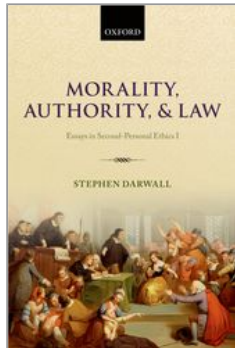


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## Morality, Authority, and Law: Essays in Second-Personal Ethics I

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## Bipolar Obligation

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### Abstract and Keywords

“Bipolar Obligation” investigates the concept of a “relational duty” that is owed *to* someone. Bipolar obligations have not only *obligors*, agents who are subject to the obligation, but also *obligees* to whom the obligation is owed. They thus entail a correlative claim right the obligee has to claim the obligated conduct *of the obligor*. In what does a bipolar obligation consist? This chapter provides an account that is connected to the theory of moral obligation presented in *SPS*. Both concepts are shown to be second personal, but in different ways. Someone is morally obligated to do something period just in case her doing it is something anyone (including she) demands of her as a *representative person*. And someone is obligated *to another* to do something just in case the obligee has the individual discretionary authority to make demands of the obligor *as the obligee* and to hold the obligor *personally* accountable.

# Bipolar Obligation

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*Keywords:* bipolar, obligation, normativity, authority, claim, right, demand, second-personal, accountability

Philosophers generally use “moral obligation” as a synonym for “moral requirement” or “moral duty,” to signify acts it would be morally wrong not to do. But there is another, older use of “obligation” that refers more specifically to bonds or ties that exist between moral agents and some (usually other) individual, group, or, perhaps, entity, *to* whom they are obligated or have a duty. Obligations of this latter sort are sometimes called “relational” or “directed” obligations or duties (e.g., Gilbert 2004). Following Weinrib and Thompson’s discussions of their “bipolar” normativity, however, I will call them *bipolar obligations* (Weinrib 1996; Thompson, 2004). Bipolar obligations always involve a relation between two “poles”: an agent who is obligated (the *obligor*) and an individual, group, etc., *to* whom she is obligated, tied, or bound (the *obligee*).

For example, someone making a promise is generally thought to become obligated to her promisee in a way she is not to third parties and that is not fully captured by saying that keeping the promise is her moral obligation *period*, as we might say, and that breaking it would be wrong; promise breaking also *wrongs the promisee*. Moreover, a promisee has a distinctive normative standing or authority in relation to the promiser that third parties do not have. The promisee can release the promiser from his obligation to keep the promise, insist on the promise’s being kept, claim some kind of apology if it is not, forgive the promiser, and so on. In these ways, the promiser has a duty *to* the promisee that goes beyond the keeping of her promise simply being her moral duty. The promiser/promisee relation gives rise, we might say, to an obligor/obligee relation (Darwall 2011b; Watson 2009).

To be sure, we speak of a “bond” or “tie” with “unipolar” obligations or moral obligations *period*, also. An agent under a moral obligation (period) is also said to be morally bound. But any bond that is part of the concept of moral obligation period is not to anyone or anything; it is simply *to do* something, whether the action is owed to anyone or not. So far as the concept of moral obligation (period) is concerned, there might

be obligations that are not owed to anyone, or at least, that go beyond any that are. Perhaps there is an obligation not wantonly to destroy beauty or not to foul the environment that is like that. But it does not matter whether there is or not. Even if there were no instance of moral obligation that did not also involve a bipolar obligation, we could still distinguish between the concepts of bipolar obligation and moral obligation period.

(p.21) The existence of an obligee is part of the concept of a bipolar obligation, though it is not of moral obligation period. The latter exists just in case it would be wrong not to do something (either *pro tanto* or all things considered—it will not matter for our purposes). That is insufficient, however, for a bipolar moral obligation. For a bipolar obligation to exist some action must *wrong an obligee*; it must constitute a *wronging* and not just a wrong period.

