed out in Chapter VI, however, even tyrants

like Stalin rarely reject the second-person standpoint outright. To the contrary, they generally manipulate it for their own purposes.

And for a third, even if the terms of second-personal address commit a master addressing claims to his slaves to presuppose their second-personal authority, that doesn't mean that he presupposes them in fact.

Second, I am not saying that, if a slaveholder claims to the world at large that he has authority over his slaves, this commits him to recognizing his slaves' dignity either. In this case, he addresses his claim, not to his slaves, but to others, and while my argument would then require us to conclude that he must presuppose their dignity, it would not entail that he must presuppose that of his slaves. He might simply be claiming that his slaves are his property, like his cattle, and that he therefore has, within certain limits, rights to do with them as he will, which claims his addressees must accept. Such a claim would clearly not commit him to his slaves' dignity as persons any more than he would be committed to any such doctrine with respect to his cattle. My claim is rather that if he purports to address a second-personal reason based on this claim to his slaves, then this second-personal address would commit him to the presupposition that he and they share an equal (second-personal) standing.<sup>29</sup>

Third, even if this were true, it still wouldn't follow that any purported second-personal address to a slave as a slave, that is, as having a normative status that is (as we believe) incompatible with being a free and rational person, must be conceptually confused or pragmatically self-contradictory. After all, there are many forms of unequal authority that we believe to be quite consistent with the equal dignity of rational persons as such. Imagine a sergeant in a citizen army that a fully just society of equals maintains entirely for defensive purposes. In issuing an order to a private, the sergeant addresses a second-personal reason

based on relations of superior authority she can quite reasonably expect the private to accept and be guided by from the perspective of one free and equal person among others.

Now we, of course, may believe that a condition of involuntary servitude cannot be endorsed rationally for any conditions, but it is surely possible for someone to believe otherwise. For example, someone might believe without any obvious incoherence that such a practice could be justified for the case of imprisoned soldiers of a defeated army of conquest. Indeed, it seems possible for a slaveholder in the antebellum South coherently to have believed, however mistakenly or unjustifiably, that his slaves could be expected rationally to endorse his claim to authority over them. After all, he might have thought, he had rightfully acquired them in accordance with procedures that could be rationally endorsed, from a perspective of freedom and equality, by anyone! He had bought their “contract” in something like the way baseball teams did before the abolition of the “reserve clause” in major league baseball. (Never mind that the slaves did not consent to their enslavement in the first place.) All this seems absurd to us because it seems obvious that these putative normative relations simply cannot be rationally endorsed from the perspective of one free and rational person among others. But if someone were to believe otherwise, she might think it possible for the equal dignity that a slaveholder’s second-personal address implicitly presupposes to be consistent with the superior authority that the slaveholder would explicitly claim in something like the way a sergeant in a just society can explicitly claim authority to command a private whom she must implicitly presuppose to have the same dignity as a free and equal rational person that she does.

It is, consequently, no objection to the argument of this chapter that it would entail that practices like slavery are impossible, necessarily conceptually confused, or pragmatically self-contradictory. The argument does not have these consequences.<sup>30</sup> My claim, again, is

only that any address of a second-personal reason, including any from a master to a slave, is committed to the presupposition that addresser and addressee share an equal normative standing as free and rational persons.

### FORMULATING THE ARGUMENT

We are now in a position to lay out the argument more formally, continuing to bear in mind that the premises all concern second-personal address as such.

1. *Addressing second-personal reasons always presupposes that addressees can freely and rationally determine themselves by the addressed reasons.* This follows directly from Fichte's Analysis. To address a second-personal reason of any kind is to attempt to direct an agent's will through her own free self-determining choices. That is why the issuing and taking up of any second-personal summons whatsoever requires both addresser and addressee to deliberate on the assumption that both are free and rational. Both must assume that both have the capacity to determine themselves by the relevant second-personal reasons.

