

# Moral Friends? The Bipolar Standpoint

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Submitted for the degree of Doctor of Philosophy



I, Jonas Vandieken confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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Jonas Vandieken



*To my mother,  
my father,  
and my beloved brother*



## Abstract

It is widely agreed upon that a certain class of obligations, like the obligation to keep one's promise or the obligation not to step on another person's foot, is directed and as such owed to someone in particular. In the dissertation, I argue for and defend the claim that the entire class of interpersonal obligations is directed and always owed *to someone in particular*. In doing so, I argue against the prevalent view, according to which our interpersonal moral obligations turn out to be ultimately owed to no one in particular. On one version of this view, defended by T.M. Scanlon, directed obligations ultimately reduce to non-directed obligations. On another version of the view, defended by Stephen Darwall, directed obligations are ultimately normatively dependent on moral obligations period. Contrary to Scanlon and Darwall, I argue that directed obligations are normatively basic. On the resulting view, even those obligations that at first appear to be non-directed and owed to no one in particular, like the obligation not to litter in the streets, turn out to be directed and thus always owed to someone in particular who stands to be wronged by another's action. The advantage of the proposed view is that it more adequately captures what is at stake in the domain of 'what we owe to each other': that we do not simply do something wrong in failing to comply with our interpersonal obligations, but that we wrong others by disregarding their valid claims. In turn, this suggests an intimate connection between directed obligations and a particular form of recognition respect: in acting from a directed obligation, we recognize and acknowledge others as sources of valid claims.



## Acknowledgments

This thesis has been in the making for some time and it is hard to believe that it's all finally coming to an end. One of the main reasons it is now coming to an end is the enormous amount of support I received through the course of writing it as well as in preparing it for submission.

My first and most heartfelt debt of gratitude is owed to my primary supervisor, Han van Wietmarschen. Han has been the best supervisor I could have hoped for and more. A constant source of encouragement and support, Han has been there every step of the way and helped me to develop and sharpen my thesis project through our many long conversations in his office, over lunch, or via Skype. Han has not only been a wonderful supervisor, but also a great mentor and teacher from whom I have learned much about what it really means to carefully and meticulously engage with and think about a philosophical issue without, at the same time, ever losing faith in one's own ideas and arguments. For all of that, I'm deeply grateful.

I owe a heartfelt debt of gratitude to Stephen Darwall, who kindly agreed to take me on as visiting research assistant at Yale in 2016, during which I wrote a key chapter of the dissertation. In addition to our many conversations in Connecticut Hall, Steve supervised large parts of my thesis even after my return to London and has seen the project to completion. I'm deeply grateful for Steve's generosity and support in developing my thesis, even when much of it was critical of his own work.

The thesis wouldn't be what it is without Han and Steve's supervision.

I want to thank Doug Lavin for taking on the role of secondary supervisor at UCL. I've had a number of great and very insightful conversations with Doug, and his thoughts and feedback on my work have undoubtedly benefitted what I've written in these pages. I'm also grateful to James Wilson, Jo Wolff and Veronique Munoz-Darde for each having supervised me for a term very early on in my graduate studies.

The thesis has benefitted from some much-needed financial support from the UCL Department of Philosophy, the UCL Graduate School and the Yale-UCL Collaborative.

I'm deeply grateful for having been part of the wonderfully supportive environment at UCL's Department of Philosophy and, for one semester, at the Department of Philosophy at Yale University. I'm especially grateful for all the work in progress meetings at MoPWIP, where I was able to share in a very relaxed and friendly environment my ideas and thoughts. I've benefitted greatly from the discussions we had and all the good-spirited feedback I received. For this, I want to thank Ben Fardell, Dan Guillery, Eliana Zur-Szpiro, Showkat Ali, Rowan Mellor, Ed Lamb, Polly Mitchell, Rowan Mellor and Hannah Carnegie-Arbuthnott. Outside of UCL, I'm grateful to Brendan de Kenessey, Dieter Sturma and members of the Department of Philosophy at the University of Bonn for stimulating and helpful discussion on parts of my thesis. I am also deeply grateful to Dieter Sturma for his continuous and unwavering support of my philosophical endeavors throughout these years.

I want to thank Alex Gajevic Sayegh, Jonnie Wolf, and Sen Bhuvanendra for their friendship and companionship and the many conversations on and off the topic of the thesis I had with each of them.

Special thanks are due to Andrew Knox, who has helped me in so many ways. From discussing ideas over countless coffees and drinks, to reading every single word that is written in these pages, Andrew's comments and feedback have been invaluable. More importantly, however, I thank Andrew for his friendship that has made my time at UCL much for enjoyable than it would otherwise have been.

This thesis exists because of my family. Their unconditional support and love are with me each and every single day. They have made all of this possible. I thank my mother and father from the bottom of my heart for setting me free, letting me be, and their continuous and unrelenting faith in my endeavors, even when far away from home. My brother Tobi has been with me for all my life, still looking out for me to this day. We share the same dreams and the same struggles and my love for him is endless. The greatest gift I have received from each of them, besides their love, is the deep and unwavering sense that everything will be alright.

Finally, my endless thanks and love to Seol for being by my side each and every day and giving meaning to my life.

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## Introduction

Suppose we're both taking a train to London and are in the process of storing our luggage. As it happens, I have a hard time reaching the overhead locker and consider stepping on your foot in order to place my luggage in the locker more conveniently. Now, suppose I do in fact step on your foot to reach the overhead locker. What has happened here? The straightforward answer seems to be that I did something wrong. To leave it at that, however, would miss an important element. For what I have done did not simply amount to a wrong action, a failure to comply with an obligation *simpliciter*. Instead, I have *wronged* you, as a result of which you'd be justified, as the victim of my action, to blame me and at the very least ask for an apology. How are we to explain all of this?

The answer turns on the thought that I have not just violated a non-directed moral obligation, or one that I have period, but instead a directed obligation owed *to you*, one incurred because of your valid claim against me. Directed obligations, or bipolar obligations as they are also called,<sup>1</sup> are characterized by their three-part structure and the resulting normative nexus: a person who is under the relevant obligation (obligor), the action required, and a claim-holder to whom the obligation is owed (obligee). In contrast, with a non-directed obligation, there need only be an obligor. This explains how in stepping on your foot I have not only done something wrong, period, but *wronged* you in particular by disregarding your valid claim against me.

In the dissertation, I defend the claim that each and every obligation ranging over the interpersonal sphere is, like the obligation not to step on your foot, directed and owed *to someone in particular*. By the interpersonal sphere I mean that sphere of morality that has, generally speaking, to do with our obligations to other people, including such obligations as not to step on other people's feet, to keep our promises, to aid others, as well as prohibitions against killing, coercion and deception. Among the obligations that are excluded from the interpersonal sphere of morality are, for example, the obligation not to destroy natural artifacts or the obligation not to kill animals for trophy collection.

I argue against a view of interpersonal morality, according to which our interpersonal moral obligations are at its basis non-directed and owed to no one in

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<sup>1</sup> See Thompson (2004) and Darwall (2013). Others speak of 'relational obligations'. See Wallace (2007)

particular. I discuss two versions of this view. On one version of the view, defended by T.M. Scanlon, directed obligations are ultimately reducible to non-directed obligations. On another version of the view, defended by Stephen Darwall, directed obligations are normatively dependent on moral obligations period. I turn this view of interpersonal morality on its head, arguing that directed obligations are normatively basic. On the resulting view, even those obligations that at first appear to be non-directed and owed to no one in particular, like the obligation not to litter in the streets, turn out to be directed and thus always owed to someone in particular who stands to be wronged by another's action. The advantage of spelling out our interpersonal moral obligations in this way is that it captures more adequately what is at stake in the interpersonal sphere of morality – that we not only do what we owe to each other, but that we do so for the right kind of reasons and out of concern for each other.

I begin my argument for the directed nature of interpersonal morality by addressing the following questions: why should it matter whether we conceive of some of our interpersonal moral obligations as inherently directed (**Chapter 1**)? What do we lose if we operate only within a system of non-directed obligations? I argue that the answer turns on the idea that directed obligations are intimately connected to a particular form of recognition respect that we owe to each other simply as fellow persons who can demand certain treatment of each other: in doing what one owes *to* another, one recognizes the other as a source of valid claims who stands to be wronged by one's action and not merely as the occasion or target of a non-directed moral obligation that one has merely *with regards* to another. In doing so, I seek to lend support to Joel Feinberg's thesis that "to respect another, and to see him or her as possessive of dignity, is to recognize the other as a potential maker of claims."<sup>2</sup> Underlying Feinberg's thesis, I argue, is the thought that in respecting another person, it does not suffice to simply register the other as the occasion or target of a non-directed obligation that one has with regard to her. Instead, one must, at the same time, recognize and acknowledge the other as the normative source of the obligation that one is under. I call this *bipolar recognition respect*. In turn, this helps to explain how any unexcused failure to comply with a directed obligation does not merely amount to having done something wrong period, but to the wronging of another person by disregarding the other person's valid claims. This sheds light on the often-underdeveloped attitudinal dimension of interpersonal morality, which resembles in important respects the

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<sup>2</sup> Feinberg (1970), 8.

attitudinal dimension of such personal relationships like friendship and highlights the way in which the wronging of another does primarily consists in a failure to appropriately relate and be attuned to the other as an equally authoritative source of valid claims. Eventually, these considerations are meant to provide an answer to the question posed at the outset by showing that without the notion of a directed obligation we lose our ability to recognize and acknowledge others as beings who stand to be wronged and with it our ability to be attuned to others in certain ways. What is lost is our ability to respect persons for what they are – sources of valid claims.

Having established that any plausible theory of interpersonal morality or ‘what we owe to each other’ must be able to adequately accommodate the directed nature of interpersonal morality, I next turn to the two most prominent contenders for offering us such a theory: T.M. Scanlon’s moral contractualism and Stephen Darwall’s second-personal view of morality. As I go on to show, however, neither of these theories is able to adequately accommodate the directed nature of interpersonal morality and the thought that in stepping on your foot, I wrong *you* by disregarding your valid claim against me.

I argue that on Scanlon’s contractualist account this is due to the fact that he does not ascribe any fundamental normative importance to individual claims and their corresponding directed obligations. Quite to the contrary, individual claims are on Scanlon’s account excess baggage to normatively basic general moral principles (**Chapter 2**). When deliberating about what we owe to each other, Scanlon argues, we must simply deliberate about whether or not others could reasonably reject certain moral principles for “the general regulation of behavior.” Understood in this way, the wrongness of certain actions is explained in terms of the wrongness of breaking certain general moral principles. The resulting obligations are non-directed and owed to no one in particular. On Scanlon’s account, each of us possesses the *normative standing* as the target of an obligation that others have with regard to us and in virtue of which can do something wrong *simpliciter*. At the same time, Scanlon argues that his moral contractualism has the resources to accommodate the directed nature of certain moral obligations, like the obligation to keep one’s promise to another. As a result of this kind of *normativism*, however, Scanlon’s moral contractualism renders it entirely mysterious how I can have any directed obligation to you in virtue of which I can not only do something wrong in failing to do what I owe to you, but to *wrong* you in particular. For, on Scanlon’s account, directed obligations are ultimately reducible

to non-directed obligations or those that we have *simpliciter*. The only relevant notion of an obligation is that of a non-directed obligation that is owed to no one in particular.

Next, I turn to Darwall's proposal to understand morality and its associated obligations as a second-personal phenomenon, with each of us possessing the individual authority to claim moral rights and demand certain treatment of others (**Chapter 3**). Initially, this appeal to second-personal authority seems to make Darwall's theory an ideal candidate to accommodate the directed nature of interpersonal morality, thereby improving significantly on Scanlon's normativist contractualist account. Ultimately, however, Darwall argues that the individual authority each of us possesses to claim certain moral rights is normatively dependent on the representative authority that we all share as members of the moral community. This has a striking consequence: if the representative authority of the moral community is normatively basic, I can wrong *you* only insofar as I wrong each and every representative member of the moral community. All you possess on Darwall's account is the *second-person standing* of a representative authority, in virtue of which you are owed a "moral obligation, period" that is made on behalf of and owed to the entire moral community. As a result of this, I fail to properly recognize and acknowledge *you* as a source of a valid claims who has the special standing to demand certain treatment of me and be owed an apology as the victim of my action. Thus, although Darwall tries to make room for directed obligations as *sui generis*, I argue that his second-personal account is eventually unable to adequately accommodate the directed nature of interpersonal morality. Any directed obligation normatively depends on, and hence cannot exist, without a "moral obligation, period." Hence, similar to Scanlon, the fundamental notion of an obligation is on Darwall's account that of a "moral obligation, period" which has no direction built into it.

In light of these shortcomings I propose a novel theory of interpersonal morality according to which each and every interpersonal obligation is directed *to someone in particular* by arguing that each interpersonal obligation is constitutively linked with the valid claim of some particular person (**Chapter 4**). On the resulting view, one's individual authority to claim or demand certain conduct is, contrary to Darwall's view, normatively basic. The relevant moral standpoint is *bipolar*, insofar as it always only normatively implicates two individuals relating as opposing poles to each other – a person owing an obligation X (obligor) and a person being owed the obligation X (obligee) – and the resulting recognition

respect involves acknowledgment of the other as a self-originating source of valid claims who stands to be wronged by one's actions. Understood in this way, each of us possesses the *bipolar standing* of an independent source of valid claims who is owed certain treatment by others. The bipolar view can thus naturally explain how my stepping on your foot amounts to a *wronging* of you, and not simply a wrong action period: in failing to do what I owe to you, I disregard your individual authority to demand certain conduct of me, thereby failing to recognize you as a source of valid claims. The challenge for the bipolar view is to adequately accommodate all of those obligations that are seemingly non-directed and owed to no one in particular. I show how the bipolar proposal can account for even those interpersonal moral obligations that appear to be owed to no one in particular, like the obligation not to litter in the streets or the obligation to pay one's taxes. I argue that each of these seemingly non-directed obligations is ultimately reducible to a set of directed obligations, placing individuals in vast web of bipolar normative nexuses with each other. On the resulting view, one can be under an indeterminate number of directed obligations to particular others not to litter in the streets or to pay one's taxes.

In the last chapter, I seek to further vindicate the proposed bipolar account and defend it against various challenges (**Chapter 5**). I begin by addressing some implications of the bipolar view spelled out in the previous chapter. In particular, I engage with the non-discretionary nature of some of our interpersonal obligations and the order of claims and demands that can be made not only by the individual to whom a certain obligation is owed, but also by bystanders or third-parties. Against the background of these elaborations, I next engage with a number of challenges that Stephen Darwall has raised against the proposed account. More specifically, Darwall argues that any bipolar account will face two interconnected challenges: a deliberative and an accountability challenge that arise against the background of the "inescapable question of what we are morally obligated to do *all things considered*." In addressing Darwall's challenges, I argue that the bipolar standpoint account is uniquely equipped to illuminate some central phenomena of the interpersonal moral sphere, like blame, apology and forgiveness, by showing how these phenomena are themselves best understood as inherently directed. Finally, I address a worry that many have thought to beset any account that tries to defend a directed or bipolar view of interpersonal morality. According to this worry, it is not quite clear that we can successfully extend directed obligations and their underlying claims to the moral sphere, given that we do not seem to stand in any kind of relationship with each other simply as fellow moral

beings. Directed obligations, or so the worry goes, usually emanate against the background of personal relationships like friendship or transactional interactions like promises. But what kind of relationship do we share in the moral sphere with each other, what kind of transaction are we all engaged in with? I shall suggest that this worry can be met once we realize that we do in fact share a basic moral relationship as fellow travelers of the moral universe.

The underlying theme of the dissertation is the close and intimate connection between the personal domain and morality, at least when concerned with the moral domain of ‘what we owe to each other’. For one, the personal domain provides us with a paradigm instance of the kind of bipolar normativity that I am after in the dissertation. Any obligations that we have towards each other as, say, friends are essentially directed, owed *to* and incurred *because of* the other. And any violations of these personal obligations do not simply amount to a wrong action done period, but essentially to a *wronging* of another individual.

For another, the personal domain sheds light on the attitudinal dimension underlying these directed obligations and any failure to comply with them. As friends, it matters not only that we do what we owe to each other, but that we do so out of concern for the other. As friends, we are sensitive not only as to whether, but also as to how and why someone does or fails to do what he or she was said to owe to another. Conversely, this means that any failure to do what we owe to the other does not only amount to a failure to do a certain action, but moreover to a failure to relate to and be attuned to the other in the right ways. Thus, the primary disappointment and cause for the reactive attitudes like resentment of someone who has been waiting for her friend to come visit at the hospital will not simply stem from the unexcused failure of the friend to do a certain action – to show up at the hospital – but from what this failure expresses about the friend’s attitudes and “quality of will” towards her, attitudes that manifest themselves in the disregard for her valid claims and expectations and thus in disregard for *her*.

I suggest that it is precisely this attitudinal dimension that has a central place also in the interpersonal moral domain of ‘what we owe to each other’. Oftentimes, morality is taken to be a domain defined by and governed in virtue of universal and impartial laws and principles. At most, we can thus speak of a moral community that, similar to a political

community, places all of us under a shared system of moral laws and principles. As I hope to make clear in what follows, however, the interpersonal moral sphere is much closer aligned to that of friendship than to the political, because morality is personal in the way that friendship is and the political, so understood, is not. I take it that, as in the case of friendship, what matters in the case of interpersonal morality is not only that we do what we owe to each other and abide by the relevant principles and laws, but that we do so out of concern for each and every one around us. That is, what matters is that we relate to each other not merely as a representative member of a larger community, or as the placeholders of some set of governing principles or laws from above. Instead, it matters that we relate to and recognize each other as particular persons with the standing or authority to demand certain treatment of another *qua* being a “self-originating source of claims” who are, like friends, vulnerable to the attitudes of another person and what these attitudes say about oneself.

Implicit in these considerations is the thought that the kind of moral concern or respect that we owe to each other is potentially much closer aligned to the kinds of personal forms of concern and love that are characteristic of the personal domain, including friendship. These parallels between friendship and morality are supposed to bring out how the fundamental question to be asked and answered in the interpersonal domain of morality is not ‘How ought I to live well?’ but rather ‘How ought I to live well with others?’

# I.

## The Moral Significance of Directed Obligations

*“The activity of claiming, finally, as much as any other thing, makes for self-respect and respect for others, gives a sense to the notion of personal dignity, and distinguishes this otherwise morally flawed world from the even worse world or Nowheresville.”*  
(Feinberg 1970)

### Introduction

The present chapter seeks to motivate the central moral importance of directed obligations by illustrating their intimate connection to a particular form of recognition respect that we owe to each other as fellow travelers of the moral universe. More specifically, it seeks to illustrate how directed obligations make available the recognition and acknowledgment of others as “self-originating sources of valid claims”<sup>3</sup> who are sensitive to whether or not they are recognized and acknowledged as “wrongable”<sup>4</sup> beings. Ultimately, the present chapter is supposed to provide us with a condition of adequacy that any plausible theory of interpersonal morality must meet: to properly account for the directed nature of interpersonal obligations and their connection to recognition respect of others as sources of valid claims.

### §1 Directed Obligations

#### §1.1. What are Directed Obligations?

I assume, not too controversially I hope, that certain obligations are owed *to* particular individuals. When, for example, my friend Jane is in the hospital I owe it specifically to *her* to visit, as opposed to any other friend. Moreover, we might say, this obligation is one that I have *because of* Jane. For Jane has, in virtue of her standing as my friend, certain claims against me and can expect or demand of me that I treat her in certain ways and blame me, or hold me otherwise accountable, in case I fail to do so without adequate excuse. As a result of Jane’s standing as my friend, I would not only do something wrong period in failing to show up at the hospital, I would thereby *wrong* Jane. Thus, my obligation is ultimately one that I owe *to Jane*. A wide variety of obligations arising from within personal relationships are of this directed- or bipolar kind. As such, I might owe it *to my brother* to look after him when he is in dire straits, or *to my wife* to keep the closet tidy.

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<sup>3</sup> Rawls (1980), 543.

<sup>4</sup> Thompson (2004), 340.

The phenomenon of directed or bipolar obligations is not only characteristic of personal relationships like friendship. As a matter of fact, some of the clearest examples of directed obligations and corresponding claims come to us from the legal sphere, and here in particular from contract and property law.<sup>5</sup> Moreover, there are certain obligations that we owe to particular others simply in virtue of being fellow travelers of the moral universe. There simply are *directed moral obligations*. Suppose we're both taking a train to London and I'm in the middle of organizing my luggage. I have a hard time reaching up to place my luggage in the overhead locker. I see you standing next to me, and rather pragmatically, consider stepping on your foot to better reach the overhead locker. In doing so, however, I would violate a moral obligation that I have *to you*, as opposed to one that I have to the moral community or *simpliciter*. Moreover, and similar to the friendship case, we might say that I am under the relevant obligation *because of you*. For as my fellow moral equal you can demand of me that I not step on your foot unbidden and blame me if I do so without adequate excuse. In stepping on your foot, I would thus not only do something wrong, but *wrong* you. A wide variety of moral obligations take on this directed or bipolar form, including the obligation to keep one's promise or, some might even think, the obligation not to harm others.<sup>6</sup>

What is characteristic of these directed or bipolar obligations is that they involve “two poles” by attaching two people in a bipolar or normative nexus: an agent who is under the relevant obligation (obligor) and a patient to whom the obligation is owed (obligee).<sup>7</sup> Alternatively, we can describe them as three-place relations that hold between the obligor A, the relevant obligation, and the obligee B to whom the obligation is owed.<sup>8</sup> This relational or bipolar characterization emerges against the background of the thesis, dating back to the legal scholar Wesley Hohfeld, that claim-rights always correlate with directed obligations: A's obligation to do X to B correlates with B's claim against A to do X.<sup>9</sup> Another way to put it is to say that directed obligations and claims co-entail one another.<sup>10</sup>

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<sup>5</sup> See Sreenivasan (2010).

<sup>6</sup> See also, Darwall (manuscript).

<sup>7</sup> Thomson (1990). See also, Thompson (2004), Darwall (2013a), Sreenivasan (2010).

<sup>8</sup> May (2015), 523. For a general characterization of directed obligations and their distinguishing features, see also Cruft (2013).

<sup>9</sup> Hohfeld (1919). To be precise, the thesis of correlativity emerges against the background of the thought that there are “jural correlatives”, including claim-rights, liberties, powers, and immunities, each of which entails the appropriately corresponding duty on behalf of another. I here only focus on claim-rights.

<sup>10</sup> Zylberman (2014), 2.

Thus, any obligation I have to you to keep my promise correlates with a claim of yours against me that I keep my promise.

The *thesis of correlativity*<sup>11</sup> explains how the obligee's claim or claim-right carries direct normative import for the obligation of another and thus distinguishes the obligee's claim from the concerns or interests of any uninvolved third party. It explains why an obligation is owed *to* a particular person and not someone else. Consider the following case: John promised Gene to look after Stan. The thesis of correlativity explains how upon breaking his promise, John does not wrong Stan, but Gene. For, while Stan might have had an interest in, and benefit from, John looking after him as well, he did not have any claim against John and as a result John did not wrong him in breaking the promise. After all, John promised the relevant action *to Gene*, and not to Stan.<sup>12</sup> Some also speak of the 'constitutive connection' that holds between one's obligation and another person's claim. What the constitutive connection is supposed to bring out is the thought that one's obligation and another's valid claim are "two sides of the same coin. They are constitutively linked and jointly generated by the relationship between participants."<sup>13</sup> One reason for invoking the notion of constitutive connection might be that speaking of correlativity does leave some room for not fully capturing what is supposed to be captured. After all, what we want to capture is the thought that one has an obligation not only *to*, but *because of* another. On a weaker reading of correlativity, the '*because of*' is not yet entailed by the relation of correlativity between one's claim and another's obligation. I take it however, that the thesis of correlativity is supposed to capture the stronger reading, according to which the '*because of*' is always already entailed. Some call this 'tight correlativity'.<sup>14</sup> I will thus speak of correlativity and constitutive connection interchangeably in the following.

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<sup>11</sup> Some of our clearest paradigms of the thesis of correlativity are those provided by the private law tradition, and here in particular by the law of property and contract. See Weinrib (1995), Stone (2001), Ripstein (2006), Sreenivasan (2010). The most striking feature of these private law cases is "that it directly connects two particular parties through the phenomenon of liability." See, Weinrib (1995), 1.

<sup>12</sup> As H.L.A. Hart puts it, having a claim against someone is not identical with being the benefactor of another's doing. Hart (1955), 180. See also, Kamm (2007).

<sup>13</sup> Scheffler (2010), 110.

<sup>14</sup> Lyons (1970), 46. Understood in this way, one's claim and obligation do not merely coexist. This, one might think, is the weaker reading of correlativity. Instead, as Lyons puts it, "their coexistence is necessary not contingent. Neither of the right or the obligation could arise without the other, and if one is discharged, waved, cancelled, voided, forfeited or otherwise extinguished the other must be extinguished as well. For the 'ground' of the obligation... is the 'title; of the right.'"

## §1.2. Non-directed Obligations

Directed obligations contrast with non-directed obligations. These obligations are owed to no one in particular. Unlike directed obligations, they do not correlate, nor are they constitutively linked, with the claim-right of a particular individual.<sup>15</sup> Non-relational, monopolar or monadic obligations, as they are also called,<sup>16</sup> range over and are taken to include obligations to the environment, non-human animals, and inanimate objects like pieces of art, and usually denote a two-place relation between some agent A and some obligation X.

We can be under a non-directed or monopolar obligation to refrain from felling trees, from littering in the park, from torturing animals, or from destroying a famous Chagall painting.<sup>17</sup> Moreover, there might well be non-directed obligations that we have with regards to other persons. Hence, we might think that we have non-directed obligation to give to charity, to bring about the best overall state of affairs for humanity in general, or to have the obligation to respect humanity as such. None of these obligations are owed to anyone in particular. Quite to the contrary, they are simply obligations that we have *with regards to* others.<sup>18</sup> Another way to put this is to say that persons figure only as the target or “occasion” of the relevant obligation.<sup>19</sup> As a result, we cannot be said to wrong anyone in particular by failing to comply with these obligations, but simply to have done something wrong *simpliciter*.<sup>20</sup>

Monadic obligations have their normative source in a set of independently justified norms, principles or laws that govern the relevant sphere of conduct. These can include environmental laws, laws governing our conduct towards animals, laws protecting the value of art and, finally, laws or social conventions determining how we are to act towards other

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<sup>15</sup> Thomson (1990), Raz (1986).

<sup>16</sup> I borrow these terms from Thompson (2004), 338.

<sup>17</sup> May (2015), 523. As May puts it: “Suppose that Sigrid has a moral duty not to destroy her Chagall masterpiece. This need not be a duty she owes to herself, Chagall or art-lovers in general. Instead, it might simply be a duty to respect the value of great art. Sigrid would do wrong in ruining the painting but need not thereby wrong anyone.”

<sup>18</sup> Thomson (1990), Sreenivasan (2010), 469.

<sup>19</sup> Thompson (2004), 340.

<sup>20</sup> Some take the prevalence of person-regarding non-directed obligations to show that directed obligations at best make up but for a part of even our interpersonal moral obligations, that is, those obligations having to do with what we owe to each other. According to J.J. Thomson and Joseph Raz, for example, directed obligations and “the realm of rights” plausibly make up only for a subset our moral obligations. Thomson (1990), Raz (1986).

people, including the moral law.<sup>21</sup> Non-directed or monopolar obligations thus emanate from “what is lawful” or “law” and it is with reference to said law that decide what we are under any obligation to do, even when the relevant obligation concerns other persons.

As a result, monopolar obligations do not attach one to another, because they are void of Hohfeldian correlativity. What they do instead is bind one person to the relevant norm or law. Terry Pinkard helpfully illustrates this point as follows:

“A monadic order has more or less the structure of a game. In the monadic order, doing a wrongful or rightful action is just violating the rules – such as committing a foul or stepping outside the white lines – and *only secondarily* in having done something or another *to an other*. It is like the moral referee blowing the whistle on you for being offside or committing a foul.”<sup>22</sup>

Michael Thompson helpfully tabulates the difference between the merely monadic structure of non-directed obligations that we can have *with regard to* others and the bipolar structure of directed obligations that we have *to* others as follows:

Monadic Normativity: (1) A did wrong in doing X.  
(2) A has a duty to do X.

Bipolar Normativity: (3) A did wrong to B in doing X.  
(4) A has a duty to B to do X.  
(5) B has a valid claim against A to do X.<sup>23</sup>

## §2 The Moral Significance of Directed Obligations

I now want to take up the question of why it is important to adequately capture directed obligations. In one way, we have already given an answer to this question by way of presupposition – directed obligations are a central feature of our everyday moral life. Consequently, any plausible theory that seeks to adequately capture the morality of the interpersonal domain has to adequately accommodate directed obligations. But this can hardly be the answer here. For, what we want to know is not only that directed obligations matter, but why they matter. We want to know their significance.

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<sup>21</sup> As Thompson (2004) puts it, “a merely monadic ‘duty’ is simply the deontic necessity or requirement or ‘must’ that is constituted by the underlying norms or standards, whatever they are.” Thompson (2004), 341.

<sup>22</sup> Pinkard (2017), 26. My emphasis.

<sup>23</sup> Thompson (2004), 338.

One way of approaching the significance of directed obligations is to ask what would be lost if we were to simply operate within a framework of non-directed or monadic obligations. A slightly different way of phrasing this question is to ask why we should care whether someone has an obligation *to you*, rather than merely *with regard to you*? That is, why should we think it matters that we treat some of our obligations as directed obligations that are constitutively linked with the correlative claims of particular individuals, rather than merely as non-directed or monopolar obligations that we are under?

Take, for example, Jeremy Bentham, the towering utilitarian, whose watchful eyes have followed my philosophical endeavors over the last several years from his little hub in University College London's Wilkins Building, declaring that any talk of natural rights or moral claims is "nonsense upon stilts", a "mere abuse of words."<sup>24</sup> Ultimately, Bentham believed that talk about rights and corresponding duties was nothing more than talk informed by men's passion and not by argument and reason. A mere want for rights, Bentham declared, does not supply them; "[re]asons for wishing there were such things as rights are not rights; a reason for wishing that a certain right were established is not that right; a want is not supply; hunger is not bread."<sup>25</sup> More fundamentally, Bentham worried that rights and their associated claims, which did not derive from legal principles or laws, would eventually only be invoked to further someone's own egoistic interests and would therefore be detrimental to the attainment of certain social goods for the moral community. Ultimately, Bentham takes moral rights and claims to undermine his conviction that 'everyone count for one, but *not* more than one'. Any talk about rights or claims was not only mistaken, because unfounded, but actually of moral disvalue insofar as it undermined the responsibilities that one had to the moral community at large.<sup>26</sup>

The thought that moral claims and directed obligations actually have no fundamental place in the moral universe is not uncommon; in fact, it is widely shared by a number of consequentialists and deontologists alike. What unites these consequentialists and deontologists, despite their substantial normative differences, is their understanding of our moral obligations in fundamentally non-directed or monadic terms, taking the form of (1) 'A did wrong in doing X' or (2) 'A has a duty to do X' and hence ultimately locating the sources of moral obligations in our self-governing capacity to legislate the moral law for

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<sup>24</sup> Bentham (1987), 53.

<sup>25</sup> *Ibid.*, 37.

<sup>26</sup> Gewirth (1986), 332.

ourselves.<sup>27</sup> According to these views, we have to distinguish between right and wrong action *simpliciter*, but never fundamentally between righting and wronging another person in particular.

## §2.1. Why Directed Obligations Matter

In what follows, I want to suggest that doing away with moral claims and their correlative notion of directed obligation results in a failure to adequately capture a central aspect of our moral experience and obligations. In order to do so, let us consider what is lost if we can no longer speak of being under a directed obligation *to another*. Why should we care whether someone has an obligation *to you*, rather than merely *with regard to you*? The answer, I believe, turns on the importance of a particular form of recognition respect that we owe each to other, which is itself intimately linked with directed- or bipolar obligations. In particular, I suggest that an important part of what we owe to each other consists in recognizing each other as sources of valid claims, failure of which amounts to a particular kind of moral wrong. In working out this connection, I seek to lend support to Joel Feinberg's thesis that "to respect a person then, or to think of him as possessed of human dignity, simply *is* to think of him as a potential maker of claims."<sup>28</sup>

To begin with, then, let's consider a monadic or non-directed approach to our moral obligations. Consider Feinberg's society of "Nowheresville," a society that has all the relevant moral furniture except for rights and their associated claims. What we can do in Nowheresville is to distinguish between right and wrong, good and bad. At the same time, Nowheresville is a place void of any kind of directed or bipolar normativity. The only normative game in town, so to speak, is that of monadic normativity, with its associated obligations being non-directed ones owed to no one in particular. Alternatively put, the normative sphere in Nowheresville is void of correlativity or any constitutive connection between claims and obligations, as a result of which we cannot be said to owe certain action *to* other individuals in particular.<sup>29</sup> In the context of legal obligations that we can be under in Nowheresville, Feinberg puts this as follows:

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<sup>27</sup> See, for example, Sigdwick (1981), Arneson (2001), and Korsgaard (1996).

<sup>28</sup> Feinberg (1970), 8.

<sup>29</sup> Nowheresville need not necessarily be a consequentialist society. While it is often taken to be the case that consequentialists in particular would have a difficult time adequately capturing rights, claims and any corresponding obligations, consequentialists are not necessarily the only ones having such difficulties. Quite to the contrary, Nowheresville might well be built on solid deontological grounds, with a firm understanding among its citizens of being bound by duty in virtue of certain laws that hold irrespective of whether or not

“A legal duty is not something we are implored or advised to do merely; it is something the law, or an authority under the law, requires us to do whether we want to or not, under pain of penalty. When traffic lights turn red, however, there is no determinate person who can plausibly be said to claim our stopping as his due, so that the motorist owes it to him to stop, in the way a debtor owes it to his creditor to pay. In our own actual world, of course, we sometimes owe it to our fellow motorists to stop; but that kind of right-correlated duty does not exist in Nowheresville. There, motorists ‘owe’ obedience to the Law, but they owe nothing to one another. When they collide, no matter who is at fault, no one is accountable to anyone else, and no one has any sound grievance or ‘right to complain.’”<sup>30</sup>

And it is here that we can begin to understand what is lost in Nowheresville or any other place void of bipolar normativity. Understood in this way, any obligations that we have to other persons in Nowheresville are no different from, say, the obligation that we have to not fell a tree or to destroy a valuable piece of art. For, persons are in Nowheresville in the same position as trees or pieces of art; they stand protected under the relevant law as a result of which we can do wrong *with regards to* them, but can never wrong them. In Nowheresville, persons relate to each other only as the *targets* or “*occasions*” of non-directed obligations.

## **§2.2. Persons as Self-Originating Sources of Valid Claims and the Target-Source Distinction**

There seems nothing wrong in conceiving of the obligation not to fell a tree as simply a non-directed obligation we have *with regard to* the tree, and not one we have *to or because of* the tree.<sup>31</sup> As such, it seems perfectly fine for us to register the tree in our practical deliberation simply as the “occasion” or the target of the obligation that we have with regard to it and in virtue of which we might do something wrong *simpliciter*. To put this in the memorable language of Michael Thompson, trees figure in our deliberation as the “raw material in respect of which one might do wrong.”<sup>32</sup>

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abiding by them promotes the overall states of affairs. That is to say, Nowheresville might well have a Kantian spirit and be filled with certain deontological requirements that operate analogous to legal requirements.

<sup>30</sup> Feinberg (1970), 2.

<sup>31</sup> This implies that a tree is not the bearer of a moral claim against anyone.

<sup>32</sup> Thompson (2004), 344.

A person, however, is not a tree. On the contrary, persons, to again invoke Thompson's language here, are "wrongable" beings.<sup>33</sup> And while tress and other natural artifacts certainly 'count in their own right' and hence provide us with strong reasons against doing certain things with regard to them, e.g. fell a particular city tree, the kind of constraint that these objects put on us is surely different from the constraints that the moral status of a person puts on us.<sup>34</sup> As such, it seems as though something goes amiss when I conceive of you or Jane in exactly the same way that I conceive of a tree – simply as the target or "occasion" of a non-directed obligation that I have with regard to each of you.

After all, our common-sense intuition tells us that in stepping on your foot or failing to visit Jane, I not only do something wrong *simpliciter* with regard to each of you, but instead *wrong* you, as a result of which I can be held accountable by and owe an apology or some other sort of compensation *to* both of you.<sup>35</sup> Accordingly, we normally speak of someone being the *victim* of one's wrongdoings, not simply the target or "occasion" of one's moral fall.<sup>36</sup>

If we grant the above and assume that in failing to do what I owe to you and Jane, I wrong each of you, we can capture the difference between the tree and you or Jane as follows: you are not merely the target or "occasion" of my obligation, but always also its *source*. Let me explain. In assuming that I *wrong* you as the *victim* of my foot-stepping, we are in fact presupposing that those obligations that we owe to other persons and in virtue of which they can be wronged are directed and correlative to the valid claims of the individual to whom they are owed. Hence, that I wrong you, but not the tree, is explained by the fact that you have a claim against me that I not step on your foot. And it is precisely in virtue of possessing such a claim against me that you figure as the source of my obligation not to step on your foot. It is, as we might say, *because of* your valid claim that I'm obligated not to step on your foot and at risk of wronging you in case I actually do so.

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<sup>33</sup> Ibid., 368.

<sup>34</sup> See also Lavin (2014).

<sup>35</sup> In other words, I do not only "violate a binding norm," but violate "another person" in failing to do what I owe to them. See Lavin (2014), 284.

<sup>36</sup> Thompson (2004), 340, 344. See also Zylberman (2014) and Kumar (2003), 102. As Kumar puts it, "[a]ppeals to having been *wronged*, on the other hand, concern a distinct sense of moral wrongness, one at work in contexts where the claim is not impersonal, but is made by, or on behalf of, an individual who is the *victim* of one's wrongdoing."