My topic in this essay is the metaethics of bipolar obligation, more specifically, bipolar obligations whose violations *wrong* their obligees, that is, bipolar moral obligations. I do not mean to suggest that bipolar moral obligations can be weighed against moral obligations period. We can assume, consistently with anything I want to say in this essay about the distinctiveness of bipolar moral obligations, that the central practical question facing a moral agent is nonetheless what, all things considered, she is morally obligated period to do.<sup>1</sup>

In *The Second-Person Standpoint* and elsewhere I have argued that moral obligation period is a second-personal concept and that the reasons provided by moral obligations are second-personal reasons (Darwall 2006, 2007b; see also Darwall 2010a). What makes a concept or reason *second personal* in my sense is that it is tied to *address* conceptually. Address is always second personal by definition, since it must have an *addressee*, if only implicitly. What makes the concept of moral obligation second personal, I argue, is its conceptual connection to moral responsibility or *accountability*, which entails a standing to address (and be addressed by) legitimate claims and demands.

I follow a number of philosophers, including Mill, Richard Brandt, and Allan Gibbard, in arguing that moral obligation, duty, right, and wrong are conceptually tied to moral responsibility and therefore to moral *blame* (Mill 1998: Ch. V; Brandt 1979: 163–76; Gibbard 1990: 41). What is morally obligatory is not just what there are good moral reasons to do, however weighty these reasons might be. It is what it would be morally *wrong* not to do. And moral wrong is not just any kind of moral failing. An act is morally wrong if, only if, it would be *blameworthy* if done without excuse. As Mill put it, “There are other things...which we wish that people should do, which we like or admire them for doing, perhaps dislike or despise them for not doing, but yet admit that they are not bound to do” (Mill 1998: Ch. V. ¶14). In these cases, Mill adds, “it is not a case of moral obligation; we do not blame them.”<sup>2</sup> It is a conceptual truth that an act is morally wrong, if, and only if, it is blameworthy if done without excuse.

(p.22) Half of my argument, then, has been that moral obligation, right, and wrong are tied to accountability and to moral blame conceptually. In the other half, I have followed Strawson’s famous argument in “Freedom and Resentment” that responsibility or accountability is always implicitly, as Strawson put it, “inter-personal” or, as I prefer to put it, “second personal.” We hold one another and ourselves morally responsible through distinctive attitudes (“reactive attitudes”) such as resentment, indignation, guilt, and, I argue, moral blame, through which we implicitly address putatively legitimate demands.

Strawson didn’t give a formal definition of reactive attitudes, but their central features are clear from the role they play in his argument about moral responsibility and freedom of the will. Strawson’s core idea is that reactive attitudes involve a characteristic way of regarding the individuals who are their objects that commits the holder of the attitude to certain assumptions about the object individual and her capacities to regulate her will. Unlike “objective attitudes,” like disdain, disgust, and annoyance, reactive attitudes are “participant attitudes” that are essentially characterized by “involvement or participation with others in inter-personal human

relationships” (Strawson 1968: 79). There is always a second-personal element to reactive attitudes. Through the attitude we *hold* its object to something and thereby implicitly make a demand *of* (and so implicitly address the demand *to*) him or her. As Strawson put it, “the making of the demand is the proneness to such attitudes” (Strawson 1968: 96). The reason that reactive attitudes distinctively implicate freedom of the will, then, is that we can intelligibly address a demand to someone to regulate her will appropriately only if we suppose that she can so regulate it as a result of recognizing our demand’s legitimacy. The supposition is, as Gary Watson says, a “constraint on moral address” (Watson 1987: 263, 264). In this way, reactive attitudes like moral blame are unlike other critical attitudes, like disesteem, contempt, and disgust, which lack an intrinsically addressing, second-personal element, whether these latter take a distinctively moral form, as in moral disesteem or disgust, or not.

Strawson makes a distinction, which will be important in what follows, between *personal* and *impersonal reactive attitudes*. A personal attitude, like resentment, is felt as if from the perspective of an involved party, while impersonal reactive attitudes are felt as if from an uninvolved, third party’s standpoint. It is, nonetheless, important to Strawson’s argument, as it will be to mine, that both personal *and* impersonal reactive attitudes are essentially “inter-personal” in his sense, or *second personal*, in mine, since they both implicitly address demands. Thus “first-party” reactive attitudes, like guilt, second-party attitudes, like resentment, and third-party attitudes, like indignation or moral blame are all *equally* “inter-personal” in Strawson’s sense and so second personal, in mine.<sup>3</sup> “Second person” does not mean “second party.”