2. *Addressing second-personal demands or claims always presupposes that the addressee is responsible for compliance.* Accountability of some kind is built into the very idea of a demand or claim, and *vice versa* (Strawson's Point). The concepts of valid claim or demand, second-personal reason, and responsibility (accountability) all share the same irreducible idea of the authority to claim or demand. If *A* has the standing to demand certain conduct from *B*, then not only does *B* thereby have a reason to do what *A* demands; *B* also has a responsibility, including to *A*, such that if *B* does not freely comply, *A* may hold *B* responsible in some way. Exactly what way will vary with the case. *B* may be responsible only for giving some account of his failure to comply, that is, for justifying himself to *A*. Or various reactive attitudes or even legal coercive sanctions may be appropriate. But in any case, it is part of the very idea of *A*'s making a valid demand of *B*, that *A* has the authority to relate to *B* in

“demanding” ways: (i) that *B* might not want or choose, (ii) that *A* thereby has justification for, whether or not *B* wants or chooses, and (iii) that *A* would not have justification for without the relevant authority.

3. *Addressing second-personal reasons always presupposes that addressees can rationally accept these reasons (and the authority relations in which they are grounded). Thus, although second-personal reasons are frequently addressed to someone standing in some more specific normative relation, the addressee is more properly conceived of as a-person-who-happens-to-stand-in-that-normative-relation. Second-personal justification is thus always ultimately justification to another as free and rational.* Here there are two points. The first, that second-personal address presupposes that the addressee can rationally accept the addressed reasons and the authority relations in which they are grounded follows from Premise 1. The only way an agent can freely and rationally determine himself by a reason is by rationally accepting and acting on it. And the only way an agent can accept a second-personal reason is by accepting the authority relations in which it is grounded.

The second point is that the addresser must also presuppose that the addressee can be expected to accept these things as a free and rational person and, therefore, that although second-personal reasons frequently invoke more specific normative relations, the reason is more properly conceived of as addressed to a-person-who-happens-to-stand-in-that-putatively-normative relation. It is not enough for the sergeant to presuppose that the private she addresses actually accepts her authority. The private cannot freely and rationally determine himself by the reason the sergeant purports to give him unless he rationally accepts it. And that he is himself a private, or that he actually accepts the sergeant’s authority over him, is irrelevant to whether he can accept this role rationally. That depends rather on whether, as a rational person, he should accept this normative relation in general and, as a

consequence, accept the sergeant's authority should he occupy, as he does, the position of private.

It is important that Premise 3 concerns second-personal reasons in particular. Whether or not practical reasons are subject to any test of rational acceptance or motivation in general,<sup>31</sup> there are special reasons for thinking that second-personal reasons must be owing to the relation between second-personal address and accountability. We have noted before Gary Watson's point that holding someone morally responsible carries such presuppositions as constraints of "moral address." (Watson 1987: 264-265) But Fichte's Analysis shows that there is no relevant difference in this respect with second-personal address in general. Any second-personal address whatsoever purports to initiate a relation in which an addressee is accountable to an addresser. And the lesson of Fichte's Analysis is that second-personal reasons are always ultimately addressed to agents as free and rational. So an addresser can intelligibly hold an addressee accountable for acting as a second-personal reason directs only if she can presuppose that her addressee can rationally accept the reason and determine himself by it in his own deliberation. Even though second-personal reasons frequently invoke more specific normative relations, therefore, they are always ultimately addressed to a-person-who-happens-to-stand-in-that-specific-putatively-normative relation. And whether that specific relation actually is normative for the addressee, whether it is one whose specifications he is genuinely responsible for complying with, depends on whether he can accept it as a rational person, that is, from a perspective that he and his addressee share as free and rational.

When we address second-personal reasons and hold addressees accountable for complying, we are committed to the presupposition that they are appropriate objects of reactive attitudes, therefore blameworthy, when they fail to comply without excuse. But even

when reactive attitudes involve some distinctive person's perspective (that of an injured party, as in resentment, or the perspective of the wrongdoer, as in guilt), they always also involve the generalized or impartial perspective of any person with second-personal competence. Blame, in particular, is felt, not as from some particular point of view; it implicitly addresses demands as from the perspective of any free and rational person. So in addressing any demand and holding an addressee responsible, the addresser is committed to an authority he has in common with his addressee to address demands in blaming and holding responsible simply as a person with second-personal competence.