You and Jane are, as John Rawls put it, “self-originating sources of valid claims” who can, unlike the tree, freely and autonomously traverse the moral universe, demand certain conduct of others by placing constraints on their behavior, hold them to account or conversely, give consent to their doing what would otherwise be forbidden.<sup>37</sup> In turn, however, this means that when faced with the question of what I owe to you, something would have gone wrong if you merely figure in my deliberation as the “raw material in respect of which one might do wrong” and not as the source of the obligation that I owe to you. Both you and Jane are sensitive not only as to whether I do what I am said to owe to you, but whether I do so because I recognize and acknowledge each of you as having legitimate claims against me. That is, it matters to both you and Jane whether I conceive of my obligation as one that is owed *to* each of you respectively, thereby recognizing each of you as the source of my obligation, or whether I conceive of my obligation as the non-directed duty to do ‘the right thing’ *with regard to* each if you, thereby recognizing both of you merely as the “occasion” or target of my obligation.

Both Jane and you are vulnerable as to how and whether you and each of your particular claims do or do not figure in my moral deliberation and with what kind of attitudes I relate to each of you. Jane’s and your vulnerability reflect the way in which, as sources of valid claims, each of us does not merely have an interest in how others act towards us, but an interest in how others relate to us. We can call these interests recognitional interests. For, while it matters that others do what they owe to us, it matters, moreover, that they do so out of recognition and acknowledgment of the fact that we do have an interest in them doing so. That is, it matters whether and how our interests, claims, or desires figure in their moral deliberation. Thus, in having certain claims against me, it matters to you and Jane not only that I do what each of you have a claim to, but that I do so *because* each of you have a claim to it.

### §2.3. Attitudinal Wronging

Now, let’s stipulate that I was acting from a non-directed obligation. While I would be acting on a norm that binds me in such a case, I would not act on a norm that binds me exclusively *to you*. I would merely act on a non-directed obligation that I had with regards to you. And in doing so, I would fail to properly recognize and acknowledge each of you

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<sup>37</sup> As Thomson puts it, we do in fact “think ourselves born with claims.” Thomson (1990), 88.

as possessing the standing to demand certain treatment of me. In other words, I would fail to respect you as sources of valid claims.

Another way to highlight my failure is this: suppose I fail to comply with the respective obligations that I have to Jane and you. In that case, it seems as though both of you are in a position to blame me for my wrongdoing if I lack an adequate excuse. Now, I would be missing something crucial were I just to admit to the world that I did something wrong in violating a non-directed moral obligation that I had to no one in particular.<sup>38</sup> After all, what both Jane and you would expect is an apology directed to each of you respectively, not to some third party, and hence my acknowledgement of having *wronged* Jane and you respectively by disregarding each of your valid claims and demands of me. For, it is only by apologizing to each of you, and, moreover, in doing so *sincerely*, that I grant each of you the appropriate recognition as sources of valid claims and thus to acknowledge that what I have done was first and foremost a *wronging of you*. In failing to realize that, I would wrong you and Jane precisely in regarding both of you merely as the target or “occasion” of my obligation and hence in disregarding the person that is *you* or *Jane*, and each of your particular claims, as the *source* of my respective obligation that I owe to each of you. Rahul Kumar puts this point as follows:

“One person may wrong another without leaving that person worse-off through such things as insults, humiliations, intentional slights, ‘looking through a person’, expressions of a lack of trust, many kinds of paternalism, and, in general, interfering with an aspect of a person’s life over which she rightly has sole sovereignty. For though one may have not made the other worse-off, the way in which one has related to the other may still express a failure to have appropriately recognized and taken account of a person’s value as capable of rational self-governance. A person can be wronged, then, simply in virtue of how she figures, or does not figure, in how one is rationally disposed to relate to her.”<sup>39</sup>

This need not mean that any failure to recognize a person properly is necessarily a failure to recognize her capacity for self-governance. Instead, I here deviate slightly from

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<sup>38</sup> For an argument along similar lines, see also Kadlac (2015).

<sup>39</sup> Kumar (2003), 109.

Kumar and suggest that we should understand this failure as possibly including a failure to recognize the particular claims and demands of that person. It is in virtue of this vulnerability, I here suggest in accordance with Kumar, that we can be injured or wronged in a distinctly *attitudinal* manner without being necessarily harmed, by being ‘overlooked’, ‘humiliated’, or ‘neglected’ as a source of valid claims.<sup>40</sup> This can manifest itself in the experience of being physically present, but morally walled out, or ‘not being heard’, an experience that Philippa Foot describes as a distinctively “second-order evil” of human life that has to do with “the consciousness of being disregarded, lonely, or oppressed.”<sup>41</sup> This is supposed to illustrate how one can wrong another simply by exhibiting or failing to exhibit a certain kind of attitude towards the other person.<sup>42</sup>

It would consequently neither suffice for me to simply admit to Jane’s friend Peter that I had done something wrong in failing to show up at the hospital, nor would it suffice for me to apologize to a fellow traveler upon stepping on your foot, admitting to the bystander that I had regrettably failed to comply with the non-directed obligation not to step on anyone’s foot, period. Another way to put this is to say that it won’t suffice for me to feel guilty, thereby acknowledging that I have done something wrong. After all, I might feel guilty for cutting that tree down. Instead, then, I should feel *guilty to* Jane and you and in doing so realize that I have done something wrong to each of you respectively, thereby acknowledging not just the obligation and its respective content but the individual and his or her valid claim as having appeared on my “practical radar.”<sup>43</sup> This fits the generally plausible claim that the moral status of persons calls for them to not only “be treated in certain ways, but also that *we owe it to a person in particular* not to treat him in that way.”<sup>44</sup>

Therefore, even in doing ‘the right thing’, one can wrong another. How so? By acting from the wrong kind of reasons, or as we might put it more fittingly in the present context, the wrong kind of motive. After all, I might do what I’m obligated to do, but might

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<sup>40</sup> For a similar understanding of moral injury that does not primarily consist in bodily pain or harm, see, for example, Axel Honneth’s work on recognition and morality, e.g. Honneth (2005), and Arthur Ripstein’s work on private wrongs, Ripstein (2016). We might also redescribe this in terms of a distinctly ‘recognitional wronging’, given that it is constituted mainly by a failure to recognize the other as a ‘self-originating source of valid claims’.

<sup>41</sup> Foot (2002), 168. See also Aaron James (2012) on “the moral asshole” and the “deep moral wrong” such a person inflicts on another by failing to recognize the other’s status as a ‘self-originating source of valid claims’ who is owed certain treatment in light of this status.

<sup>42</sup> For an explicit endorsement of the thesis that we can be wronged by a bad attitude, see also Owens (2012), 63.

<sup>43</sup> Thompson (2004), 346.

<sup>44</sup> Kamm (2007), 464.

conceive of my obligation as a non-directed obligation that I have to no one in particular and not as one that I have specifically *to*, and *because of*, another. As a result, I could simply show up at Jane's bedside because I thought it was my 'duty' to do so, or because my brother told me that I have to go, and not because of Jane. Similarly, I could refrain from stepping on your foot, and thus avoid causing you any harm, but do so simply because I lost interest in doing so, or because I only care about fulfilling my moral duty for duty's sake. As a result, I would in one case be a bad friend, failing to exhibit the kind of particularizing love or concern characteristic of friendship, while in the other I would be a disaffected moral fellow who cares only about doing whatever is most conducive to one's own interest without being sensitive to the valid moral claims of another.<sup>45</sup>

Let's consider these scenarios in a bit more detail to buttress the claim that the nature of one's wrongdoing inflicted upon another depends in particular on the attitudes that one adopts towards the other. Consider, for example, the following conversation between Jane and myself after Jane has grown suspicious about my reason for coming: "What does it matter to you, Jane, whether I just came to visit you in the hospital out of a sense of duty or out of concern for *you*? I came after all, so I don't understand your questioning of my motive! I'm here now. Isn't that what matters?" to which Jane replies the following: "Listen, I know you are here and I'm very grateful. But it does matter a great deal to me why you're here! I hope you are really here because of our friendship! I mean, who am I to you? I don't want you to be here if you only feel like you have to!" What Jane is pointing out here to me is that it matters a great deal to her how and why I came to show up at her hospital bed and what it tells Jane about my attitude towards her. One might say that Jane rightly believes not only that I owe it *to* her to show up, but that I do so out of concern for her standing as my friend and hence *because of her*. Alternatively, we might say, what matters to Jane is whether or not I have acted for the right kind of reason.<sup>46</sup> Accordingly, Jane would rightly feel disappointed, hurt or let down by me if I just came to see her reluctantly after my brother urged me to go. It is reasonable to suppose that Jane would not only blame or resent me in light of my failure to show up, but, more importantly, especially in light of my

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<sup>45</sup> For a related criticism of moral fetishism, see Michael Smith's interesting discussion of *de re* and *de dicto* desires in *The Moral Problem* (1994).

<sup>46</sup> This, of course, is a version of Michael Stocker's case of the 'moral schizophrenic' who acts merely out of concern for his or her duty. Stocker (1976). And of course Stocker's case, we might say, is itself a version of Schiller's critique of Kant's rationalist picture of moral motivation as presented in his poem 'On Grace and Dignity'. Schiller, (1902).

failure to do so given *her* standing to expect this of me, a standing to which I should have been sensitive.

Similarly, imagine I'm about to step on your foot in order to place my luggage in the overhead locker. You, in seeing me eyeing your foot as a footstool, ask me repeatedly not to step on your foot. I don't, however, pay attention to your demand, not acknowledging it in any way, and proceed with my plan to step on your foot to more conveniently place my piece of luggage in the overhead locker. It is only upon seeing a sign declaring a harsh monetary penalty for any physical harm done to any fellow passenger that I sigh in frustration and give up on my plan to step on your foot, instead placing my luggage elsewhere further down the carriage. Now, I have clearly done the right thing, and hence what I was obligated to do; I did not step on your foot and thus did not cause you any harm. At the same time, however, you'd be justified in holding a grudge against and resent me, and in doing so respond to the attitudinal wrong that I have inflicted upon you by disregarding or being indifferent to your valid claim as the normative source of my obligation not to step on your foot. To you I have done the right thing for the wrong kind of reason. What I have failed to grasp is that I was under an obligation not to step on your foot, *because of* your valid claim against me. What I have failed to do, as we might say, is grant you and your claims a proper place in my deliberation about what I'm obligated to do in the situation, and as a result I have failed to recognize you.

Alternatively put, we might say that I have failed to act from the right kind of motive. And given that you are sensitive not only as to whether I do what I am obligated to do, but also to whether I do so because you have a valid claim against me, my motive matters. Do I refrain from stepping on your foot because you asked me to and I'm responsive to your claim, or simply because I want to avoid paying the penalty fine?<sup>47</sup> Let's suppose, to make matters even worse, that I explicitly rebuke you upon making the demand of me not to step on your foot, telling you to 'mind your own business'. This is a clear sign

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<sup>47</sup> For a somewhat related issue, see Grant Rozeboom's illuminating discussion about deserving *moral credit* and the way this discussion turns on the motives that we act from. Rozeboom begins his discussion with the following example: "For instance, my neighbor has asked me not to make much noise past 10 pm, since he has to leave early each morning for work. If I keep quiet past 10 pm then I do what is morally right. But it is a further question whether I deserve credit for doing what is right. If I keep quiet just because I happen to be interested in reading my favorite politics blog each night around 10 pm, then I do not deserve any credit." While there are certain differences between Rozeboom's discussion and mine in this chapter, it shares with Rozeboom the commitment to the idea that when we evaluate certain actions as morally appropriate or inappropriate we are not only concerned with 'doing the right thing', but also doing it for the right reasons or motives. Rozeboom (2017), 1. See also, Arpaly (2015).

that I am unwilling to recognize your moral status as a source of valid claims who is owed certain consideration and treatment. It consequently seems more than reasonable to assume that, even while you are clearly relieved that I did not step on your foot, you'd be justified in holding a grudge against me and in fact blaming me for my behavior, given my utterly explicit disregard for your claim-based demand. As a matter of fact, it wouldn't surprise anyone if you were to think to yourself 'what an inconsiderate asshole'. After all, I have just behaved like one.<sup>48</sup> This is meant to illustrate how even as fellow moral travelers who do not necessarily share any great personal history with each other, we do, similar to friends, care about how others relate to and are attuned to us.

### §2.3.1. Strawson on Reactive Attitudes

The previous discussion connects with, and its underlying intuition receives support from, P.F. Strawson's discussion on the moral significance of the reactive attitudes, which include, among others, blame, resentment, indignation, or gratitude. According to Strawson, it is a "central commonplace" – part and parcel of what it is to be a person – that we attach "very great importance...to the attitudes and intentions towards us of other human, and the great extent to which our personal feelings and reactions depend upon, or involve, our beliefs about these attitudes or intentions."<sup>49</sup> This great importance is manifested in the reactive attitudes that we inevitably exhibit as "participants" in personal relationships like friendship and less personal relationships like the relationship we share with others as neighbors or colleagues and which are first and foremost "reactions to the quality of the other's wills towards us, as manifested in their behavior: to their good or ill will or indifference or lack of concern."<sup>50</sup> Moreover, these reactive attitudes inevitably express a demand for interpersonal recognition and a corresponding conduct that manifests itself in the absence of said indifference or lack of concern.<sup>51</sup> To believe that as persons who together traverse the moral sphere we could give up on exhibiting these attitudes is "practically inconceivable," insofar as the "commitment to participation in

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<sup>48</sup> According to Aaron James, here I would be the paradigm example of the 'moral asshole', someone who suffers from self-conceit and who denies anyone else equal consideration. James (2012).

<sup>49</sup> Strawson (1962), 5.

<sup>50</sup> Ibid., 14.

<sup>51</sup> According to Strawson, the reactive attitudes "rest on, and reflect, an expectation of, and demand for, the manifestation of a certain degree of goodwill or regard on behalf of others individuals towards ourselves; or at least on the expectation of, and demand for, an absence of the manifestation of active ill will or indifferent disregard.

ordinary or interpersonal relationships is...too thoroughgoing” and “part of the general framework of human life.”<sup>52</sup>

It is primarily via these reactive attitudes that we hold others morally responsible. Hence, when I step on your foot, you hold me accountable by resenting me, thereby reacting to my attitude of disregard that I have displayed towards you. Accordingly, Strawson argues that whether someone steps on another person’s foot “with contemptuous disregard of my existence or a malevolent wish to injure me” or merely “accidentally” and with the intention of helping another makes a moral difference. Whereas one might blame and resent another in light of the other person’s malicious intentions, one might not do so when the other was trying to help, even though both actions resulted in a painful experience. Similarly, Strawson suggests, we respond with gratitude to the action of another only if we fully believe that the other person’s intention was to help us, and not whenever the other person simply thought she had to do what benefitted us or actually regretted providing it to us.

Combining all of this with Rawls’s idea that we are essentially “self-originating sources of valid claims,” Strawson’s considerations can be read as supporting the thought that as persons we fundamentally care about whether others are sensitive to the interests, needs and desires that manifest themselves in the various claims and demands we might have against them, and that any injury or wronging that we can incur as a result of this primarily manifests itself in another’s failure to recognize and acknowledge these various claims and demands.<sup>53</sup> What a reactive attitude, like resentment, primarily expresses is hence a grievance that someone has in virtue of the disregard that another person has shown towards one’s valid claims or demands.<sup>54</sup> The guiding thought is that it is because of my disregard for your claim against me – that I not step on your foot – that you resent me for my action in case I step on your foot. So understood, resentment and other reactive attitudes are the correlates to the relevant demands that we have as sources of valid claims and express “how much we actually mind, how much it matters to us, whether the action of other people – and particularly of some other people – reflect attitudes towards us of

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<sup>52</sup> Ibid., 13.

<sup>53</sup> See also Wallace’s elaborate discussion of the reactive attitudes and their connection to the valid claims of individuals. Wallace (2014).

<sup>54</sup> Ibid., 130.

goodwill, affection, of esteem on the one hand or contempt, indifference, or malevolence on the other.”<sup>55</sup>

#### §2.4. Doing, Harming and Wronging by Attitude

The previous discussion highlights, moreover, that those who are wronged by our actions need not necessarily be harmed by them. The same holds true for the converse. I might fail to do what I was obligated to do by stepping on your foot unbidden and hence do something wrong, but do so only after having been pushed by a fellow passenger. In such a case, I certainly cause you harm, but you wouldn't blame me for my action upon realizing that, in fact, I had no *intention* to step on your foot. As such, I might tell you upon stepping on your foot, ‘Oh, I'm very sorry for this, someone pushed me from the back and I lost my balance. Once again, I'm really sorry. I hope I didn't cause you too much pain.’<sup>56</sup> Hence, wronging another must be distinguished from harming another. One can certainly be done without the other.<sup>57</sup>

Moreover, it should by now be clear that wronging another does not necessarily entail *doing* something or *acting* towards another in the first place. It is necessary and sufficient for wronging another that one fails to exhibit the right kind of attitude towards the other, which ultimately expresses a failure to properly respect the other. This is important to stress. And, as already suggested, it is primarily for these attitudes, or the lack thereof, that others are entitled hold us accountable by blaming or resenting us, and not merely for the fact that we failed to do what we were obligated to do.<sup>58</sup> While some might think that this is quite a contentious claim I'm making here, I do think there to be some

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<sup>55</sup> Strawson (1962), 5.

<sup>56</sup> To put this in Strawson's terms, the fact that I had been pushed is a consideration that speaks against the manifestation of a wronging and exhibiting reactive attitudes like resentment towards me on your behalf. See Strawson (1962).

<sup>57</sup> See also, Kumar (2003), 104. In order to highlight the difference between harming and wronging another, Kumar invokes the case of a drunk driver, swerving along the street where you happen to take an evening walk. Luckily, nothing happens to you. Nevertheless, Kumar suggests, there is nothing suspect about claiming that you have been wronged by the drunk driver. Now, how to explain this? Kumar's answer: by virtue of your “legitimate expectations” that the drunk driver disregarded. Rowan Cruft presents us with another example of harmless wrongdoing: Suppose I own a barn that I do not care very much about. Now, you go ahead and paint graffiti on the barn, thereby violating an obligation to me. Although you have not harmed me in any physical sense, you have wronged me by failing to respect my claim to my own property. See Cruft (2013), 208.

<sup>58</sup> See Adams (1999) on the “moral horror” of certain deeds, like murder and torture: “Our primary feelings about such deeds as murder or torture are not about a violation of a rule or requirement, but about what is done to the victims.” Adams (1999), 105. In the present context, this can be read as suggesting that the moral horror of certain deeds evolves around the neglect and disregard one gives to individuals and their valid claims in doing these deeds.

plausibility attached to it. Consider, for example, the suicide-bomber whose intention was to kill as many innocent people as possible, fantasizing about it at home while preparing his bomb. Now, is it really implausible to hold that this person has wronged all these innocent people, even if the police track the person down and eventually catch him before he has a chance to proceed with his plan? I do not think it is, even though no one was harmed and the attitude was not reflective of the bomber's doings. For, what the alleged suicide-bomber did, nevertheless, was to entertain the plan of killing innocent people, thereby disregarding each of their valid claims not to be killed.

Now, it might be true that in court, as a matter of criminal law, this person will be charged not for holding these attitudes but for planning the bombing and his intention to carry it out. The punishment the alleged suicide-bomber receives in court will be for his intention to perform a certain action. But, I think it is plausible that when it comes to the moral assessment of the situation at hand, we could in fact charge the alleged suicide-bomber with the kind of attitudinal wrongdoing that is reflected in his disregard for the valid claims of the innocent people that stand to be killed by his action. The issue is, in some rough sense, not on the action-side-of-things. Instead, it is on the attitudes-side-of-things. We hold the alleged suicide-bomber morally accountable by exhibiting various reactive attitudes ourselves. Upon realizing what this person had intended to do and the risk he impose on each of us in our daily commutes, each of us can rightly resent this person, thereby holding him morally accountable. This, I take it, precisely is Strawson's point: our reactive attitudes are first and foremost responses to "the quality of will" of others, concerning "the good will or ill will or indifference of others towards us, as displayed in their attitudes and actions." All of this is to say then that what our moral sensibility and accountability assessments are primarily tracking in such instances is the attitudes and underlying motives that others exhibit towards us. As such, I do believe that we stand to be wronged simply by the attitudes of another person.

Wronging another is hence not simply determined by one's doings to another, but by the way one relates or fails to relate to another. More specifically, wronging another, does, contrary to a failure to comply with a non-directed obligation, not only amount to a failure to act towards another person in certain ways. On the contrary, wronging another amounts to a particularly attitudinal injury that manifests itself in the disregard of the valid claims of the other as a source of one's obligation. For, what one does in failing to do what

one owes *to* another is to disregard the claims of the other, and *eo ipso* the person behind the claim. Wronging another, we might say, is attitudinal in a way that cutting down a tree is not – what one does in wronging another is primarily a failure to relate to and respect the other as a source of valid claims, a failure one cannot commit with regards to the tree.<sup>59</sup> And this one can do even without acting towards another.

### §3 Bipolar Recognition Respect

Taken together, the previous arguments suggest that what matters to both Jane and you is whether or not I am motivated to act to each of you for the *right kind of reasons*, where these are to be understood in terms of the valid claims each of you has against me. That is to say, both of you want me to act for, what we might also call, *claim-based reasons*. Neither of you want me to merely register any non-directed obligation that I am under. For, while it certainly matters to each of you that I do ‘the right thing’, it also matters to both of you that you be recognized as the person whose claim-based demand is behind the obligation I am under. Rather than merely figuring like the tree protected by environmental laws as the *targets* of my respective obligation, each of you ought to figure, at the same time, as its very *source* in my deliberation. Another way to put this now is to say that it would itself be a wrongdoing to fail to recognize each of you as a “wrongable” being who has certain valid claims against me against the background of which each of you are owed corresponding directed obligations by me.

It follows that part of what we owe to our friends as well as to our moral fellows is that we recognize one another not only as the targets but also the sources of those obligations that owe to them, as the very reason for which we are under the relevant obligation. For, what Jane wants me to recognize and acknowledge is that I am under the relevant obligation to her, because she has a legitimate claim-based demand against me. Similarly, you want me to acknowledge *you* – the person right in front of me – as the source of my obligation and hence recognize you as the real maker of the relevant demand underlying my obligation. What both of you call for, hence, is recognition and acknowledgment of *your* valid claim. Alternatively put, what is called for in both cases is *bipolar recognition respect*, that is, respect for the other as ‘*you*’ and not merely as the target of a ‘*to*’, so to speak:

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<sup>59</sup> See also Cruft (2013). According to Cruft, it is a mark of violating a directed obligation that in doing so one *disrespects* the person to whom the directed obligation was owed.

**Bipolar Recognition Respect:** A respects B if and only if A identifies B not only as (i) the *target* of A’s obligation, but also recognizes B as (ii) the very *source* of the obligation that A owes to B.

- (i) For A to regard B as the *target* of A’s obligation to  $\phi$ , A ought to identify B as the person to whom A has the obligation to  $\phi$ .
- (ii) For A to recognize B as the *source* of A’s obligation to  $\phi$ , A ought to recognize B and her particular claim as *the reason for which* A ought to  $\phi$ .

While (i) states a minimal *normative* condition of respect – other things being equal, to respect another is to do the right thing to the other in a given situation – (ii) states a *motivational* condition of respect – to respect another is to be motivated to do the right thing for the right reasons, where the latter is understood in terms of the relevant claims and demands that one is in a position to make of another.<sup>60</sup> It is only in satisfying both conditions that one acts towards another from bipolar recognition respect and hence avoids wronging the other attitudinally.

### §3.1. Bipolar Recognition as *Ex Ante* Recognition

Importantly, bipolar recognition respect, as does respect more generally, calls for *ex ante* recognition of the other. By this, I mean the following: one has to recognize the other and his or her valid claims and demands as the normative source of one’s obligation that has yet to be undertaken, and not only as someone to whom one is accountable and whose complaints one must respond to after looking back to an obligation that has been violated.<sup>61</sup>

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<sup>60</sup> Note an important distinction here: being motivated in this sense often reflects the particularizing attitudes of what we may call ‘personal concern’, ‘care’ or ‘love’ that are characteristic of personal and intimate involvements like friendship – regard for the demands and expectations of the particular other. It is in according this set of particularizing attitudes towards our friends that we recognize and acknowledge them properly as our friends. Now, when it comes to our moral fellows, we certainly relate to them with a much ‘thinner’ set of attitudes. It might be misleading to cast these attitudes in terms of ‘love’ or ‘personal concern’. At the same time, however, the notion of bipolar recognition respect can be read as suggesting that certain aspects of ‘love’ and ‘personal concern’ that we have for our friends also figure centrally in the set of attitudes that underwrite those obligations that we owe to our moral fellows. While I won’t argue for this here, I have a certain sympathy for Kieran Setiya’s, and ultimately Iris Murdoch’s, proposal to give love “an essential role in the explanation of moral duty” and believe that the bipolar view developed in the course of the dissertation can ultimately make good on it. Setiya (2014), 251.

<sup>61</sup> See also Cornell (2015) on the difference between *ex ante* and *ex post* recognition of another. While I might not fully share Cornell’s more substantive views about the relation between rights and wrongs, I agree with Cornell on the characterization of respect as being fundamentally *ex ante*; the perspective of respect “considers how one should be guided in an action that has yet to be undertaken. Looking forward, respect for a person’s status may demand giving him or her special significance in one’s deliberation.” Cornell (2015), 139.

For, doing the latter would only amount to *ex post* recognition of the other. In other words, then, bipolar recognition respect calls for one to recognize another person and his or her valid claim as settling *the fact of obligation*.

This is important to stress. One might think that the relevant mode of recognition and associated set of attitudes that I have been trying to spell out as proper responses to the status of persons as “self-originating sources of valid claims” can only be exhibited in light of a breach of one’s obligation to another, and hence *ex post*. As such, one might think that it is primarily in apologizing to another, or in providing compensation to another, that one recognizes and acknowledges the other as a source of valid claims. The underlying thought here seems to be that the kind of recognition and attitudes we are after as constituting a proper response to the standing of a person as a source of valid claims, requires acts of visible or actual communication without which one could never be assured of being recognized and acknowledged as not only the target of another’s obligation, but at the same time as the obligation’s source.

And while, as suggested above, it is certainly true that one does recognize and acknowledge others in this way by apologizing to the victim of one’s doing, the kind of recognition respect that we seek as sources of valid claims cannot be limited to such *ex post* recognition. For this would have the somewhat peculiar consequence that we could be recognized as persons only in the wake of wrongdoing. I would first have to cut down the tree and step on your foot to realize that you, the person, differs from the tree, insofar as the former, but not the latter, is owed an apology. Alternatively put, we might say, that on the *ex post* view of recognition, we would first have to violate someone’s claim to find out that he or she possessed the relevant claim in the first place.

Accordingly, we would better understand any *ex post* recognition that is constituted by apology as reflecting the recognition of another’s *ex ante* claims. And this fits the intuitively plausible way to understand the notion of apology – as acknowledging that what one has done to another involved a violation of a valid *ex ante* claim the other person had against oneself.<sup>62</sup> Another way to put this is to say that bipolar recognition respect calls not only for certain *ex post* attitudes that are to be exhibited after the violation of some

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<sup>62</sup> As such, the *ex post* complaint underlying the demand for an apology ‘you should not have stepped on my foot’ should best be understood as presupposing the *ex ante* claim ‘you should not step on my foot, because...’. See also, Cornell (2015), 140.

obligation to another but most fundamentally for the adoption of certain *ex ante* attitudes that shape and structure one's initial deliberation about what it is that one owes to another. So understood, bipolar recognition respect calls for giving another person and his or her valid claims a proper place in one's deliberation going forward – in settling fact of obligations – and not only after looking back.<sup>63</sup>

Ultimately, we might put all of this is by saying that the bipolar recognition respect places a constraint on the kinds of reasons that can figure in our deliberation when faced with questions concerning what we owe to each other. Put more plainly, we can see how bipolar recognition respect generates a special kind of reason for action – what we might for now call a *claim-based reason*. All of this, moreover, hopefully indicates how the notion of bipolar recognition respect supports Feinberg's thesis that "to respect a person then, or to think of him as possessed of human dignity, simply *is* to think of him as a potential maker of claims." For, what one does in respecting another person on the developed view is to recognize and acknowledge him or her as a source of valid claims.

#### §4 Directed Obligations and Bipolar Recognition Respect

The previous discussion should help us see how directed obligations *to* another and bipolar recognition respect, that is, recognition respect or acknowledgement *of* another as a "self-originating source of valid claims" are directly linked. In acting from a directed obligation, one recognizes and acknowledges the other as the normative source of, or the very reason for which one is under, the relevant obligation. What underlies directed obligations are the valid claims of the particular individuals to whom these obligations are owed. In failing to comply with these directed obligations, one does hence not merely fail to do what the relevant obligation requires, but, moreover, one disregards the other person as a source of valid claims. Another way to put all of this is to say that in acknowledging that one is under a directed obligation to another person, one recognizes and acknowledges the other person as a source of valid claims. The obligation hence "characterizes what it means to respect you."<sup>64</sup> Once again, so much seems to follow from Hohfeld's insight that directed obligations correlate with the claims of others. Conversely put, then, to respect another as a source of valid claims, one must do what one is said to owe another not only *to*, but more importantly, *because of*, the other.

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<sup>63</sup> Cornell (2015), 139.

<sup>64</sup> *Ibid.*, 138.

Given this link, I take it we are now in a position to grasp why it is important to properly capture and account for directed or bipolar obligations as a *sui generis* phenomena and why any theory that fails to capture directed obligations cannot present us with any plausible theory of ‘what we owe to each other’ as persons, that is, as sources of valid claims. We can now grasp what is lost in a place like Nowheresville, a place that is void of any directed or bipolar obligations. What is lost in Nowheresville, is our ability to distinguish those obligations that we have to trees and paintings from those we have to other individuals in particular. And with the loss of this distinction comes as loss of recognizing and respecting others for what they are, either as friends or our moral fellows – sources of valid claims and not only the targets or occasions for non-directed moral obligations that we have with regard to them. That is, what is lost in Nowheresville is our ability to recognize and acknowledge others as “wrongable” beings and hence to be attuned to them in certain ways.

As I have argued in this chapter, this is not just any loss, but one that opens all of us up to the kind of “evil” of disregard and neglect that we are inherently vulnerable to as human beings. This loss undermines our ability to live as a person in the full-fledged sense of it and “to stand up like men, to look others in the eye, and to feel in some fundamental way the equal of anyone.”<sup>65</sup> We are not, after all, and never hope to become Nowheresvillians, simply living by whatever law is imposed on us and going by what the ‘moral referee’ decides for us. Quite to the contrary, we speak for ourselves, seek to be recognized as such and consequently engage in the practices of claiming, owing, holding accountable, and asking for apologies. It is precisely this fact that makes Nowheresville not only an utterly unappealing place to live in, but a morally destitute, and even hostile, one. For, all of the things just mentioned – looking others in the eye, feeling the equal of anyone, having a sense of having claims and being owed certain things, being able to hold others accountable and in turn asking for an apology or some other sort of compensation – are deeply ingrained in our personhood and our standing as sources of claims. And while this is not to say that Nowheresville is a place that prevents us from respecting others at all, the kind of respect that we can exhibit for others in Nowheresville is merely one that we have for others as the occasions or targets of non-directed obligations.

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<sup>65</sup> Feinberg (1970), 8.

To account for directed or bipolar obligations as *sui generis* obligations is important, then, in order to not only capture the value and dignity of human life, but also to adequately describe the interpersonal moral landscape and practices that we are committed to as persons and participants of the domain of ‘what we owe to each other’ – a domain in which it not only matters that we do what we are obligated to do, but that we do so out of respect and recognition for those with whom together we traverse the moral universe.

Acting from directed obligations and thereby recognizing others in precisely these ways – as beings who are owed certain treatment in virtue of the fact that they stand to be wronged and are prone to exhibit various reactive attitudes – is to properly respond to and acknowledge each other as a person, that is, a source of valid claims.

### §5 Conclusion

This chapter has sought to describe and motivate the central importance of directed obligations as part of our everyday moral life. In particular, it has sought to illustrate how acting from directed obligations makes available a particular kind of recognition respect, a recognition respect which, as I have suggested, we owe to each other as sources of valid claims – *bipolar recognition respect*. This, in turn, provides a condition of adequacy for any plausible theory of interpersonal morality. A theory of ‘what we owe to each other’ is adequate only if it can properly account for the directedness of certain moral obligations and their intimate connection to bipolar recognition respect.

## II.

### What We Owe to Each Other, Directionality, and the Problem of *Normativism*

“...the obligation to keep a promise can be explained in terms of general principles arising from the interests that others have in being able to rely on expectations about what we are going to do.” (Scanlon 1998).

#### Introduction

The present chapter aims to present and critically assess T.M. Scanlon’s moral contractualism as a candidate theory of interpersonal morality. Any adequate theory of interpersonal morality must properly capture directed obligations and the closely associated notion of bipolar recognition respect, given that they make for an important part of what we owe to each other. I argue that Scanlon’s theory ultimately fails to capture the directedness of certain moral obligations and the associated notion of bipolar recognition respect, thereby failing to offer us an adequate theory of interpersonal morality. The reason for this failure, I will argue, stems from Scanlon’s contention that we owe it to each other to act in accordance with *general moral principles* that others cannot reasonably reject.

This kind of *normativism* – the thought that our spheres of conduct are exclusively governed by general moral principles – however, presents Scanlon’s contractualist account with an immediate challenge: how can we explain that one does not only have a non-directed obligation to keep one’s promise, but a directed obligation *to* another to keep one’s promise? The challenge for a normativist account like Scanlon’s is to explain the thesis of correlativity, or the thought that the obligation to keep one’s promise is constitutively linked with the valid claim of the person to whom the promise is owed and in virtue of which this person stands to be wronged.

I shall argue that Scanlon’s contractualist account is unable to meet this challenge as it leaves no room for genuine correlativity between someone’s obligation and another’s valid claim. On the contrary, any failure to do what we owe to each other, including to keep our promises, amounts to a wrong *simpliciter* on Scanlon’s contractualism. As a result, Scanlon’s contractualist theory fails to offer us with an adequate account of directed obligation and thus of ‘what we owe to each other’.

The thrust of the objection to Scanlon turns on the claim that on his account we never possess the standing as sources of valid claims who are in a position to demand certain treatment of others against the background of which we can be wronged. Instead, we merely possess *normative standing* as the “occasions” or targets of obligations that others have with regard to us and in virtue of which they can do something wrong *simpliciter* on Scanlon’s contractualist account of interpersonal morality.

## §1 Scanlon’s Moral Contractualism

Scanlon’s contractualism offers us with a theory of the narrow domain of morality, having to do with ‘what we owe to each other’. Put very roughly, this domain includes all of those obligations that we have *to other people*.<sup>66</sup> At the heart of Scanlon’s contractualist theory stands the thought that the moral rightness of an action is determined by whether or not its underlying principles are justifiable to others. As Scanlon puts it, “[t]hinking about right and wrong is at the most basic level, thinking about what could be justified to others on grounds that they, if appropriately motivated, could not reasonably reject.”<sup>67</sup>

Concern for the justifiability of the principles underlying our actions derives from concern for the particular moral status of persons as self-governing creatures. It is this concern that “leads directly to the core of the morality of right and wrong” and places a constraint on the way we are to act and relate towards each other.<sup>68</sup> For, to properly recognize and respect another as a self-governing creature – a “locus of reasons” – who is able to evaluate the reasons and justifications of others and what their reasoning says about him or herself, and hence to properly value the other as a person, just is to treat another in accordance with principles that are justifiable to the other.<sup>69</sup>

“[R]especting the value of human life is in another way very different from respecting the value of objects and other creatures. Human beings are capable of assessing reasons and justifications, and proper respect for their distinctive value

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<sup>66</sup> “What I have presented is thus most plausibly seen as an account not of morality in [the] broad sense in which most people understand it, but rather of a narrower domain of morality having to do with our duties *to other people*, including such things as requirements to aid them, and prohibitions against harming, killing, coercion, and deception ... It is not clear that this domain has a name ... I have taken the phrase ‘what we owe to each other’ as the name for this part of morality and as the title of this book, which has this domain as its main topic.” Scanlon (1998), 6-7. My emphasis.

<sup>67</sup> *Ibid.*, 5.

<sup>68</sup> *Ibid.*, 106.

<sup>69</sup> *Ibid.*, 105-106. In fact, on Scanlon’s account “the idea of justifiability to others and the idea of their value cease to be distinct.” *Ibid.*, 171.

involves treating them only in ways that they could, by proper exercise of this capacity, recognize as justifiable.”<sup>70</sup>

### §1.1. The Alleged Bipolarity of Scanlon’s Contractualism

By virtue of his focus on the interpersonal domain and his language of “duties to” other people, many have taken Scanlon to be committed to providing us with a directed account of morality, according to which the underlying normativity of our moral obligations is fundamentally bipolar. That is, many take it as a given that Scanlon, insofar as he is concerned with what we owe to each other, is ultimately really concerned with what *each* individual owes *to* another individual. Aaron James is particularly explicit in ascribing this directed or bipolar view to Scanlon, holding that the domain of ‘what we owe to each other’:

“at once denotes two relations: a relation one person can bear to another one person, which the one can in principle bear in return, and a relation any one person can bear to all others. A fundamental goal on Scanlon’s theory is to make credible the intuitively attractive thought that the former relation is primary: the relation each bears to all is a relation any two can bear, pair-wise, to each other.”<sup>71</sup>

Scanlon himself comes closest to endorsing the bipolarity of the interpersonal moral sphere when he contends that “the idea of valuing human life and the idea of respecting one’s duties and other people’s [claim-] rights ought to be closely related, if not the very same thing” and introduces the idea that the contractualist ideal of acting in accord with principles that no one could reasonably reject characterizes a relation of mutual recognition that resembles friendship in one important respect: it is a relationship worth seeking for its own sake.<sup>72</sup>

That Scanlon’s theory aims to adequately capture directed or bipolar terms becomes clear when he contends that any adequate theory of promising must be able to spell out how promissory obligations are essentially obligations that we have *to another*

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<sup>70</sup> Scanlon (1998), 169.

<sup>71</sup> See James (2011), 283. See also, for example, Scheffler (2010) and Wallace (2013), who read Scanlon as offering us an account of moral obligations falling out of a ‘bipolar normative nexus’ and moral reasons belonging to structures of “reciprocal normativity,” and Wenar (2014), who takes Scanlon’s book title to be easily changable to ‘claim-rights’. See also Katz (2017) on the interpretive ambiguities regarding Scanlon’s theory.