## (p.23) Some Preliminaries

What, then, is the relation between moral obligation period and bipolar obligations? R. Jay Wallace has pressed a line of objection to my account of the former that leads him to speculate that the ideas *second-personal reason* and what I call *second-personal authority* that are implicit in my account

of moral obligation period, should themselves be understood in terms of bipolar obligations. On the approach Wallace suggests, “what makes a reason second personal is...that it is implicated in a structure of relational or ‘bipolar’ normativity” (Wallace 2007: 26). Wallace’s worry, which I will address below, is that there is no way to make good on the notion of a presupposed (second-personal) *authority* to make demands that I hold to be implicit in “impersonal” reactive attitudes like moral blame, hence in moral obligation period. There may be a clear enough notion of what it is for someone to have the authority to *create* a distinctively second-personal reason by making a legitimate demand of someone, as when, for example, a sergeant orders her troops to fall in. But moral blame is not like that. Moral demands do not come into existence through being made in blaming someone. But neither do I, nor does Strawson as I read him, want to say that blame is purely epistemic. Blame seems to have a *practically* directive quality that can’t be understood solely in terms of directing someone’s attention to the existence of a reason—at least, to a reason that doesn’t itself consist in a legitimate demand. It may seem unclear, however, how to understand this idea.

Wallace’s suggestion, as I understand it, is that the framework of second-personal reasons, legitimate claims and demands, etc. that I am attempting to theorize is only at home with bipolar obligations. In other words, the distinctive kind of normativity involved in bipolar obligations is more basic than that of second-personal reasons, legitimate claims and demands, and so on. Rather than the former being understood in terms of the latter, “what makes a reason second personal,” Wallace suggests, is “that it is implicated in a structure of relational or ‘bipolar’ normativity” (Wallace 2007: 26). But this raises an obvious question. What exactly is “bipolar normativity”? How are we to understand the metaethics of bipolar obligation?

That will be our question here. I shall argue that Wallace’s suggestion is precisely backwards. My claim is that there is no adequate way of understanding *both* moral obligations period *and* bipolar obligation except in second-personal terms, so that

“second personal” cannot just be a synonym for “bipolar.” Bipolar obligations do implicate a distinctive species of second-personal authority and reason, and so entail a distinctive kind of accountability, which distinguishes them from moral obligations period. But moral obligations period are also tied to accountability conceptually, albeit a different species, and are therefore no less second personal than are bipolar obligations. To put the point in a rough and preliminary way, obligees have an *individual authority* to hold their obligors accountable as the particular individual in bipolar relation to *them*, whereas anyone, including third parties, the obligee, and the obligor him- or herself, share a *representative authority* (as representative persons or members of (p.24) the moral community) to hold obligors accountable for complying with moral obligations period.<sup>4</sup> The ideas of second-personal authority and reason are thus more general than is that of bipolar normativity. So the former cannot be understood in terms of the latter. To the contrary, the latter is a species of the former.

Moreover, I shall argue also that there is a conceptual tie between these two species of the genus of second-personal authority and reasons. Although moral obligations period do not analytically entail bipolar obligations, bipolar moral obligations *do* entail moral obligations period. If X is under a moral obligation to Y to do A, then X is, other things 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 the individual authority that is involved in bipolar obligations cannot exist without the representative authority that is involved in moral obligations period. Since both individual and representative authority are second-personal notions, it will follow further that bipolar normativity cannot be explicated without the general ideas of second-personal authority and reasons.

Before we begin, I need to make two important preliminary clarificatory remarks. First, we will be interested in understanding the nature of genuinely *normative* bipolar obligations. Since part of what we want to know is whether, as

Wallace suggests, there might be a basic kind of “bipolar normativity” that can explain the normativity of second-personal reasons, we can ignore bipolar obligations that are not inherently normative in the sense of entailing normative reasons for some action or attitude. For example, there are social or conventional obligations like those of custom, etiquette, or law, at least as legal positivists understand it, that may not entail normative reasons. There may well be normative reasons to follow custom, etiquette, or the law, or to have reactive attitudes toward failures to do so, but nothing in the concept of custom, etiquette, or law, on a positivist view, at least, seems to *entail* that there are (Foot 1972). Even if they purport to provide us with reasons, none of custom, etiquette, or law would cease to exist as such if these normative reasons were not to exist.