We have sometimes put a corollary of this last point by saying that to hold someone responsible for complying with a demand is to be committed to the presupposition that the addressee of our demand can hold herself responsible for complying with it. To do this she must be able to make the demand of herself from the perspective that she and we can share: the generalized perspective of second-personally competent persons. In presupposing she can do this, therefore, the addresser is committed to the authority of this perspective.

4. *Addressing a demand always presupposes a distinction between legitimate (second-personally justified) ways of relating to someone coercively ("demandingly") that respect him as a free and rational person, on the one hand, and illegitimately coercing him, on the other.* We already have in the last two paragraphs of commentary on Premise 3 that second-personal address invariably commits us to a common authority of addresser and addressee alike, as second-personally competent, to hold themselves and one another responsible for complying with whatever demands can be authorized from this perspective. This is already a significant result. But for it to have real teeth, we need that second-personal address is in general committed to there being some such latter demands (and hence, by the argument in 3, to any second-personally competent agent's having the authority to hold one another responsible for complying with these).

This is what Premise 4 gives us. In making or holding anyone responsible for complying with a demand of any sort, we are invariably committed to a distinction between relating to that person coercively (“demandingly”) in a way that nonetheless respects him as a free and rational person, on the one hand, and, on the other, treating him simply coercively, that is illegitimately coercing him, and so failing to respect him as a free and rational person, on the other. This, again, is Pufendorf’s Point from the addresser’s perspective projected into general second-personal space (as a consequence of Fichte’s Analysis). Holding someone responsible with reactive attitudes, as Strawson emphasizes, simultaneously makes demands of the other as second-personally competent and respects him in recognizing his having an authority in having this competence. (Strawson 1968: 93) And this commits us to the proposition that relating to someone in a demanding way (even if only by making someone the object of a reactive attitude) requires warrant by the requisite second-personal reasons, that is, that simply demanding conduct or attempting to coerce it from some one is illegitimate, a violation of the other’s authority as second-personally competent.<sup>32</sup> *It follows that one demand that anyone has the authority to make is that he not be subject to demanding (coercive) conduct that cannot be justified by second-personal reasons.*<sup>33</sup>

Call any form of relating to someone that one has standing to realize toward him by virtue of his failure to comply with a justified demand, whether or not he wants or chooses, a “sanction”.<sup>34</sup> Then, by definition, the address of any second-personal reason will presuppose the standing to exact sanctions should the addressee fail to comply. We have from Fichte’s Analysis that any such address is ultimately to another as a free and rational person. It follows that the addresser is committed to a distinction between making a legitimate demand on someone’s conduct (including with the notice of sanctions for unexcused noncompliance) in a way that (rightfully) recognizes the addressee as a free and

rational person, on the one hand, and, on the other, attempting illegitimately to determine his will by a mere threat of the unwanted alternative in which the sanction consists (that is, by coercion, which notice of the sanctions would be if she lacked the relevant authority), or to impose her will by some other illegitimate means, on the other.<sup>35</sup>

Now it might be thought that even if, say, the sergeant of our example would be committed to thinking that without authority her demands and sanctions would lack legitimacy, it would not follow that they would then be illegitimate in the sense of violating the private's authority.<sup>36</sup> She might think that, even if she were to lack a (Hohfeldian claim) right to sanction the private, which would entail a corresponding duty of the private not to resist, she would nonetheless have a (Hohfeldian) liberty to impose her will on him, including by threatening the very same evils in which, as things actually stand, her justified sanction consists.<sup>37</sup> But this is not a possibility she can contemplate from a second-person perspective for the reasons we mentioned in the last paragraph but one. In holding the private responsible at all she is committed to respecting his authority as second-personally competent. She is committed, therefore, to thinking that any second-personal authority at all, which itself partly is a standing to hold free and rational agents responsible, must be complemented by a second-personal authority that anyone can have just in being second-personally competent.