<sup>72</sup> Scanlon (1998), 106 and 153. My interpolation.

*individual* in particular. In criticizing John Rawls's practice-based account of promissory obligations,<sup>73</sup> Scanlon holds that on such an account:

“...[t]he obligation to keep a promise would be derived from a general obligation owed to the members of the group who have contributed to and benefit from the practice ...But the obligation to keep a promise does not seem to have this character. Unlike an obligation to comply with a just institution that provides some of the public goods, the obligation to keep a promise is *owed to a specific individual* who may or may not have contributed to the practice of promising. In addition, the only expectations that are directly relevant are those created by the promisor and promisee at the time the promise is made. The behavior and expectations of third parties are only of ancillary importance...”<sup>74</sup>

Rawls's account, or so Scanlon's charge goes, fails to explain how a promissory obligation is inherently owed *to* the person to whom the promise was made – the promisee – and thus directed or bipolar. As part of his contractualist theory, Scanlon intends to offer us with a more compelling account of promissory obligation and one, moreover, that adequately captures the directedness of such obligations.

## §1.2. The Monopolarity of What We Owe to Each Other

Looking more closely at Scanlon's contractualist theory, however, it becomes clear that his view is far from the bipolar view that some of his interpreters take him to espouse. Quite to the contrary, on Scanlon's view each and every obligation that we owe to another, including promissory obligation, is ultimately derived from a *general moral principle* that is void of any Hohfeldian correlativity. In other words, Scanlon ultimately presents us with “monadic,” or monopolar, rather than a “bipolar,” or claim-based, view of interpersonal morality.<sup>75</sup>

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<sup>73</sup> Rawls (1999). On Rawls's account, which is built around the principle of fairness, the wrongness of breaking a promise consists in unfairly free-riding on those who do their part in maintaining the relevant social practice of promising. Promising, on Rawls's account, is a cooperative enterprise with each cooperating member having a claim on others to keep their promises. And while this, more often than not, includes the promisee, it does not grant the promisee any prominent or distinctive role. Ultimately, it looks as though in promising to do something to another person, one actually promises to do the relevant action to the entire community of fellow co-operators. For an elaborate discussion of Rawls's account and its shortcomings, see Darwall (2013b), 142.

<sup>74</sup> Scanlon (1998), 316. My emphasis.

<sup>75</sup> Thompson (2004), 338.

This becomes particularly clear once we take a closer look at Scanlon's master principle governing the sphere of 'what we owe to each other', an impartial moral principle that is conspicuously void of any bipolarity and correlativity:

**Contractualist Principle (CP):** "An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behaviour that no one could reasonably reject as a basis for informed, unforced, general agreement."<sup>76</sup>

CP presents us with an instance of a principle that functions like a monadic or monopolar rule or law and determines, as stated, whether or not any acts are wrong, or wrong *simpliciter* and not whether any acts constitute wrongings of other individuals in particular.

Now, it is under the umbrella of CP that we can devise and test specific principles governing different parts of the domain of 'what we owe to each other'. One such principle, for example, is the principle of established practices:

**Principle of Established Practices (PEP):** One is required to go along with established practices that promote important social goals in non-objectionable ways.<sup>77</sup>

PEP governs, among other things, our obligation to pay our taxes, not to pollute the environment, to recycle our trash and to vote. Note that none of these obligations are necessarily directed, yet all of them are obligations that we can reasonably be said to owe to each other. That is, these obligations are owed to no one in particular, yet they are owed to someone. Scanlon is explicit in emphasizing precisely this point when he holds that while it "would be wrong not to do these things, [...] it does not seem to me that other citizens [or distant strangers] have a *right* [or *claim*] that we do them, or that I wrong anyone in particular by failing to vote, or by using shaving cream with ozone-destroying chemicals in it."<sup>78</sup> Quite to the contrary, we incur certain obligations that we owe to each other simply

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<sup>76</sup> Scanlon (1998), 153.

<sup>77</sup> Ibid., 339 and Ibid., 405.

<sup>78</sup> Ibid., 405. My interpolations and emphasis. Joseph Raz (2011) makes a companion point when he suggests that there are certain duties that we owe to others that do not seem to correlate with another person's claim or claim-*right*. Raz cites the duties of gratitude, a duty to compensate someone who helped me out, as well as your duty to look after the health of one of your family members. None of these duties, Raz thinks, correlate

in virtue of being members of the moral community and subject to its governing laws.

Another such principle is Principle F (PF), a principle that determines one specific case of a wider class of obligations that have to do with the expectations that we lead others to form about what we intend to do – promises:<sup>79</sup>

**Principle F (PF):** If (1) *A* voluntarily and intentionally leads *B* to expect that *A* will do *X* (unless *B* consents to *A*'s not doing so); (2) *A* knows that *B* wants to be assured of this; (3) *A* acts with the aim of providing this assurance, and has good reason to believe that he or she has done so; (4) *B* knows that *A* has the intentions and beliefs just described; (5) *A* intends for *B* to know this, and knows that *B* does know it; (6) *B* knows that *A* has this knowledge and intent, then, in the absence of special justification, *A* must do *X* unless *B* consents to *X*'s not being done.

Both PEP and PF denote *general moral principles*, whose validity can be tested against the master principle CP. What is important to stress then is that even though PEP and PF govern different parts of the domain of ‘what we owe to each other’ – one governs obligations owed to no one in particular, the other a certain class of obligations owed to specific individuals – it follows that the wrongness of breaking our promises or failing to pay our taxes is grounded in the same consideration and ultimately involves “one specific characteristic, not an amalgam of heterogeneous faults,” namely to have acted on a general moral principle that others could reasonably reject. Hence, Scanlon holds:

“According to my version of contractualism, for example, we have reason not to be cruel to people, or to break our promises to them, because such actions would not be allowed by principles that they could not reasonably reject. Since it thus identifies a *common reason* to avoid these wrongs and a mode of thought through which this reason can be seen to apply to particular kinds of action, this view offers a unified account of the nature of right and wrong, understood as a particular sphere within morality as a whole.”<sup>80</sup>

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with a claim or claim-right of the person to whom they are owed, yet they certainly are owed to, or directed towards, these persons in particular.

<sup>79</sup> Scanlon (1998), 295.

<sup>80</sup> Scanlon (1992), 11-12. My interpolation and emphasis.

All of this suggests that, in spite of the seeming differences at the surface level, the obligation to keep one's promise and the obligation to pay one's taxes are structurally similar and are identical at the deeper normative level. For, what is normatively basic in both cases is a general moral principle. An important consequence of this is that whether particular individuals possess specific claims against others or are in a position to demand certain treatment of others does not, according to Scanlon, do any explanatory work in helping us understand why breaking a promise is wrong or why stepping on someone else's foot is something that we ought to refrain from doing.<sup>81</sup> Claims do not figure on Scanlon's account as input into our moral deliberation about what we owe to each other. Quite to the contrary, we deliberate about what we owe to each other solely on the basis of general moral principles, which are "principles of wrongness, not of wrongdoing."<sup>82</sup> In turn, this means that each and every instance of an obligation are simply general, and hence non-directed, moral requirements.

As a result, Scanlon contends, that any obligations that we have to a specific individual, like the obligation to keep one's promise, as well as those obligations that we owe to no one in particular, like the obligation to pay our taxes, make up for one *unified* domain within the broader sphere of morality:

I have taken the phrase "what we owe to each other" as the name for this part of morality and as the title of this book, which has this domain as its main topic. I believe that this part of morality comprises a distinct subject matter, *unified by a single manner of reasoning* and by a common motivational basis."<sup>83</sup>

To sum up then, Scanlon ultimately presents us with a monadic or non-directed account of interpersonal morality, according to which it matters that we do what is right or wrong "period" by acting in accordance with general moral principles that no one can

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<sup>81</sup> This bears similarities to the 'excess-baggage' objection to moral rights that Gewirth considers. Gewirth considers the following objection concerning the rights of animals by Frey (1983): behind the idea that animals possess certain rights stands the idea "that certain methods of farming that inflict intense suffering on animals are wrong because they violate animals' rights. What is directly pertinent in this argument is the connection between the infliction of such suffering and its wrongness, and the appeal to rights adds nothing." For, as Frey argues: "[t]o say that what is wrong with painful farming practices is that they violate moral rights merely introduces an additional and unnecessary item into the picture. Why make such a detour? Why insert such an item between painful practices and their wrongness? Moral rights are excess baggage here." Analogously, one can read Scanlon to suggest something similar; why add moral claim-rights between the wrongful actions and their reasonable rejectability? Gewirth (1986), 331.

<sup>82</sup> Wenar (2013), 385.

<sup>83</sup> Scanlon (1998), 7. My emphasis.

reasonably reject. In turn, this leaves us with an account of the nature of obligation on Scanlon's view that is, contrary to initial appearance, non-directed and void of any Hohfeldian correlativity.

## §2 Promissory Obligations on Scanlon's Account

Even though Scanlon presents us with a fundamentally non-directed or monadic view of interpersonal morality, he believes that his account fares better than conventionalist or practice-based accounts in capturing the directed character of promissory obligations. Conventionalist- or practice-based accounts of promising eventually locate the source of promissory obligations in the value of a certain social convention or practice, regardless of what a promisee might come to expect of a promisor. Consequently, these accounts understand the relevant obligation to keep one's promise to arise from a non-directed duty to uphold just and useful social practices. On the conventionalist or practice-based accounts, the wrong of breaking a promise amounts to a wrong *simpliciter*. Thus, when someone breaks a promise, they do wrong in light of the convention or practice of promising, but never wrong anyone in particular. For the wrongness of breaking the promise is simply explained in terms of the wrongness of violating the relevant practice or convention.<sup>84</sup> Accordingly, Scanlon critically remarks with regards to Rawls's own practice-based principle of fairness:

“...[t]he obligation to keep a promise would be derived from a general obligation owed to the members of the group who have contributed to and benefit from the practice ... But the obligation to keep a promise does not seem to have this character. Unlike an obligation to comply with a just institution that provides some of the public goods, the obligation to keep a promise is *owed to a specific individual* who may or may not have contributed to the practice of promising. In addition, the only expectations that are directly relevant are those created by the promisor and promisee at the time the promise is made. The behavior and expectations of third parties are only of ancillary importance...”<sup>85</sup>

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<sup>84</sup> Moreover, the conventionalist- or practice based accounts of promising have a hard time accounting for the obligatory nature of promising where the relevant convention or practice does not or does no longer exist, or where a given promisor and promisee are somehow excluded from it.

<sup>85</sup> Scanlon (1998), 316. My emphasis.

Scanlon points out that any successful account of promissory obligation needs to tell a story as to how one's obligation to keep a promise is always already an obligation that one has specifically *to a promisee*. Insofar as it puts every participant of the social practice of promising in the position of the person to whom the promise was made, Rawls's practice-based account, like Hume's, only accommodates a non-directed or monopolar duty to keep one's promise.<sup>86</sup> In doing so, Rawls's account fails to explain how a promissory obligation is inherently owed *to* the person to whom the promise was made – the promisee – and thus directed or bipolar.

Contrary to these conventionalist- or practice-based account, Scanlon takes his account to fare better in this respect as he takes Principle F to be able to single out another as the promisee who stands to be wronged.<sup>87</sup> For our purposes, the specifics of Principle F do not matter very much here and it is beyond the scope of the thesis to discuss them in greater detail.<sup>88</sup> All that matters for our purposes is to note that Scanlon understands his Principle F to be a principle that can, unlike conventionalist or practice-based accounts of promising, explain how certain obligations are owed *to* particular individuals and hence explain how one does not only do something wrong period in breaking a promise, but in fact one *wrongs* another.<sup>89</sup>

But if Principle F is, as just suggested, just that – an instance of a general moral principle – it is difficult to make sense of Scanlon's conviction that PF can adequately capture the directedness of promissory obligations. After all, and as we just saw, any obligations deriving from PF are, like other obligations deriving from other contractualist principles like PEP, ultimately non-directed. Ultimately, PF is, like other contractualist principles, a principle of wrong action, or *wrongness simpliciter*, rather than of wronging another person in particular.

How then, can we make sense of Scanlon's assertion that PF is better equipped than Rawls's practice-based account to adequately capture the directedness of promissory

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<sup>86</sup> Thompson (2004), 339.

<sup>87</sup> Scanlon is explicit that "Principle F is not just the social institution of promising under another name. To begin with, the principle is not itself a social institution – its validity does not depend on its being generally recognized or adhered to." Scanlon (1998), 306.

<sup>88</sup> For a detailed discussion and critical evaluation of Scanlon's account of promising, see Wallace and Kolodny (2003) and Owens (2012).

<sup>89</sup> Scanlon is explicit that "Principle F is not just the social institution of promising under another name. To begin with, the principle is not itself a social institution – its validity does not depend on its being generally recognized or adhered to." Scanlon (1998), 306.

obligations? How can PF help us to make sense of Scanlon's proclamation that "[t]he obligation to keep a promise...is *owed to the person to whom the promise was made*, and not to others who may benefit from its performance?"<sup>90</sup>

When we think of promises, we take it to be the case that the promisee has special standing towards the promisor. That is, when John promises something to Gene, for example, only Gene has the standing to demand of John that he does what he promised, or to demand an apology in case John breaks his promise without adequate excuse, not Peter or Stan. What explains Gene's special standing is the thought that she has a valid claim against John. In turn, this helps to explain how John's obligation to keep his promise is directed and *owed to Gene*.

On Scanlon's account, however, Gene's claim, and hence her special standing, do not bear any fundamental normative importance. This casts considerable doubt on Scanlon's assertion that his account is better suited to explain the directedness of promissory obligations than Rawls's practice based account. But Scanlon is adamant that his contractualist account can very well capture the directedness of promissory obligations.

Scanlon's contractualist account must therefore square 1) the fact that on the one hand the domain of 'what we owe to each other' is governed by general moral principles and 2) that a certain part of this domain explicitly intends to capture directed obligations that we owe *to* specific individuals who stand to be wronged by our actions.

## §2.1. Privileged Interest and the Specifics of Principle F

Scanlon believes that we can resolve this tension once we realize that focusing on claims or rights is not the only way to make sense of the fact that an obligation is owed to another person in particular.<sup>91</sup> While at first glance, it "might seem that rights [or claims] have a crucial role in explaining the difference between those duties and obligations that are *owed to* specific individuals, and those that are not," there are actually "various ways in

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<sup>90</sup> Scanlon (2013), 404.

<sup>91</sup> In response to Wenar (2013) who asks where the (claim-) rights are on Scanlon's account, Scanlon (2013) casts doubt on the significance of answering this questions as part of his overall moral theory: "I did not address this question in *What We Owe to Each Other* because it did not occur to me, and it still does not seem to me to be a question that is important to answer." Scanlon (2013), 403.

which an obligation can be owed to a specific person.” Scanlon contends that “a contractualist theory can explain them quite adequately.”<sup>92</sup>

Scanlon argues that when it comes to promissory obligations we can come to understand how the relevant obligations are owed to a specific person by focusing on the interest that the person has in relying on the assurances given by others, and hence in adhering to PF, and the resulting power or control he or she has to release the promisor from his promise altogether or to blame the promisor in case he fails to act on his promise.<sup>93</sup> Regarding the latter, we should also note the built-in consent clause in PF under (1): If A voluntarily and intentionally leads B to expect that A will do X (unless B *consents* to A's not doing so). Scanlon believes that on his contractualist account, then, promisees can be singled out as the person to whom the relevant obligation is owed...

“...[1] by the central role that *their interest* [the promisee's] in assurance has in justifying principles of fidelity and [2] by the way in which those principles must make promissory obligations sensitive to *their wills* [the promisee's]. I do not see what more than this is needed, by way of explaining the “directedness” of the promissory obligation.”<sup>94</sup>

What we might now call the *promisee's interest condition* (PIC) and the *promisee's will condition* (PWC) purportedly enables Scanlon to improve on practice-based accounts by singling out individuals to whom promises are owed, without thereby having to appeal to any claims of particular individuals and the kind of bipolar normativity underlying them.

According to Scanlon, both PIC and PWC explain how John is obligated *to* Gene, and not Peter and Stan, although both of them might benefit from John keeping his promise to Gene. Therefore, Scanlon contends that his contractualist theory can properly explain how the promise has a particularly strong, or even exclusive, practical grip on the promisor without having to appeal to any purported claim-right that the promisee might

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<sup>92</sup> Scanlon (2013), 404.

<sup>93</sup> Similarly, Joseph Raz (1986) defends an interest-based view of rights according to which ‘X has a right against Y to  $\varphi$  just in case X is the bearer of an independently specified interest that itself is sufficient grounds for Y to have a duty to  $\varphi$ ’, Scanlon believes that one can come to possess certain normative powers as a promisee, such as the power to waive the promisor's obligation to keep his promise, just in case one has sufficient interest in the assurance that another person will keep his promise as specified by PF.

<sup>94</sup> Scanlon (2013), 404. My interpolations.

possess. Whether or not that person has any claims or rights is irrelevant.<sup>95</sup> That is, we can figure out what we owe to each other, including that we keep our promise, without going the extra right- or claim-mile, so to speak:

“I believe in [claim-] rights in the sense that the structure of our moral situation frequently has the form described by complexes of Hohfeldian atoms: we do have liberty rights, powers, and claims on each other of the sort that Hohfeld identified. But I don’t think that we need to appeal to the idea of a [claim-] right to explain why our moral situation has this form, and don’t think it matters very much exactly which parts of this structure we denominate as rights.”<sup>96</sup>

### §3 Promissory Obligations as Non-Directed Obligations

#### §3.1. Gilbert’s Worries

Among prominent critics of Scanlon’s account of promissory obligation is Margaret Gilbert, who argues that appeal to a condition like PWC does no further work to explain how and why it is up to Gene, and not Peter and Stan, to ask for compensation or an apology in case John does not keep his promise to her without adequate excuse.<sup>97</sup> Gilbert’s reasoning for her criticism of Scanlon’s account is as follows: all that PWC states is that Gene is in a position to release John from his promise. But given that Gene never released him, John has, in breaking his promise, failed to act first and foremost in accordance with a general moral principle (PF) on Scanlon’s account, a principle that falls out of the umbrella of contractualist principles insofar as it is one that no one could reasonably reject and that holds independently of any claim-right Gene might have against John.<sup>98</sup>

All of this leads Gilbert to the following puzzle regarding Scanlon’s account of promising: if the wrong committed by John in breaking his promise is one that we first and foremost explain in terms of failing to act in accordance with a general moral principle

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<sup>95</sup> See fn.91.

<sup>96</sup> Scanlon (2013), 403–404. My interpolation.

<sup>97</sup> Gilbert (2004, 2013).

<sup>98</sup> Another way to put this is to say that PWC is only a condition that specifies under what circumstances the relevant principle PF does or does not apply, while doing no work at all in generating John’s obligation to keep his promise *to Gene* in the first place. That is to say, PWC is importantly *ex post* and can at best explain who and how one can change what we owe to each other. It can never explain who and how one can determine *ex ante* what we owe to each other in the first place. On this point, see also Weinar (2013) who ascribes to Scanlon’s view an inability to account for what he calls ‘authority-rights’ (active) which must be distinguished from so called ‘constraint-rights’ (passive).

(PF), then it is plausible to either think that 1) Peter and Stan are as much in a position to hold John to account and ask for an apology as Gene is, or 2) that neither of them, including Gene, is in any position to hold John to account. For, clearly, it cannot be Gene who is in a privileged position to rebuke John for failing to act in accordance with a general moral principle. After all, what gives her that standing? Gene is just one among many of the manifold of moral agents to whom the relevant principle applies and has hence no privileged authority over it. It would be an instance of self-conceit or moral arrogance were Gene to think that she *in particular* had the standing to hold John to account for a violation of a moral obligation that she otherwise had no particular stake in. On either 1) or 2), then, it is difficult to see how Gene has any privileged standing to hold him accountable in case John fails to keep his promise without adequate excuse.<sup>99</sup>

To further substantiate her critical assessment of Scanlon's Principle F and PWC in particular, Gilbert takes a closer look at the apparently special standing that the promisee has to consent as part of Scanlon's PWC. Gilbert considers a case according to which John's promise to Gene is conditional on Stan's consent or power to release John of his promissory obligation in order to illustrate how even focusing on the power to release someone from his or her promise or consent to his or her doing something is insufficient to account for the thought that a promisee is in a privileged position to complain, blame or ask for an apology if the promisor fails to act on his promise without adequate excuse. Suppose John promises Gene that he will stay with Stan unless Stan consents to John's leaving. As it stands, John's promise to Gene is conditional on Stan's consent. But from this doesn't follow that the obligation is owed to Stan, or that Stan has a privileged standing to complain, hold John to account, or ask for an apology in case John does not keep his promise. That is, we would not say that Stan has special standing to rebuke John in case of nonperformance, simply because he had the standing to release him from his promise. John's promissory obligation is, after all, still owed to Gene.<sup>100</sup>

### **§3.2. Personal Interests and the Strongest Complaint**

Given that Gilbert's criticism targets in particular PWC, could Scanlon not simply appeal to PIC and the interest of the promisee in order to show how his account can successfully accommodate promissory obligations as inherently directed? Now, to be clear, mere appeal to someone's interest in being assured of another's promise does not suffice

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<sup>99</sup> Gilbert (2013), 282-283.

<sup>100</sup> *Ibid.*, 284-286.

to establish a person's special standing. After all, any third party might have an interest in the assurance of one's promise. That is, Stan and Peter might also have an interest in John keeping his promise to Gene, insofar as they would benefit from it. But the interest that Scanlon is appealing to differs from this beneficiary interest by being somehow privileged. It is Gene's *personal interest* that is at stake. Accordingly, we might say that Gene has a personal interest in John keeping his promise that Stan and Peter do not have. But what exactly is this interest of Gene and what gives it privileged standing? Here, Scanlon appeals to the thought that Gene's personal interest in John keeping his promise is grounded in the notion that Gene, and not Peter or Stan, has the *strongest complaint* against John's violation of any principle permitting him to break his promise. After all, it is Gene to whom John made the promise.<sup>101</sup> Scanlon's thought seems to be something like the following: promisees in particular have an interest in being assured of the intention of another to do what the other promised, an interest that is not shared by any third party. Gene stands as the promisee to John. Hence, it is Gene in particular who has a reason to object to John's violation of PF, a reason that is not shared with Stan or Peter. For, while both of them might stand as the beneficiaries of a promise that John has made to Gene, it is Gene who as the promisee has a particular interest in being assured of John's intention to do what he promised to her. And it is precisely this fact that gives Gene the strongest complaint and thus correctly picks her out as the person to whom John is obligated in the first place.

This strategy of appealing to the strongest complaint as correctly picking out the person to whom a respective obligation was owed can be applied to a variety of cases. Accordingly, the reason why I wrong you by stepping on your foot can simply be explained by the fact that it is *you*, and not any bystander, that has the strongest complaint to any principles that allow me to step on your foot without adequate excuse. The same can reasonably be said about my obligation to Jane to visit her in the hospital; it is Jane in particular who can protest my failure to act on a principle that allows me to not visit her at the hospital without adequate justification, or so. Thus, in appealing to one's personal interest and the strongest complaint, Scanlon seems to have provided us with an adequate explanation of the directedness of a certain class of moral obligations without thereby

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<sup>101</sup> Parfit (1991) has called this the "Complaint Model." According to the Complaint Model, "a person's complaint against a principle must have to do with its effects on him or her, and someone can reasonably reject a principle if there is some alternative to which no other person has a complaint that is as strong." See Scanlon (1998), 229. In *On What Matters*, Parfit speaks of the "Individualist Restriction" being characteristic of Scanlon's contractualism according to which "the justifiability of a moral principle depends only on *individuals'* reasons for objecting to that principle alternatives to it." Parfit (2011), 194. See also Kumar (2003) and Wenar (2013).

having to invoke any claims or rights on behalf of the person to whom these obligations are owed in the first place.

Let me here elaborate on why I take this move by Scanlon to also be ultimately unsuccessful. There are two main reasons for it. To begin with, we can contest the thought that the person to whom an obligation is owed is also always necessarily the one who has the strongest complaint against its violation. After all, there are many cases, it seems to me, in which the person with the strongest complaint is not the person to whom the obligation was owed in the first place.

Let's think about the following case. John promises Gene to bring Stan some life-saving medicine he needs to take every day. As it stands, then, Gene is the promisee and Stan the beneficiary. Now, it seems to me that if John were to break his promise to Gene, Stan actually has the strongest complaint and not Gene. For, Stan's life is at stake, not Gene's. At the same time, John owed his promise to Gene, and not Stan. But how to explain this on Scanlon's account, given that the appeal to the strongest complaint is of no help in this case?

Consider another example, discussed at length by Leif Wenar, which similarly puts pressure on the thought that appealing to the strongest complaint picks out "the right rightholder."<sup>102</sup> According to Scanlon, journalists must have certain rights, protecting them not only from "the authority of the government but also of editors and publishers," if "the press' is to fulfill its function in society."<sup>103</sup> Wenar, in turn, questions Scanlon's justificatory strategy in locating "the right rightholder:"

"Let's notice the structure of justification here: journalists must be given certain protections *if the press is to fulfill its function in society*. If it is really the interests of society that are doing the justificatory work here, why should we not ascribe the rights in question to society? Why should we say that *journalists* have a right that journalists are protected – instead of saying that *society* has a right that journalists are protected? How can we defend locating the relevant right in the journalists?... So if society is the strongest complainant to any principle allowing interference with journalists, why don't we say that society has a right that journalists not be interfered with?"<sup>104</sup>

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<sup>102</sup> Wenar (2013), 393.

<sup>103</sup> Scanlon (2003), 158.

<sup>104</sup> Wenar (2013), 393.

What both of these cases show is that mere appeal to the strongest complaint, and hence PIC, does not necessarily succeed in correctly locating the person to whom certain obligations are owed. While the promissory obligation to bring the life-saving medicine to Stan was owed to Gene, and the obligation not to infringe certain journalistic rights is owed to the respective journalists, it is reasonable to suppose that in the former case Stan has the strongest complaint against John violating PF, and society has the strongest complaint against violating journalistic rights in the latter case.

Now to my second reason for objecting to Scanlon's strategy of appealing to the strongest complaint. This will further illustrate the monadic, or non-directed, nature of Scanlon's contractualism. When deliberating about whether or not to accept PF and keep his promise to Gene, John does not, on Scanlon's contractualist theory, take into account *Gene's* reasons for reasonably rejecting any principle that would permit him to break his promise, but only reasons of beings *like* Gene. After all, and this is important to stress, the relevant reasons in virtue of which a given principle can be reasonably rejected are on Scanlon's account *generic*.<sup>105</sup> Generic reasons are "reasons that we can see that people have in virtue of their situation, characterized in general terms, and such things as their aims and capabilities and the conditions in which they are placed."<sup>106</sup> Although Scanlon holds that these reasons are "personal", they never concern what any particular individual does or will have reason to object to a given principle, but only what individuals in general in such a situation could have reason to object to. That is, there are generic reasons that attach to the role of promisee and give the promisee the strongest reason to complain to any principles violating PF. Accordingly, Gene has reasons to object to John's violation of PF only insofar as she takes up the role of, and instantiates, a promisee. As Rahul Kumar puts it:

"Principles, in contractualism, roughly fix what a person, understood here as a *type*, is entitled to expect of another person, in certain *types of situation*, as a matter of respect for her status as a person...

...A 'type' of person is not, of course, a substantive individual, any more than a 'type' of situation is an actual situation. The types in question are simply normatively significant sets of characteristics, whose instantiations together may

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<sup>105</sup> This is important, Scanlon argues, because "an assessment of the rejectability of a principle must take into account the consequences of its acceptance in general, not merely in a particular case that we may be concerned with." Scanlon (1998), 204.

<sup>106</sup> *Ibid.*, 204.

be found in actual, substantial, individuals [like Jane], and in the actual situations in which individuals find themselves.”<sup>107</sup>

In turn, however, this suggests that when deliberating about keeping his promise or not, John does not appeal to any of *Gene’s* personal reasons, but to the personal reasons that anyone in her situation could have to reasonably reject any principle that would allow John to break his promise, including himself.<sup>108</sup> Gene, it turns out, is no more than a placeholder for the reasonable rejection of any principle violating PF that eventually has nothing to do with *her* personal reasons, but with the personal reasons of all potential promisees. In other words, insofar as the reason is one that all potential promisees have, it is one that no one in particular has. This, however, will make it difficult to accommodate the thought that in violating his promise to Gene, John wrongs Gene in particular.<sup>109</sup> After all, the relevant reason turns out to be, as we might now put it, non-directed or monadic.<sup>110</sup>

### §3.3. Morality as Self-Governance

The monadic nature of Scanlon’s view is further brought to the forefront once we realize that Scanlon characterizes the contractualist deliberation in decidedly idealized or hypothetical terms. According to Scanlon, in deliberating about whether to keep his promise to Gene, John does not take into consideration whether Gene will have reason to object to his violation of PF, but whether Gene *could* have reason to object to his violation of PF. Whether or not Gene has reason to reasonably object to John’s violation of PF, however, is of no importance. That is, the justification and acceptance of principles, like PF, is always only counterfactual. As a result, John should eventually himself be able to reasonably reject any principle allowing him to violate PF, if someone like Gene could also do it.<sup>111</sup> It is not the “activity of actual justification to others” that matters, but only whether

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<sup>107</sup> Kumar (2003), 111.

<sup>108</sup> Another way to put this is to say that Scanlon’s contractualist deliberator is token-insensitive, insofar as the only considerations that figure in his deliberation are type-relevant.

<sup>109</sup> Note also Parfit’s related critical remark that reliance on generic reasons ignores the “separateness of persons,” a core commitment of any directed account of moral obligation. After all, what we want to capture in cases of directed obligation is precisely that – one individual being obligated to another in particular, separately of others. Parfit (2011), 236.

<sup>110</sup> For a similar criticism of Scanlon’s Complaint Model, see Everson (2007), 29-31.

<sup>111</sup> Along similar lines, Matthias Haase (2014) argues that for Scanlon, the second person is “meta-ethically irrelevant...the principle of justice [or of promise-keeping] can be accepted by someone who actually denies that there is (and ever was) anyone but herself. She just has to take herself as an exemplar of a kind of which there could be other specimens. Accordingly, it would seem that even a solitary thinker could think thoughts of bipolar normativity: by considering herself in *hypothetical* relations to *possible* individuals like herself.” Haase (2014), 14.

certain general moral principle are “justifiable to them on ground that they *could* not reasonably reject.”<sup>112</sup>

Accordingly, Scanlon is explicit that the relevant moral judgment about which principles for the regulation of interpersonal affairs others could or could not reasonably reject is “a judgment that each must make for him- or herself.”<sup>113</sup> As such, it is no part of Scanlon’s project to locate the source of what we owe to each other in any genuinely intersubjective deliberative engagement with another, regardless of what the other might be in a position to claim or demand of one.<sup>114</sup> Quite to the contrary, the relevant contractualist deliberation is firmly first-personal, evolving around the relation between general moral principles and general moral reasons. As Aaron James poignantly puts it:

“[T]he basic moral problem, on this view, is one of self-governance – of how each is to govern his or her own conduct. How each is to govern or be governed by others is, by contrast, an artificial, remedial, or any case secondary issue.”<sup>115</sup>

What we ultimately owe to each other is, on Scanlon’s contractualism, a certain form of first-personal or “monological” deliberation. Alternatively, we might put this point by saying that on Scanlon’s view we ought to, from our respective first-personal standpoints, consider whether to accept or reject various sets of principles or laws for the general regulation of behavior. For, it is these principles that are normatively basic on Scanlon’s account and which determine what we owe to each other.<sup>116</sup>

The previous considerations render it mysterious how on Scanlon’s contractualist account we can have a directed obligation to keep one’s promise that is *owed to* the promisee. What we are left with on Scanlon’s contractualist theory of interpersonal morality is an account of promising that normatively grounds the relevant obligations in a general moral principle – PF – which, like other general moral principles, is a principle of wrong action, or wrongness *simpliciter*, rather than of wronging another person in

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<sup>112</sup> Scanlon (1998), 168-169.

<sup>113</sup> Ibid., ft.5, 393-394.

<sup>114</sup> See also Watson (2002), 231.

<sup>115</sup> James (2007), 107.

<sup>116</sup> On Scanlon’s account, it turns out that “whether a principle is justifiable to someone does not depend upon facts about the person, but merely on what reasons there are to accept or reject the principle.” As a consequence, “justifiability will be a monadic property of principles rather than a relation between principles and people.” Everson (2007), 29.

particular.<sup>117</sup> That is, PF, as a general moral principle, is *normatively basic*. Neither appeal to the will condition (PWC) nor to the interest condition (PIC) are successful in doing any further work picking out “the right rightholder.”

Consequently, any obligation that someone has to keep one’s promise to another is, on Scanlon’s contractualist account, non-directed. That breaking a promise to Gene is wrong is hence no different from the fact that failing to recycle is wrong – both actions violate *general moral principles* that others could not reasonably reject. What are seemingly directed obligations, like promissory obligations, turn out to be instances of general non-directed moral obligations.<sup>118</sup> But in saying that we simply do something wrong, or wrong period, when breaking a promise to another, we seem to miss an important aspect of the normative situation at hand. After all, it does not seem to be “phenomenologically accurate,” to here borrow Scanlon’s own phrase, to describe the situation at hand as one whereby someone has simply violated a general moral norm.

Why should we suppose that all we owe to each other is to govern ourselves in light of principles that are *justifiable* to others on the grounds of generic reasons that exist regardless of the interests, claims or desires of anyone in particular? The challenge for Scanlon’s view is to explain why mutual or transactional reason-giving and the resulting correlativity between claims and obligations that is taken to be so central to such cases like promises is somehow secondary to the kind of monadic self-governance that we expect people to maintain by themselves.<sup>119</sup> In maintaining that the latter has priority over the former, Scanlon threatens to leave his contractualism with an important gap, because on his theory we cannot properly explain the fact that we do sometimes wrong others, are accountable and owe an apology to them.

#### §4 Normative Standing and Bipolar Recognition Respect

As it turns out, then, Gene has no special standing as a promisee on Scanlon’s account. What determines John’s obligation to keep his promise is a general moral principle – PF. As a result of this, Gene’s standing is actually no different from the standing that Peter or Stan have. After all, John just has a general obligation to keep his promise to which

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<sup>117</sup> Wenar (2013), 385 and Darwall (2013b), 146.

<sup>118</sup> According to Gilbert, directed obligations like promissory obligations are, on Scanlon’s account, ultimately no more than functions of the general moral principle F. Gilbert (2013), 278.

<sup>119</sup> James (2007), 116-117.

Gene bears no more of a special relation than Stan or Peter. At best, then, Gene has what we might call ‘normative standing’, a standing that she has in virtue of the relevant moral principle PF and which resembles the standing of monadic legal subjects under the law:

**Normative Standing:** the standing one has under a set of universal norms and principles, as a result of which one stands as the *target* or “*occasion*” of a general non-directed moral obligation.

It is here that we can see what is missing from Scanlon’s account. So understood, John is under an obligation to keep his promise to Gene not because of Gene and any of her valid claims, but simply because it is his non-directed or monadic duty to keep his promises. Gene is simply put “inside the scope of the action description that is fitted into [the] monadic form” of the relevant contractualist moral principle.<sup>120</sup> As a result of all this Gene is never represented as the potential victim of his doing, but simply as the occasion of John’s moral fall.<sup>121</sup> It turns out that breaking his promise to Gene is formally no different from felling a tree or destroying a valuable piece of art. For, in conceiving of his obligation to Gene simply as a non-directed obligation, John regards Gene as he regards a natural artifact or a valuable piece of art – as an object with regard to which one has certain moral obligations, period. That is, John never recognizes Gene as the source of his obligation, thereby failing to recognize her as a “wrongable” being who can demand certain treatment of him and who, at the very least, is owed an apology for any of John’s misbehavior towards her. Hence, the worry is that John has failed to register Gene properly in his moral deliberation, a failure, moreover, that itself constitutes a particular kind of wronging of Gene.

To substantiate this contention, let’s think about the situation in which John has failed to keep his promise to Gene without adequate excuse. It seems perfectly reasonable to suppose that Gene is in a position to blame John for his shortcoming and demand an apology. Now, John would be missing something crucial were he just to admit to the world that he did something wrong *simpliciter* in violating a non-directed moral obligation that he had in virtue of PF and hence to no one in particular. For what Gene would expect is an apology directed at her and hence John’s acknowledgement of having wronged Gene in violating an obligation that was *owed to*, and incurred *because of*, her. Alternatively put, it is

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<sup>120</sup> Hence, as Thompson goes on to point out, John’s representation of Gene is not properly bipolar. John regards Gene only as “the occasion, not the victim” of his wrongdoing. See, Thompson (2006), 340.

<sup>121</sup> See also Zylberman (2017).

only in apologizing *to* Gene that John would recognize and acknowledge her as a “wrongable” being, and hence as a source of valid claims.

Scanlon, however, has not yet convincingly shown that John owes an apology to Gene, because all that John has done, on Scanlon’s account, is to have violated a non-directed obligation owed to no one in particular. Why, then, should John apologize to Gene in particular? After all, it appears that Gene does not bear any more of a special relationship to PF than do Peter or Stan.<sup>122</sup>

In merely acting from a general moral principle, then, John fails to exhibit bipolar recognition respect in regarding Gene merely as the target or “occasion” of his non-directed obligation. Recall, that according to bipolar recognition respect, one ought to recognize another not only as the target of one’s obligation, but at the same time as it’s very source. Bipolar recognition respect so understood was supposed to highlight how an important of interpersonal morality is attitudinal or recognitional by substantiating the thought that it does not only matter that we do the right thing, but that we do the right thing for the right kind of reasons, where the latter is understood in a distinctively relational or bipolar sense, such that it connects someone’s obligation with another person’s valid claim.