Second, I shall take our topic to be the nature of bipolar obligations and normativity that do not simply reduce to moral obligations period, including a moral obligation to treat others as though one had bipolar obligations to them or even to accept that one does. If it turns out that anything plausibly regarded as a bipolar moral obligation can be reduced to moral obligation period in this way, then no special or distinctive bipolar normativity or obligation exists in the sense in which we are interested.

These clarificatory points turn out to have important implications for how we should understand some normative moral theories’ attitude toward bipolar obligations in our current sense. Consider, for example, an indirect consequentialist view like rule consequentialism. Rule consequentialists would likely agree that optimific social rules (p.25) will include bipolar conventional *rule-defined* obligations. The most socially useful practice of promising, for instance, is likely structured by rules that tie promisers to promisees in various ways, giving title to promisees to hold promisers personally accountable for fulfilling promises, to release promisers from their obligations to promisees, and so on. If that is so, rule consequentialists will hold that it would be morally wrong to violate such socially useful bipolar rules,



even if doing so would be optimific in the case at hand. All this is familiar ground.

However, rule consequentialists do not accept that these conventional *rule-defined* bipolar obligations are inherently normative or have any inherent moral force in themselves, hence that they have any basic “bipolar normativity.” According to rule consequentialism, conventional bipolar obligations get whatever normativity they have thanks to their being socially useful and hence something we have a moral obligation period to follow. Rule consequentialism thus denies that genuine moral obligations can themselves be bipolar. There are just moral obligations period to comply with bipolar-obligation-defining conventional rules.

Earlier I mentioned that the original use of “obligation” was to refer to something essentially relational or bipolar. Originally, “obligation” was used to refer to the upshot of an act of *obliging*, where the latter was thought to include such actions as bestowing a favor, entering into an agreement or contract, swearing an oath, and the like.<sup>5</sup> According to this usage, by doing a good service, for example, a benefactor obligates her beneficiary to her as a debt of gratitude. By entering into an agreement or making a contract, the parties obligate themselves to one another to perform as agreed. By swearing an oath to or before someone, the swearer obligates and makes himself accountable to the person to or before whom he swears for that to which he swears. And so on. Obligations in the original sense of the word were always owed by an obligor to an obligee.

Now it might seem obvious that the relations to which the original use of “obligation” referred are bipolar obligations in the sense in which we are interested. But actually, this is far from obvious, as can be appreciated by reflecting on the very different attitudes that Nietzsche takes in Chapter 2 of *On the Genealogy of Morals* toward what he calls “personal obligations” and debts, on the one hand, and the idea of moral obligation, on the other (Nietzsche 1998: Ch. 2). Nietzsche has no complaint against what he regards as an earlier notion of debts owed to others except when this idea is conceived in (he thinks later) distinctively moral terms as warranting a guilty

conscience and moral blame. Only then are obligation and debt conceived in the objectionable sense of what Bernard Williams called “the morality system” or what Brian Leiter calls “morality in the pejorative sense” (Williams 1985; Leiter 1995).<sup>6</sup> (p.26) “Personal obligation had its origin,” Nietzsche writes, “in the oldest and most primitive relationship among persons there is, in the relation between buyer and seller, creditor and debtor” (Nietzsche 1998: II.8). Nietzsche objects only to “the moralization of these concepts (their being pushed back into conscience...)” (Nietzsche 1998: II.21). He has no problem with the notion that people who fail to pay their debts should expect personal responses like anger, retaliation, and so a kind of primitive “punishment” from their creditors (see especially Nietzsche 1998: II.4). What he rejects is the idea that actions can warrant moral blame or guilty conscience, that is, a feeling that appears to hold someone accountable *impartially*, as if from anyone’s point of view. Such putatively impartial or impersonal feelings are, Nietzsche holds, repressed, distorted, unhealthy, and self-deceptive versions of a personal *ressentiment* that the weak and their priestly spokesmen are incapable of discharging or even acknowledging.