We can get the conclusion that anyone has the authority to demand that she not be subjected to non-second-personally-justifiable demands more directly from Premise 3 as follows. Any second-personal authority at all can exist only if it can be rationally accepted by free and rational agents as such. But for that to be true there must be grounds for such an acceptance, and whatever interests free and rational agents have as such would have to be among such grounds. It is conceptually necessary, moreover, that free and rational agents

have an interest in not being subject to others' arbitrary will since that would, by definition, interfere with the exercise of their free and rational agency. As this interest must be among the grounds that free and rational agents have for accepting any authoritative demands at all, it necessarily supports a demand, as free and rational, against being subject to demands that cannot be so justified. It follows, again, that second-personally competent agents have the authority to demand that they not be subject to mere impositions of will, that is, to demanding (coercive) conduct that cannot be justified second-personally.

5. *Addressing second-personal demands always presupposes, therefore, that the addressee has a second-personal authority as free and rational and, consequently, that addresser and addressee share a common authority to make claims on one another.* In presupposing that coercing or simply imposing her will on her addressee would be illegitimate, an addresser must therefore presuppose that this would violate her addressee's authority as a free and rational person. So any address of second-personal reasons must presuppose that addresser and addressee share a (second-personal) authority to make demands of one another as free and rational persons.

It is important to see that not just any distinction between appropriate and inappropriate conduct towards someone as rational commits one to shared second-personal authority. Someone might undertake a kind of rational therapy or training, applying "sanctions" as a corrective when someone fails to act rationally. This would commit a rational trainer to some distinction between appropriate and inappropriate "correction" of the other as rational, but it wouldn't be the distinction I am pointing to here, and so it wouldn't commit him to recognizing that the other has a second-personal authority.<sup>38</sup> Similarly, Plato's argument against Thrasymachus in the *Republic* that there must be a distinction between correct and incorrect rule in the sense of proper versus improper care of the governed, does not entail such authority either, any more than a gardener must assume

that her vegetables have any claim against her if she tends them poorly. It is the assumption of legitimate authority understood as the standing to address second-personal reasons that generates this presupposition.

6. *Addressing second-personal reasons always, therefore, presupposes the equal dignity of persons.* If, as I suggest, we understand the dignity of persons to consist or be grounded in the (equal) second-personal authority of rational and free (second-personally) competent agents, then this follows by definition from Premise 5 (and, of course, from the “forensic” character of the concept of person as involving accountability (second-person competence)) . (Locke 1975: 346)

7. *Addressing second-personal reasons always presupposes autonomy of the will (second-personal competence).* Taking Premises 3 and 5 (or 6) together, we have that any second-personal address whatsoever presupposes an addressee’s capacity to accept and act on reasons that are grounded, ultimately, in an authority that addresser and addressee share as free and rational. We are now back in the same terrain we traversed when we analyzed Kant’s “fact of reason” in second-personal terms. When we hold people responsible, we imply that they have it within them to act as they should, not just in the sense that the obligatory alternative was deliberatively open to them, or that they weren’t physically prevented, but also that they had a process of reasoning available to them through which they could, in principle, have determined the validity of relevant second-personal reasons and been motivated to act on them. Since second-personal reasons are not outcome-regarding, we need therefore attribute no particular (object-dependent) desires to those we aim to hold accountable. But we must assume that, they have access to a source of reasons simply in being rational wills who are apt for second-personal address, hence, a source that is “independent of any features of the objects of volition.” It follows that we must assume autonomy of the will, that the will can

be “a law to itself” independently of object-dependent desires or any outcome-value of their objects. As I argued at the end of Chapter IX, this is the most promising line of support for Kant’s claim that the validity of the CI (a “formal” rather than “material” principle (Kant 1996c: 19-31)) is a necessary condition for the possibility of moral obligation.

Second-personal competence, moreover, is what autonomy of the will must be if we are accountable to one another simply as rational agents who are apt for second-personal address. The requisite process of reasoning must itself be one that expresses, and enables us to specify, respect for the common second-personal authority we presuppose whenever we address second-personal reasons and hold one another accountable. Chapter XII will argue that what fills this role is contractualist reasoning interpreted through Kant’s idea of the “realm of ends”—in our terms, a pattern of reasoning that is grounded in the equal (second-personal) authority that all second-personally competent agents share. Roughly, we hold ourselves morally accountable to others when we impose demands on ourselves that we think it sensible to impose on anyone from a perspective that we can all share as free (second-personally competent) and rational. And we presuppose that anyone we hold thus accountable is someone who can in principle also accept and impose these same demands on himself by taking up this impartial second-person perspective and seeing the sense of imposing them on anyone.<sup>39</sup>

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<sup>1</sup> Logical requirements, for example. See the discussion of this point in Chapter I.