On Scanlon’s contractualist account, even though he might certainly do ‘the right thing’ – keep his promise to Gene – John does so for the wrong kind of reasons. John keeps his promise simply because of a general moral principle that no one could reasonably reject and in virtue of which he has a non-directed moral obligation to keep his promise. In other words, John is obligated to Gene independently of the fact that *Gene* stands as the promisee to his promise. And this is precisely the problem. Consequently, John regards Gene as he would any object that stands protected under a general moral law, thereby wronging Gene in misrecognizing her as merely “raw material” in virtue of which John can do wrong. Gene would rightly feel overlooked or disregarded if she found out that the only reason John kept his promise was that Stan had reminded him that he was under an obligation in virtue of a general moral principle that no one could reasonably reject. After

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<sup>122</sup> Gilbert (2013).

all, Gene takes John, in virtue of having made the promise *to* her, to be obligated to and *because of* her.<sup>123</sup>

The problem for Scanlon's contractualism is that it cannot make sense of this attitudinal aspect, for it does not ascribe any fundamental normative importance to the relevant claims that particular individuals might have who find themselves implicated in directed or bipolar scenarios like promissory exchanges. That is, Scanlon's contractualist account cannot make proper sense of the notion of wronging another by disregarding or overlooking her as a source of valid claims, thereby failing to properly accommodate at least part of the "central commonplace" of holding others accountable for the attitudes they do or fail to exhibit.

## 5§ Conclusion

This chapter has examined the prospect of Scanlon's moral contractualism properly accommodating the directed nature of certain obligations, like promissory obligations, and to thereby offer us with an adequate theory of 'what we owe to each other'. While Scanlon's theory initially sets out to adequately cover directed obligations, it ultimately fails to deliver. Given that on Scanlon's account all of our interpersonal moral obligations are ultimately grounded in general moral principles, we are presented with a view on which non-directed obligations are normatively basic and cover each and every instance of 'what we owe to each other'. As a result, we are presented with a self-governance conception of morality, according to which each of us simply possesses the normative standing as a target or "occasion" under the relevant principles. Hence, Scanlon ultimately fails to accommodate the directedness of certain moral obligations and its associated notion of bipolar recognition respect. This, in turn, puts pressure on the idea that Scanlon's theory offers us an adequate theory of the interpersonal domain of 'what we owe to each other', a domain in which it not only matters that we avoid doing wrong *simpliciter*, but, moreover, avoid wronging others in particular. For, if the elaborations of the previous chapter carry any argumentative weight, the question of how each is to govern or be governed by others is, after all, no "artificial, remedial, or any case secondary issue."<sup>124</sup> Quite to the contrary, this is the primary issue.

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<sup>123</sup> One might think that in going through the contractualist deliberation and thinking that he is obligated to Gene because no one could reasonably reject PF, John is, at the very least, thinking 'one thought too many', which prevents him from realizing that he is really only obligated *to Gene* to keep his promise.

<sup>124</sup> James (2007), 107.

### III.

## Bipolar Recognition Respect and Second-Personal Morality

*“Dignity is not just a set of requirements with respect to persons; it is also the authority persons have to require compliance with these requirements by holding one another accountable for doing so” (Darwall 2006).*

### Introduction

In the present chapter, I turn to Stephen Darwall’s influential second-personal proposal to account for the link between bipolar obligations *to* and recognition respect *of another* as a separate “self-originating source of valid claims” by grounding our moral obligations in the practical second-personal authority that we have over each other. In distinguishing between the representative authority that we possess as members of the moral community to demand certain treatment and the individual authority that we possess as particular individuals to demand certain treatment that is owed to each of us in particular, Darwall seeks to carve out a theory of ‘what we owe to each other’ that captures directed or bipolar obligations as *sui generis*. In doing so, Darwall appears to improve on Scanlon’s moral contractualism, according to which moral obligations that we owe to each other are ultimately derived from general moral principles. Whereas these general moral principles are normatively basic on Scanlon’s account, and hence prevent him from properly accommodating the directed nature of certain obligations that we owe to each other, it is one’s second-personal authority that is normatively basic on Darwall’s account. In offering us an account whereby this second-personal authority can be bifurcated and include one’s individual authority, Darwall’s second-personal account seems adequately equipped to properly capture the directed nature of certain obligations that we owe to each other.

While Darwall’s second-personal proposal is promising, it must eventually contend with the following objection: in tying bipolar obligations too closely to moral obligations period, and individual authority too closely to representative authority, Darwall’s second-personal proposal fails to account for the kind of recognition respect that we are said to owe to others as “self-originating sources of valid claims.” I will consider two possible replies on behalf of Darwall that I ultimately take to be unsuccessful. As a result, the present chapter seeks to demonstrate that Darwall’s second-personal theory fails to

adequately accommodate the directed or bipolar nature of interpersonal morality and thus leave us with an incomplete theory of ‘what we owe to each other’.

Let me here briefly recap what is at stake and identify the relevant desiderata that require accounting for: so far, we have established that any plausible theory of ‘what we owe to each other’ must be able to adequately capture and accommodate the directed nature of interpersonal morality, for it is only in doing so that we can capture the kind of recognition respect that we owe to other persons as sources of valid claims – *bipolar recognition respect*:

**Bipolar Recognition Respect:** A respects B only if A regards B not only as (i) the *target* of A’s obligation owed to B, but also as (ii) the very *source* of the obligation that A owes to B.

It is only in satisfying both conditions that one acts towards another from bipolar recognition respect and hence avoids wronging the other attitudinally or recognitionally. Importantly, bipolar recognition respect, like respect more generally, calls for *ex ante* recognition of the other, that is, recognition of the other and his or her valid claims and demands as the normative source of one’s obligation that has yet to be undertaken.<sup>125</sup>

We owe others bipolar recognition respect, insofar as they are “wrongable” beings who possess certain valid claims against us. To recognize others as sources of valid claims requires, in turn, that we act from directed or bipolar obligations that we owe *to* each of them. For it is in having a directed or bipolar obligation *to another* that one recognizes and acknowledges the other as a source of valid claims. That is, in acting on a bipolar obligation, one recognizes and acknowledges the other as the normative source of, or the very reason for which one is under, the relevant obligation. Put differently, to respect another as a person, a “self-originating source of valid claims,” one must do what one is said to owe another not only *to*, but *because of*, the other.

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<sup>125</sup> See also Cornell (2015) on the difference between *ex ante* and *ex post* recognition of the moral significance of another. I agree with Cornell on the characterization of respect as being fundamentally *ex ante*; the perspective of respect “considers how one should be guided in an action that has yet to be undertaken. Looking forward, respect for a person’s status may demand giving him or her special significance in one’s deliberation.” Cornell (2015), 139.

## §1 Darwall on Bipolar Obligation and Recognition Respect

Stephen Darwall's second-personal account stands out among recent attempts to account for the link between bipolar obligations and recognition respect for persons. On Darwall's account the *authorities* to which our moral consciousness appeals are simply you and I. More specifically, the relevant moral standpoint is on Darwall's view best described as "the perspective you and I take up when we make and acknowledge claims on one another's conduct and will."<sup>126</sup> This second-personal standpoint is distinct from both the first and third-personal standpoint. Whereas the first-personal standpoint comprises only how any given individual views the world subjectively through the lens of her beliefs, desires, commitments and projects, the third-personal point of view comprises a seemingly objective, because detached, perspective on the world – the "view from nowhere."<sup>127</sup> The second-person standpoint is distinct from these two standpoints in being distinctly interpersonal or intersubjective. For one, it involves an ascent from the first-personal point of view to that of a participant of a joint or intersubjective deliberative process by necessitating "an expansion of one's own private universe through openness and receptivity to the point of view of another." For another, it differs from any third-personal standpoint insofar as it precludes the "ascend to the position of detached spectator or observer."<sup>128</sup> Ultimately, the second-personal standpoint evolves around the relationship of mutual accountability that we share with each other as fellow moral beings. Accordingly, for me to be obligated to  $\phi$  means for you to be justified in holding me accountable by demanding that I do  $\phi$  and blame me in case I fail to  $\phi$  without adequate excuse. Moral reasons are on Darwall's account inherently *demand-regarding*.

Underlying this commitment to the demand-regardingness of our moral reasons is the claim that as human beings we cannot but demand certain conduct of each other and hold each other accountable via the so called reactive attitudes reflecting these demands. Darwall calls this *Dewey's point* – "Men who live together inevitably make demands on one another"<sup>129</sup> – and, similar to P.F. Strawson, takes it as a given that the accompanying "reactive attitudes, along with their second-personal presuppositions, are aspects of the human condition that are not optional in any realistic psychological sense."<sup>130</sup>

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<sup>126</sup> Darwall (2006), 3.

<sup>127</sup> Nagel (1986).

<sup>128</sup> Southwood (2010), 125.

<sup>129</sup> Darwall (2006), 15.

<sup>130</sup> *Ibid.*, 278.

## §1.1. Authority and Recognition Respect

Understanding moral reasons to be inherently demand-regarding allows Darwall to provide us with a distinctive second-personal conception of moral recognition respect, according to which the proper object of our ethical concern is always the second-personal *authority, standing, or dignity*<sup>131</sup> of a person:

“The dignity of persons, I contend, is the second-personal authority of an equal: the standing to make claims and demands of one another as equal free and rational agents, including as a member of a community of mutually accountable equals.”

Importantly for Darwall, the very recognition of this second-personal authority is itself second-personal.<sup>132</sup> That is, in order to respect others as our moral equals, it does not suffice to simply recognize a fact about or quality in them. Instead, one must relate to and express a certain attitude towards them.<sup>133</sup> Consequently, we ought not only recognize the other’s second-personal “standing to demand, remonstrate, resist, charge, blame, resent, feel indignant, excuse, forgive, and so on” but also second-personally *acknowledge* this very authority by making ourselves accountable *to them*.<sup>134</sup>

On Darwall’s view then, one has to treat others not only in the right way by doing ‘the right thing’ and hence by treating them appropriately as the *target* of one’s obligation, but moreover, one must do what one is obligated to do because others have the authority to demand the relevant action of one, and hence acknowledge others as the very *source* of one’s obligation. Alternatively put, one must, in order to properly respect another, do ‘the right thing’ for the right kind of reasons:

“Someone might accept the first-order norms that structure the dignity of persons and regulate himself scrupulously by them without yet accepting anyone’s authority to demand that he do so. He might even accept these as mandatory norms without accepting any claim to his compliance. I hope it is now clear that although such a person would thereby respect the duties with which

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<sup>131</sup> These concepts can be used interchangeably. I will mostly refer to authority from here on out.

<sup>132</sup> Darwall (2006), 121.

<sup>133</sup> Ibid., 126 and Darwall (2013b), 122-123: “...regarding someone as a person is not a third-personal conviction, but a second-personal attitude. It is not so much a belief *about* someone as it is an attitude *toward* that person that involves, at least implicitly, relating *to* him or her in a way that commits the bearer of the attitude to mutual answerability.”

<sup>134</sup> Darwall (2006), 141.

persons can demand compliance, in failing to respect their authority to demand this, he would also fail, in an important sense, to respect them. He would fail to acknowledge their equal authority as free and rational and so fail to relate to them on terms of equal respect.”<sup>135</sup>

Before proceeding, it is important to note that Darwall distinguishes between two kinds of demand-making authority that we possess and in virtue of which we can hold others accountable.

On the one hand, as members of the moral community we possess a shared *representative authority* to make moral demands and hold each other accountable via the so-called impersonal reactive attitudes, like blame and indignation.<sup>136</sup> Any demands made from this representative authority are non-discretionary and its resulting obligations are non-directed ones that we have period and to no one in particular. As such, every member of the moral community has the representative authority to demand of another, say, not to harm anyone, period.

On the other hand, each of us possesses *individual authority* to make demands of others as the particular individuals that we are and hold others accountable via the so-called personal reactive attitudes, like resentment. This individual authority involves the standing to make discretionary demands that generate bipolar moral obligations that we owe *to* others in particular. Thus, you have the individual authority to demand of me not to step on your foot. This obligation is one that I have specifically *to you*, and hence you have the authority to hold me personally accountable in case I fail to comply with said obligation, an authority that others lack.<sup>137</sup> To say that persons have the individual authority to make demands of others is according to Darwall another way for saying that persons are “self-originating source of valid claims” who carry independent normative weight.<sup>138</sup>

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<sup>135</sup> Darwall (2006), 140.

<sup>136</sup> Darwall (2013a), 27, and 67: Darwall traces these reactive attitudes, personal and impersonal alike, back to P.F. Strawson. According to Darwall, impersonal reactive attitudes like blame or indignation are “impersonal or disinterested analogues” of such personal reactive attitudes like resentment or hurt feelings and are “felt, not as if from the transagent’s standpoints, but as from an impartial standpoint: the moral point of view. For example, resentment is felt as from the perspective of a wronged or injured individual, but indignation [and blame] is felt as from the standpoint of the moral community.” See also, Strawson (1968), 84-85.

<sup>137</sup> Darwall (2013a), 27 and 31-32.

<sup>138</sup> Darwall (2006), 121.

With this distinction between representative authority and individual authority in mind, we get the following view of second-personal recognition respect on Darwall's account: to respect another is to either recognize and acknowledge one as (a) an authoritative member of the moral community whose demands generate moral obligations period or (b) as the particular individual – a self-originating source of valid claims – whose demands generate bipolar obligations that we have *to her*.

Since our focus is on bipolar obligations that we have to particular others, let's consider here again my obligation not to step on your foot. According to Darwall's second-personal proposal I must refrain from stepping on your foot, because *you* have the individual authority to demand this of me. And it is only in recognizing and acknowledging your second-personal authority that I act for the right kind of reasons. For while I might actually do what I am said to owe to you – namely not to step on your foot – I could on Darwall's account still very much fail to grasp that it is within your individual authority to demand this of me, and consequently fail to acknowledge you as the source of my obligation. In doing so, I would, as it were, be acting for the wrong kind of reason as a result of which I would wrong you attitudinally or recognitionally. I might not actually step on your foot, simply because I take this to be a moral duty that I have independently of your valid claim against me or your individual authority to demand anything of me. Here, I would merely treat you as the target or "occasion" of my obligation that I have independently of any of your valid claims against me and thus fail to regard you as the separate "self-originating source" who has the individual authority to demand certain treatment of me.<sup>139</sup> As a result, I would fail to respect you in the distinctively second-personal way that your individual authority calls for, and would hence fail to meet the *ex ante* constraint set by *bipolar recognition respect*:

“When I step on your feet unbidden, I fail to respect and so violate this authority you have as an individual person and so violate and fail to respect *you*. And in doing so, moreover, I fail to appreciate a reason not to step on your feet that is additional to the fact that I am causing avoidable harm, namely, that it violates

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<sup>139</sup> Darwall (2006), 13. We might think that in doing so, I would be, to put it in Michael Smith's terms, be acting like a "moral fetishist" whose sole concern is to do what the moral law requires of him, independently of any concern for the considerations or right-making features that make this action fall under the moral law in the first place. See, Smith (1994).

your right, that is, on the current analysis, your legitimate demand of me as an individual person.”<sup>140</sup>

On Darwall’s account then, I must conceive of the obligation that I have *to you* as distinctly bipolar in order to properly recognize and acknowledge you as possessing a distinctive second-personal authority to make demands of me. That is, I must conceive of my obligation to you as having its reason-generating source in your individual authority and claim-based demand, which is another way of saying that I must treat you with *bipolar recognition respect*.<sup>141</sup> I must treat you not only as the target of my obligation but at the same time also as its very source.

## §1.2. Bipolar Obligations and Representative Authority

Eventually, however, Darwall suggests that what ultimately underlies our bipolar obligations to particular others is the *representative authority* of the moral community. Darwall holds that bipolar obligations always already “entail moral obligation period” and, hence that individual authority must also always already entail representative authority:<sup>142</sup>

“If X is under obligation to Y to do A, then X is, other things being equal at least, under a moral obligation period to do A. Actions that wrong someone (violate a bipolar obligation) are also wrong period, all else being equal, at least. If this is right, it follows that individual authority that is involved in bipolar obligations cannot exist without the representative authority that is involved in moral obligations period.”<sup>143</sup>

Darwall’s argument for this entailment claim is as follows: when it comes to morality, it is simply not the business of particular and separate individuals like *you* and *me* to determine one another’s obligation, even if the respective obligations are ones that are owed to you and me respectively. To illustrate this point, Darwall gets us to think about the activity of blaming from the standpoint of the victim. Say I really violate my obligation to you and do in fact step on your foot without adequate excuse. When you blame me as

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<sup>140</sup> Darwall (2013a), 67.

<sup>141</sup> Darwall himself is committed to this intimate connection between directed or bipolar obligations and recognition respect. Accordingly, he notes “since duties owed to others are what they can legitimately claim deriving from their authority as ‘self-originating sources of valid claims’, in Rawls’s phrase, failures to discharge them are failures to respect.” See, Darwall (2013b), 268.

<sup>142</sup> Darwall (2013a), 23-24, 35.

<sup>143</sup> *Ibid.*, 24.

a result of it – and in doing so implicitly address a moral demand to me that I ought to have acted otherwise – you don’t just “vent or spout off,” but rather intend to point out to me that I have done something blameworthy for which I should be held accountable. That is to say, your blame intends to draw me in an exchange and “comes with an implicit RSVP” which calls for acknowledgment on your behalf.<sup>144</sup>

In order for me to accept and acknowledge your blame, however, and feel guilty in return, I must, as it were, accept your blame and its implicit demand that I ought to have acted otherwise *as being warranted*.<sup>145</sup> For, I won’t accept your blame as being justified just because ‘you said so’. After all, who are you to tell me what I ought to do, *morally speaking*? Instead, I will only accept your blame and feel guilty in return once I realize that the relevant demand implicit in your blame is one that could be made of me not just by you – the victim of my wrongdoing – but in fact by anyone, including myself, and hence by any representative member of the moral community. For, only the moral community and its representative members – including myself – have the legitimate authority to determine what is – *morally speaking* – right and wrong. That is, I must realize that in wronging you, I have done something wrong, or wrong period. Here is Darwall:

“[I] cannot adequately recognize [my] personal responsibility for injuring and thereby wronging [you] without also accepting that [my] actions were wrong period. And [I] cannot do that, unless [I] can believe this wrongdoing excusable, without blaming [myself], that is, by explicitly making a demand of [myself] that [I] see to be warranted from an impartial third-party perspective and accepting [my] own culpability. And this presupposes *representative authority*. It follows that the individual authority [you] have to object to [my conduct], cannot exist unless there is also a representative authority that everyone shares along with [you], including third parties and [myself], to hold [me] accountable through directive impersonal reactive attitudes like moral blame.”<sup>146</sup>

This is essentially what Darwall dubs *Pufendorf’s point*,<sup>147</sup> the thought that in genuinely obligating others and holding them accountable we must presuppose that they

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<sup>144</sup> Darwall (2006), 145.

<sup>145</sup> Ibid., 28, and (2013a), 39.

<sup>146</sup> Darwall (2013a), 39. My emphasis.

<sup>147</sup> “*Pufendorf’s Point* was that genuine obligation can result only from an address that presupposes an addressee’s second-personal competence. To intelligible hold someone responsible, we must assume that she can hold herself responsible in her own reasoning and thought.” Darwall (2006), 23 and 112.

can hold themselves accountable for the very same reason, and thus from a perspective that they and we share. Conversely, Darwall holds that “we blame someone from the same point of view we expect her to take up in acknowledging her wrongdoing and blame herself.”<sup>148</sup>

Implicit in *Pufendorf's Point* is a claim about motivational constraints on normative, and in particular, moral reasons.<sup>149</sup> Darwall steadfastly defends a kind of *moral judgment internalism* according to which the mere fact of an act's wrongness would not give us reason not to do it, if we believe that the fact that a given act is wrong would not be able to actually motivate us. According to Darwall, it follows from this that we cannot hold someone accountable, i.e. blame someone, if that person were not aware of or motivated by the relevant reasons, or otherwise lacks the “second-personal competence” to access and appreciate the relevant reasons underlying our blame.<sup>150</sup> And it is in virtue of this moral internalism that we can come to see the workings of motivational constraints on our moral reasons and the demands underlying them: we can only intelligibly hold someone to a moral demand if that person can autonomously hold herself to said demand, which requires that the person can access and appreciate – be motivated – by the reasons implicit in the demand.

Given that Darwall understands the relevant perspective from which the demands derive to be the impartially disciplined perspective of the moral community and not simply that of two individuals being normatively implicated with each other – like you and I – *Pufendorf's Point* comes in here to illustrate that “when [you] blame [me], [you simply] *add* [your] voice to or *second*, as it were, a demand that [you] must presuppose is made of everyone by the moral community or representative persons as such.”<sup>151</sup> Consequently, in blaming someone, according to Darwall, “whether someone else or ourselves, we implicitly address a demand, *not* at our own individual discretion, but *as a representative person*, on behalf of the moral community.”<sup>152</sup> The relevant attitude that we express in blaming and holding someone accountable is in an important sense impersonal.

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<sup>148</sup> Darwall (unpublished manuscript).

<sup>149</sup> Darwall (2006, and manuscript).

<sup>150</sup> Ibid. and manuscript.

<sup>151</sup> Darwall (2013a), 37. My emphasis.

<sup>152</sup> Ibid. My emphasis.

All of the above suggest that the relevant demands underlying our moral obligations *to* others in particular are in the first instance determined not by the individuals in question, but by the moral community of which we are all but representatives. In order for you to tell me that I have violated your right not to be stepped on your foot and to subsequently be in a position to blame me, you must assume that in stepping on your foot I have first and foremost violated the demands of the moral community and hence of, as Darwall puts it, of “morality period.” Ultimately, then, the authority of the moral community reigns supreme on Darwall’s view:

“In the case of moral demands, the requisite standing [to make demands] is not any individual authority anyone has to exercise at his or her discretion. It is rather a representative authority we all, second-personally competent persons, have to hold one another and ourselves to moral demands.”<sup>153</sup>

## §2 Whence Bipolar Recognition Respect?

If we grant Darwall’s reading of *Pufendorf’s point* it ultimately invites the following problem: how can we properly recognize particular others and their *individual authority* to make discretionary demands if our obligations to them are ultimately grounded in the shared representative authority of the moral community, and hence in non-discretionary demands? How can we make particular others “the proper object of our ethical concern” and hence treat them with bipolar recognition respect if all that fundamentally matters is to act in accordance with non-relational or monadic moral requirements, or those we have “period?” Or else, how can we avoid *recognitional* or *attitudinal* wronging of ‘looking beyond’ or ‘looking through’ particular others on Darwall’s account, if the normative basis of our bipolar obligations is ultimately the representative authority of the moral community, and hence all of us?

After all, Darwall and I are agreed that in demanding that I take my foot off of yours, I ought to acknowledge you as the relevant maker, or reason-giving *source*, as it were, of the demand underlying my obligation that I have *to you* – that I ought to treat you with bipolar recognition respect. Otherwise I would ‘look through’ or ‘beyond’ you, and in doing so *wrong you* in the recognitional or attitudinal way delineated above by disregarding your valid claim against me, even if I was doing ‘the right thing’. In acting merely from a

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<sup>153</sup> Darwall (2013), 40.

non-discretionary moral obligation period, I would act for the wrong kind of reasons. While doing so might very well enable me to recognize you as the *target* of my obligation, it prevents me from recognizing and acknowledging you as the second-personal *source* of it.<sup>154</sup>

Given *Pufendorf's Point* and the entailment relation between moral obligations period and bipolar obligations, however, it becomes mysterious how I can treat you with bipolar recognition respect. For it appears as though I am no longer actually responding to *your* particular demand when refraining from stepping on your foot. Instead, it begins to look as though I am merely responding to the demand of the moral community, as a result of which my obligation is no longer a discretionary bipolar obligation that I have specifically to you but instead one that ultimately bottoms out in a non-discretionary moral obligation that I have to the moral community, or “period.” As a result, any wronging of you would dissolve into a wrong period and it would ultimately look as though all that matters is that I do ‘the right thing’.

### §3 Attempts to Resolve the Problem

#### §3.1 Resolving the Problem: A First Attempt

Darwall might contest that my objection loses its footing once we realize what the entailment relation between bipolar obligations and moral obligations period does *not* hold. After all, the mere claim that bipolar obligations always already entail moral obligations period does by no means commit Darwall to the claim that bipolar obligations are ultimately grounded in moral obligations period, if what we mean by grounded here is something like *reducible to*. That is, the entailment relation that Darwall invokes does not yet amount to any reduction of individual authority to, and hence make it indistinguishable from, representative authority. All that the entailment relation explicates, according to Darwall, is a conceptual claim about bipolar obligations – whenever we make use of the concept of a bipolar obligation, we cannot do so without also invoking the concept of moral obligation period.<sup>155</sup> That is simply to say that “individual authority cannot exist by itself.”<sup>156</sup>

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<sup>154</sup> See Wallace (2007) for a related criticism.

<sup>155</sup> Darwall (2013a), 24.

<sup>156</sup> *Ibid.*, 27.

A little comparison might help to illustrate the point. We can agree that the color concept ‘green’ entails the concept ‘color’. Hence, when we see a green colored object, we also always see a colored object, but not one that is also blue, red, or yellow at the same time. But by that, I take it, we do not mean to suggest that ‘green’ as a color concept is reducible to the concept ‘color’. After all, green is not just a color but instead a color of a distinctive kind. There are other colors, like blue, red, or yellow, and while all of them entail the concept ‘color’, none of them is just like the other. So, just because green, blue, red, and yellow all fall under the concept ‘color’, this does not mean that each of them merely signifies the concept ‘color’; instead, they signify different color concepts. So, all that the entailment relation shows is that some object that is green is also always a colored object, and not that it is only a colored object.

Hence, Darwall might rightly respond to my worry that he is not claiming bipolar obligations to be simply reducible to, and hence indistinguishable, from moral obligations period. Instead, all that the entailment claim shows is that in wronging someone we also always do something wrong. There should be nothing puzzling about that claim. Thus, we can still very much hold that bipolar obligations are distinct from moral obligations period on Darwall’s view. And in fact, Darwall is adamant that we must indeed distinguish between the normativity of moral obligation period and the normativity of bipolar obligations in order to capture the important moral phenomenon of being obligated *to someone* in particular and its associated notion of *wronging*.

“I argue that bipolar moral obligations, that is, directed duties whose violation entails that the violating obligor has injured *and*, at least other things equal, *wronged* his obligee, also conceptually entail an authority to address claims and demands. However, the kind of authority distinctive of bipolar obligations is not representative authority but an *individual authority* that the individual obligee has to make claims and demands of an obligor who is obligated *to him* and to hold the obligor personally accountable.”<sup>157</sup>

as well as

“Even so, a connection to the discretionary individual authorities we have discussed is surely part of the concepts of bipolar moral obligation and claim right.

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<sup>157</sup> Darwall (2013a), 185.

Failure to account for this distinctive second-personal aspect will miss an essential element.”<sup>158</sup>

### §3.1.1 The Problem of Normative Dependence

A problem still lingers, however. Properly read, *Pufendorf's point* does not appear to simply illustrate an entailment relation but in fact illustrates a dependence relation that holds between bipolar obligations and moral obligations period, or between wrongings and wrongs. Darwall does not simply claim that your individual authority entails representative authority and that wrongings always entail wrongs. Instead, and in addition to the entailment claim, Darwall holds that your individual authority is ultimately *derivative of*, and hence *secondary to*, the representative authority of the moral community.<sup>159</sup> *Pufendorf's point*, according to Darwall, suggests that we cannot get wrongings without presupposing wrongs. That is, Darwall does not only hold that bipolar obligations simply entail moral obligations period – that in wronging another one does something wrong period – but moreover, that the former depends on or presupposes the latter: “[A]ny special authority right holding obligees have can exist only if there is also an authority, representative authority, which they share with third parties, as well as with any obligor who might violate their rights.”<sup>160</sup> It is one thing to claim that in stepping on your foot I am, in addition to acting contrary to your individual authority, also acting contrary to the representative authority of the moral community. It is another to claim that acting contrary to the former presupposes acting contrary to the latter.

Ultimately, Darwall suggests that for your demand to give me reason to act, and hence to exert the relevant force or binding character, it needs to be normatively underwritten by the non-discretionary demand of the moral community. That is, for any bipolar obligation there must be a moral obligation period that backs it up. Consequently, it looks as though the moral community and its representative members must also always be in a position to demand the relevant action of me if your demand is to exert any

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<sup>158</sup> Ibid., 35.

<sup>159</sup> For a similar line of objection to Darwall’s conception of bipolar obligations see Kadlac (2015). Kadlac takes what I call the normative dependence worry to settle the debate and establish that Darwall fails to properly account for bipolar obligations, period. I take it that leaving it at this, however, does not do justice to Darwall’s view insofar as there seems to be room on his account for a very narrow conception of genuine bipolar obligations, as I will go on to argue in the following section.

<sup>160</sup> Darwall (2013a), 30.

normative force at all. As a result, your individual authority is not normatively basic on Darwall's account.<sup>161</sup>

While all of this does not necessarily conflict with the thought that any bipolar or relational obligation to  $\phi$  to B might very well be distinct from the merely monadic or non-relational obligation to  $\phi$  "period," it nevertheless follows from Darwall's view that this bipolar obligation depends for its normative import on the existence of a monadic obligation, or a moral obligation period.

### §3.1.2. The Morality-Plus View

It begins to look as though the best *you* can do from your individual authority is to merely "add [your] voice to or second, as it were, a demand that we must presuppose is made of everyone by the moral community or representative persons as such."<sup>162</sup> This *morality-plus view*, as I shall call it, has the following implication:<sup>163</sup> in going to visit Jane at the hospital, I am doing what Jane demands of me, but only insofar as our friends Peter and Stan also have the standing to justifiably demand that I visit Jane. That is, I do what I owe to Jane, but only if I am under an obligation period to do the relevant action.<sup>164</sup> Were it not for Peter's and Stan's standing to justifiably demand that I go visit Jane, I would not be under any obligation *to Jane* in the first place.

Hence, it is only if any representative member of the moral community, including myself, can demand of me to go visit Jane that Jane has the individual authority to make the same demand of me. So understood, one might think that Darwall's position comes dangerously close to Scanlon's contractualist position. As a result, the thought that Jane is a "self-originating source of valid claims" in virtue of which she can exact bipolar

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<sup>161</sup> Furthermore, this raises the question of what, if anything, gives you special standing or individual authority to demand of me not to step on your foot. If the justification for the demand is available to anyone in the community, it is difficult to see how that justification gives you any kind of special standing or 'personal authority' in the first place. After all, what relation do you bear to the demand that other members of the moral community do not?

<sup>162</sup> Darwall (2013a), 37.

<sup>163</sup> For suggesting this term and for helpful discussion about the following section, I am indebted to Brendan de Kenessey.

<sup>164</sup> This is not to say that in violating my obligation I am also wronging Peter and Stan, on Darwall's view. Peter and Stan lack the relevant individual authority to hold me accountable, a necessary condition for becoming the objects of my wronging. While Jane clearly does possess the individual authority to hold me accountable and can hence be *wronged* by me, on Darwall's view, Peter and Stan only possess representative authority and are hence excluded from any wronging of mine.

recognition respect from me and obligate me to her seems to drop out of the picture, for Jane is nothing without Peter and Stan, or so it seems.

Therefore, even if Darwall can resist any charges of simply reducing bipolar obligations to moral obligations period, he does not appear ready to solve the problem stated in §3: How can we make particular others “the proper object of our ethical concern” and hence treat them with bipolar respect if all that fundamentally matters is to act in accordance with monadic moral requirements, or those we in light of the demands of the moral community, or period? In merely doing what Peter, Stan, *and* Jane have the standing to demand of me, I would be acting from the wrong kind of reasons and as a result wrong Jane in the attitudinal or recognitional sense specified above.

Another way to put all of this is to say that on Darwall’s view, Jane’s standing is that of ‘one among others’, or of a member of the moral community who can never make any moral demands on behalf of herself, but only on behalf of the moral community, with the resulting obligation being one that others have period. Let’s call Jane’s standing a second-personal standing:

**Second-Personal Standing:** The dependent standing of an equally authoritative member of the moral community who can make (and be made) demands of (by) others on behalf of the moral community, and who is owed (and owes) corresponding treatment by (to) others.

As a result of her second-personal standing, I would treat Jane merely as a ‘co-originating source of valid claims’ who lacks “independent normative weight”<sup>165</sup> and hence be at risk of not fully recognizing her as a ‘self-originating source of valid claims’ who has the individual authority to demand or expect certain things of me and the power to ‘speak for herself’. After all, in being motivated to come visit Jane by thinking about whether Peter and Stan also have the standing or authority to demand of me that I visit her, I do not consider my obligation to be constitutively linked with the valid claim and demand that *Jane* has against me, and hence not as an obligation that I owe specifically *to Jane*. As a result, I would fail to properly regard her as my friend who can, within the normative

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<sup>165</sup> Rawls (1980).

boundaries of our particular relationship, individually make demands of me, regardless of whatever anyone else might come to demand of me.

### §3.2. Resolving the Problem: A Second Attempt

Darwall might object that this overlooks the fact that on his account there is room for one to recognize and acknowledge another in accordance with bipolar recognition respect and hence avoid charges of acting for the wrong kind of reasons. Can we not recognize someone's discretionary authority to release, seek compensation, or hold others personally accountable? After all, Darwall might point out that on his account any obligee has the individual authority others lack to hold her obligor *personally accountable*. As such Darwall can rightly stress that it is solely up to the discretionary standing of the victim to make certain rectificatory demands, such as the demand for an apology or compensation. Moreover, it is only the obligee who possesses the individual authority to consent to, or to enforce, insist on, or even to relieve another of, as it were, the relevant obligation that her obligor is under.<sup>166</sup> Consequently, it seems as though we do in fact have bipolar obligations to other individuals that are decoupled from any moral obligations period that normatively underwrite them.

Think about the foot-stepping case again.<sup>167</sup> We're both on the train to London and I am about to step on your foot. You see me eyeing your foot as a footstool to reach the luggage rack in the train. Now, it is reasonable to suppose that you can say, 'you can't do that – I demand that you not,' before I actually step on your foot. Here, it seems as though it is solely up to you to enforce or insist on my obligation not to step on your foot. And in following your demand not to step on your foot, it seems as though I treat you with bipolar recognition respect, that is, respect for you not only as the target of my obligation but at the same time as its very source. Alternatively, you might actually let me step on your foot in order to help me place my bag in the overhead locker, thereby relieving me of my obligation altogether. What is more, you might demand an apology or even forgive me for actually having stepped on your foot in order to place the luggage on the rack, thereby rendering any future blame inappropriate. No one else, it seems, has the individual authority to do just that.<sup>168</sup>

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<sup>166</sup> Darwall (2013a), 30-31.

<sup>167</sup> I'm indebted to Stephen Darwall for helpful discussion on this section.

<sup>168</sup> I'm actually not sure that this is completely right. Others might, after all, very well possess, at least, the standing to demand of me not to step your foot. They might not be able to ask for an apology or forgive me

### §3.2.1. The Post-Obligation View

Let's suppose that certain rectificatory obligations have their source exclusively in the individual authority of particular others and are hence robustly bipolar.<sup>169</sup> At the same time, however, it is important to note that all of the relevant demands we are talking about here are in an important sense non-moral and come in *post-obligation* or *ex post*.<sup>170</sup> For, the relevant obligation to which you are holding me personally accountable, or are insisting on and can actually relieve me of, is on Darwall's account one that is given to me prior, and, as it were, independently of any of *your* individual authority.

According to this narrow scope *post obligation view* of bipolar obligations, it is your exclusive power to hold me personally accountable for the obligation that I owe to you and in doing so make legitimate post-obligation demands of me that are normatively based solely in your individual authority. Among them, might be the power to enforce the relevant obligation, to relieve me of my obligation, demand an apology, or ask for compensation.

### §3.2.2. The Shortcomings of the Post-Obligation View

While this post-obligation view of bipolar obligations might indeed get around the problem of normative dependence that beset the morality-plus view, it does not seem ready to solve the problem stated in §3 either: how can we make particular others "the proper object of our ethical concern" and hence treat them with bipolar respect if all that fundamentally matters is to act in accordance with non-relational monadic moral requirements, or those we have period?

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after I have stepped on your foot unbidden, but they might possess the authority to enforce my obligation that I have *to you*.

<sup>169</sup> It is not quite clear, however, whether or not Darwall really does eventually endorse this move, insofar as he holds that even a "personal reactive attitude, such as resentment, can be warranted, only if an impersonal reactive attitude [like blame] would be, other things equal, at least." Darwall (2013a), 69. My interpolation.

<sup>170</sup> Post-obligation is here to be understood in terms of *post-the-fact-of-obligation* (PFC) which needs to be distinguished from another *post-the-time-for-compliance* (PTC) sense of post-obligation. As the previous elaborations should have shown, it would be a mistake to understand the notion of post-obligation merely in this latter temporal sense. After all, in understanding post-obligation in terms of PTC, we could not make sense of the idea that you possess the individual authority to insist on or enforce an obligation that I am under. Recall the foot-stepping case again – before it is time for me to actually comply with the obligation you can say to me 'you can't do that – I demand that you not'. Here, you clearly have a discretionary normative power or individual authority to make demands of me that comes in PTC with the relevant obligation.

The puzzle about recognition respect and bipolar obligation emerged as a problem of an *ex ante* relation that holds between two individuals, that is, against the background of the demands underlying one's initial obligation yet to be undertaken to  $\phi$  to another person, or what I shall here call the *fact of obligation*. Exhibiting bipolar recognition towards another, one must recognize and acknowledge another and his or her claims always as the reason-generating source of one's obligation to do  $\phi$  to the other, that is, as the reason for which one ought to do  $\phi$  to the other. Applied to the foot-stepping case, I must recognize and acknowledge you not only as someone who can claim or insist on any independently generated obligation and hold me personally accountable – the *target* of my obligation – but at the same time as the very *source* of my obligation not to step on your foot in order to exhibit bipolar recognition respect towards you.

That is, I need to recognize your valid claims and demands as determining my obligation to you and thereby settling the *fact of obligation*. But this is precisely what the post-obligation view is incapable of accommodating, for it is normatively inert with regard to the *fact of obligation*, and hence my initial obligation not to step on your foot. After all, any obligations that come in on the post-obligation view are namely that, post-the-fact-of-obligation or *ex post*.