Since Nietzsche refuses to countenance “personal obligations” in moral terms, he counts as rejecting the category of bipolar obligations as we are conceiving of them. Bipolar obligations in our sense *are* moral obligations, since their violation wrongs the obligee. They differ, of course, from moral obligations period. But I shall take it that they entail moral obligations period. Any violation of a bipolar obligation that genuinely *wrongs* the obligee must also be morally wrong period, other things equal, at least. Clearly, this is no part of the concept of “personal obligations” as Nietzsche conceives of them.<sup>7</sup>

So do early uses of “obligation” pick out bipolar obligations in our sense? That depends on whether their referents are conceived in implicitly moral and normative terms. And that is probably an indeterminate matter until those using the term can make the kinds of distinctions we now do between social, legal, and financial obligations, which are conceived as distinct from, and as not analytically entailing, moral

obligations (or, indeed as having any intrinsic normativity), on the one hand, and obligations that bind morally, that is with morality's distinctive normativity, on the other. It is, that is, indeterminate until those who use the term have assimilated the very conceptual changes that Nietzsche criticizes.<sup>8</sup>

As I mentioned, I shall claim that the ideas of second-personal reason, authority, accountability, and so on, are more general than that of bipolar obligation. Bipolar obligations involve a distinctive second-personal relation between obligor and obligee that includes the obligee's being warranted in addressing certain demands to the obligor on his own behalf and at his own discretion, and in holding the obligor (p.27) personally accountable. Here I shall claim that bipolar obligations always involve an assumed *individual authority* or standing that the obligee has with respect to the obligor that others do not have. When victims hold their victimizers responsible through Strawsonian "personal reactive attitudes" like resentment (Strawson 1968: 72), or for that matter, when they decide to forgo holding their victimizers responsible, or forgive them, as is their prerogative, obligees presuppose this *individual authority* with respect to their obligors.

Because of the conceptual relation between (bipolar) wrongdoing and doing wrong period, however, this individual authority cannot exist by itself. This is a significant second point. If moral wrong and obligation period are best analyzed in terms of what, if unexcused, warrants moral blame, and if, as Strawson and I argue, third-party or "impersonal" reactive attitudes like blame also implicitly address demands, then these attitudes, like personal ones, must presuppose an authority as well, only one that, unlike individual authority, is *non-discretionary* and that anyone has as a *representative* person or member of the moral community. Thus whereas bipolar obligations and associated personal reactive attitudes presuppose *individual authority*, moral obligation period and associated impersonal reactive attitudes like indignation and moral blame presuppose *representative authority*.

It is worth stressing again the importance for Strawson's argument in "Freedom and Resentment," as for my argument

here, that both personal and impersonal reactive attitudes are essentially interpersonal or second personal. Both must consequently presuppose some form of second-personal authority. My claim is that they presuppose different species: individual authority and representative authority. I shall conclude that the ideas of second-personal authority and second-personal reasons are more general than that of “bipolar normativity.” The metaethics of bipolar obligation involves a distinctive species of second-personal authority, which cannot exist without the existence of representative authority also.

## Bipolar Obligations and Individual Authority

Having clarified the outlines of our topic—bipolar obligations that place obligor and obligee in a distinctive *moral* relation—we can now focus on it more sharply, beginning with a number of insightful observations from Michael Thompson’s important article on bipolar normativity (Thompson 2004). Thompson distinguishes between the “monadic” normativity involved in rule- or law-based “deontological concepts,” including moral obligation period, and a bipolar normativity that is implicated in concepts that concern “relations of right” between individuals. Thompson calls the latter “dikaiological” rather than “deontological” concepts because of their conceptual connection to rights and justice (*dike*).<sup>9</sup> Monadic deontological categories define a deontological order: (p.28)

- (1) Doing A is wrong (impermissible).
- (2) Not doing A is morally obligatory.
- (3) Doing B is morally permissible (not wrong).
- (4) Not doing B is not morally obligatory.