<sup>2</sup> Moreover, there may be moral obligations that extend beyond the treatment of persons, for example, the treatment of other animals who are not persons, and the environment. The dignity of persons shows itself in these cases also, since it involves membership in the moral community to whom all are accountable for complying with these demands.

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<sup>3</sup> Moral obligations must thus be understood as involving implicit demands that are “in force,” as I noted in Chapter I, even when actual individuals have not explicitly made them. As Strawson points out, “the making of the demand *is* the proneness to [reactive] attitudes.” (1968: 92-93) This, again, is like Hart’s interpretation of Bentham’s account of law (Hart 1990: 93-94) is involving “quasi-commands.” See the discussion of this point in note 18 of Chapter I.

<sup>4</sup> Obviously, I mean here to exclude such third-personal propositions as that *A* has the authority to demand that *B* get off his foot (which essentially includes the idea of a claim or demand that is addressable second-personally). And as well, first-personal propositions that are also second-personal.

<sup>5</sup> As always throughout this book, I mean: for it to succeed normatively, that is, as I have put it, that there are two “normative felicity conditions” of second-personal address. This means, again, that there are two conditions that second-personal address must satisfy for the (normative) reasons it attempts to address actually to exist and be given. Second-personal address may succeed in conventional (Austinian) terms by contrast, for example, a speech act may constitute a command, if relevant authority exists *de facto*, whether or not it exists *de jure*.

<sup>6</sup> Here again, I mean that this is a presupposition to which the address is conceptually committed, not that the anyone who addresses another second-personally actually presupposes it.

<sup>7</sup> As in “equal authority to make claims of one another as free and rational.”

<sup>8</sup> There are two elements here. First, we must presuppose that we can act on the relevant agent-relative norm (say, not to step on one another’s feet). But no less important, second, we have to assume that we can hold one another, and ourselves, responsible for so complying. So we must assume that in being subject to moral demands, we have these two

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interlocked motivational capacities, which assumption amounts to autonomy of the will. I am indebted to Ryan Preston for discussion of this point.

<sup>9</sup> As Kant puts it “I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation.” (Kant 1996e: 417-418)

<sup>10</sup> With second-personal reasons other than those deriving from moral obligations, however, the presupposition is only that the agent can freely determine herself to act on these reasons *pro tanto*, that is, other reasons to the contrary notwithstanding.

<sup>11</sup> Not just in the Hobbesian sense that God does no wrong in applying it, but that God has the authority to apply it.

<sup>12</sup> One way to see this is to ask what otherwise the complaint could consist in. Having the standing to say, “You shouldn’t have done that” will simply be empty unless the complaint itself is something the addressee can be expected to accept.

<sup>13</sup> I am indebted to Jacob Ross for this point.

<sup>14</sup> It will ease exposition if I sometimes say that it “presupposes” or “assumes” this. I mean in the sense I hope is now familiar, namely, that the presupposition is a normative felicity condition of a second-personal reason’s being successfully addressed, whether or not the addresser presupposes this in fact.

<sup>15</sup> So Fichte might himself reject what I am calling “Fichte’s Point.” I shall argue, however, that the point is implicit in his arguments. Whether he would be convinced and accept the credit I am attempting to bestow upon him I cannot of course say. (Second-personal relations are especially complex when spread out over two centuries.)

<sup>16</sup> For a more extended discussion, see Darwall 2005, from which I here draw. See also Frederick Neuhaus’s introduction to Fichte 2000 and Neuhaus 1994.

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<sup>17</sup> This is a conceptual point about the nature of belief that needs to be accounted for even within an idealist framework like Fichte's.

<sup>18</sup> Again, I take Fichte to be making a conceptual point here that even an idealist framework must respect.

<sup>19</sup> For a contrary view, see Neuhouser 2000: iv.

<sup>20</sup> Like Kant, Fichte uses "external freedom" to refer to a legally protectable sphere of free movement or action. (Kant 1996b: 214)

<sup>21</sup> I take these illustrative terms from Pettit and Smith 1990 and Herman 1996.