At best then, the post-obligation view can accommodate the thought that in insisting on or enforcing a relevant obligation, you can remind me of, or trigger, an obligation that I had all along, regardless of your voice in my ear. As such, it fares no better than the morality-plus view. That is, even if Darwall can get around the problem of normative dependence, all that I am said to owe *to you* is to apologize to, or compensate you, after I have failed to comply with an obligation without adequate excuse, or to respond to your insistence or enforcement of an obligation that I have had prior to and hence independently of any of your individual authority. Now, this is not to suggest that being obligated *to another* post-obligation, as I call it, – e.g. being obligated to apologize – is morally irrelevant. After all, this might help to illustrate how you have had a particular stake in my action. Thus, I agree with Darwall that to capture this in distinctively bipolar terms is of utmost importance if we want to give significance to such notions as wronging and victimhood.<sup>171</sup> But to think that all I am said to owe *to you* is to apologize or compensate

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<sup>171</sup> Darwall (2013a), 35.

you after I have failed to live up to my obligation, or to respond to your insistence or enforcement of an obligation to you that I was under independently of any of your discretionary power seems at the same time to be too little to ask for on your part. For you would not merely be upset at my failure to comply with an obligation that I had *with regard to* you, and hence by failing to recognize you properly as the target of my obligation, but you would be upset at my failure to do so given that I owed it *to you*, and hence by my failing to recognize and acknowledge you as the source of my obligation. After all, this is what it means for you to be a “self-originating source of valid claims in the sense that their claims carry independent normative weight on their own without being derived from prior duties or obligations owed to society or other persons, or, finally as derived from, or assigned to, their particular social role.”<sup>172</sup> What the post-obligation view cannot accommodate then is the thought that I owe it to you exclusively or in virtue of your *ex ante* demand as a source of valid claims not to step on your foot. It follows that the post-obligation view cannot account for bipolar recognition respect.

#### §4 The Puzzle of Apology

Eventually, it seems to me, Darwall’s second-personal proposal will in fact have difficulties properly explaining even these alleged *ex post* bipolar obligations that seemingly do not depend on any prior moral obligations period. What Darwall seems to miss in his analysis of *ex post* obligations, like the obligation to apologize, is that they themselves presuppose a genuine *ex ante* bipolar obligation that has previously been violated. I will elaborate in more detail on this connection later on in the thesis.

For, now let’s think about the following in order to substantiate my claim here. When I step on your foot unbidden and without adequate excuse, you are in a position to demand an apology of me. In doing so, you point out that what I’ve done is not merely something that compels you to complain, but in fact something that *warrants* blame and that I should feel guilty for. Your demand for an apology, however, asks for something more. It asks of me that I realize that what I did was not only “wrong period,” but a wronging of you, as a result of which I should not only feel guilty, but *guilty to you*. For it is only in realizing that and acknowledging that what I have done amounts to an unexcused violation of *your* valid claim against me that you will accept my apology as sincere. In turn,

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<sup>172</sup> Rawls (1980), 543.

this suggests that in apologizing to you, and doing so sincerely, I do not merely need to acknowledge that I violated a moral obligation period, that is, an obligation any third party also had the standing to demand of me, but rather an obligation that I had in virtue of your valid *ex ante* claim against me.

Doing so, however, becomes puzzling on Darwall's account, because the relevant *ex ante* claim underlying one's initial obligations is on his second-personal account always ultimately tied to the representative authority of the moral community and not to the individual authority of the person to whom I am obligated – you. Alternatively put, what settles the fact of obligation on Darwall's second-personal account is the moral community, never the individual. As a result, Darwall's second-personal account is, similar to Scanlon's contractualism, unable to account for the notion of a sincere apology and instead only offers us an account whereby any apology that I voice to you is made as much to our fellow moral travelers than it is to you. In other words, the obligation to apologize turns out to be, on Darwall's view, a non-directed obligation and thereby misses its exclusive addressee – you.

What, then, does it take to offer a sincere apology to another? In one sense, I have already adumbrated an answer to that question; it takes acknowledgement of the fact that what one did to another was to disregard the valid claim or demand. This, however, presupposes the uptake of a different moral standpoint from the all-, and in some sense over-, inclusive second-person standpoint that Darwall identifies. The relevant standpoint that a sincere apology presupposes is best characterized as itself inherently bipolar, holding exclusively between you and I, with “the rest of the world [...], at least to a certain extent, closed out.”<sup>173</sup> It is this bipolar standpoint, which allows the second person – *the you* – to play a more prominent role than it does on Darwall's account, that will be the focus of the next chapter.

## §5 Conclusion

In the present chapter, I have argued that Darwall's second-personal theory falls short of adequately accommodating bipolar obligations and the associated notion of bipolar recognition respect, according to which we are to recognize each other as source

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<sup>173</sup> Thompson (2004).

of valid claims who can demand certain treatment of each other. While Darwall attempts to accommodate bipolar obligations as *sui generis* on his account, thereby improving on Scanlon's monadic account, he ultimately ties bipolar obligations and moral obligations period too closely together, arguing that the former in fact presuppose the latter. Thus, even though Darwall advances a second-personal account of interpersonal morality whereby those obligations that we owe to each other have their normative source in the demands of the moral community, it fails to show how some of these obligations have their source in the particular individual to whom one is obligated. This is particularly striking, insofar as Darwall sets his theory against the background of these individual encounters and draws inspiration from, among others, Martin Buber, who put the 'I-thou' relationship at the center of his ethics.<sup>174</sup> Rather than developing a theory whereby the 'I-you' relationship of these cases remains central, Darwall's theory eventually takes on a communal 'we-us' character that resolves around the "impartially disciplined version of the second-person standpoint." The relevant moral norms governing our conduct are on Darwall's account that of the moral community, and not that of two individuals implicated in the 'normative nexus' in question.<sup>175</sup>

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<sup>174</sup> Darwall (2006), 39-40. Buber (1970).

<sup>175</sup> See also, Radzik (2011), 586.

## IV.

### The Bipolar Standpoint

*“Persons are self-originating sources of valid claims”* (Rawls 1980)

#### Introduction

In the following chapter, I propose a novel bipolar account of interpersonal morality that neither reduces directed to non-directed obligations, nor ties directed obligations to “moral obligations, period,” such that the former normatively depend on the latter. Quite to the contrary, on the view on offer directed obligations are basic and non-reducible, emanating from *the bipolar standpoint* and attaching “direct normative significance to the relation that exists between two persons.”<sup>176</sup> An important consequence of this view is that it understands the entire set of obligations that we can be said to owe to each other to be directed, including those obligations that at first appear to be non-directed and owed to no one in particular. As a result, the view on offer defends the substantive normative claim “that all wrongs are wrongings, that all blameworthy events involve someone’s being wronged.”<sup>177</sup>

In keeping with the ambition to avoid any unnecessary fragmentation of the interpersonal moral domain, I propose a *unified* account of the interpersonal moral domain and hence an account that can explain all instances of interpersonal moral obligation by recourse to a single manner of reasoning. Unlike Scanlon’s unified contractualist theory, however, the bipolar account places bipolar normativity at its center and argues that the relevant obligations that we are said to owe to each other are fundamentally directed or bipolar, that is, always owed *to* and incurred *because of* another individual. In keeping with Darwall’s second-personal conception of morality, I argue that each of us possesses the *standing or individual authority* to make valid demands of one another in virtue of being a “self-originating source of valid claims.” Contrary to Darwall, however, I argue that one’s individual authority does not presuppose the representative authority of the moral community. Quite to the contrary, on the view I propose one’s individual authority to

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<sup>176</sup> Stone (2001), 131.

<sup>177</sup> Owens (2012), 46.

demand certain treatment is normatively basic. Moral obligations are thus not simply owed *simpliciter*, or owed to the moral community, but are owed to particular individuals.

## §1 The Bipolar Standpoint

Let me state the view in more detail and unpack several of its distinguishing features. The central thesis of the bipolar view is that each and every interpersonal moral obligation is *constitutively connected* with another person's valid claim on the basis of which he or she can demand certain treatment. For a moral obligation  $\phi$  to be constitutively connected with another person's claim just means that the other person has a valid claim that  $\phi$  be done. On the resulting view, A is obligated to  $\phi$  because of B's valid claim against A to  $\phi$ , in virtue of which B possesses the individual authority to demand of A to  $\phi$ . On the resulting view, A always owes it *to B* to  $\phi$ , with any unexcused failure to  $\phi$  amounting to a *wronging* of B.

In arguing for the constitutive linkage between obligations and valid claims, the account on offer builds on Hohfeld's thesis of correlativity, according to which any obligation to  $\phi$  stands correlative to the valid claim or right to  $\phi$ . While some of our clearest paradigms of the thesis of correlativity are those provided by the private law tradition, and here in particular by the law of property and contract,<sup>178</sup> I wish to suggest that the relevant normative structure of obligations and corresponding claims and demands supersedes the legal sphere and instead expands across the entire interpersonal moral universe. The most striking feature that my view shares with these private law cases is "that it directly connects two particular parties through the phenomenon of liability", or, as I would like to put it, through the standing to make valid claims on others and corresponding obligations.<sup>179</sup>

On the bipolar view, we do not explain the fact that A owes something to B by recourse to some non-directed moral obligation period that A might simply have *with regard to B*. Instead, we can make sense of the idea that A owes something to B only against the background of a directed obligation that A has *to and because of B*. For, on the view on offer, the very *source* of A's obligation is itself always inherently directed: B's valid claim against A.

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<sup>178</sup> See Weinrib (1995), Stone (2001), Ripstein (2006). See also, Sreenivasan (2010), 468.

<sup>179</sup> Weinrib (1995), 1.

Accordingly, the relevant moral standpoint that A and B occupy when deliberating about what they owe to each other is best described as the bipolar perspective that two individuals like you and I occupy when “we make and acknowledge claims on the conduct and will of each other as persons,”<sup>180</sup> with, as Michael Thompson poignantly puts it, “the rest of the world, at least to a certain extent, *closed out*.”<sup>181</sup> For, the bipolar standpoint takes as its deliberative input only the valid claims and demands of the individuals who are implicated in a normative nexus with each other – A and B. As such, when A deliberates about what she owes to B in a given situation, A takes into consideration only B’s valid claims against her and consequently B’s standing or authority to demand certain treatment of A. I call this *the bipolar standpoint*.

The bipolar standpoint takes inspiration from, and in fact builds on Darwall’s second-personal account. Like the second-person standpoint, of which the bipolar standpoint is a special version, the bipolar standpoint neither reduces to a first-personal standpoint, nor to a third-personal standpoint. Whereas the first-personal standpoint is comprised of only how any given individual views the world subjectively through the lens of her beliefs, desires, commitments and projects, the third-personal point of view views comprises a seemingly objective, because detached, perspective on the world – the “view from nowhere.”<sup>182</sup> The bipolar standpoint is distinct from both of these standpoints. Like Darwall’s second-person standpoint, it involves an ascent from the first-personal point of view to that of a participant of a joint or intersubjective deliberative process by necessitating “an expansion of one’s own private universe through openness and receptivity to the point of view of another” without thereby “ascending to the position of detached spectator or observer.”<sup>183</sup> At the same time, there are important differences between the bipolar and the second-personal view that I shall highlight in what follows.

But before elaborating in more detail on how the proposed bipolar view differs in significant respects from Darwall’s second-personal view, let me note that the bipolar view here espoused in no way rules out the existence of non-directed obligations and their underlying forms of monadic normativity *per se*. As such, it is compatible with the view on offer that there are numerous non-directed *moral* obligations that we are under in virtue of

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<sup>180</sup> Darwall (2006), 3.

<sup>181</sup> Thompson (2004), 348.

<sup>182</sup> Nagel (1986).

<sup>183</sup> Southwood (2010), 125.

certain rules, laws, or moral principles. We might, for example, have non-directed moral obligations with regard to the environment that are determined solely by the relevant environmental rules and laws, or non-directed obligations to non-human animals. Whether or not we might ultimately be able to include these obligations in the set of directed obligations is up for debate, and I won't be able to settle this issue here. But it is important to point out that the bipolar view on offer does not by itself rule out the existence of non-directed obligations in domains other than the interpersonal domain of 'what we owe to each other'. It is important to stress again, however, that on the view on offer any obligation that we can be said to owe to one another fundamentally differs from those non-directed obligations that we might have to the environment or to non-human animals in that the normative sources of the former, but not the latter, are to be found in the valid claims and demands of particularly situated individuals with whom together we traverse the moral universe.

### **§1.1. Leaving the Moral Community Behind**

Given the close association of the bipolar view with Darwall's second-person standpoint, let me now take the chance to elaborate further on the distinguishing marks of the bipolar view. While there are certain basic features that both views share, the bipolar standpoint on offer in this chapter differs in significant respects from Darwall's second-personal standpoint.

#### **§1.1.1. Individual Authority as Normatively Basic**

In keeping with Darwall's second-personal conception of morality, the bipolar view takes up the idea that each of us possesses "the authority to demand certain treatment of each other."<sup>184</sup> Contrary to Darwall, however, I take the individual authority of a person to be normatively basic. That is to say, on the bipolar view one's individual authority does not presuppose any more basic authority that is shared with the rest of the moral community, such that A can make a demand of B only if C is also in a position to demand the same thing of B.

On Darwall's view you do have the individual authority or standing to demand of me that I not step on your foot unbidden only if you have the standing or authority as a representative member of the moral community, and thus a standing that you share with

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<sup>184</sup> Darwall (2006), 13.

everyone else to demand of me that I not step on anyone's foot, period.<sup>185</sup> In turn, however, this suggests that I have a directed (and discretionary) obligation to you not to step on your foot if and only if I have a non-directed (and non-discretionary) obligation period not to step on anyone's foot.

Now, given that, according to Darwall, one's representative authority is normatively basic, a person's moral standing, or dignity, is ultimately that of a member of the moral community, and hence a standing as 'one among others'. In other words, a person possesses second-personal standing. The best any one person can do, given her second-personal standing, is to "add her voice to or second, as it were, a demand that we must presuppose is made of everyone by the moral community or representative persons as such."<sup>186</sup> So understood, however, one's individual (discretionary) authority or standing is fundamentally the dependent standing of a representative member of the moral community who can make demands of others only on behalf of the moral community (non-discretionary), eventually resulting in non-directed moral obligations, or those that we have period.

On the bipolar view, by contrast, your individual authority does not depend on the representative authority that you share with any third party. Instead, your individual authority to demand certain treatment of me is *normatively basic*. What do I mean by this? When you demand of me that I not step on your foot, you are making the relevant moral demand of me not as a representative member of the moral community but simply "as the person whose foot [I'm potentially] stepping on."<sup>187</sup> Another way to put this is to say that the very source of the reason underlying your demand is on the bipolar view your individual, as opposed to your representative, claim against myself.

Understood in this way, a person's moral standing, or dignity, is not merely a standing of a member of the moral community and hence a standing of 'one among others'. Quite to the contrary, it is the standing of a separate person and hence a standing 'for

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<sup>185</sup> "[A]ny special authority right holding obligees have can exist only if there is also an authority, representative authority, which they share with third parties, as well as with any obligor who might violate their rights." Darwall (2013a), 30.

<sup>186</sup> Darwall (2013a), 37.

<sup>187</sup> Darwall (2006), 7.

oneself in relation to another. Now, we might ask, what exactly does this standing amount to? The answer on my view:

**Bipolar Standing:** the independent standing of an equally authoritative source of valid claims who can make (and be made) demands of (by) others on behalf of oneself, and who is owed (and owes) corresponding treatment by (to) another.<sup>188</sup>

The bipolar standing of persons explains how any obligation that we have to another is always owed *to*, and hence directed, as well as incurred *because of*, and hence normatively grounded, in another.

### §1.1.2. The Moral Standpoint: Bipolar, not Collective

The difference between the bipolar view and Darwall's second-personal view becomes more apparent once we turn our attention to the moral standpoint from which we deliberate about what we owe to each other. While both the bipolar view and Darwall's second-personal view conceive of the relevant moral standpoint as inherently intersubjective, Darwall ultimately understands the second-person standpoint as a *collective standpoint* that we share with each and every member of the moral community. Accordingly, we all share in a joint authority to make claims and demands on each other. And it is precisely this collective interpretation that leads to the difficulties his account has in properly accommodating the directed nature of interpersonal morality. For, in deliberating about what I owe to you and what is at your discretion to demand of me, I do not only take into consideration your valid claim against me, but in fact each and every claim represented by the moral community. This ultimately raises the question of what, if anything, gives you the special standing or individual authority to demand of me to treat

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<sup>188</sup> My account shares similarities with Ariel Zylberman's recent relational account of human dignity and rights, which he himself understands in distinctly relational or bipolar terms. As Zylberman puts it, "A has human dignity iff A enjoys an *original practical standing*, that is, the general and necessary standing constituted by general and necessary claims and directed duties," a standing that does not bottom out in a non-relational "normative standing" under a certain order of laws. See, Zylberman (2017), 35. See also Wallace (2007) who sketches a relational account in response to Darwall and understands the relevant standing as "the equal and reciprocal standing to make relational claims on each other." Wallace (2007), 33. My account differs in particular from Wallace's suggestion, however, insofar as Wallace, especially in his new book on the 'Moral Nexus', develops his relational view along the lines of Scanlon's contractualism. As I have argued in Chapter 2, Scanlon's monadic account does not offer the resources to properly accommodate directed or bipolar obligations and the associated notion of bipolar recognition respect. I am thus skeptical of Wallace's proposal to develop a relational alternative to Darwall's second-personal view along the lines of Scanlon's contractualism.

you in certain ways. For, if the justification for the demand is available to anyone in the community from the second-person standpoint, it is difficult to see how that justification gives you any kind of special standing or individual authority in the first place. After all, you do not bear any more special relation to the demand than other members of the moral community on Darwall's view.

On the proposed view, by contrast, this problem does not arise, because relevant moral standpoint is understood to be *bipolar* and thus to encompass only those individuals who are normatively implicated with each other. It follows that when I deliberate about what I owe to you as my fellow train traveler, I take up a standpoint that is shared exclusively between the two of us, with the relevant claims being the ones that you have against me. Whether the rest of the moral community has any claim against me that I do what I owe to you does not yet figure in my deliberation. That is, the relevant deliberative standpoint does not comprise, as Darwall puts it, the "impartially disciplined" and "[all-encompassing] (first-person plural) perspective of the moral community,"<sup>189</sup> but rather the perspective that two individuals, like you and I, share with each other, with "the rest of the world, at least to a certain extent, *closed out*."<sup>190</sup>

Whereas Darwall's second-personal account understands the relevant reasons underlying our moral obligations to be normatively grounded in the valid claims and demands of *anyone* who is a member of the moral community, the bipolar view understands the relevant moral reasons to be normatively grounded in the valid claims and demands of *a particular someone* in relation to another.<sup>191</sup> That is, on the bipolar view the relevant reasons for doing what we owe to another are exclusively shared between the two individuals who find themselves implicated in a given 'normative nexus', like you and I, and are ultimately tied to the practical authority of one individual to make valid claims or demands of another individual (and vice versa).<sup>192</sup> They operate, as we might put it, not collectively but pairwise.<sup>193</sup> These reasons are thus best described as *bipolar reasons*.

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<sup>189</sup> Darwall (2006), 9. My interpolation.

<sup>190</sup> Thompson (2004), 348.

<sup>191</sup> Similar to the private law tradition, in connecting two particular individuals in this way the bipolar standpoint account looks neither to the 'litigants' individually nor to the interests of the moral community as a whole, but simply to the bipolar relationship between obligee (claim-holder) and obligor (obligation-holder). See, Weinrib (1995), 2.

<sup>192</sup> Bipolar reasons are thus best understood as a version of second-personal reasons, which are, according to Darwall, "invariably tied to a distinctively second-personal kind of authority: the authority to make a demand and claim." Darwall (2006), 11.

<sup>193</sup> See Thompson (2004).

Thus, when I am obligated not to step on your foot, *I* have a reason of a particular kind that is not similarly a reason for anyone else. You have a valid claim against me. That is not to say, of course, that I could not have a similar reason regarding someone else, it is only to say that the relevant reason would be distinct from the reason that I have not to step on your foot, for the latter, but not the former, has its source in your valid claim against me. Thus, I might very well also have reason not step on Stan's foot. And while both reasons share the same content, they differ in that they have their respective source in the valid claims of either you or Stan. An alternative way of putting this is to point out that bipolar reasons are importantly *participant-dependent* reasons; they are not reasons for just anyone, and, what is even more important, not the reason of just anyone. Bipolar reasons are not public in this sense. Nor are they generic. Bipolar reasons do not concern what persons in general might have a claim to, but what a particular person, like you, has a claim to in a given situation. That is, bipolar reasons are reasons *for* and *of* the respective participants to a given bipolar nexus or standpoint, having their source ultimately in the valid claims of the respective participants.

### §1.1.3. *Ex ante* vs. *Ex post* Demands and Obligations

Let me here mention one further difference between the bipolar view and Darwall's second-personal view. As suggested in the previous chapter, Darwall's second-personal account proposes to accommodate certain *ex post* directed obligations and corresponding claims or demands. Accordingly, one has the individual authority to demand an apology or some sort of compensation, to enforce an obligation, or to release someone from his or her initial obligation. Here, Darwall's thought is that one's individual authority to demand an apology or some sort of compensation does not presuppose the representative authority of the moral community. While I'm ultimately not convinced that there is such *ex post* or after-the-fact<sup>194</sup> claim or demand that stands decoupled from a valid *ex ante* claim or demand, let's grant it for the sake of illustrating Darwall's view.

In order to highlight the general structure of Darwall's view which appears to decouple the *ex ante* authority from the *ex post* authority to demand certain things, let's consider the following. Suppose, I run a red light on my bicycle, thereby running you over while you are crossing the street. Now, on Darwall's view it is of course up to *you* and your individual authority to demand compensation of me, not least an apology. After all, you

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<sup>194</sup> I'm borrowing the notion of 'after-the-fact demand' from Gilbert (2013).

are the victim of my doing. No one else has this standing or authority. Yet, it also seems that in having run the red light, I haven't thereby violated an obligation that has its normative source in any of *your* particular valid claims or demands. After all, the fact of obligation is, similar to Nowheresville, settled simply by the relevant traffic law which requires of me to stop at a red light. And determining the relevant traffic law is, of course, none of your particular business, but rather that of the moral community and other relevant right making features. Thus, when it comes to holding me accountable or seeking punishment for my violation of the traffic law, you can do so only against the background of the criminal law *representing* your interests and never against the background of any of your particular claims or demands, as the latter do not settle the fact of obligation.<sup>195</sup> Any valid claim or demand that you have the individual authority to make of me is on Darwall's view generated by my failure to do what the relevant traffic law requires of me.<sup>196</sup>

On the bipolar view, by contrast, the claims and demands of particular individuals are understood to be primarily *ex ante*, and hence as indeed settling the fact of obligation. Consequently, you do not *only* have a claim against me after I step on your foot, being in a position to demand an apology of me or ask for some other sort of compensation. Instead, you have the *ex ante* claim not to have your foot stepped upon unbidden, thereby normatively grounding my initial obligation not to step on your foot.

Of course, this is not to say that on the bipolar view it is of no importance whether an individual has the *ex post* standing to demand certain things of another, such as an apology or compensation. Quite the contrary. And as already suggested in previous chapters, the *ex ante* claims and demands are closely connected with any *ex post* claims and demands. After all, the very fact that you can demand an apology of me for stepping on your foot actually entails and, what is more, presupposes that you have the standing to blame me for having violated a relevant claim-based demand of yours. You stand as the *normative source* of my obligation and understanding the relevant claims and demands to be primarily *ex ante* in this way enables us to grasp how I am obligated *to you, because of you*. I will return to this issue in the next chapter, highlighting how the bipolar account is

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<sup>195</sup> Darwall (2010 precis), (2013). According to Darwall, while apologies and compensation can be sought against the background of the 'moral private law', one can blame another – and thereby highlight the violation of the obligating demand – only by invoking the 'moral criminal law'.

<sup>196</sup> On Darwall's view you have, as we might put it, half the concept of a claim.

eventually better suited to make sense of these *ex post* demands than Darwall's second-personal view.

## §2 The Bipolar Standpoint and Bipolar Recognition Respect

Now that I have stated the bipolar account, let me explain how it adequately captures the directed *desiderata* that any plausible account of 'what we owe to each other' must accommodate and thereby improves on both the moral contractualism of Scanlon as well as the second-personal view of Darwall.

For one, the bipolar account explains how in stepping on your foot I do not only do something wrong, but *wrong* you. After all, I have on the bipolar account not only violated a non-directed moral obligation, or one that I have period, but instead a directed obligation that I have *to you*.

Given the constitutive linkage of my obligation with your valid claim, the bipolar account explains, moreover, how my wronging of you manifests itself primarily in my attitudinal failure to recognize and acknowledge you as a 'self-originating source of valid claims' who possesses the individual authority to demand certain treatment of me. For, according to the account on offer, my failure to comply with the respective obligation *just is* a failure to be susceptible to your valid claims and demands.

### §2.1. Bipolar Recognition Respect

In turn, this suggests that the bipolar account on offer can naturally accommodate bipolar recognition respect:

**Bipolar Recognition Respect:** A respects B only if A recognizes B not only as (i) the *target* of A's obligation owed to B, but also as (ii) the very *source* of the obligation that A owes to B.

In doing what I am said to owe to you – namely, not to step on your foot – I act on a directed obligation that has its normative source in your valid claim against me. It follows that in complying with my obligation, I recognize and acknowledge you not only as the target of my obligation that I have with regards to you, but always as the very *source* of my obligation. I exhibit, as it were, the fitting attitude of bipolar recognition respect that

is called for by your standing as a ‘self-originating source of valid claims’. It thus explains the connection between directed obligation and bipolar recognition respect and consequently Feinberg’s claim that “to respect a person then, or to think of him as possessed of human dignity, simply *is* to think of him as a potential maker of claims.”<sup>197</sup>

## §2.2. Attitudes and Bipolar Reasons as the Right Kind of Reasons

The bipolar standpoint account is thus uniquely able to accommodate concern for the important, yet often underexplored, attitudinal or recognitional dimension of interpersonal morality, according to which it not only matters that we do what we owe to each other, but that we do so for the right reasons, where these are to be understood in terms of bipolar reasons, that is, as reasons emanating from the valid claims and demands of particular individuals. On the bipolar standpoint account one does what one owes to another not simply by doing what one is obligated to do in virtue of a general moral principle – say, not to step on your foot – but by doing it out of consideration for the valid claim of the person to whom one is said to be obligated and thus out of concern for the other person – *you*.

Consequently, the bipolar account has the resources to explain how even in doing ‘the right thing’ we can sometimes be said to wrong another if our actions are motivated by the wrong kinds of reasons. After all, I might do what I’m obligated to do, but might conceive of my obligation as one that I have period and to no one in particular and not as one that I have specifically *to*, and *because of*, another. The bipolar account can accommodate the plausible intuition that I fail and, indeed, wrong you, if I refrain from stepping on your foot simply because I would otherwise face a harsh monetary penalty. While I would have certainly done the right thing – refrain from stepping on your foot – I would have done so for the wrong, or, as we might say, wronging kind of reasons. After all, I should have refrained from stepping on your foot, because you have a valid claim against me that I not do so and hence out of concern for you. Thus, if, upon asking me, I tell you “C’mon, I didn’t step on your foot after all, so I don’t understand your questioning of my motive!” you might well reply with the following: “Listen, I know you didn’t. But it does matter a great deal to me why you didn’t do it! After all, I asked you so many times not to do it and you didn’t seem to care at all.” What you are pointing out here to me is that it matters a

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<sup>197</sup> Feinberg (1970), 8.

great deal to you how and why I did what I did and what it tells you about my attitudes towards and concern for you.

The bipolar standpoint account accommodates this concern of yours, for it is committed to bipolar recognition respect, or the thought that we owe it to others to recognize them not only as the targets or ‘occasions’ of our obligations that we have with regards to them, but at the same time as their very source. For, in acting from bipolar reasons, we recognize and acknowledge others with whom we are normatively implicated as sources of valid claims who possess the individual authority to demand certain treatment of us. Understood in this way, the bipolar standpoint account provides the right kind of answer to the question ‘What’s your reason for not stepping on your foot?’ that you might ask me upon coming to doubt my motive: ‘*You* are my reason.’

To be clear, none of this is to deny that both Scanlon and Darwall share the general concern for doing what we owe to each other for the right kind of reasons. After all, both Scanlon and Darwall place an emphasis on the idea that it not only matters that we do what we owe to others, but that we do so for certain reasons and not others. In this regard, Scanlon’s moral contractualism, Darwall’s second-personal approach, and my proposed bipolar account are in fact all on the same side. The difference between these respective accounts occurs within, so to speak, that is, in spelling out the form and content of the relevant reason.

Let me here briefly elaborate. On Scanlon’s account, concern for doing what we owe to each other for the right kind of reasons is spelled out in terms of acting from reasons that are grounded in principles that no one can reasonably reject, whereas Darwall spells this relation between doing the right thing and the right reasons out in terms of acting from demand-regarding reasons that correspond with the demands of the moral community. As suggested in the previous chapters, however, neither justifiability-regarding reasons in Scanlon’s sense, nor impartially specified demand-regarding reasons in Darwall’s sense, properly capture what is at stake in situations like the foot-stepping case or the hospital visit involving my friend Jane. What is at stake in these situations is that I exhibit bipolar recognition respect towards and consequently recognize and acknowledge both of you as sources of valid claims to whom I owe certain obligations, and not merely as the targets of obligations that I have with regards to you respectively.

Doing what we owe to each other for either of the reasons that Scanlon and Darwall appeal to, however, fails to properly account for bipolar recognition respect and the constraint it places upon the reason that figure in our deliberation. For, neither of the reasons they offer are claim-based in the relevant sense. On Scanlon's contractualist account, the relevant reasons are ultimately grounded in the general contractualist principle, whereas on Darwall's second-personal account they are ultimately grounded in the demands of the entire moral community. That is, neither justifiability-regarding reasons, nor impartially specified demand-regarding reasons make essential and exclusive reference to the individual claims and demands that a person like you or Jane might have in a given situation. Therefore, both of these types of reasons, justifiability-regarding reasons on Scanlon's contractualism and demand-regarding-reasons on Darwall's second-personal approach, are reasons of the wrong kind to properly respond to the demand of bipolar recognition respect and the bipolar standing of persons.

### §3 What we owe to *each* other

Given the ambition of the bipolar proposal to offer us a unified theory of the entire set of interpersonal moral obligations, the bipolar account needs to be able to properly accommodate all of those obligations that at first appear to be firmly non-directed and as such owed to no one in particular, yet denote an important class of obligations that 'we owe to each other'.

Consider for example obligations not to litter in the streets, to give to charity, to vote, to recycle one's trash, or to pay one's taxes.<sup>198</sup> According to Scanlon, all of these are obligations that fall under the domain of 'what we owe to each other'. At the same time, however, none of these obligations seem to be owed to anyone in particular. Quite to the contrary, each of these obligations simply seems to denote a non-directed obligation that one is under period in virtue of certain rules and 'established practices' that govern the relevant aspect of one's life.<sup>199</sup> While it would be wrong for me not to comply with these obligations, it does not appear as though I would wrong anyone in particular by failing to, say, recycle my trash. After all, no one in particular would seem to have a claim against me to do any of these things.<sup>200</sup>

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<sup>198</sup> See, e.g. Scanlon (2013), Raz (2011).

<sup>199</sup> Scanlon (2013), 405.

<sup>200</sup> Ibid..

Now, I will argue that the bipolar account on offer has the resources to accommodate all of these seemingly non-directed obligations. Moreover, capturing these obligations in inherently directed terms has the added benefit of explaining more accurately the nature of the wrong involved in one's failure to comply with any of the seemingly non-directed obligations.

### §3.1. A Web of Bipolar Nexuses

Let's consider, for example, the obligation to recycle one's trash. Let's grant that recycling one's trash is indeed something that we owe to each other. How are we to explain this obligation on the bipolar view? On the bipolar account, we can explain this instance of a seemingly non-directed obligation as follows. Each of my fellow citizens has a *valid claim against me* to recycle my trash, given the importance that each of them attaches to preserving a clean environment for current and future generations. As a result, I'm faced with a large set of what we may now call *public directed obligations*. Alternatively put, we might say, that I'm implicated in a vast web of individual bipolar normative nexuses, with each one of my fellow citizens having a valid claim against me to do certain things, e.g. to recycle my trash. It follows that each of my fellow citizens has the standing or individual authority to demand of me that I recycle my trash and hold me accountable in case I fail to do so. And while it might well be true that each of my fellow citizens might possess the relevant standing or authority to demand that I recycle my trash only insofar as each of them is a member of the relevant political community, it does not strike me as completely implausible to think that none of them simply demands of me to recycle on behalf of the political community. That is, on the bipolar view on offer, I don't just owe it to the political community, understood as a collective, to recycle my trash. Instead, the political community simply settles the question to what extent and with regards to what matter any of my fellow citizens has the authority to make any demands of me, demands, however, that each of them has the standing to make *on their own behalf*.

The guiding idea behind this is that any reason I have to recycle my trash is a bipolar reason, having its normative source in each of my fellow citizens' respective claims. It follows that I do not owe it just, say, to my neighbor Tim to recycle my trash, but in fact to each and every fellow citizen. But importantly, this does not entail that I simply owe it to a collective or *everyone* to do so in virtue of being subject to a non-directed obligation that I have period and to no one in particular. On the bipolar view on offer, I rather have

the relevant obligation to particular individuals, and thus *every one* in virtue of being subject to each of their valid claims against me. That is, even though the reason for doing what I'm obligated to do has a single content – to recycle my trash – this reason is normatively grounded in the separate claims of each of my fellow citizens.

Another example of such an instance wherein one's obligation is constitutively linked to the valid claims of no one in particular is the obligation one might have to provide assistance to those in need. Take Peter Singer's famous argument about the needy and let's grant that we actually owe it to those dying of hunger to relieve their suffering.<sup>201</sup> One way to make sense of this claim is to argue, as I think we can on the bipolar view on offer in the dissertation, that each of those in need has a valid claim against us to do what we can to help.<sup>202</sup> Granted that we might actually be obligated to help, the relevant obligation would certainly be one that is not owed to someone in particular, yet one that is inherently directed, insofar as it is owed to each and every one who is so in need.<sup>203</sup>

### §3.2. Wrongs as Wrongings

The added advantage of spelling out these seemingly non-directed obligations in directed terms is that doing so enables us to make sense of the idea that in failing to do what we owe to each other, we do not do something wrong period, but actually *wrong* others. It does not seem farfetched to believe that in failing to recycle my trash I'm not only doing something wrong, or wrong period, but in fact *wrong* each of my fellow citizens, insofar as they each have an individual interest in a clean environment. I take it that we could say the same about my obligation to assist those in need or my obligation to pay my taxes. Regarding the latter, one might plausibly think that in failing to pay my taxes, I wrong each of my fellow citizens by disregarding each of their valid claims and reasonable expectation that as a member of the community I should be paying my fair share of taxes, not the least to acknowledge our mutual dependence and benefit as members of society.

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<sup>201</sup> Singer (1973).

<sup>202</sup> Compare this to Scanlon (1998), who suggests that we can capture the force of Singer's arguments in contractualist, rather than utilitarian, terms. Scanlon (1998), 152.

<sup>203</sup> Of course, duties of assistance add certain complexities and complications to the picture. One such complication arises from the fact that we cannot plausibly think that one owes it really to each and every person in need to provide help. For, doing so is practically over-demanding, if not sheer impossible. But figuring out the nitty-gritty of that particular obligation, including its scope and precise content, is no part of the exercise here. Appeal to such an obligation is simply meant to illustrate that there are plausibly a variety of seemingly non-directed obligations that are conceptually compatible with the bipolar view I offer in the dissertation.

The same can plausibly be said with regard to the obligation to help those in need. In failing to comply with the obligation to assist those in need, one does not only do wrong by failing to, say, give money to charity, but one wrongs those in need by disregarding each of their valid claims to be helped to the extent that this does not impose any great burden upon oneself.

Thus, it is reasonable to suppose that we do not lose anything by understanding moral wrongs essentially in terms of wrongings, at least when concerned with the interpersonal moral sphere of ‘what we owe to each other’. Quite to the contrary, understanding interpersonal moral wrongs essentially in terms of wrongings adds a layer of phenomenological accuracy, rendering plausible the idea that even in cases where the obligations in question appear at first to be non-directed, those affected can hold another personally accountable.

#### §4 Conclusion

This completes my statement of the bipolar standpoint account. According to the bipolar view espoused in this chapter, each and every interpersonal obligation is directed, being constitutively linked with the valid claims of particular individuals. As a result, the bipolar account naturally accommodates the directed nature of interpersonal morality, including the connection between directed obligations and bipolar recognition respect, while at the same time providing a unified account of the morality of ‘what we owe to each other’. In the following chapter, I will seek to defend the bipolar standpoint account against various challenges, thereby vindicating its potential to present us with a viable alternative to the views of Scanlon and Darwall.

## V.

### Vindicating the Bipolar Standpoint

*“the sympathetic or vicarious or impersonal or disinterested or generalized analogues of the reactive attitudes...are reactions to the qualities of others’ wills, not towards ourselves, but towards others.” (Strawson 1962)*

#### Introduction

In the previous chapter I presented *the bipolar standpoint* as a novel account of the nature of interpersonal moral obligations. According to the bipolar view, each and every interpersonal moral obligation is directed and as such owed to someone in particular, and each and every person possesses the bipolar standing to make claims and demands of others on their own behalf. The key advantage of the proposed bipolar view over its contractualist and second-personal alternatives is that it adequately captures the directed nature of interpersonal morality and the associated bipolar recognition respect.

In arguing for the primacy of bipolar normativity over monadic and second-personal normativity, the proposed account turns the view of interpersonal morality, according to which our interpersonal moral obligations are in the end not owed to anyone in particular, on its head. On what we may now call the orthodox view, defended by both Scanlon and Darwall, non-directed moral obligations, or moral obligations period, are normatively basic, with any directed obligation being at best derivative of or normatively dependent upon non-directed obligations, or those that we have “period.” Both Scanlon and Darwall point to strong considerations that speak in favor of adopting views of interpersonal morality according to which directed obligations are not normatively basic. For one, there are many non-discretionary obligations that we owe to no one in particular and which do not seem to be properly accommodated for on any view that places directed obligations at its center. For another, we need to be able to make sense of the idea that sometimes others, too, have the standing to demand that I do not violate a directed obligation owed to you. Moreover, as moral agents we are faced with the question of what we ought to do all things considered in a given situation. Both Scanlon’s and Darwall’s view seem to offer us the relevant resources to account for all these *desiderata*. But can the bipolar view proposed in the last chapter do so as well? The worry is, of course, if it cannot,

the bipolar view does not offer us with an adequate alternative to Scanlon's and Darwall's respective views.

The task for the present chapter then is this: to vindicate the bipolar view developed in the previous chapter by explaining how it can in fact meet all the relevant *desiderata*. In doing so, I engage with and answer to a number of challenges that the bipolar proposal faces. This will further clarify how the bipolar view proposed differs in significant respects from closely related second-personal view espoused by Darwall. At the same time, it is important to stress here that some of what follows will be undoubtedly tentative and will require further elaboration. I hope, however, that the following considerations will succeed in showing that the bipolar proposal has in principle the resources to meet some of the most pressing challenges, thereby vindicating the bipolar standpoint account as an alternative to the views of Scanlon and Darwall that is worth investigating further.

To begin with, I argue that the bipolar proposal can successfully deal with the non-discretionary character of some of our interpersonal obligations while maintaining their directed nature. This will lead me to elaborate on the order of claims and demands that can be made not only by the individual to whom a certain obligation is owed, but also by bystanders or third-parties, thereby illustrating how the bipolar view is indeed capable to successfully accommodate cases where bystanders are in a position to make the relevant demands. Next, I engage with a number of challenges that Darwall has recently raised against the proposed account. Darwall argues that any bipolar account will face two interconnected challenges: a deliberative and an accountability challenge that arise against the background of the “inescapable question of what we are morally obligated to do *all things considered*.”<sup>204</sup> According to the accountability challenge, we can hold others responsible only for violations of “moral obligations period,” because they have a conceptual connection to blameworthiness that directed obligations lacks. In addressing this challenge, I argue that the bipolar standpoint account is uniquely equipped to illuminate some central phenomena of the interpersonal moral sphere, like apology and forgiveness, by showing how these phenomena are themselves best understood as inherently directed. Doing so illustrates how blame is itself best understood as a directed- or bipolar phenomenon. Next, I address the deliberative challenge, according to which any appeal to

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<sup>204</sup> Darwall (unpublished manuscript).

directed obligations and their underlying claims can never help us to conclusively determine what we ought to do all things considered in a given situation.

Finally, I address a worry that besets any account according to which moral obligations, even if only of the interpersonal sort, are to be understood exclusively in terms of directed or bipolar obligations. According to this worry, it is not quite clear that we can successfully extend directed obligations and their underlying claims to the moral sphere, given that we do not seem to stand in any kind of relationship with each other simply as fellow moral beings. Directed obligations, or so the worry goes, usually emanate against the background of personal relationships like friendship or transactional interactions like promises. But what kind of relationship do we share in the moral sphere with each other, what kind of transaction are we all engaged in with? I shall suggest that this worry can be met once we realize that we do in fact share a basic moral relationship as fellow travelers of the moral universe in virtue of our shared vulnerability to recognitional or attitudinal injury.

### §1 The Bipolar Standpoint and The Criminal Moral Law

According to the bipolar standpoint account presented in the previous chapter, we can account for all instances of interpersonal moral obligation in terms of directed or bipolar obligations. I sketched how the bipolar account might be able to accommodate even seemingly non-directed obligations, or those that are owed to no one in particular, with the help of the recycling example, an obligation that I don't have to anyone in particular. While one might initially think that the obligation to recycle is best described as one that we owe to no one in particular and is hence non-directed,<sup>205</sup> I see no reason why a bipolar account cannot adequately capture this obligation. Instead, we can locate the normative source of said obligation in the valid claims of each and every one of our fellow citizens, thereby entangling each of us in a vast web of normative or bipolar nexuses. And while it is certainly true that I would not wrong any single individual in particular by failing to separate my trash into recyclables and non-recyclables, it does not seem implausible to believe that I would wrong each and every fellow citizen by failing to do so.

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<sup>205</sup> See Scanlon's response to Weinar, where Scanlon seems to suggest that the obligation to recycle is best conceived of as non-directed. Scanlon (2013), 405.

### §1.1. Non-Discretionary vs. Discretionary Nature of Obligations

Let me here point out an important consequence of spelling out certain obligations, like the obligation to recycle one's trash or to vote, in inherently directed or bipolar terms. The obligations under discussion are *non-discretionary*, that is, they are not under the control of or can be waived by the person to whom they are owed. This is somewhat striking, insofar as it is often taken to be a distinguishing feature of the class of directed obligations that they are under the discretion of and can be waived by the person to whom they are owed.<sup>206</sup> However, I take it that is not within any particular person's discretion to waive my obligation to recycle my trash. Thus, while I might actually come to agree with my neighbor Tim that recycling is of no real importance and that the time spent on separating trash would be much better spent by taking a walk or watching a favorite TV show, I'm not thereby released from my obligation to recycle. My neighbor Tim simply lacks the relevant standing to waive this obligation for me. This lack of standing is also reflected by one way in which we might plausibly think of the obligation to recycle one's trash – as a civic duty that is owed to each of our fellow citizens and not to anyone in particular. Thus, while Tim might indeed relieve me of my obligation *to him* to recycle my trash, this waiver does not amount to a waiver of my obligation to each of my fellow citizens, and thus simply to a general waiver to recycle my trash.<sup>207</sup> For, on the bipolar view on offer, Tim does not speak for anyone but himself. Everyone else's claim against me to recycle is still in place. The same holds true for most other seemingly non-directed obligations mentioned above.<sup>208</sup>

Now, things might be completely different when it comes to my obligation not to trespass on Tim's land. In the latter case, but not the former, Tim's claims are discretionary and he can hence voluntarily waive my obligation and allow me to, say, use his land to play football in the afternoon. For, now the relevant obligation that I'm under is owed to someone in particular who has the relevant *discretionary* authority to allow me to play on his land and even the standing to forestall any blame that others may be about to lay on me for what they see as an instance of wrongful property-trespass. When it comes to my potential property trespass, it is none of my fellow neighbors' business what I am or am not allowed to do, for this is only up to Tim to determine. After all, it is Tim who has a

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<sup>206</sup> See, for example, Darwall (2013a), 31.

<sup>207</sup> In some sense, then, Tim does have discretion – namely with regards to what I owe to him, namely 'to recycle my trash'. But what I intend to illustrate in the present paragraph is that Tim does not have discretion to thereby waive every obligation I might have 'to recycle my trash'.

<sup>208</sup> The obligation to help those in need might be an exception.

valid claim against me not to trespass on his land, and not any of our fellow neighbors. We might want to say the same about my obligation to Jane. But let's stick with the property example for the moment.

The case of trespass, we might say, is a case of what we may call 'private morality', insofar as violating Tim's right "does not, taken simply as such, engage the rights of third parties," i.e. his neighbors, whereas the case of recycling my trash is a case of 'public morality' insofar as it *does* engage the rights of my fellow citizens.<sup>209</sup> The obligation not to trespass is, what we might call, a *pure directed obligation* – an obligation that one owes to someone in particular, and where no one else but the person to whom the obligation is owed has a claim against one to comply with the relevant obligation. It might strike the reader – and rightly so – that the bipolar account on offer is particularly well equipped to adequately capture these instances of pure directed obligations, something that neither Scanlon's nor Darwall's account can successfully do.

To be clear, I'm not arguing that none of our fellow neighbors can say anything to me upon observing what they perceive to be an instance of wrongful trespass. Of course, my neighbors can tell me not to trespass on Tim's property. They can, as it were, remind me of my obligation to Tim. But it is important not to confuse this with the idea that third parties themselves have any genuine claims of their own against me in virtue of which they can demand the relevant obligation of me and hold me accountable.<sup>210</sup> Instead, all that our neighbors can do here is to point out to me that what I would do in failing to keep my obligation to Tim would amount to a wronging of Tim, a wronging that manifests itself primarily in my disregard for *Tim's* valid claim against me not to trespass on his property without his consent or adequate excuse.

Suppose a fellow neighbor were to approach me and point out to me his or her seemingly valid *claim* against me that I stay off Tim's property. In this situation, I would be

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<sup>209</sup> Ripstein (2006), 1423.

<sup>210</sup> Here, it might be helpful to draw on a distinction made by Joel Feinberg to further illustrate the difference between Tim and our fellow neighbors. According to Feinberg, we can distinguish between "making a claim to" and "claiming that." The former refers to what I have so far described as having 'a claim against', whereas the latter falls under the category of 'pointing out that' or 'reminding'. Thus, when I play football on Tim's property, he has claim *to* my retreat from his property, with any third party having a claim *that* I'm infringing Tim's property rights, thereby reminding me of Tim's claim to my staying off his property. See, Feinberg (1970).

well justified to tell him or her that it is ‘frankly speaking, none of your business’.<sup>211</sup> Not only that, I might reasonably think that it would flat out be wrong for any neighbor to put forward an alleged claim against me not to trespass on Tim’s property. We might want to say the same with regards to my obligation to visit Jane at the hospital – not only is it no one else’s business in demanding that I go visit her, it might flat out be wrong for others to even attempt to demand the relevant action of me.<sup>212</sup>

### §1.1.2. Discretionary Obligations and Third-Party Standing

To be clear, there might be cases where third parties do in fact do have the *standing* to make demands and press claims against another, even where the relevant obligation is a pure directed obligation. Say, for example, Tim has gone away for a holiday and asked our neighbor Chris to look after his property while he’s away. It’s perfectly plausible to assume that Chris can now press a claim against me and demand of me not to trespass on Tim’s property. For Tim has authorized Chris to do so. At the same time, it seems plausible to hold that any obligation that I have not to trespass on Tim’s property is still owed to Tim, and not to Chris. In turn, this suggests that while Chris does have the standing to demand that I treat Tim in a certain way, he does so only *in virtue of* Tim’s valid claim against me in the first place. Or else, we might say, Chris demands certain treatment towards him of me, on Tim’s behalf.

Paradigmatic examples of some speaking on behalf of others include the case of parents speaking for their children, partners for their loved ones, friends for each other, or carers for those who might no longer be in a position to assert the relevant claims themselves. Now, some of these cases are more complex than others and involve third-parties not only being in a position to make demands on behalf of another, but to have genuine claims themselves. While discussing these complexities in more detail is beyond the scope of the dissertation, it’s reasonable to suppose that a parent not only speaks on behalf of his or her child, but, moreover, presses his or her own claim *qua* being a parent. The same can be said about cases where someone is caring for another who no longer is able to make the relevant claims herself. Here, the carer not only demands certain conduct

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<sup>211</sup> Radzik (2011), Smith (2015).

<sup>212</sup> As Radzik (2011) points out, Jane and I might, in virtue of our friendship, even have a claim against third parties that they not sanction the wrong I have done to Jane as a means to protecting the special value of our relationship: “The claim amounts to a demand that the third party respect the integrity of a special relationship that is crucial to the parties’ ability to develop their own agency and pursue their own conception of the good.” Radzik (2011), 594. See also, Radzik (2012).

of others on behalf of the person he or she care for, but the carer has genuine claims herself *qua* carer. In such cases, third parties have a special responsibility to make demands and hold others accountable, and might even be in the power to accept apologies on behalf of those to whom certain obligations were owed but ultimately not complied with.<sup>213</sup> At the same time, it is important to note that these responsibilities and powers are first and foremost that of a *trustee* or *guardian*, i.e. as someone who makes claims and demands for, and on behalf of, another. Any genuine claims that trustees, like parents or carers, themselves have against others, they only have because of their roles as trustees for another.<sup>214</sup>

### §1.1.3. Non-Discretionary Private Obligations and the Moral Criminal Law

Now, one might think that the difference between the recycling case and the property case lies simply in the fact that in the latter, but not the former instance, I have an obligation to one particular individual, namely to *Tim*. Thus, what explains that my obligation not to trespass on Tim's land is discretionary whereas the obligation to recycle is not is the fact that in one case I owe an obligation to one particular individual, whereas in the other I owe it to no one in particular.

But to believe this would be a mistake. Consider another obligation that I have to Tim: the obligation not to torture him. While I clearly owe it *to Tim* not to torture him, we tend to think it plausible that every other member of the moral community seems to have a legitimate claim against me that I not torture Tim. After all, it is eminently plausible to believe that Tim cannot simply waive this obligation, thereby giving way to treatment that would legitimately be condemned by the rest of the moral community.<sup>215</sup> That is to say, it is not merely Tim's business whether or not I do torture him. Instead, it is in fact the business of all of us. Like many other obligations, such as the obligation not to kill or enslave others, the obligation not to torture Tim is, as we might say, not only a matter of

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<sup>213</sup> See, for example, Bell (2012) on the particular standing and responsibilities of third parties. One interesting feature of her account is that she ascribes third parties the responsibility, among other things, to "reach out to the blamer in order to reassure them that a wrong was indeed done." This practice of reassurance seems particularly apt in the parent-child case, where it is often the case that the parents bear a special responsibility in guiding their children towards correctly exhibiting certain reactive attitudes like resentment. Bell (2012), 280.

<sup>214</sup> Scanlon (1998), 182-184. Scanlon's idea of trusteeship is helpful here and taking it onboard eventually allows the bipolar view to accommodate a lot more of morality than merely its interpersonal part. But for now, I will use the notion of trusteeship in its more narrow form of making claims on behalf of other persons.

<sup>215</sup> See also, Zylberman (2017), 18.

‘private moral law’, but in fact a matter of what we may now call the ‘criminal moral law’.<sup>216</sup> At the same time, it is a directed obligation owed to a particular individual – Tim. We might accordingly call this an *impure directed obligation* – an obligation that is owed to someone in particular, but where others also have legitimate claims against one to comply with the relevant obligation. This fits with our intuition that in these cases, the victim of one’s doing has a particular stake in the situation and a privileged standing to demand of another that he not torture him, while bystanders and third parties, too, have valid claims in virtue of which they can make genuine demands of the perpetrator and hold him accountable.

It is in this latter respect that the obligation not to torture another resembles the ‘public’ obligation that I have to each of my fellow citizens to recycle or pay their taxes – it concerns and engages all of them. That is to say, both the obligation not to torture, while being directed and owed to a particular person, as well as the obligation to recycle or pay one’s taxes, while being directed but owed to no one in particular, seem to fall partly under the ‘moral criminal law’. At the same time, they differ, insofar as the former, but not the latter, is an instance of an obligation which is owed to someone in particular, as a result of which the potential victim of one’s doing has a particularly strong stake in the situation. We might also say that they differ in virtue of ascribing some individual a “privileged standing” to make the relevant demand and to hold another personally accountable.<sup>217</sup> Whereas a *public directed obligation* does not ascribe any individual a “privileged standing,” an *impure directed obligation* does. But how to explain this?

## **§1.2. Non-discretionary Private Obligations and the Order of Claims and Demands**

The challenge, then, is the following: a) to retain the idea that my obligation not to torture Tim is constitutively linked with *Tim’s* valid claim against me, while b) accommodating the thought that others, too, have the standing to demand the relevant conduct of me and to hold me accountable in case I fail to do what I owe to Tim.

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<sup>216</sup> I borrow this distinction from Darwall, who, in drawing analogies between the law and morality, distinguishes between what “civil wrong” and “criminal wrong.” Darwall (2010), 223. “The criminal law is to the moral law as civil law is to the dikaiological order of bipolar moral obligations.” Darwall (2013a), 31.

<sup>217</sup> Wallace (2007).

One intuitively plausible way on the bipolar view to make sense of this is by distinguishing between a *primary*- and *secondary* standing to make claims and demands.<sup>218</sup> Now, the question is how to understand this. A promising way of understanding the secondary nature of the claims and demands of third-parties is in terms of trusteeship. Similar to parents or carers, others function on the bipolar proposal simply as moral trustees and make claims or demands *on behalf of* or *in virtue of* someone's valid claim. So understood, third-party demands are, as we might say, representative demands that are underwritten by the valid claim of the person to whom the relevant obligation is owed in the first place.

### §1.2.1. Moral Trustee Claims

Hence, we might say, Tim has a claim against me that I not torture him and everyone else has a claim against me that I do what Tim has the standing to demand of me simply in virtue of being Tim's fellow moral travelers. And unlike Chris's claim, who had been entrusted or authorized *by Tim* to take charge of his property, we should now best understand the secondary claims of third parties as being similar to the claims that parents might have on behalf of their children – as always already being in force, regardless of whether someone entrusted the relevant claims on them or not.

After all, Tim has no control over his claim not to be tortured and is in no position to waive it or authorize others to speak on behalf of him. That is to say, his claim is non-discretionary. At the same time, Tim's claim is primary. What I'm suggesting, then, is that it is part of the non-discretionary characteristic of Tim's claim that someone like Chris, who was given the standing to make claims and demands of me on behalf of Tim by Tim in the property case, always already has the standing to make the relevant demand of me on behalf of Tim in the torture case. Understood in this way, non-discretionary claims always already come accompanied by secondary claims of one's moral fellows. And it is these secondary moral trustee claims that resemble the claims in criminal law. But where Darwall, for example, would understand these third-party claims as being normatively on par with the claims of those implicated in a given normative nexus, I here understand these claims as trustee claims, thereby capturing the intuitively plausible normative difference between the claims of the potential victim of one's doing and any third parties.

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<sup>218</sup> For a similar suggestion, see Kadlac (2014), 2288.

I believe that this is an appealing way to think about secondary claims in cases like my non-discretionary obligation to Tim not to torture him. While it is Tim's *ex ante* claim against me not to torture him that settles the fact of obligation on the bipolar view, others also have a claim against me not to torture Tim as his trustee. After all, the relevant obligation is not under Tim's control; he cannot simply waive it, thereby making it permissible for me to in fact torture him. For, there are always his moral fellows – Tim's moral trustees – who make the claim on behalf of Tim against the background of which they, too, can hold me accountable.<sup>219</sup>

Again, things might be different with regards to my obligation not to trespass on Tim's property or my obligation to visit Jane at the hospital. All of these obligations are discretionary and it is very much up to Tim or Jane to waive these obligations or to give or refrain from giving anyone permission to make the relevant claims and demands on behalf of them.

This way of understanding non-discretionary obligations and the order of claims and demands meets the challenge posed at the outset: to a) accommodate the thought that my obligation is very much one that is owed to Tim and constitutively linked with his valid claim against me not to be tortured, while b) also accommodating the thought that others too have the standing to demand the relevant action of me and to hold me accountable in case I fail to comply with it. For, while Tim has the normatively primary claim against me that I not torture him, others have a moral trustee-, or secondary-, claim against me that I not torture Tim in virtue of Tim's primary claim.

Hence, in the torture case and similar cases, we can, on the bipolar view, make sense of the idea that not only Tim, but really any third party has a claim against me, the latter of which explains why I can be held accountable not only by Tim, but by each and every member of the moral community. In turn, this means that I have a vast number of obligations; primarily one to Tim, but in addition one to each of Tim's moral trustees. At

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<sup>219</sup> Moreover, this fits with the view that even if Tim were to *express* consent to him being tortured by me, as is some people actually do, this does not mean that Tim thereby waives his claim; after all, Tim's claim is non-discretionary and hence non-waivable. So, even if Tim would be disposed, for whatever reason, to allow me to torture him, any third parties would rightly hold me accountable as his moral trustees by, say, bringing charges against me. Here, again, we can see similarities between moral trustee claims and the parent-child case. Similar to any moral trustee claims, parents also have claims against others in virtue of being their children's trustees, where these claims are not given to or authorized by their children, but are always already held by the parents.

the same time, however, this does not take away from the fact that I'm primarily accountable to Tim and that it is to Tim that I, at the very least, need to apologize in case of violating my obligation.

### §1.3. Non-discretionary Private Obligations and Second-Personal Morality

Before elaborating in more detail how this view fits with the intuitively plausible differences between the ways in which I can be held accountable by Tim and any third party, like Chris, let me here once more note important differences between the bipolar view and Darwall's second-personal view.

At first, it seems to be precisely these cases of non-discretionary directed obligations falling under the criminal moral law that make Darwall's second-personal view so appealing. For it seems as though Darwall offers us with exactly the right kind of explanation of these cases. According to Darwall we can explain these non-discretionary obligations and any third party demands that come with them in cases like torture by appealing to the representative authority we all share as members of the moral community. Thus, while Tim certainly does possess the authority to demand that I not torture him, everyone else also possesses the representative authority to demand of me that I not torture anyone, period. This explains how I am in fact not only accountable to Tim, but to the moral community and each of its members.

The problem for Darwall's view, however, is that Tim's privileged standing to demand that I not torture him is not properly accounted for, as a result of which Darwall's account runs the risk of failing to properly capture the nature of the obligation at issue. For on Darwall's second-personal view, Tim's individual authority to demand of me that I not torture him is normatively dependent on the representative authority of the moral community, thereby making directed obligation dependent upon moral obligations period (Chapter 3). More specifically, the problem for Darwall's view is that it does not grant Tim and his valid claim against me the normative importance that we should ascribe to it, and in virtue of which we can explain the fact that in torturing him, I *wrong* Tim by disregarding his valid claim against me. On Darwall's second-personal view, Tim is ultimately one of many, not having any normatively primary claim against me that I not torture him. For what explains that I ought not torture Tim is on Darwall's account ultimately the fact that I'm under a moral obligation period, and hence one that I have as much to Tim as to any

representative member of the moral community. In other words, Tim really only has a criminal claim against me and thus a claim he shares with everyone else. Accordingly, Darwall holds that when Tim blames me for my wrongdoing in light of having tortured him, he does so by merely adding his voice to or seconding, as it were, the demand he must presuppose is made of everyone by the moral community or representative persons as such. As Darwall puts it, “it is not up to a(n alleged) victim to decide whether or not to pursue a criminal case, *including for the very rights violation of which she has been victim.*”<sup>220</sup> Consequently, in blaming me, according to Darwall, “whether someone else or [himself], [Tim] implicitly [addresses] a demand, *not* at [his] own individual discretion, but *as a representative person*, on behalf of the moral community.”<sup>221</sup>.

Now, one might think that this is actually the right way to think about my obligation to Tim; criminal law determines that I owe it to Tim not to torture him, and there is nothing special about Tim that makes it such that I’m obligated to him.<sup>222</sup> After all, torture is not simply a matter of civil law. Consequently, some might think that it is a mistake to give Tim any special standing and that Darwall has it right here.<sup>223</sup> To me, however, this seems to be a mistake. For, the obligation, even though non-discretionary, is nevertheless directed and as such owed *to Tim* in particular and it is to Tim, and not to everyone else, that I need to apologize or offer some sort of compensation for what I did. This is also to stress that I do not agree with the parallels that Darwall draws between morality and the law. Without going into any details here, I believe it is important to keep in mind that morality and the legal sphere operate according to different logics. As such, it might well be true that victims of criminal acts do not have the standing to legally excuse their victimizers. But when it comes to morality, we are not concerned with these legal issues. What matters, for example, is that someone has, qua being a victim, the standing to forgive the perpetrator for his actions. On Darwall’s view, however, it is not clear that we can single out Tim in this way. After all, Tim’s standing is not primarily that of a victim on Darwall’s view, but that of a second-person representative of the moral community.

Another way to highlight the difficulty for Darwall is to point out that any non-discretionary obligations, including my obligation to Tim not to torture him, are on

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<sup>220</sup> Darwall (2013a), 31. My emphasis.

<sup>221</sup> Darwall (2013a), 37. My emphasis and interpolation.

<sup>222</sup> See Darwall (2010, 223).

<sup>223</sup> For an explicit statement of the analogy between morality and law, see Darwall (2010), 223.

Darwall's view ultimately instances of "moral obligations period," being normatively governed by the representative authority of the moral community. Any violations of such obligations amount to a "wrong, period" and not a wronging of someone in particular. As such, they function just like non-directed obligations on Scanlon's account. And once again, this leaves it mysterious how on Darwall's view we can make sense of the idea that certain non-discretionary obligations are nevertheless directed or bipolar and thus *owed to* some particular individual, something, I take it, that is very important to adequately capture.<sup>224</sup>

The bipolar view improves on Darwall's account by clearly separating Tim's individual authority from any representative authority that he might share with the rest of his moral fellows. That is, the bipolar view can explain the directed nature of the non-discretionary obligation not to torture Tim by appeal to Tim's bipolar standing:

**Bipolar Standing:** the independent standing of an equally authoritative self-originating source of valid claims who can make (and be made) demands of (by) others on behalf of oneself, and who is owed (and owes) corresponding treatment by (to) another.

At the same time, the bipolar view allows for any third parties to have a basic trustee claim against me not to torture anyone, including Tim. In tying this basic claim to Tim's primary claim, the bipolar view accommodates the intuitively plausible difference between Tim's standing as the potential victim of my doing and the standing of any third party to hold me otherwise accountable. That is, on the bipolar view on offer, the normative dependence relation between individual authority and representative authority is reversed, so to speak. Instead of individual claims normatively depending on representative claims, third-party claims, that is, those I have labeled moral trustee-claims, normatively depend on the primary claims of individuals like Tim on the bipolar view. As a result, we can still very well speak of torturing Tim to be "wrong, period" in the present context, so long as

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<sup>224</sup> For a similar criticism of Darwall's view, see Zylberman (2017) who objects to Darwall on the ground that we cannot make sense of the idea that my obligation not to torture Tim is normatively grounded in Tim's dignity. Zylberman (2017), 17-20.

this is understood to involve the relevant ordering and relation of normative dependence of claims – *from primary individual to secondary representative, and not the other way around.*<sup>225</sup>

#### §1.4. Public Non-discretionary Obligations vs. Private Non-discretionary obligations

To better work out the difference between the bipolar view and Darwall’s second-personal view, let me here briefly elaborate on the difference between my public non-discretionary obligation to recycle my trash and my private non-discretionary obligation not to torture Tim. Both are, on my account, directed. But unlike the public non-discretionary obligation, or what I called a *public directed obligation*, the individual non-discretionary obligation, or what I called an *impure directed obligation*, is owed to him *in particular*, with Tim having a primary claim against me not to torture him. After all, I owe it *to Tim* not to torture him. And it is Tim whom I wrong if I in fact torture him. It is consistent with this that I also wrong any third party who has a trustee-claim against me not to torture Tim. But insofar as this wrongdoing consists in my failure to do what I owe to Tim, it is, as we might say, derivative of Tim’s wrongdoing. This, I take it, explains well why I need to apologize to Tim and not just to anyone, much the less everyone, including Tim. Tim’s standing, as it were, is privileged.

Now, things are different when it comes to my non-discretionary public obligation to recycle my trash on the bipolar view. It is here that one might find convergence between the bipolar view and Darwall’s second-personal view. Here, Tim does not have any *primary* claim against me that I recycle my trash. After all, who is *Tim* to tell me to recycle my trash? Of course, Tim can demand of me that I recycle my trash, thereby implying that I also owe it to him to do so, but only if others too have the standing to demand that I recycle my trash. Tim would be mistaken to believe that he had some kind of privileged standing or primary claim against me. For while the obligation to recycle my trash is directed on my account and thus also owed to Tim, it is owed to each and every fellow citizen insofar as it affects them and engages each of their respective claims equally. In turn, this means that I wrong each of them, not only but also Tim. What we can infer from this is that in the case

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<sup>225</sup> Going back to Chapter 3, then, it is now clear I do actually very much agree with Darwall that in certain cases, namely non-discretionary cases, bipolar or directed obligations “*entail* moral obligations period.” But whereas Darwall understands the entailment relation in terms of directed obligations normatively depending on moral obligations owed to the moral community, I here understand the dependence relation to be the other way around.

of recycling, Tim's claim against me does not stand out; it is not privileged. Quite to the contrary, Tim and his claim are normatively on par with the rest of the moral community, as a result of which there is no difference in the strength of claims. What explains Tim's standing is, we might say, the public character of the obligation. By this, I roughly mean to suggest that the obligation to recycle my trash does, unlike my obligation not to torture Tim, engage the equally forceful claims of a large number of people at the same time.<sup>226</sup> That is to say, similar to the obligation to vote, or to pay one's taxes, the obligation to recycle one's trash is normatively grounded in the standing of *each* and *every* fellow citizen to demand the relevant action. As a result, Tim is not in a privileged position to make the relevant demand of me.

I am concerned that on Darwall's view we cannot clearly distinguish between these two different non-discretionary directed obligations. On Darwall's view, my private obligation to Tim not to torture him works in some sense just like my public obligation to Tim to recycle my trash – as an obligation that is ultimately grounded in the claims of just anyone. No distinction is made on Darwall's second-personal account between a primary claim that Tim has and any secondary claims that a third-party bystander like Chris might have against me.<sup>227</sup> In contrast to Darwall's second-personal view, the bipolar view on offer allows us to make this distinction and hence enables us to properly accommodate for private obligations owed to particular individuals, even where the relevant obligation is best understood to be non-discretionary.

## §2 Bipolar Blame

Let me now further buttress the bipolar way of understanding claims and demands as primary and secondary by turning the attention to our accountability practices, which on the view on offer are best understood as themselves inherently directed. In particular, I want to focus on the notions of apology and forgiveness. I believe that doing so has ramifications for the way in which we understand the central notion of blame – as a *personal reactive attitude* that tracks first and foremost the attitudes of the person with whom one is implicated in a normative nexus. More specifically, I shall argue that blame as a reactive

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<sup>226</sup> Those discussing the differences between private and public morality often invoke numbers as a distinguishing mark of the latter: public morality involves and impacts a much larger number than does private morality. See, for example, Ginbar (2008).

<sup>227</sup> A similar criticism is voiced by Wallace (2007). More specifically, Wallace identifies the problem for Darwall's account in terms of the latter's commitment to a "common authority" and a "*single, shared standpoint.*" Wallace (2007), 33-34. My emphasis.

attitude is best understood to be justified from within the bipolar standpoint. It is only in being so justified from within the bipolar standpoint that it can warrant an apology or serve as the background against which one can forgive another for their wrongdoing. Hence, it should become apparent how the bipolar view on offer is actually better equipped to properly accommodate central pieces of our accountability practices than, in particular, Darwall's second-personal alternative.

### §2.1. Darwall on Blame and Brute Morality

According to Darwall there is a conceptual connection between “moral obligation period” and blameworthiness that does not exist between directed or bipolar obligation and blameworthiness. That is to say, whereas any failures to comply with one’s moral obligation period is blameworthy, the same cannot be said for any failure to comply with one’s directed obligation to say, not step on another person’s foot. Now, this is of course not to say that Darwall believes we can never be blameworthy for the failure to comply with a directed obligation. But it is to say that one can be blameworthy for the failure to comply with a directed obligation only if one has thereby committed a “wrong, period” in violating a “moral obligation period.” Underlying this assertion is Darwall’s understanding of blame as a reactive “attitude that presupposes our mutual accountability as equal persons or members of the moral community” and not merely our mutual accountability as being normatively implicated with another individual in a given normative nexus. This ultimately leads Darwall to the claim that “when we blame someone, whether someone else or ourselves, we implicitly address a demand, not at our own individual discretion, but as a representative person, *on behalf of* the moral community, as it were.”<sup>228</sup>

Underlying Darwall’s argument is the thought that it is simply not the business of particular and separate individuals like *you* and *me* to determine one another’s obligation, even if the respective obligations are ones that are owed *to* one another respectively. It is neither up to Tim to hold me morally accountable and blame me for torturing him or trespassing on his property, nor is it up to you or Jane to blame me for my respective failures to do what I was said to owe to both of you. While both Tim and Jane can complain to me and hold a grudge against me, they have no more special standing than any other representative member of the moral community to hold me morally accountable. For one might worry that in locating the sources of our interpersonal moral obligations in the claims

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<sup>228</sup> Darwall (2013a), 37. My emphasis.

and demands of particular and contingently placed individuals, we end up with a view according to which we are obligated to do certain things whenever and ‘because others say so’.

More precisely, the worry is that so understood individual claims are justified simply against the background of an interest in having these claims. Each of us might have interests in all sorts of things. As such, my friend Jane might have an interest that I bring breakfast to her bedside every morning. It hardly follows that Jane has a claim against me that I do so. Similarly, you might have an interest that I place your luggage in the overhead locker. Again, it hardly follows that you have a claim against me. You might ask me and hope that I help you, but something would have gone wrong if you were to think that I’m obligated to help you. The worry is that others simply *impose their will* on ours or *command* us to do certain things to them. And this can’t be right. For, this would result in a system of *brute morality*, one that has its foundations in the subjective will and preferences of given individuals.<sup>229</sup> As Darwall puts it, it would lead to the...

“radical idea that something has objective normative significance because it is what one wills subjectively – first, that one has a unique standing to create reasons for acting independently of and unconstrained by the moral law, but also, second, that one can address these reasons to others and expect compliance, in other words, that one has a unique authority to address second-personal reasons.”<sup>230</sup>

Instead, we must presuppose a perspective that is shared between claim-holder and duty-bearer, whereby both can grasp and appreciate the relevant reason underlying one’s demand and another’s obligation. All of this brings us back to *Pufendorf’s point*, or the thought that for someone to be held responsible by another, one must be able to hold oneself responsible in the first place.<sup>231</sup> As we saw in Chapter 3, *Pufendorf’s point* figures prominently in Darwall’s argument for blame as an impersonal reactive attitude. Darwall’s argument was as follows: say I really violate my obligation to you and do in fact step on your foot without adequate excuse. When you blame me as a result of it – and in doing so implicitly address a moral demand to me that I ought to have acted otherwise – you don’t just “vent or spout off,” but rather intend to point out to me that I have done something

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<sup>229</sup> Darwall (2013a), 37-38.

<sup>230</sup> Darwall (2006), 135.

<sup>231</sup> *Ibid.*, 23.

blameworthy for which I should be held accountable. That is to say, your blame intends to draw me in an exchange and “comes with an implicit RSVP” which calls for acknowledgment on your behalf.<sup>232</sup>

In order for me to acknowledge and accept your blame and feel guilty in return, however, I must, as it were, accept your blame and its implicit demand that I ought to have acted otherwise as being warranted.<sup>233</sup> For I won’t accept your blame as being justified just because ‘you said so’. Instead, I will only accept your blame and feel guilty in return once I realize that the relevant demand implicit in your blame is one that could be made of me not just by you – the victim of my wrongdoing – but in fact by anyone, including myself, and hence by any representative member of the moral community. That is, I must realize that in wronging you, I have done something wrong, or wrong period. Or else, for blame to work, so to speak, we must presuppose that the one blamed can take it up and make the demand implicit in the blame of him or herself – “self-blame” him or herself.<sup>234</sup> Here is Darwall again:

“[I] cannot adequately recognize [my] personal responsibility for injuring and thereby wronging [you] without also accepting that [my] actions were wrong period. And [I] cannot do that, unless [I] can believe this wrongdoing excusable, without blaming [myself], that is, by explicitly making a demand of [myself] that [I] see to be warranted from an impartial third-party perspective and accepting [my] own culpability. And this presupposes *representative authority*.”<sup>235</sup>

Conversely, Darwall holds that “we blame someone from the same point of view we expect her to take up in acknowledging her wrongdoing and blame herself.”<sup>236</sup> Darwall, however, understands the relevant perspective to be the impartially disciplined perspective of the moral community and not simply that of two individuals being normatively implicated with each other – like you and I:

“Morality as equal accountability understands the moral point of view to be fundamentally *intersubjective*. It holds the moral perspective to be an impartially

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<sup>232</sup> Ibid., 145.

<sup>233</sup> Darwall (2006), 28, and (2013a), 39.

<sup>234</sup> Darwall (unpublished manuscript).

<sup>235</sup> Darwall (2013a), 39. My emphasis.

<sup>236</sup> Darwall (unpublished manuscript).

disciplined version of the second-person standpoint, in which, as anyone (or, as an equal participant in the first- person plural [“we”] of the moral community), one addresses someone (oneself or someone else) also as anyone (as another equal member).”<sup>237</sup>

Accordingly, *Pufendorf’s Point* comes in here to illustrate that “when [you] blame [me], [you simply] *add* [your] voice to or *second*, as it were, a demand that [you] must presuppose is made of everyone by the moral community or representative persons as such.”<sup>238</sup> All of this seemingly puts pressure on the bipolar account and the proposal to differentiate between privileged or primary claims of particular individuals and secondary- or derivative claims of third parties.

At the same time, Darwall does want to grant a person the standing to demand certain things, like an apology or compensation, against the background of her individual authority. Moreover, Darwall believes that it is up to someone’s individual authority to resent someone for his or her wrongdoing. As such, you can resent me for stepping on your foot. You can, as it were, complain to me. But you cannot, however, blame me and in doing so hold me morally accountable for the violation of my respective obligation to you. As already suggested above, Darwall maps this distinction between one’s individual standing to complain and one’s representative standing to blame on to the distinction between civil and criminal law. Although it is up to a victim and his or her individual authority to file a civil law suit and demand some sort of compensation, it is not up to him or her to prosecute another for her criminal offences – “that authority is reserved for the people and their representatives.”<sup>239</sup> Blame, as Darwall puts it, is “felt not as from some particular point of view; rather, it implicitly addresses demands as from the perspective of any free and rational person.”<sup>240</sup>

It follows that on Darwall’s account, everyone is as much in a position to blame me for torturing Tim than Tim himself is.<sup>241</sup> Again, intuitively this might seem right. For,

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<sup>237</sup> Darwall (2006), 102.

<sup>238</sup> Darwall (2013a), 37. My emphasis.

<sup>239</sup> Darwall (2010), 223.

<sup>240</sup> Darwall (2006), 271.

<sup>241</sup> See also Radzik (2012) for an elaborate discussion of Darwall. On Darwall’s account, according to Radzik, the standing to blame is universal: “every free and rational agent has the standing to sanction wrongdoer for every wrongful act.”

when I torture Tim, others, too, have the standing to blame me and hold me accountable. But it also follows on Darwall's account that everyone is as much in a position to blame me when I trespass on Tim's property.

This makes it difficult to adequately capture discretionary cases or what I called *pure directed obligation* that are no one else's business. After all, it seems to be mistaken to me to grant third parties the same standing to blame me for my failure to stay off Tim's property, or to visit Jane at the hospital, as Tim or Jane. But on Darwall's view, we cannot account for this mistake; we cannot make sense of Tim's, Jane's or my legitimate charge against any bystander that the issue of whether or not I should be blamed for my action is none of their business. For, on Darwall's account, it *is* everyone's business. Moreover, it makes it difficult to adequately capture what is at stake in cases like torture, where the relevant obligation is specifically owed to Tim and any third-party claims are best thought of as secondary.