<sup>22</sup> Perhaps, however, this is only true so long as we conceive of deliberation in consequentialist terms. What if the agent accepts agent-relative principles of conduct, such as that each person should keep her promises? Won't that give her a deliberative purchase on her own agency? We know from the "fact of reason" that in supposing she is bound by an agent-relative principle an agent must presuppose that she can act on it. But as we also saw, this only requires her to suppose that this action is deliberatively open. It doesn't involve any presupposition of autonomy. Moreover, Kant believes that such a principle applies to one only on the condition of autonomy. So the question remains, what within the deliberative standpoint commits the agent to that assumption? On the instrumental conception of action, see Schapiro 2001.

In a somewhat similar vein, Scheffler argues that the very idea of holding oneself to a standard requires one to conceive of a source of reasons, a norm of action, that is not itself instrumental or outcome-based. As Scheffler acknowledges, however, this is consistent with the norm itself being consequentialist (like the Moorean norm to produce optimal outcomes I mentioned in the last chapter). Scheffler argues that this consequentialist possibility is, however, in tension with our normal human patterns of holding one another responsible

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through reactive attitudes. To credit these latter responses, however, is implicitly to credit the second-person standpoint. (See Scheffler 2004.)

<sup>23</sup> This could also be from the agent to herself (second-personally).

<sup>24</sup> Even if the only reason it explicitly addresses comes from the request so to determine herself.

<sup>25</sup> Of course, this is only true with respect to the advice itself. There is presumably an implied claim on the advisee's will in presuming on her time and attention in listening to and considering the advice. But then these would themselves presuppose second-personal reasons.

<sup>26</sup> As I mentioned, Fichte insists that the principle of right is distinct from and independent of the moral law. And he sometimes claims that any obligation imposed by the principle of right must be voluntarily assumed, indeed, assumed individual by individual, through an "arbitrary" positing of the other and simultaneous making of a law not to violate his external freedom. (2000: 81) For this reason, Fichte calls the concept of right a "merely technical-practical," rather than moral, concept. (2000: 10) "The law of right," he asserts, "says nothing to the effect that a particular person should limit his freedom." (2000: 14) It simply says what follows from the voluntary self-limiting that is part of positing oneself in opposition to another individual whom one simultaneously recognizes.

On this "voluntarist" interpretation, it takes an individual's voluntary participation in a "reciprocal declaration" to be obligated to (and with respect to) a particular individual by the principle of right. (2000: 15) I don't believe, however, that Fichte can hold to a voluntarist interpretation if he is to maintain that the conditions for self-awareness are sufficient to validate the principle of right. Fichte sometimes seems to be aware of this, for example, when he says that although one cannot complain that another does one an injury in

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refusing recognition, nonetheless one can claim that the other “must then remove himself from all human community.” (2000: 12) (Cf. “[W]hen human beings are to live alongside one another, each must limit his freedom, so that the freedom of others can also exist alongside that freedom.” (2000: 14)) This suggests that the only way an individual can avoid the obligations imposed by the principle of right is to avoid other people altogether. It is unclear, however, why this should be so on a voluntarist interpretation. Why wouldn’t there simply arise various voluntary communities of right, associations within which individuals are obligated by the principle of right, with no obligations of right to outsiders? It is hard to see how a voluntarist interpretation can avoid this consequence.

Other things Fichte says fit no better with a voluntarist interpretation. First, Fichte asserts that agents demand continued recognition of themselves and their freedom “for all the future” when they reciprocally recognize one another. (2000: 48) But again, why should this be so on a voluntarist interpretation? It would seem that individuals would be as free voluntarily to obligate themselves for a temporally limited period as to do so indefinitely. On the other hand, if, as I have been suggesting, reciprocally recognizing individuals are committed to the second-personal standing of rational persons, not as a matter of voluntary agreement, but as a presupposition of second-personal address, then such a demand would be expected. A demand for continued recognition from a particular individual “for all the future” would simply be part of a general demand for respect from all persons for all times, a demand to which one is committed as a presupposition of second-person claim-making. The situation would be exactly as Kant describes: a rational person “possesses a *dignity* . . . by which he exacts *respect* for himself from all other rational beings in the world.” (Kant 1996e: 435, emphasis added to “exact”) )