The main issue that I take with Darwall's view, then, is that while he is certainly right to emphasize the role of third parties, his account concedes too much in putting them on par with individuals, like Tim, who are the victims of our doings and who have a privileged standing to demand certain conduct others. Adam Kadlac nicely puts the general thrust of this point as follows:

"It is, then, entirely appropriate for members of the moral community to experience various reactive attitudes when others are wronged: sadness, horror, indignation, outrage, etc. But it is important to keep these reactions in their proper sphere – to see them essentially as reactions to a wrong that one party has committed against another, not as a wrong done to oneself. To fail in this regard is to lose our grip on the moral stakes we have in any given circumstance. In the same way that sports fans can mistakenly think that they have lost the game when, in fact, it is the players on the field who have suffered defeat, we can also distort the nature of our interests when we witness one individual wronging another. Like the sports fan, we have some stake in the situation, but a very different stake than the party who has been wronged and surely one that is secondary, not fundamental."<sup>242</sup>

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<sup>242</sup> Kadlac (2014), 2288.

## §2.2. The Bipolar Standpoint and Bipolar Blame

I grant, and in fact accept, *Pufendorf's Point*: in being obligated by the claims and demands of another I must be able to make the claim or demand of myself for the very same reason the other person makes it of me. That is, you, Tim or Jane must point to, as it were, a warrant for your demand in order for me to accept it as obligating me to you, a warrant, moreover, that I cannot reasonably reject. So far, so good. But is yours or Jane's or Tim's only option to warrant your demand of me to appeal to the representative authority that both of us share with the rest of moral community? After all, *Pufendorf's point* merely states that the person obligated (obligor) and the person obligating (obligee) must share a relevant deliberative perspective. As Darwall himself puts it, "Pufendorf's Point is that *in holding people responsible, we are committed to the assumption that they can hold themselves responsible by self-addressed demands from a perspective that we and they share.*"<sup>243</sup> Nothing about *Pufendorf's point* itself, I take it, says that this shared perspective must be the all-inclusive perspective of the moral community.

Instead, I believe, there is an alternative perspective that you, Jane or Tim can appeal to in warranting your demand of me – the bipolar perspective that the two of us share as equal moral fellows who are implicated in a normative nexus. Moreover, as I seek to show in the following, doing so is actually necessary if we want to make sense of certain moral practices that we engage in as mutually accountable beings – apologizing and forgiving. More specifically, I shall argue that a sincere apology and the standing to be forgiven by another presuppose bipolar guilt, or guilt to another, thereby illustrating how blame itself is best understood to be inherently directed or bipolar.

### §2.2.1. Sincere Apology, Bipolar Guilt and Blame

To see why something like bipolar guilt is a necessary component of our interpersonal moral practices, let's focus on the notion of apology first. By way of seeing that apology is an inherently directed notion, we can come to understand how blame itself must also be understood as directed or bipolar. For, there is, as I will argue, a conceptual connection between apology and blameworthiness – sincere apology presupposes blameworthiness. The guiding thought is that one will only feel compelled to sincerely apologize only after one accepts that what one has done was blameworthy, not simply because of another person's complaint.

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<sup>243</sup> Darwall (2006), 112.

To begin with, let's note that sincere apologies are such that they cannot be made to anyone, but must always be made *to the victim* of one's wrongdoing, something Darwall explicitly agrees with.<sup>244</sup> For what one does in apologizing is to admit and acknowledge that one has done something wrong *to* the person to whom one is apologizing. In apologizing one recognizes and acknowledges the person to whom one is so apologizing as having had a valid *ex ante* claim against oneself that was violated and in virtue of which that person was wronged. Apologies are in this sense inherently directed or bipolar.

At the same time, apologies require warrant. After all, we don't just have to apologize for just anything. Rather, we must apologize after having done something wrong and for which we can rightly be blamed. Thus, it isn't sufficient for someone to simply complain to another in order to warrant an apology – as we already observed, people complain about all kinds of things on the basis of their feelings or what they take to be the case, often lacking any justification to do so. Thus, you might complain to me about the temperature on the train or the worn-down seat that you have to get comfortable with for the next several hours. You might also complain to me about the fact that I didn't help you with your luggage. In neither of these cases, however, is an apology warranted on my part. After all, I haven't done anything wrong to you for which I rightfully stand to be blamed by you.

What warrants an apology is the fact that what I did was wrong to you and that I subsequently deserved to be blamed.<sup>245</sup> That apology presupposes blameworthiness becomes clear, moreover, once we realize that what one does in apologizing is precisely that: to acknowledge one's wrongdoing for which one can rightly be blamed and held accountable by reciprocating the blame of the other person. And this, in turn, is just to say that apology and blame are conceptually connected.

Now, let's apply all of this to some of our cases so far discussed in the dissertation. Doing so, I believe, will show that blame is itself best understood as an inherently directed or bipolar notion. Say I do in fact step on your foot unbidden in order to more conveniently

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<sup>244</sup> Darwall (2013a), 31.

<sup>245</sup> Note that I might not have to apologize for having done something wrong if it was the case that I wasn't blameworthy. I could have been coerced, manipulated or deceived into doing X that was wrong. In this case it would be reasonable to assume that I was not blameworthy for my doings. As a result, I might not have to apologize to the victim of my doing of X. So, what apology presupposes is blameworthiness, and not only wrongness.

place my luggage in the overhead locker. Upon realizing that my doing so was wrong, it won't suffice to simply admit to a fellow passenger that I have done something "wrong period" for which I feel sorry if my intention is to apologize and thereby acknowledge my culpability *to you*. That is to say, it does not suffice to simply feel guilty, thereby reciprocating the blame of the moral community. Instead, I must feel guilty *to you*,<sup>246</sup> I must acknowledge your blame as warranted from *your* point of view and realize *you* had a valid claim against me. Thus, the focus of my guilt must be on you. I must, as it were, exhibit bipolar guilt – guilt that reciprocates blame on the basis of your valid claim against me. For, you will only accept my apology if it expresses my acknowledgment that I have done something that I shouldn't have done *to you* in particular and which you, and primarily you, were in a position to demand of me in the first place. It would be inappropriate and, what is more, insufficient for me to simply apologize to our fellow travelers on the train carriage.

That is to say, it won't suffice for my apology to be sincere that I realize that in doing something wrong to you, I have done something wrong period and hence something that was blameworthy from the perspective of the moral community. What we may call the *sincerity-condition* of apology is only met if I see myself as being held responsible from the bipolar perspective that I share with you, and only you, and which you see me to be held responsible from. Or else, we might say, in order to offer you a sincere apology it does not suffice to realize that I have violated an obligation to which you relate only as its target or "occasion." Instead, I must recognize and acknowledge you as the obligation's source.

The same goes for my failure to visit Jane without adequate excuse. As my friend, she will accept my apology only if she believes that I realize that in failing to come see her, I have done something wrong *to her*, and not "period." It won't suffice for me to admit to Peter and Stan that I have done something wrong to Jane and that I feel sorry for it. That

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<sup>246</sup> It might at first strike us as a bit out of the ordinary to speak of being 'guilty to someone'. This, after all, is not how we usually talk about guilt. Rather, we simply say that one is or feels 'guilty' for having done X, and that he or she needs to apologize for having done X. In the present context, however, it is important to distinguish between 'guilty' and 'guilty to'. For, as is suggested by Darwall – and I agree with him – guilt presupposes blame. As Darwall puts it, "Guilt is the attitude that reciprocates blame, both in accepting blame's content (unexcused wrongdoing) and in beginning to take responsibility for the wrongful act, as blame implicitly calls on its object to do. According to Darwall, however, we can blame another only for having violated a non-directed moral obligation, or moral obligation, period. Hence, we feel 'guilty' for having violated a moral obligation period. So understood, however, feeling 'guilty' does not suffice to offer a sincere apology to another, which presupposes that one realizes that one has violated a directed obligation to another. In order to clearly distinguish my view from Darwall's own, I hence use the term 'guilty to'. See also Thompson (2004), according to whom "the verdict of the jury, 'Guilty!', expresses the property of one agent, not a relation of agents. Thompson (2004), 344.

might amount to nothing more than an expression of regret that need not be directed at anyone, and at worst to an empty formulation. As a matter of fact, Stan and Peter might well tell me that apologizing to them is no good and that I really should to apologize *to Jane*. All of this is to say that in successfully discharging an apology to another, we cannot simply direct it at just anyone. Instead, we must always direct it at the victim of our wrongdoing. And in so directing it, we must recognize and acknowledge the victim as the source of our obligation whose valid *ex ante* claim we have violated. That is to say, we must apologize to others for the right kind of reasons. In merely apologizing to Jane out of respect for Peter and Stan, I would, as a matter of fact, be apologizing to Jane for the wrong kind of reasons. Instead, I must apologize to Jane because of her valid claim against me.

Now, I shall stress here again that all of this is not to say that the warrant for my apology is located simply in the subjective will of the other person. The idea is not that another simply imposes their will, thereby making me apologize for my action. I'm not, as it were, responding to another person's complaint. Quite to the contrary, in apologizing to another, I take up the shared perspective that holds between the other and myself – what I have called *the bipolar standpoint*. It is only from within this standpoint that I can come to see the other person's blame and any guilt on my own behalf as warranted. Therefore, I wholeheartedly agree with Darwall that we need to presuppose the existence of a shared perspective from which we can make and acknowledge each other's claim.

But if the previous considerations bear some plausibility, they put pressure on the second-personal proposal of construing the relevant perspective from which blame is justified as one that is shared with the entire moral community. Darwall's second-personal proposal threatens to undermine both the sincerity-condition and the whole idea that there was something that one owed *to another* in particular – it threatens the whole idea of a genuine directed obligation and the thought that apologies are owed to the victims of our doings, and not simply to everyone. Instead I think that we must conceive of the relevant standpoint as fully bipolar and thus shared between two individuals, like you and I, who are implicated in a given normative nexus, “with the rest of the world, at least to a certain extent, closed out.”

### §2.2.2. Forgiveness and Blame

Another way to lend support to this reading of blame as inherently directed or bipolar is to focus on the nature of *forgiveness*. Like apology, forgiveness presupposes that what the other did was blameworthy. For what forgiveness accomplishes is the voidance of certain reactive attitudes that are originally warranted under the given circumstances. At the same time, forgiveness is standardly taken to be such that only the victim of one's doings has the standing to discharge it. Again, this is something that Darwall agrees with.<sup>247</sup> As such, it is not the case that a fellow passenger on the train can just come up to me after having stepped on your foot and tell me 'ah, don't worry about it – I forgive you' and thereby somehow restore my relation *to you*. You'd be well justified to kindly but firmly remind our fellow passenger that forgiving me for what I did to you is 'frankly speaking none of your business'. The only one who can forgive me is *you*.

Conversely, in seeking your forgiveness I must realize that what I did was not only blameworthy from the moral community's point of view, but essentially, and what is most important, primarily, from the bipolar point of view I share with you. My guilt must reciprocate your blame. Hence, I must realize that the only person who can forgive me is you. Similar to discharging an apology sincerely, I must, in understanding that it is up to you, and only you, to forgive me, accept that what I did was, first and foremost, a *wronging* of you. Consequently, I must accept your blame as warranted from the bipolar standpoint that the two of us share, and not from the all-encompassing second-personal standpoint that we share with the rest of the moral community.

Another case that brings out the inherently directed character of forgiveness is the case of A murdering B. No doubt, in killing B, A has wronged B, but it is no longer up to A to apologize to B or to seek forgiveness for his action. After all, B is deceased. The only way that A can apologize or be forgiven is if B's family and friends can accept A's apology or forgive A. But even if they can, this does not undermine the fact that sincere apologies are inherently directed and owed to the victim, and that it is only within the victim's power to forgive the wrongdoer. Let's think about it. While A might come to be immensely remorseful of his killing of B, it won't do for A to be forgiven by B's family and friends. It

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<sup>247</sup> "...it is distinctively up to a victim whose right has been violated, whether to forgive someone who has violated it. No one else has the same authority or standing." Darwall (2013a), 30-31.

is precisely part of A's remorse, I take it, that A realizes that he can no longer apologize to B and never be forgiven for his wrongdoing.<sup>248</sup>

The previous discussion should not be taken to support the claim that third parties themselves can never have the standing to accept apologies or forgive.<sup>249</sup> But these cases are the exception, not the rule. And often where third-party forgiveness is allegedly at issue, we are actually talking about primary valid claims that these third-parties themselves have against another. Thus, take the role of a husband. Upon witnessing the wronging of his wife by another person, it might not only be up to the wife to forgive the perpetrator against the background of her valid primary claim. It might, moreover, be the case that *qua* spouse, the husband has also had certain primary claims against the person that wronged his wife, namely not to wrong his wife. As such, the husband might also now be in a position to forgive. For, he too has become a victim. But the husband's forgiveness should not be equated with, nor taken as a proxy for, the wife's forgiveness.

Ultimately, then, apology and forgiveness, two central concepts of our interpersonal moral practices, normally presuppose the uptake of what I call the bipolar standpoint and not merely the uptake of an impartially disciplined second-personal standpoint that is shared with just about everyone. I cannot simply apologize to the public or my fellow travelers for stepping on your foot, nor can I be forgiven by them. The only one I can discharge it to and receive it from is *you*.

### §2.3. Strawson and Blame as a Bipolar Reactive Attitude

The previous considerations support an understanding of blame as a reactive attitude that is constitutively connected with the valid claims and demands of the party who has been wronged, and thus as a bipolar phenomenon. When one holds another accountable for his or her wrongdoings on the bipolar view, one does so as the individual whose valid claim or demand has been violated, and not as a representative member of the moral community.

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<sup>248</sup> See also Raimond Gaita on remorse. According to Gaita, someone who is haunted by remorse for killing another person bears a special – bipolar relation – to the victim of his killing: "...in remorse he is not haunted by everyman. He is not haunted by his principles. He is not haunted by the moral law. He is not haunted by the fact that he did what he ought not have done (Why should that drive anyone to despair?). He is haunted by the particular human being he murdered." Gaita (2004), 148.

<sup>249</sup> See Pettigrove (2009) and Radzik (2010) for elaborate discussions on the possibility of third-party forgiveness.

And while others can also sometimes exhibit blame or related attitudes towards someone, they can do so on the bipolar view only *because* one has violated a valid *ex ante* claim of *the victim* in the first place. That is to say, in order for third parties to exhibit blame towards a wrongdoer, they must presuppose that the victim was in a position, or had the standing, to blame the wrongdoer in the first place. As a result, the blame of moral bystanders is in some sense derivative of the victim's blame. Or, as we might say, third-party blame is, in an important respect, that of a moral trustee and hence secondary. So understood, the bipolar account adequately captures not only the "privileged standing" of those to whom we are obligated, but also central aspects of our accountability practices.

Here, it will be once again instructive to relate the present discussion to Strawson and his understanding of the reactive attitudes. As I see it, we can actually find support for the suggested interpretation of blame as an essentially personal reactive attitude actually in Strawson's work. According to Strawson, we should understand third-party blame or moral indignation as a "vicarious" or "generalized analogue" to the personal blame or resentment of the victim: these third-party reactive attitudes "are reactions to the qualities of others' wills, not towards ourselves, but towards others."<sup>250</sup> That is, on Strawson's view, any third-party or "disinterested" blaming attitude like indignation can be understood to presuppose resentment, or what I call a bipolar blaming attitude, i.e. a blaming attitude that is justified from within the bipolar perspective that holds between two individuals implicated in a given normative nexus. That is, contrary to Darwall, who seems to understand resentment to be a form of complaint, and thus to be tied solely to the victim's perspective,<sup>251</sup> resentment is actually better understood as itself a legitimate blaming attitude that emanates from the shared bipolar point of view of two individuals.<sup>252</sup> This, in turn, lends support to the previously established thought that even though the impersonal attitudes like indignation express the same demands of another than do the personal reactive attitudes – the manifestation of "a reasonable degree of goodwill and regard" – the former presuppose the latter. As Strawson puts it, "the generalized or vicarious analogues of the personal

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<sup>250</sup> Strawson (1962), 14.

<sup>251</sup> Darwall (manuscript). According to Darwall, resentment is an attitude that "is tied to the victim's perspective." And when we assess, whether "resentment is fitting, we assess how it would be fitting to feel in the victim's shoes. This differs from blame."

<sup>252</sup> In this context, it is worth pointing out that according to Strawson, resentment, like indignation, is an attitude that evolves out of participation in a human relationship and which, importantly, presupposes reasoning with another. This decidedly speaks decidedly against resentment being exclusively tied to the victim's perspective. Instead, and in order to meet the reasoning-condition, resentment must be tied to a shared perspective that holds between victim and perpetrator. Strawson (1962), 5.

reactive attitudes rest on, and reflect, exactly the same expectation or demand [of the personal reactive attitude] in a generalized form.”<sup>253</sup> And this fits with the bipolar view on offer and the idea that third parties can sometimes demand certain conduct on behalf of another.

In general, Strawson’s own understanding of the reactive attitudes fits well with the bipolar account’s distinction between primary and secondary claimholders, which not only enables this account to properly capture discretionary or pure directed obligations and their associated reactive attitudes by clearly distinguishing between claimholders and bystanders, but also private non-discretionary or impure directed obligations and its associated primary and secondary reactive attitudes.

### §3 The All Things Considered Question

Recently, Darwall has lent further support to his claim that blame is to be understood as an impartial reactive attitude, which presupposes the uptake of the all-encompassing second-personal standpoint, by putting forward two interconnected challenges. One of those challenges, which I will call *accountability challenge*, is directly linked to the previous elaborations on the bipolar nature of blame: when determining whether or not someone can rightly be blamed and held accountable for his or her doings, we have to be able to conclusively determine whether or not the other person’s actions were wrong. Consequently, in determining whether you can blame me for stepping on your foot, Jane for my failure to visit her, or whether Tim can blame me for torturing him, it does not suffice to simply appeal to the bipolar perspective that I share with you, Jane or Tim respectively. For, even if the previous elaborations hold true and show that we must appeal to the bipolar standpoint in order to establish that I owe an apology to you after having stepped on your foot, it does not yet conclusively show that I owe you an apology. All that it shows is that, other things being equal, I owe you an apology. But other things might not be equal. What, for example, if I had to step on your foot to save a small child from falling on his head after tripping over someone else’s foot? In this case, you might actually not be justified to blame me. For was I not right to save the small child from falling on his head, thereby exempting myself from blame? And if I was right, how can we explain this? Mere appeal to the fact that I was obligated to you not to step on your foot obviously won’t do.

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<sup>253</sup> Strawson (1962), 14-15.

This brings us to the second challenge implicit in the accountability challenge – which we may now call the *deliberative challenge*: in determining what we are morally obligated to do, “we face the inescapable question of what we are morally obligated to do, *all things considered*.” To illustrate the challenge at hand, let’s leave the foot-stepping case behind for a moment and consider a different scenario. Say, for example, I promise something to Stan which conflicts with another promise that I made to Peter. By making a promise to Stan, I am now under a bipolar obligation to Stan, and by making a promise to Peter, I am now under a bipolar obligation to Peter. I can keep my promise to Stan, breaking my promise to Peter, or I can keep my promise to Peter, breaking my promise to Stan. Now, I am faced with the question of which promise to keep. Can we solve this question by appealing to what Darwall terms “bipolar normative facts” alone, that is, facts about a person’s individual authority, rights, and accountability-seeking privileges?<sup>254</sup> Both Stan and Peter have a claim against me, and both of these claims give me a *pro tanto* reason to keep my promise to Stan and my promise to Peter, respectively.<sup>255</sup> What, if anything, can we say when faced with this challenge against the background of the relevant “bipolar facts” – Stan’s and Peter’s respective claim against me?

Darwall argues that if I am to solve this challenge and come to the deliberative conclusion that, all things, or both bipolar obligations, considered, I really only have to keep my promise to Peter – that I’m really *morally obligated* to Peter – I cannot do so without invoking the notion of “moral obligation, period.” I cannot do so, because in determining that I’m really morally obligated to Peter – that I really only have a bipolar obligation to Peter and not to Stan – I must determine that I would be unjustified in, and hence culpable or blameworthy for not keeping my promise to Peter – that it would be wrong for me not to keep my promise to Peter. And this I can only do in determining what I am morally obligated to do “period,” that is, what the right and not only the righting course of action is. This is the deliberative challenge.

Once again, the key here is to fully appreciate Darwall’s contention that in order to determine what I ought to do all things considered, I need to know what action or unexcused omission would be blameworthy. And this, according to Darwall, is precisely something I can only do in considering what moral obligation period I am under:

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<sup>254</sup> Darwall (unpublished manuscript).

<sup>255</sup> Darwall (unpublished manuscript).

“It is a conceptual truth that if an act is morally obligatory (period), then it is an act of a kind that it would be blameworthy to fail to perform if one lacked an excuse, where blame is a Strawsonian reactive attitude that is implicitly held from the perspective of a representative person or member of the moral community.”<sup>256</sup>

According to Darwall, no similar conceptual connection exists between the notion of a bipolar obligation and, as we might now put it, conclusive blame.<sup>257</sup> More specifically, I take it that Darwall’s worry is the following: in being faced with two conflicting bipolar obligations, we will never be able to step back and assess what I ought to do all things considered in just deliberating from within the respective bipolar deliberative standpoint. I will be, as we might say, stuck and trapped inside the bipolar bubble, ultimately unable to determine what I ought to do all things considered; taking up the bipolar standpoint with Stan, I come to realize that Stan has a claim against me which obligates me to keep my promise to him, while taking up the bipolar standpoint with Peter will have the same effect – making me realize that Peter has a claim against me in virtue of which I am obligated to Peter to do what I promised him. How, in taking up, these standpoints should I ever be able to determine what I ought to do all things considered? According to Darwall, I can answer this question only from the standpoint of the moral community in determining what I am morally obligated to do period.

### §3.1. Conflict and the All Things Considered Ought

Darwall’s way of stating the problem emerges against the background that the following can’t both be true: claims are “absolute” and claims can come into conflict. Understanding claims as “absolute” is sometimes suggested in the literature on rights, where rights are taken to be absolute and unconditional entitlements that a person possesses. According to this reading of claims as absolute, someone having a claim against another simply entails that the other ought, all things considered (ATC), do what someone thereby claims. Judith Thomson calls this the “simple account.”<sup>258</sup>

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<sup>256</sup> Darwall (unpublished manuscript).

<sup>257</sup> Darwall (2013a), 37 and Darwall (unpublished manuscript).

<sup>258</sup> This is what Thomson calls “the simple account,” according to which 1) A has a claim against B that B do X and entails 2) B ought to do X. Thomson (1990), 79-81.

At the same time, claims are taken to sometimes come into conflict, as in the promising case just described. We can furthermore stipulate that the promising case does not present us with a genuine moral dilemma, such that both claims are equipollent and there is no clear answer or solution to the question of which promise I ought to keep, all things considered. If all of this is the case, the simple account leaves us hanging, for it does precisely that – present us with a dilemma: for, ‘I ought ATC keep my promise to A’ and ‘I ought ATC keep my promise to B’ will both be true.

In order to solve this dilemma and conclusively determine what I ought to do ATC, there consequently seem to be two options: either, 1) to deny that claims can ever come into conflict or 2) to deny that claims are absolute and do determine what one *ought* to do ATC.<sup>259</sup>

Now, according to Darwall 1) is no option, for he is operating under the assumption that claims can sometimes come into *soluble conflict*, as in the promising case – I *did* really make a promise to A and to B, this does not present me with a moral dilemma or deadlock, but rather with a conflict of claims as a result of which I *am* now faced with “the inescapable question of what we are morally obligated to do, all things considered.” The only viable option, then, is 2) to deny that claims are absolute and determine what we ought to do all things considered. In other words, claims and the ATC ought must come apart, such that what I ought ATC to do in the promise case won’t be settled by the respective claims of Stan and Peter. That is, according to Darwall, claims are *not-absolute*. It follows that we must appeal to further considerations that go beyond the merely “bipolar facts,” i.e. that both Stan and Peter have a claim against me,<sup>260</sup> in order to settle the ATC ought question in the promise case. According to Darwall, we must instead take up the all-encompassing second-person standpoint. For, it is only from the impartial second-person standpoint that we can conclusively determine what we are morally obligated to do period and thus be able to settle the “inescapable” ATC ought question. After all, in considering what we are morally required to do ATC, we are considering what it would be

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<sup>259</sup> Sreenivasan (2010), 470.

<sup>260</sup> While each of A’s and B’s respective claims can certainly present me with a *contributory ought*, that is, “any moral consideration that counts in favor of (or against) the conclusion that an agent ought, all things considered, to  $\phi$ ,” they do not present me with a *conclusive ought*, that is, “the ATC ought itself, and any moral consideration that always entails an ATC ought.” Accordingly, any directed obligation to  $\phi$  does, other things being equal, entail that one ought to  $\phi$ . But other things might not be equal. Hence, it does not follow that the directed obligation to  $\phi$  necessarily entails that one ought to  $\phi$ . Sreenivasan (2010), 470.

blameworthy for us not to do. And this, we can, according to Darwall, only determine by deliberating about what we are morally obligated to do “period.”

Separating claims from the ATC ought in this way is furthermore supported by the plausible intuition that even though I ought to keep my promise to, say, Peter, it is still true that I’m obligated to both Stan and Peter and that I might need to apologize to Stan for breaking my promise to him. After all, I’ve made a promise not only to Peter but also to Stan, thereby also giving Stan a claim against me. In this context, consider H.L.A. Hart’s sentiment, echoed by Darwall, that there does not seem to be any “contradiction or other impropriety in saying ‘I have an obligation to do X, someone has a right to ask me to, but I now see I ought not to do it.’”<sup>261</sup> The idea is that we sometimes, even if done permissibly, can *infringe* another person’s genuine moral claim or right. Accordingly, we might say that in keeping my promise to Peter after having come to the deliberative conclusion that this is what I ought to do ATC, I thereby nevertheless infringe Stan’s promissory right against me. Similarly, while Tim has a right against me that I not trespass on his property, it might nevertheless be permissible to do so anyways, thereby infringing Tim’s right, if, say, crossing Tim’s property is the fastest way to save a drowning child. And it is precisely this infringement that explains why I ought to explain to Stan why I did what I did or to compensate Tim after having crossed his property.

Understanding the relevant claims in terms of rights that can be infringed, however, presupposes the following: claims do not necessarily entail the ATC ought and claims, so understood, are *unconditional* insofar as they persist even if they do not entail the ATC ought.

On a view like Darwall’s, according to which claims can come into conflict or be permissibly infringed, we are hence left with the following:

- i) Claims are not-absolute (=claims do not themselves entail the ATC)
- ii) Claims are unconditional (=claims persist, thus allowing conflict or permissible infringement)

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<sup>261</sup> Hart (1955), 186. As he further notes...“reflection may show that it would in the circumstances be wrong to keep this promise because of the suffering it might cause, and we can express this by saying ‘I ought not to do it though I have an obligation to him to do it.’”

### §3.2. Non-conflicting claims and the All Things Considered Ought

This, however, is not how the bipolar view on offer understands claims – as not-absolute and unconditional entitlements. That is, the bipolar view on offer denies both (i) and (ii). Quite to the contrary, the bipolar view affirms the “simple account” in that it understands claims to be absolute. Thus, the bipolar view espouses option (1). That is, according to the bipolar view on offer, claims always entail the ATC ought. At the same time, the bipolar view denies that claims can ever come into conflict. Instead, claims are taken to be conditional and thus to only persist when they do in fact entail the ATC ought, as a result of which claims cannot come into conflict with each other or be permissibly be infringed.

- iii) Claims are absolute (=claims entail ATC ought)
- iv) Claims are conditional (=claims persist iff claims entail ATC ought)

Understood in this way, I can never be under two conflicting directed obligations of which I can then permissibly infringe one. Alternatively put, there is no room on the bipolar view for the thought that I am really under a directed obligation to Peter to keep my promise, while at the same time thinking that it would be permissible for me to infringe Stan’s claim in light of some other moral considerations that really speaks in favor of complying with my directed obligation to Peter. Rather, if I have a directed obligation to Peter, then it is Peter, and not Stan, who has a claim against me. Stan’s claim, as it were, does not persist, but rather vanishes altogether.<sup>262</sup>

All of this fits with the intuitively plausible view that promissory obligations are best understood as conditional obligations that we have to another and which can be overridden by other considerations.<sup>263</sup> Thus, suppose, for example, that my promise to Peter was to look after Peter’s sick mother while he was away for an important work meeting and that my conflicting promise to Stan was to come over for a coffee. Now this apparent conflict will turn out to be no conflict at all on the bipolar view. Upon deliberating from the bipolar standpoint, I come to realize that I really am under a directed obligation

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<sup>262</sup> The general idea behind this is that the relevant claims are often underspecified, and that it is in virtue of this underspecification that claims cannot come into conflict.

<sup>263</sup> The relevant claims are best understood as *prima facie* claims that might after all not be conclusive (Feinberg 253-254).

to Peter and that Stan does actually have no claim against me in the first place. Consequently, it is Peter who can blame me if I fail to deliver on my obligation to him. Stan, as it turns out, is in no position to blame me, for Stan no longer has any claim against me.

Understood in this way, claims and its correlative obligations are conditioned by various factors and circumstances and have built-in sets of so called '*unless-clauses*'.<sup>264</sup> Among these unless clauses might be emergencies, family matters or the prevention of harm. Thus, we might say that Jane has a claim against me that I visit her, unless, say, my wife falls sick, that Tim has a claim against me not to trespass on his property, unless doing so is necessary to save a drowning child, or that Stan has a claim against me that I keep my promise to him, unless breaking my promise to Peter causes severe harm, and so on. Among these various unless-clauses might also sometimes be the following: 'unless I already made a promise to do the same thing to another person'. Suppose that I promised Stan first and Peter later on to meet them for a coffee on Tuesday at 4. Let's furthermore suppose that breaking either of my promises would neither set Stan's or Peter's interests back more substantially. Now, I realize that I can only keep one promise and in fact ought to keep my promise to Stan. In this scenario, the following holds: I am obligated to Peter to meet him for coffee 'unless I already made a promise to do the same thing to another person'. Given that I've already made a promise to Stan, it is Stan who now has a claim against me, not Peter. Thus, priority might also sometimes settle the matter.

Let me here elaborate briefly on why I think that this way of understanding claims is actually more appealing than on the standard view, according to which claims and the ATC ought are decoupled. There is something slightly repugnant about the idea that in case where I ought ATC keep my promise to Peter to look after his sick mother, Stan remains angry at me and is really adamant about his alleged claim and any violation thereof that I have committed. Or think about my property-trespass. If Tim came to realize and agree that I really had to ATC save the drowning child and still insisted on placing an emphasis on any alleged claim violation, it would show something self-centered about him; it would express Tim's lack of a certain kind of moral sensibility and realization that he

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<sup>264</sup> This is different from saying that the content of claims is conditional. If that were the case, we might say that the claims persist; Stan might have a claim with the content 'that I come for coffee, unless I need to look after Peter's sick mother'. But I want to resist this here, and as such argue that claims themselves, and not only their content, are conditional.

simply is one among others “equally real.” That is, it would be somewhat repugnant if, upon telling Tim of the drowning child, Tim would tell me ‘Sure, I know he had a claim against you that you save him, but I’m still upset at you. After all, I, too, had a claim against you which you violated – not to trespass on my property’.

Let me be very clear. It might well be the case that Tim has a legal right against me not to trespass on his property and that this legal right persists even in cases such as the one described. Thus, Tim’s legal right might well be unconditional. But, once again, we are here talking about moral claims, not legal rights. A fuller treatment of the exact relation between moral claims and legal rights is certainly beyond the scope of the present dissertation. For now it must suffice that it is reasonable to assume that legal rights do not necessarily entail moral claims. When it comes to the latter, it is indeed very reasonable to assume that Tim did not have any moral claim against me at all. The only person having a moral claim against me, if we want to ascribe a claim here, was the drowning child. All of this reflects that idea that in the moral sphere we should not conceive of ourselves as *competing* rights bearers but instead as *supporting* claim-holders who respectfully and attentively live together and who are, other things being equal, in a position to demand certain treatment of each other.

### **§3.3. Moral Residues**

Now, let me here further clarify some of the implications of this view. For one might think that, so understood, my view runs contrary to our intuitions and leaves something very important unaccounted for. As I’ve adumbrated above, one of the main reasons for endorsing the view that claims are not-absolute and can come into conflict or be permissibly infringed is that it often strikes us as mandatory that we owe some sort of apology, compensation, or at least acknowledgment to a person that we initially made a promise to or who initially had a claim against us that we not trespass on his property. As such, we might think that I should at the very least acknowledge my initial promise to Stan and maybe explain to him why I had to break my promise to him after determining that I really only ought to keep my promise to Peter. Equally, it strikes us as intuitively plausible to assume that if I cross Tim’s property, even if it is to save a drowning child, I might have to call him up the next day and tell him why I broke his garden door and at least offer him some compensation.

What explains our intuition that I should explain to Stan why I did what I did or to offer some compensation to Tim seems to be that both Stan and Tim have residual claims against me that I do offer them an explanation or some sort of compensation. But what, in turn, explains these residual claims? Here, the most direct answer seems to be that both Stan and Tim had an unconditional claim against me that I subsequently infringed, a claim that is still active, so to speak. Hence, even though I was justified to, all things considered, keep my promise to Peter and trespass on Tim's property, both Stan's and Tim's claim against me persisted or survived, as a result of which I am now faced with the residual claims to offer some sort of compensation to them or at least explain why I did what I did. Judith Thomson, for example, pursues precisely this standard argumentative strategy in arguing for the separation of claims and the ATC ought:

“[I]n making a promise one gives a claim, and breaking a promise is therefore failing to accord a claim, and *that* fact explains the moral residue – for a claim is equivalent to a constraint on the claim-giver's behavior that includes such things as that the claim-giver may have to make amends later if he or she does not accord to the claim.”<sup>265</sup>

To be very clear, I do not deny the intuitions and agree that in some of these cases one is indeed faced with these residual claims to apologize, offer some compensation, or to, at least, acknowledge the other, even if what one did was all things considered the right thing. It also holds true on the bipolar account that I should call up Stan to tell him why I couldn't keep my promise to him, or offer Tim some help to repair his damaged garden door. Moreover, I agree that it might well be true that we can best make sense of this by ascribing residual claims to Stan and Tim, claims they have against me.

But unlike the standard view, these residual claims are on the bipolar view not explained by the fact that both Stan and Tim both had persisting claims against me. There are other reasons why I should explain to Stan why I didn't show up for coffee, or why I should offer Tim some compensation for the broken garden door. Take, for example, my promise to Stan. Now, one reason we might think that I should at least offer him an explanation as to why I didn't show up at all is epistemic. Let me explain. Stan, we might reasonably suppose, did not know, after all, that I had promised Peter to look after his sick

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<sup>265</sup> Thomson (1990), 85.

mother. As such, Stan still believes that he has a claim against me that I come for coffee. And why shouldn't he? After all, I have created certain expectations in Stan by making a promise to him. It is my responsibility, then, to inform Stan of my situation and to explain to him why I went over to Peter's mother, telling him that I'm very sorry for not being able to make it for coffee. Stan's claim for some explanation, either after having stood him up or before our scheduled appointment, is grounded then in his legitimate interest as an epistemic agent to be aware of the circumstances or the normative context of his alleged claims and any obligations that are or aren't owed to him. Hence, no appeal to any persisting claims of Stan is needed in order to make sense of the idea that I owe him at the very least an explanation as to why I could not have coffee with him.

One problem with this view is that a third party could step in for me, explaining to Stan what's going on. Thus, suppose I'm on my way to Peter, having told Jane about what's going on. Now, Jane could call up Stan and explain to him why I won't be able to make it for coffee. At the same time, it would be hard to believe that I'm thereby relieved of any residual obligation to call him up and tell him that I'm very sorry for standing him up. Also, it is difficult to see how appeal to epistemic concerns could plausibly explain why I would owe Tim at least the offer to compensate him for his broken garden door. For, all I would owe him is an explanation why I broke his garden door, nothing more.

Thus, I believe a more plausible view as to why I owe Stan at least an explanation of my situation and Tim the offer to compensate him for his broken garden door will appeal to the notion that I have inflicted some kind of harm on each of them. Upon having made the promise to Stan, he will take time out of his schedule, prepare coffee and a few bites, and wait at home until I arrive. I never arrive, however, making Stan wait and sit around, ultimately wasting his time that he could have spent on doing something else. The reason why I should call him up, either before our scheduled appointment or at least after having missed it, is that I owe it to Stan – that Stan has some second-order claim against me – to prevent him from wasting time by unnecessarily waiting for me, or, if for some reason I wasn't able to do that, tell him that I'm very sorry for having stood him up. Appeal to the notion of harm will also offer us with an explanation why I owe Tim the offer of compensation. Although Tim did not, after all, have a claim against me that I not trespass on his property, it is still true that I inflicted some kind of harm on him, thereby giving him a second-order claim against me to offer him some compensation. Note that it won't do

for Jane to call up Stan or for Tim's neighbor to offer compensation, for neither Jane nor the fellow neighbor were responsible for inflicting harm on either Stan or Tim. All of this shows, I believe, that there is room to accommodate the notion that both Stan and Tim are owed certain treatment by me even if none of them have any persisting claims against me to either come for coffee or to not trespass on one's property.

### §3.4. Claims as Avoiding Conflicts

Ultimately, I take it, this makes directed obligations and their underlying claims on the bipolar view function like "moral obligations period" on Darwall's view, insofar as directed obligations do not track unconditional rights on the account on offer, but instead conditional claims. Understood in this way, directed obligations are connected to blameworthiness in the following way: in being under a directed obligation to another, one is under an obligation to do something to another that it would be blameworthy for one not to do if one lacked adequate excuse, where blame is understood to be a personal reactive attitude that is (implicitly) held from the bipolar standpoint. Thus, whereas I will be under a directed obligation to Peter to keep my promise and guilty to him if I fail to do so without adequate excuse, I won't be guilty for my failure to keep my promise to Stan. For, I won't be obligated to Stan to keep my promise in the first place.

We can consequently speak of moral obligations period, but in a way that does not presuppose the uptake of a different deliberative perspective. What we are morally obligated to do period is, on the bipolar view on offer, what we are obligated to do to another individual who has a valid claim against us and can hence be determined from the bipolar standpoint. That is to say, "moral obligation period" – what we morally ought to do – is on the view on offer always already owed to someone in particular. For, contrary to the standard view, the ought ATC has on the bipolar view always already direction built into it.<sup>266</sup>

This helps explain how on the bipolar view on offer we can meet cases like the following. Suppose that while I am on my way to keeping my promise to Peter, I come across an accident victim whose kidneys have been crushed and who can survive only if I donate one of my own two kidneys. Frances Kamm, who inspired this case, argues that

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<sup>266</sup> Contrast this with Sreenivasan, who, endorsing Thomson and Darwall, holds that "ought ATC is not owed to anyone'...'ought ATC has no direction in it.'" Sreenivasan (2010), 469.

even though there is moral reason for me to donate the kidney, I would not be obligated to do so. As a matter of fact, it would be a supererogatory action of mine.<sup>267</sup>

Once again, Darwall takes cases like this to initially put pressure on the bipolar view, even if we can solve the deliberative challenge regarding any genuine *obligations* from within the bipolar standpoint. For, as Darwall contends, in order to make sense of the thought that I have more moral reason to donate my kidney and am hence justified to breach my directed obligation to Peter – that I am not blameworthy for failing to keep my promise to Peter – we need to invoke the notion of a moral obligation period:

“The great good of preserving life is obviously a sufficient *justification* for not keeping my promise to B, so that all things considered, donating the kidney is not wrong. This response is available owing to the conceptual connection between moral obligation period and culpability, which is not in play with bipolar obligation. Blameworthiness claims can be defeated both by excuses and by justifications... We can of course say that I have more moral reason to donate my kidney despite my bipolar obligations to A and B. But is that a feature or a bug? A’s and B’s claims to having promises made to them kept would presumably be unchanged by the existence of the opportunity to donate a kidney. Of course, we would be unlikely to say in such a case that either A or B had been wronged if I donated my kidney, but it is hard to see how that could be explained without having to assume that donating my kidney would not wrong (that is, violated no all things considered moral obligation) period... Suppose we were to try to account for this by saying that, although A’s and B’s underlying claims are unchanged, once the opportunity for kidney donation arises, neither A nor B is any longer in a position to hold me to my promise. Again, it is hard to see how we could justify this conclusion without assuming that donating would not be wrong period, and *therefore* would wrong neither A nor B.”<sup>268</sup>

Given the previous considerations concerning the nature of claims and directed obligations, it should now be clear how we can account for cases like kidney donation on the bipolar standpoint account. For, on the view on offer, Stan’s and Peter’s claims do not remain unchanged. Recall, that claims are conditional, having built-in unless-clauses. That is to say, the bipolar standpoint account has the resources to explain that I am really only

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<sup>267</sup> Kamm (1985), 119-121 and Darwall (unpublished manuscript).

<sup>268</sup> Darwall (unpublished manuscript).

obligated to Peter to keep my promise; keeping my promise to Peter is what I am *all bipolar obligations considered* required to do. Stan, as it were, no longer has any claim against me.

It follows that I would be blameworthy for the failure to keep my promise to Peter, where blame is now understood as a personal reactive attitude that does not presuppose the uptake of the all-encompassing second-person standpoint. Given that, as Darwall puts it, blameworthiness claims can be defeated by justifications, we can now come to grasp how the bipolar account on offer is in a position to make sense of the thought that donating my kidney is, even though supererogatory, the right thing to do all things considered. Given that moral claims are conditional and have built-in unless-clauses, the question of “feature or bug” doesn’t arise on the view on offer, for Peter’s claim to my promise is conditional upon further moral considerations. Thus, while it might cause Peter some unwelcome trouble at home or at work, he would be in no position to blame me upon donating my kidney to the accident victim. For, what I am morally supposed to do really all things considered is to donate my kidney to the accident victim. As a result, I would not violate my all-bipolar-obligations-considered obligation to Peter. And I can determine all of this from the bipolar standpoint, given the conceptual connection between directed obligation and blame.

While the previous considerations remain undoubtedly tentative in some respects, and will require further detailed elaboration, I hope that they show at least a path to making good on the idea that the bipolar account on offer can in principle meet the deliberative challenge. The ambition I had in this section was to reject Darwall’s argument that we need to appeal to a different deliberative standpoint in determining the ATC ought question. Darwall’s argument works against the premise of apparent conflict of claims. Given that no such conflict occurs on the bipolar view, however, there is no need to appeal to a different deliberative standpoint. At the same time, this is not to say that I have in this section given an elaborate and exhaustive argument as to the mechanics by which the bipolar standpoint tracks only valid claims, thereby avoiding any appeal to a different moral standpoint. Much of this work still needs to be done.

#### §4 Bipolar Foundations and the Moral Relationship

In the last part of this chapter, I want to address a worry that many have thought to beset an account that tries to defend a directed or bipolar view of interpersonal morality.

According to this worry, it is not quite clear that we can successfully extend directed obligations and their underlying claims to the moral sphere, given that we do not seem to stand in any kind of relationship with each other simply as fellow moral beings. Directed obligations, or so the worry goes, usually emanate against the background of personal relationships like friendship or transactional interactions like promises. Personal relationships like friendship and transactional interactions like promises provide us not only with paradigm instances of bipolar morality but moreover with an explanation as to the foundation of the bipolar normative structures that constitutively connect claims of some with the obligations of others in the first place. It is because of one's participation in a relationship with another or because of one's engagement in a transaction with another that one occupies the bipolar standpoint and is faced with a set of claims and corresponding directed obligations. Thus, the bipolar standpoint account might explain my obligation to Jane, and some instances of transactional interactions like promises or agreements. But what kind of relationship do we share with everyone in the moral sphere? What kind of transaction are we engaged in with each other? The worry is that without such a relational foundation, it is difficult to see how the obligations that we are faced with in the moral sphere can take on a genuinely bipolar form, such that the relevant obligations necessarily correspond to the claims of particular individuals. What is at issue, then, is to provide a foundation for the bipolar standpoint. Hence, we might also call this *the foundation challenge*.

#### **§4.1. The Bipolar Standpoint and Friendship**

Throughout the dissertation, I have drawn parallels between the moral sphere and friendship. I have done so for various reasons. For one, I sought to suggest that the attitudinal dimension of interpersonal morality is closely linked to and in fact built upon the attitudinal dimension of such personal relationships; the kind of recognition respect that we owe to each other and the vulnerability that comes attached with it and in virtue of which we are prone to experiencing attitudinal wrongdoing by way of others' disregard of our valid claims and demands resembles the kind of concern or love and its associated vulnerabilities that are characteristic of friendship.

For another, I made use of friendship insofar as it presents us with a paradigmatic instance of the bipolar enterprise, whereby two individuals are normatively implicated in a "bipolar nexus" as equally authoritative sources of valid claims who have the standing to demand certain treatment from another. In recent work, Samuel Scheffler has picked up

on this thought, arguing that it is precisely because of these shared relationships that we come to be normatively implicated in a bipolar nexus:

“A valuable relationship [like friendship] transforms the needs and desires of the participants into reasons for each to act on behalf of the other in suitable contexts. At the same time, it gives each of them reasons to form certain normative expectations of the other, and to complain if these expectations are not met...These two sets of reasons – reasons for action on the one hand and reasons to form normative expectations [or valid claims] on the other – are two sides of the same coin. They are constitutively linked and *jointly generated* by the relationship between its participants.”<sup>269</sup>

What Scheffler is pointing out here is that personal relationships like friendship can explain how our thoughts about what we owe to each other non-accidentally take on a distinctively bipolar form, resulting in inherently directed judgments of the kind ‘X owes Y to do A’. Let me stress this point here: Scheffler thinks that it is because of the transformative nature of the relationship of friendship that its participants subsequently occupy the bipolar standpoint, thereby enabling to make claims and demands on each other, ultimately owing it *to* each other to do certain things.<sup>270</sup> Accordingly, we will – because of our friendship – always come to understand that the things we are said to owe to one another are owed *to*, and incurred *because of*, the other. Alternatively put, as friends we deliberate about what we owe to each other by taking into consideration the valid claims and expectations of one another. As a result, we act on what I earlier called *bipolar reasons*, which have their source in the valid claims of particular individuals, thereby expressing the appropriate concern and recognition that we owe each other as friends.

Scheffler’s remarks speak to a worry that Michael Thompson raised in his seminal paper on the possibility of genuine bipolar normative thought in the moral sphere.<sup>271</sup> According to Thompson, bipolar normative structures implicating two individuals as obligor and obligee require a “foothold.”<sup>272</sup> More specifically, Thompson suggests that for

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<sup>269</sup> Scheffler (2010), 110. My emphasis and interpolation. For an elaborate account of the nature of personal relationships like friendship, see Kolodny (2003). On the nature of friendship and its obligations, see also Owens (2012).

<sup>270</sup> See also Hart who notes that obligations *owed to* others derive “out of the relationship of the parties.” Hart (1955), footnote 7 on 179.

<sup>271</sup> Thompson (2004).

<sup>272</sup> *Ibid.*, 351.

a bipolar normative nexus to exist between two individuals, both individuals must be able to non-accidentally occupy the relevant bipolar standpoint, shifting their respective thoughts into a distinctly bipolar gear:

“In assigning a determinate content to the dikaiological thoughts of either agent – that is, in seeing the pairings he frames as set into some one among the many particular gear settings the cosmos makes available – we must indeed advert to something through which we can see another agent’s correlative or mirroring thought as no accident.”<sup>273</sup>

Now, thick relationships like friendship do just that – ‘shifting one’s thoughts into the relevant bipolar gear’. Ultimately, Scheffler suggests that we should best understand bipolar reasons as essentially “relationship-dependent reasons.”<sup>274</sup>

Consequently, we can make sense of my obligation being one that is owed *to*, and incurred *because of*, Jane. For, it is the friendship that I share with Jane that can explain how my thought about what I owe to her gets ‘shifted into the relevant bipolar gear’, even while, say, sitting at home gazing at the painting on the wall. That is to say, a relationship of the relevant kind, constituted by concrete interaction and involving a shared history of interlocking attitudes, helps to explain how any seemingly first-personal deliberation that I engage in regarding my obligation to Jane ultimately derives from the bipolar standpoint that I non-accidentally share with her in virtue of our friendship. Any reason to go visit Jane presents itself not merely as a first-personal reason that is simply the result of my individual deliberation, but as a distinctly *bipolar reason* that has its source in Jane’s valid claim against me against the background of sharing a valuable relationship with her. Or, as we might now say, it presents itself as a “relationship-dependent reason.”

#### §4.1.1. Reactive Attitudes and Relationships

Let me now briefly offer some further considerations that seem to lend support to the claim that we need to presuppose some kind of relationship or transaction. One of these considerations goes back to Strawson. That we need to presuppose relationships like

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<sup>273</sup> Thompson (2004), 373. In another place, Thompson argues that the individual’s relation “must be something that the agents at either pole can be wrong about, of course, but it must something upon which they can be in agreement, and in suitably *non-accidental* agreement. The fundamental question of meta-dikaiology is this: What can put such a structure in place?” Thompson (2004), 369.

<sup>274</sup> Scheffler (2010), 104.

friendship in order to make sense of the idea that certain obligations are constitutively linked to the valid claims of others individuals appears to be further reinforced by our understanding of the reactive attitudes as responses to violations of certain legitimate claims and demands. For, these attitudes are, as Strawson reminds us, essentially the attitudes of participants of various “human relationships.”<sup>275</sup> Thus, Jane can resent me or hold me otherwise accountable for my failure to come visit, given that she is my friend. Or take Tim, my neighbor, who can blame me for trespassing on his property without any justification. What explains these reactions on part of Jane and Tim is the fact that both Jane and Tim are participants in a relationship with me that is “normatively structured by a reciprocal nexus of obligations and claims of the kind that makes the reactive attitudes intelligible.”<sup>276</sup> But in what kind of relationship do we stand with each other in the moral sphere that is similarly structured?

#### §4.1.2. The Hope Case

To further buttress the thought that relationships like friendship do in fact play this role of providing a foothold or ‘kicking our thoughts and reasons into *bipolar gear*’, let’s consider a non-relationship-dependent state of affairs between Jane and myself. Call this the *hope case*. Suppose I just met Jane at a party the other night and have heard from Chris, a mutual friend, that she’s been hospitalized. Once again, I might find myself sitting at home, gazing at the painting on the wall when it strikes me that I have a good reason to visit Jane. I had a great time with her at the party and both of us seemed keen on spending time again in the near future. We might say that both of us hope to become friends or that doing so is our *ideal*, something that we desire and strive after. But, of course, we are not yet friends. That is, none of us possesses the relevant bipolar standing to make any friendship demands of each other or to hold each other accountable in the appropriate way.

In this, I take it, case the relevant reason I have to go visit Jane does present itself to me merely as a first-personal reason that ultimately has its source in my desire to become friends with Jane. While Jane might also be *hoping* for me to show up while being hospitalized, she does not yet have any valid claims against me to demand of me to visit. Accordingly, Jane might very well be disappointed if I don’t show up, but she does not

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<sup>275</sup> Strawson (1962), 6-8.

<sup>276</sup> Wallace (2014), 135.

have any good reason to blame me for my no-show. For, were she to do so and in fact call me up, angrily complaining that I never came by, I might be somewhat thrown off and actually reconsider my desire to become friends with her.<sup>277</sup> What would explain this reaction of mine not only as intuitively plausible but also as justified, I believe, is the fact that Jane lacks the relevant standing or individual authority over me to make such a demand of me and blame me in case I fail to comply with it. Appealing to her own desire to become friends with me as the normative grounds of her blame towards me simply is a *wrong kind of reason* for holding me so accountable.<sup>278</sup>

These brief elaborations on the *hope case* lend support to the thought that personal relationships like friendship and other similarly structured ‘thick’ involvements do in fact make a normative difference with regards to the reasons we are presented with.<sup>279</sup> It also lends support to Thompson’s point that there must be a non-accidental connection between two individuals of the relevant kind for a bipolar normative nexus to obtain in the first place.

#### §4.2. The Bipolar Standpoint and Interpersonal Morality

If the previous considerations are indeed correct, we seem to be left with the following challenge: how can we retain the thought that my obligation to you not to step on your foot is constitutively linked with your valid claim against me if we do not share any relationship with each other that implicates us in a normative nexus? That is, how can we come to occupy the bipolar standpoint and grasp the relevant reasons underlying our respective obligations and demands as having their source in the valid claims of another? And how can we explain, and indeed justify, our reactive attitudes that we seem to exhibit to others simply as fellow moral beings, if they do in fact presuppose participation in a genuine relationship with others?

Now, even those who take directed obligations and their underlying form of normativity to be especially characteristic of the sphere of personal relationships like friendship might grant that it seems overly restrictive to confine the discussion of directed

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<sup>277</sup> On the difference between being in a position to resent me or to be hurt by my failure to show up on the part of Jane, see also Darwall’s elaborations on love and hurt feelings. Darwall (2006), 73.

<sup>278</sup> This is essentially what Darwall dubs *Strawson’s Point*: “Desirability is a reason of the wrong kind to warrant the attitudes and actions in which holding someone responsible consists in their own terms.” Darwall (2006), 15.

<sup>279</sup> Betzler (2009).

obligations to that sphere. Consider for example some other paradigmatic cases of directed or bipolar obligation that fall outside of the personal domain of friendship and into the legal sphere or even that of morality, broadly construed – contractual agreements and promises. Like promisor and promisee, contractual partners fall into a particular ‘normative nexus’ by engaging in some kind of contractual transaction, whereby they relate to each other as obligor and obligee, constitutively linking the valid claims of one (to promise-keeping or contractual agreement) with the respective obligation of another. As such, we might think that we need not necessarily presuppose personal relationships like friendship, but simply some kind of transactional engagement with another. Accordingly, Joseph Raz argues that directed obligations that we owe to each other presuppose either commitments or undertakings, thick social ties, or interactions that generate debts of gratitude.<sup>280</sup>

Regardless of the specifics, however, the challenge still stands: how can we retain the thought that my obligation to you not to step on your foot is constitutively linked with your valid claim against me? After all, I do not seem to share any relationship with you, nor have I made any promises to you or entered into any kind of contract with you. I’m not, as we might say, your moral friend, or am I? How, then, can we occupy the bipolar standpoint, such that you can demand of me not to step on your foot and me being obligated *to you* to comply with that demand?<sup>281</sup> That is, how can I have a *directed obligation* to you?

#### **§4.2.1. Wallace on Self-Standing Relational Requirements and the Value of Mutual Recognition**

One way around this challenge, suggested by R. Jay Wallace, is to deny altogether that we need to stand in a relationship or be engaged in some kind of transaction with others in the moral sphere in order to be able to occupy the bipolar standpoint. Wallace believes that moral obligations are “not relationship-based, in the way the special obligations of friendship seem to be.”<sup>282</sup> Quite to the contrary, Wallace suggests that we can find the relevant foothold for the bipolar standpoint in “a distinctive ideal of human relationship” – what we might variously refer to “as the relationship of mutual regard, or

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<sup>280</sup> Raz (2011), 210.

<sup>281</sup> Thompson (2004), 369.

<sup>282</sup> Wallace (2011), 360

mutual recognition, or mutual consideration and concern.”<sup>283</sup> Accordingly, Wallace goes on to argue that “actions would be morally right if their performance is necessary for one to stand in relations of mutual recognition with all of one’s fellow agents, and morally wrong of doing them would render one unable to enter into relationships of this kind with some other person.” So understood, “morality is the condition for the possibility of a certain kind of relationship with other persons.”

Hence, Wallace ultimately suggests to understand directed obligations as somehow self-standing relational requirements that do not presuppose any personal relationships or transactional interactions, but instead enable us to stand in a relationship of mutual or interpersonal recognition to each other. What provides the relevant foundation for the bipolar normative structures to obtain, it seems, is the appeal of the relationship of mutual recognition. According to Wallace, all that we already share in the moral sphere is at most a ‘thin’ notional or logical relation with others as persons “equally real”<sup>284</sup> who have the capacity to engage in rational deliberation of shared moral norms.<sup>285</sup>

I do of course agree with Wallace that any relationship that we share with each other in the moral sphere must be of a different kind than, say, my friendship with Jane. For one, I do not have any shared history with you or the stranger to whom I might owe certain things. My relationship with you must hence be necessarily more abstract and thinner than my relationship with Jane. At the same time, I’m not convinced that Wallace’s strategy of merely appealing to the ideal of a relationship to provide us with a normative foothold for the bipolar standpoint actually works.

Let’s consider Wallace’s suggestion that the relevant relation that we share with others is at best conceived of as a ‘thin’ logical or notional relation. Now, we might ask, what does it mean to stand in a notional or logical relation with another? Frege gives us an answer here: a notional or logical relation is constituted simply by a shared property that holds between two or more objects. And of course, we can relate in such a way to other persons. As such, I might relate to Jane in virtue of having the same hair color, say, ‘blonde’

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<sup>283</sup> Wallace (2013), 161. In another place, Wallace remarks that “Even if they are not relationship-based, moral requirements may be relationship-constituting, insofar as compliance with them makes possible a distinctive form of mutual recognition and regard.” Wallace (2011), 368.

<sup>284</sup> Nagel (1979), 14.

<sup>285</sup> Wallace (2011), 361: “To stand in this ‘relationship’ with someone is merely to share with them a certain property, that of being rational or being a rational agent.”

or by being ‘taller than’ Jane.<sup>286</sup> I also relate to Jane in this sense by virtue of both of us having an interest in, and in principle being able to, be friends with each other. But does this shared property really suffice to link us in a ‘normative nexus’ such that Jane has the standing to demand certain conduct of me and for me to have a corresponding obligation that I owe to her? It doesn’t strike me that this is necessarily the case, as a result of which I take Wallace’s approach to be explanatorily inadequate.

Let’s recall the *hope case* I illustrated above – Jane and myself at the point in time where we are not yet friends. Both of us have the relevant capacity to think bipolar friendship thoughts, a skill honed as part of our friendship with other individuals, and would value to become friends with each other. Does this by itself suffice to link us in a bipolar nexus, such that we can make demands of each other and have corresponding obligations that we owe to the other? It strikes me that it does not. As such, Jane would be *misunderstanding* something crucial if she were to take herself to be able to make legitimate demands of me for and hold me accountable or blame me in case I fail to comply with these demands. Conversely, I would be misunderstanding my relation to Jane if I were to think that any failure of mine to do something for Jane would amount to a wronging of Jane and as such be blameworthy. While I am relating to Jane in some sense, I do not yet share the relevant relationship with her such that we mutually possess the standing to make demands and hold each other accountable.

Consequently, it doesn’t seem plausible to think that we can provide the relevant foundation for the bipolar standpoint by appealing to the *ideal of a relationship*, a relationship that is to be brought about. For, again, this invites the wrong kind of reason worry. Let’s grant that Jane and I do want to become friends. Doing so would be of great value for both of us, and as such we strive for it. But for now, it is an *ideal*. It is something to be brought about. That being said, we might both have reason to act in a way that accords concern to the other in order to reach this ideal. That is, we might in fact act in accordance with principles that neither of us could reasonably reject and hence accord the other some kind of standing in our deliberation. I might think to myself, ‘maybe I should keep Jane some company. After all she might expect this of me if we were to become friends’. Similarly, Jane might think that ‘Jonas should keep me some company. After all, we’ve just been spending the evening talking and I told him that I hate being by myself’. But in doing so,

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<sup>286</sup> See also Kolodny (2003).

we do not thereby respond to or make any demands of the other, for neither of us is yet in a position to demand anything of the other. Neither of us can yet have any *valid friendship claims* against the other to which our obligations might correspond.<sup>287</sup> Instead, we are responding to the demands of the ideal of friendship that might bring about an actual friendship between us. And these demands, it strikes me, are ultimately self-addressed and first-personal. Hence, each of us makes the relevant demands on him or herself, as it were, and the relevant reasons that we take ourselves to have to do or expect something are in no way bipolar. But giving moral reasons to oneself in this way is very different from being given moral reasons by others and their valid claims and demands. All of this suggests that any appeal to the ideal of a relationship provides us with a reason of the wrong kind for making legitimate demands of others or holding them accountable for any corresponding violations.<sup>288</sup>

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<sup>287</sup> Things might be different if the value appeal comes in as an additional motivation to an already existing relationship and its standing demands. Thus, we might think that one further reason to comply with certain relationship-dependent demands is that doing so enables us to *maintain* a valuable relationship with another person. An even stronger reading might suggest that without appeal to the value of maintaining the relevant relationship, we do not have any reason to comply with the relationship-dependent demands in the first place. Thus, appeal to value can be important, and indeed necessary, as long as it is understood to be supplementing the standing requirements or demands that are already in place. See the helpful discussion on this topic by Watson (2007).

<sup>288</sup> The hope case is shares certain characteristics with Michael Thompson's case of the Lombards and Schlombards, living on different sides of the Alps. Both the Lombards and the Schlombards have the capacity to enter into contracts among each other. They hence share a relevant property – the property to entertain bipolar thought of a certain kind. Both the Lombards and Schlombards are operating with qualitatively the same practice of private law, a practice with the content C. The only difference is that in the case of the Lombards, C is ultimately grounded in a set of principles and traditions L, whereas the private law of the Schlombards with content C is ultimately grounded in a set of principles and traditions S. In virtue of this shared property, we might say, the Lombards and Schlombards stand in some kind of relation with each other. The question at hand is whether this relation is one that suffices to link them in a 'normative nexus' such that they can mutually demand certain treatment of each other from a shared bipolar standpoint? According to Thompson, the answer is no. Suppose Lombards and Schlombards encounter each other. Upon encountering each other and trying to enter into a contract, the Lombards and Schlombards might indeed take themselves to be talking about the same thing – C –, eagerly agreeing on matters of right and wrong, contractual breach, and so on. But, as it turns out, they are in fact talking past each other, each of them wholly immersed in a completely different 'mode of thought', one set against the background of L, the other against the background of S. We might also say that they each occupy different perspectives, one essentially Lombardian, the other essentially Schlombardian. As such, the Lombard thinks he owes it to the Schlombard under Lombard law to keep his contractual promises, whereas the Schlombard believes to have a claim against the Lombard in virtue of the Schlombard law. That is, they misidentify each other as \*Lombard (where the other is actually Schlombard) or \*Schlombard (where the other is actually Lombard). Ultimately, both of them think something like the following: 'I (Lombard) owe it to you (\*Lombard) to do X' and 'I (Schlombard) have a claim against you (\*Schlombard) to have X done'. As a result, Thompson points out, the Lombards and Schlombards are like "ships passing in a juridical night." Each of the Lombards and Schlombards are actually thinking for themselves, only against the background of their respective laws and traditions, treating the other as if he falls under that law. Or else, we might say, they are each mistaking the other for one of their own. And while their respective thought might incorporate bipolar thought, it does so only with regard to each of their respective set of principles L or S, but never with regard to each other.

### §4.3. Moral Friends?

In light of these worries, it does not strike me as explanatorily adequate to simply appeal to the *ideal* of a relationship in order to provide a foothold for bipolar normative structures in the moral sphere. Instead, I believe that we can account for the relevant normative foothold of the bipolar standpoint in the moral sphere by uncovering a substantial relationship that we bear with others simply as fellow moral beings and which resembles friendship in one significant respect: it links together individuals in a non-accidental way by means of a shared set of interlocking attitudes and associated vulnerabilities.

What, however, is this relationship supposed to be exactly? As both Wallace and Scheffler point out, it is difficult to conceive of any genuine relationship that we share with others simply as fellow moral travelers that goes beyond the thin notional or logical relation that Wallace alludes to. What both Wallace and Scheffler worry about is that there is no similar relationship that we share with all of our fellow moral travelers that binds us non-accidentally in the way that friendship does and that it is hence misleading to speak of a genuine relationship that we all share simply as fellow moral beings.<sup>289</sup> This worry stems from a particular understanding of the nature of human relationships, which I will briefly describe in the following.

To begin with, we ordinarily conceive of personal relationships like friendship as being constituted and characterized by “ongoing bonds between individuals who have a shared history that usually includes patterns of engagement and forms of mutual familiarity, attachment, and regard developed over time.”<sup>290</sup> That is to say, relationships of the relevant kind obtain only against the background of some “historical pattern of attitudes and actions.”<sup>291</sup> Now, one might think that this definition of a relationship is too narrow to capture each and every instance of a genuine human relationship. As such, we might look beyond friendship to thinner and more inclusive relationships like the citizen relationship that we share with others *qua* being citizens of a particular nation state. Nevertheless, Wallace and Scheffler are doubtful that we can find a useful analog in the moral sphere, for what is characteristic of even the citizen relationship is that it bears social and psychological

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<sup>289</sup> Scheffler (2010), Wallace (2010).

<sup>290</sup> Scheffler (2010), 59.

<sup>291</sup> Kolodny (2003), 148.

salience.<sup>292</sup> This is important to stress. What seems to be essential to any genuine human relationship is that it bears this salience. But what kind of social and psychological salience does any moral relationship bear if all we share with other people is, say, a capacity to engage in rational deliberation and to be guided by shared moral norms? Another way to put this is to say that relationships like the citizen relationship are meaningful and significant, whereas any relation we have to others in the moral sphere seem to lack this significance. Here is Wallace:

“We understand ourselves as members of nations and variously local communities, and these kinds of self-understanding shape our identities in significant ways. They can influence, for instance, our passions and interests, our conceptions of what it is good to eat and fun to do, our feelings of comfort and security, and so on. Nothing like this seems to be true of our shared identity as rational agents. We do not think of ourselves as having “ties” to other people solely in virtue of our sharing with them the property of rationality; this is not an aspect of our self-conception, a description with the kind of psychological and social salience that can help to shape our sense of who we are.”<sup>293</sup>

Contrary to Wallace and Scheffler, I want to suggest a way in which we do stand in a significant relationship to each other in the moral sphere. But what, if anything puts us in such a moral relationship with each other? The answer, I take it, was already somewhat implicit in previous considerations. I begin with the idea that we are “self-originating sources of valid claims” who together traverse the moral universe. The guiding idea is that just as we can stand in a relationship of fellow citizenship with others, we can stand in a relationship of fellow moral travelers as sources of valid claims. Now, unlike friendship, this is an involuntary relationship. But genuine relationships whereby individuals have the standing to demand certain conduct of others need not be voluntary. Besides the citizen-relationship, we can also think of the parent-child relationship as a relationship that gives each of their participants the authority to make claims of one another. Like these relationships, the moral relationship I’m envisioning here puts us in a normative relationship with each other, as a result of which each one of us has the standing to demand certain conduct from another.

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<sup>292</sup> Scheffler (1997),198 :”...only socially salient connection between people count as ‘relations’ or ‘relationships’...”

<sup>293</sup> Wallace (2011), 361.

Moreover, it denotes a significant relationship that we bear towards each other, and not simply a ‘thin’ or logical relation. Or else, it denotes a relationship that bears social or psychological salience. For as I’ve already elaborated, as sources of valid claims we are vulnerable to the attitudes and modes of recognition that others exhibit or fail to exhibit towards us. Do others treat us in a certain way because they are sensitive to our valid claims and demands, or do they merely do so because of some other consideration? Do they respect us as equal moral fellows who are in a position to demand certain treatment of others or do they disregard or neglect us as such sources of valid claims? That is, like friends, we are interlocked attitudinally, not just logically. And it is precisely this vulnerability to attitudinal or recognitional injury that is also characteristic of friendship and other substantive personal relationships and which provides these relationships, at least in part, with their significance. As friends, we are vulnerable to how the other responds to our needs and interests. Does he or she do so out of an attitude of care or personal concern, or because of self-interest? Similarly, as children we are vulnerable to the expressive dimension of our parents’ actions. Do they treat us in certain way because they love us, or do they merely do so because they have to, out of a sense of duty and with indifference? Ultimately, all of this suggests that standing in the moral relationship as separate sources of valid claims is “a standing *in a meaningful relation to another*.”<sup>294</sup>

As such, I ultimately take Scheffler’s and Wallace’s worry to be misguided. To hold that any alleged moral relationship so understood does not bear social or psychological salience seems to me to be mistaken. In fact, the contrary seems to me to be the case. Being bound in virtue of our shared vulnerability as sources of valid claims seems significant. And contrary to Wallace, I believe that the moral relationship does make hence room “for the possibility that attitudes of a person can have a detrimental effect on the quality and meaning of a relationship of this kind.”<sup>295</sup> Experiencing the neglect of the moral assholes,<sup>296</sup> those who feel entitled to special treatment and thereby disregard or humiliate others in virtue of neglecting their equal moral standing can shape one’s self-conception significantly and undermine a person’s sense of self-worth in such a way that one may lose any sense of hope for being treated as one among equals. It is not unreasonable to imagine that this, of course, has detrimental effects upon one’s self-respect and -conception, one’s sense of worth and one’s place in the world, as well as one’s understanding of the relationship one

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<sup>294</sup> See Zylberman (2014) who draws on Michael Thompson (2004). Zylberman (2014), 7.

<sup>295</sup> Wallace (2011), 362.

<sup>296</sup> James (2012).

shares with one's moral fellows.<sup>297</sup> I've tried to make sense of all of this already in the first chapter. But, let's here think about another case to illustrate the issue at hand, which I borrow from Ernst Tugendhat: an asylum seeker in Germany asks a public health officer for a medical note for his injured leg that requires surgery. The public health officer denies the request, with the following explanation: the leg does not need to be healed, because the asylum seeker is not permitted to work in Germany anyways. What is so troubling about this case is not only the refusal of help itself, but the attitude of the public health official expressed in the explanation for this refusal.<sup>298</sup> After all, the asylum seeker is a source of valid claims and has the standing to demand medical treatment for his injured leg. In virtue of having this standing, he is vulnerable as to how others respond to his valid claims. Encountering the public health official and his explanation will have a significant impact not only on the asylum seeker's sense of self-worth but also on his understanding of his moral status. In experiencing the humiliating encounter with the public health official and in realizing that his valid claims do not count for much, the asylum seeker might not only be upset and resent the official, he might, moreover, fall into despair and refrain from seeking any more help from others around him. It is this relational aspect of our moral lives, the social and psychological salience that Wallace and Scheffler, to my mind, overlook, that lends support to the idea that moral agents are always already tied together in a genuine moral relationship, one that simply holds in virtue of our shared vulnerability to recognitional harm as source of valid claims.<sup>299</sup>

The moral relationships so understood holds between people close and far away, and thus binds me not only to those that I come across each and every day, but to those that I might actually never directly encounter. For, it simply holds in virtue of a certain fact about us – that each of us is a source of valid claims and hence prone to said attitudinal-

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<sup>297</sup> Rawls (1999), Bagnoli (2006). What both Rawls and Bagnoli point out is the idea that one's self-respect, that is, one's conviction that one possesses equal standing among others, very much depends on the attitudes of others and what they express. Having one's self-respect undermined is precisely the "evil" that Foot alluded to and that Rawls captures as well when he states that "Without [self-respect] nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism." Rawls (1999), 386.

<sup>298</sup> Tugendhat (1993), 305.

<sup>299</sup> I here draw on Kumar, who suggests to understand the "basic moral relationship" that we stand in in virtue of our shared vulnerability to recognitional injury. As Kumar puts it, "all capable of self-governance, at all times and at all places, stand in a relationship to one another. It is because a rationally self-governing being is naturally disposed to care about not just the implications for him of what others do, but what their reasons for their conduct say about their attitudes towards him, that such beings are vulnerable to one another in a way that is characteristic of many kinds of personal relationship that we value. Like the relationship of parent and child, persons have certain obligations to one another simply in virtue of standing in this relationship to one another." Kumar (2011), 136.

or recognitional vulnerability. Just as I can stand in this relationship to someone I directly encounter, I can stand in this relationship to a distant stranger, someone I will never come across, yet someone who as a source of valid claims might nevertheless be vulnerable to my disregard. Accordingly, the moral relationship not only explains how I owe it to you not to step on your foot, but also how the distant stranger on a faraway island might have a claim against me not to release any debris from the airplane while flying over it. While I will never directly encounter the islander, I share the moral relationship with him just insofar as he is a source of valid claims and as such someone who has the standing to demand certain conduct of me.

It is important to point out here that, although constituted much like the citizen relationship in that the moral relationship simply holds in virtue of certain facts, it resembles friendship at the attitudinal level in that it calls for recognition and acknowledgment of the valid claims and demands of particular individuals. That is, the relevant attitudes that one must exhibit as a participant in this relationship resemble the attitudes of personal concern or love that I take to be in particular characteristic of such personal relationships like friendship.<sup>300</sup> For in being motivated to act from the valid claims of others, one exhibits what I previously called bipolar recognition respect, a form of respect that seeks to acknowledge a particular individual as the source of one's reason for doing a certain action. Thus, we might say, to maintain the moral relationship with others and to do what one is said to owe to others is to treat those others as one's moral friends. Or, as we might now say, it is to act from bipolar reasons, that is, those reasons that ultimately emanate from the valid claims and demands of those individuals with whom we share the bipolar standpoint, which, as I have tried to argue, is the moral standpoint.

Hence, when asked "Why are you visiting Jane?", I will reply "Well, because she is *my* friend." Similarly, one may answer the question "Why are you helping this person who happened to be robbed" not by holding that this is simply what the moral law demands of us, but rather by responding "What? Because she is *my* moral fellow!" Presupposing the moral relationship thus suggests that we can understand friendship and other less personal

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<sup>300</sup> Of course, some also speak of the attitudes of civic friendship. And while there is certainly overlap between the attitudes of personal friendship and the attitudes of civic friendship, they also differ in that the latter manifest themselves against the background of a particular set of political facts and institutions that is absent in the moral sphere. For a detailed exploration of the similarities and differences between personal friendship and civic friendship, see Leland & van Wietmarschen (2017).

relationships as instances of the more general moral relationship, something that I take to be intuitively appealing. This, in turn, suggests that the moral and the personal domains are continuous in some important sense, namely insofar as their respective normativity and the resulting obligations ultimately spring from the same source – the valid claims of particular individuals – and insofar as the adequate responses to these claims manifest themselves in the particularizing attitudes of recognition and acknowledgement. Of course, this is not to deny that there are important differences between friendship and morality, which are reflected especially in the very complex and more nuanced attitudes of the various personal or social relationships that we can stand in with others. We have concern for and even love our friends in ways that we do not love a stranger. But while these differences are real and important to discern, these differences between the more personal and social relationships that we stand in and the moral relationship should at the same time not be overstated.

Much more needs to be said in order to render plausible the idea of such a moral relationship and to spell it out in all its details. Here, my hope was merely to point out that we can in fact invoke the notion of a genuine moral relationship that, like the relationship of friendship, can provide the foundation for the bipolar standpoint in the moral sphere.

If nothing else, presupposing the moral relationship has certain explanatory advantages. For one, it gets around the worries that beset Wallace's proposal of understanding the obligations incurred in the interpersonal moral sphere simply as self-standing relational requirements that enable us to stand in a valuable relationship with others. That is, contrary to Wallace's suggestion, the proposed moral relationship can make sense of the idea how, as sources of valid claims, we are always already committed to the bipolar standpoint and are as such always already in a position to hold each other accountable. Standing in the moral relationship, as I have outlined it here, provides us with the right kind of reason for making claims against and holding others accountable in light of these claims. Presupposing a genuine relationship that we share with others in the moral sphere thus also nicely accommodates Strawson's notion that the reactive attitudes are essentially participant-relative attitudes that presuppose involvement in "human relationships."

## §5 Conclusion

In this chapter I have attempted to defend the bipolar view developed in the previous chapter against several challenges and to also point out some of its advantages. In doing so, I hope to have made a start at vindicating the possibility of the bipolar standpoint account developed in the dissertation as presenting us with a genuine alternative to the views of Scanlon and Darwall. Obviously, much more needs to be said in order to fully vindicate the bipolar view. There are numerous challenges that the view developed needs to meet. What about, for example, our obligations to future generations? Has the bipolar standpoint account the resources to accommodate these obligations? And what about the cases in which numbers seem to make a moral difference? Has the bipolar view on offer the resources to accommodate these cases? These issues, and much more, remain to be worked out in the future. For now, all that I have sought to do in this chapter is to suggest that the bipolar view is in fact equipped to meet some of the most trenchant challenges, thereby at least preparing the way for the account on offer to meet any further challenges that will undoubtedly come its way.

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