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Second, Fichte frequently says that reciprocally recognizing agents recognize one another as rational beings, and that they are thereby committed to treating one another as rational beings. (e.g., 2000: 42, 43) But these claims presuppose that there are ways of (properly) treating and mistreating rational beings as such and, therefore, that failing to recognize a rational being is not just forbearing to make a voluntary commitment one is free not to make. They presuppose that rational being is itself a normative status, that there are ways of respecting or mistreating people just by virtue of their nature as rational, and that, therefore, one is not free not to recognize and respect them. Again, this makes perfect sense on the “presuppositional” interpretation I am proposing. The dignity of rational persons as such, and of the individual before one as a rational person, is what one is committed to as a presupposition of the intelligibility of recognizing him second-personally.

Finally, the most significant problem with the voluntarist interpretation is that unless we assume a background normative relation that obligates agents (to one another) to keep their voluntarily made commitments, it is powerless to explain how a voluntary agreement can give rise to any obligation to respect spheres of freedom. (This was the version of Cudworth’s Point we encountered before in discussing Gilbert on everyday agreements and Scanlon on promises in Chapter VIII.) Fichte clearly assumes that individuals have warranted claims against each other if they violate the other’s sphere of freedom once reciprocal recognition has transpired. If I have conformed to the law my co-respondent and I both committed ourselves to in reciprocally recognizing one another, and he subsequently violates that law, then I am in a position to charge him with a violation of my right.

I . . . appeal to a *law* that is valid for us both, and apply that law to the present case. I thus posit myself as judge, i.e. as his superior. . . . But, insofar as I appeal to that common law in my opposition to him, I invite him to be a

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judge along with me; and I demand that in this case he must find my action against him consistent and must approve of it, compelled by the laws of thought. (2000: 47)

But what gives the “law” we committed ourselves to normative force? The fact that we committed ourselves to it, as if adopting it together? That could be so only if there exists a further background normative relation that gave us the authority so to bind ourselves voluntarily and whose authority does not itself depend on a voluntary commitment. (Cudworth’s Point again.) My co-respondent and I can be obligated by our “reciprocal declaration” only if we already had the authority to commit ourselves by it, so whether we had that authority cannot itself depend on our voluntary commitment. We must already have had the normative standing to address second-personal reasons, as we presupposed in addressing them to one another.

Suppose, alternatively, that we interpret Fichte as saying that I appeal, not to the fact that my co-respondent and I committed ourselves to the law, but to the law itself to which we then committed ourselves. But this seems to provide no help if my co-respondent now rejects it and refuses to recognize me. Of course, Fichte might argue that he can’t simply refuse to recognize me. All I have to do to get him to recognize me is simply to summon him, second-personally, with a charge, remonstrance, or any other address. (“I can compel him to acknowledge that he knows that I am one [a rational being] as well.” (2000: 42)) This means, however, that I must be in a position to demand or “exact” respect, just as Kant says, from “all other rational beings in the world,” whether they have voluntarily recognized me before or not, simply by summoning them second-personally. And, on reflection, this seems precisely what Fichte should believe. A second-personal summons can be sufficient to give a

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rational being an awareness of being free and rational agent only if to be a person is to be in a position to exact respect.

Fichte might agree at this point, but nonetheless claim that, even if it is true that a rational person is always in a position to exact respect from any other, it is the fact of recognition that obligates. At this point, however, the idea that recognition is voluntarily given is seeming substantially less plausible. Moreover, and this is the final important point, recognition of someone as a person seems itself to involve the recognition of a normative standing, a dignity, that it responds to and does not confer. This is Cudworth's Point in another form. Ultimately, therefore, the voluntarist interpretation provides no coherent alternative to the idea that the reciprocal recognition involved in second-personal address presupposes, rather than somehow creates, the normative standing persons have to address second-personal reasons.

<sup>27</sup> Although my discussion has some resonance with Hegel's famous section on "Lordship and Bondage" in *The Phenomenology of Spirit*, most of my points are substantially different.

(Hegel 1977) I have been helped here by discussion with Matthew Smith.

<sup>28</sup> I am indebted to Nir Eyal for the following example. (What follows is, in the main, Eyal's description and analysis.)

In Sergio Leone's *Once Upon a Time in the West*, the malicious villain, played by Henry Fonda, rapes the heroine, played by Claudia Cardinale, with the intention of causing her maximal suffering and humiliation. As the villain leans on top of her, the heroine averts her eyes and looks the other way. The villain grabs her chin and turns it back in order to look her in the eye whilst raping her. The villain does so because a "You are raping me" situation is even more humiliating to the victim than a "He is raping me" situation. And

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looking one's rape victim in the eye in real time makes the situation into a second-personal in an obvious sense, i.e. a "You are raping me" situation.

The reason that a "You are raping me" situation is more humiliating than a "He is raping me" one seems to be that the former situation includes mutual acknowledgment of salient features of the situation, including the humiliation of the victim.

While Eyal's analysis seems clearly correct, the situation does not involve second-personal address in the sense in which we are interested; it does not involve the address of a second-personal reason that presupposes a normative standing. What the rapist forces to be mutually acknowledged seems to be something like, "I can do this to you and you can't stop me," or "I can treat you as someone to be raped," not anything normative such as "I am entitled to rape you." This is humiliating subjugation rather than a address of a second-personal grounded in the addresser's presupposed authority. It is worth noting, however, that only rarely is even attempted subjugation merely a matter of exerting force without at least some fantasy or self-narrative of authority. On this point, see my discussion in Chapter IV, pp. 000.

<sup>29</sup> Of course, many things we call "orders," for example, "Heel" said to a cocker spaniel, do not necessarily involve the purported address of a second-personal reason in the sense we have been interested in.

<sup>30</sup> It is course be true that many slaveholders likely tried to have it both ways, that they rationalized their subjugation by fantasies of a superior authority their slaves could rationally accept that they themselves could not possibly have accepted on reflection. For a fascinating discussion of the ways in which thinking through the legal standing of slaves revealed presuppositional contradictions in antebellum slavery, see Oakes 1990. Oakes discusses a

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North Carolina Supreme Court Case, *State v. Will*, that found that “there were not only limits to the master’s authority but that the slave had a right to resist the master who stepped beyond these limits. (Oakes 1990: 161) I am indebted to Elizabeth Anderson for this reference.

<sup>31</sup> That is, whether “existence internalism” is true. (Darwall 1983: 54-55.)

<sup>32</sup> I have been helped in this paragraph by Jacob Ross.

<sup>33</sup> Note the similarity between this and Fichte’s 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)

<sup>34</sup> Although I pursue the argument here in terms of sanctions, it could as well be put in terms of the initial demand, which an addresser must also assume is a properly authorized way of relating to another “demandingly” that would be illegitimate without the requisite authority.

<sup>35</sup> Alternatively, the initial demand presupposes a distinction between addressing the demand in a way that respects the addressee’s authority (because it is justified second-personally), on the one hand, and trying to get him to do it by simply demanding that he do it, on the other, which would be illegitimate and disrespectful.

<sup>36</sup> I am indebted to Gerald Gaus and to Eric Mack for raising this concern. The argument in the text to this point recalls Hart’s in Hart 1955 that “to assert a general right is to claim in relation to some particular action the equal right of all men to be free in the absence of any of those special conditions which constitute a special right to limit another’s freedom; to assert a special right is to assert in relation to some particular action a right constituted by such special conditions to restrict another’s freedom.” (Hart 1955: 188). The objection I consider in this paragraph is one that Mack raises against Hart in Mack 1976.

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<sup>37</sup> Alternatively, perhaps it would simply violate someone else's authority. I am indebted here to Ira Lindsay. What follows responds also to this possibility.

<sup>38</sup> I am indebted here to discussion with Shelly Kagan.

<sup>39</sup> We might, as I mentioned before, see the relevant impartial perspective as one we share, and that demands made from that standpoint are ones we make as the moral community in the first-personal plural. As I also emphasized, however, the perspective is no less second-personal for that, since it essentially involves address.