Dikaiological concepts, by contrast, define a *dikaiological order*:

- (5) X wronged Y by doing A.
- (6) X has a duty to Y not to do A.
- (7) Y has a right against X that X not do A. (Thompson 2004: 335, 338)

A dikaiological order defining relations of right is bipolar in that the agents referred to in propositions (5)–(7) are “like the opposing poles of an electrical apparatus.” Propositions (5)–(7) “represent an arc of normative current as passing between the agent-poles,” X and Y (Thompson 2004: 335). And this normative relation or “current” is “internally related to two points of view that might be taken on it” from the perspective of “each of its poles,” X and Y, respectively (Thompson 2004: 371).

Hohfeld famously put this point by saying that (6) and (7) express the same “legal relation” (Hohfeld 1923: 65–75). Following Thompson, however, we might do better to substitute “dikaiological” for Hohfeld’s “legal,” since the relation is not simply deontological; it is dikaiological. X doesn’t simply have a duty not to do A; X has this duty *to* Y. And this bipolar duty entails a claim right that Y has against X that X not do A. Claim rights and bipolar obligations are, in the jargon, conceptually “correlative.”<sup>10</sup>

Thompson notes that a dikaiological structure and relations of right need not be moral, as we observed earlier. Dikaiological, bipolar relations can be represented also in a set of conventions, customs, law, or even in games. Dikaiological concepts can be “shifted,” Thompson says, “into various gears, or sung in various keys”: moral, conventional, customary, legal, or “ludic” (Thompson 345–6). For the reasons I mentioned earlier, however, we are interested only in the dikaiological structure that is part of morality: bipolar moral obligations and correlative moral claim rights.

These include reciprocal moral obligations and claim rights that moral persons have: “what we owe to each other,” in Scanlon’s phrase (Scanlon 1998). But nothing in the concept of bipolar moral obligations restricts them to these. We might suppose, for example, that we also have bipolar obligations *to*, and not just moral obligations period with respect to very young children, for example, or other animals, neither of whom (p.29) are reciprocally obligated to us. For our purposes, however, we may restrict ourselves to genuinely interpersonal bipolar moral obligations.

Thompson maintains that the concept of *person* in the relevant sense is itself dikaiological, defined within a dikaiological structure. We are persons, in this sense, “in relation to” others: X in relation to Y and Y in relation to X (Thompson 2004: 353). To be thus a person just is to have the relevant obligations to and rights against other persons. The concept of person differs in this way from the concept of agency or that of a free will.

Agents act, think, and regard one another as persons in this sense when they see each other within a dikaiological framework of relations of right to one another. In so doing, they perforce relate *to* one another, if only implicitly and in thought.<sup>11</sup> Individuals are thus persons in relation to other persons, not in the way a brother has a biological relation to his siblings, but as when he relates to them *as* his siblings. To act and think as a person in this sense is to do so within an essentially interpersonal, or second-personal, reciprocally recognitional space. As Thompson puts it in Heideggerian terms, thinking and acting as persons involves our “being-toward-others” (Thompson 2004: 358). Recognizing your sibling or that someone is your sibling is thus different from acknowledging or recognizing someone *as* your sibling with whatever bipolar obligations that might involve. Similarly, to recognize someone as a person is to relate to him as having basic rights against and obligations to one that are the reciprocals of the obligations and rights one has to and against him. It is, in this sense, to respect him as a person, or as *another* person (as someone “just like me”) (Darwall 1977, 2006).

This means that a second-personal element is essential to the concepts of moral obligations to and rights against, as well as to the concept of moral person that is definable in relation to these. We can bring this out more clearly by considering Joel Feinberg’s theory of claim rights, the entailed reciprocals of bipolar obligations (Feinberg 1980). Suppose you hold that it is not just wrong (and contrary to a moral obligation) period to step unbidden on other people’s feet, but also that doing so violates their rights. What does this latter thought involve?

We can easily imagine a society (Feinberg's "Nowheresville") in which it is thought morally wrong to step on others' feet, unless, say, they desire or do not mind one's doing so, but where the latter is not seen as a giving of consent that can be understood only within a bipolar dikaiological order. So viewed, others' will and preference would appear simply as features of the moral landscape that bear on moral obligations period. Others would not yet be regarded as having any prerogative or authority to consent, where consent is conceived as something that can be given only through a second-personal address that reciprocally presupposes the authority to release one from what would otherwise be a bipolar obligation *to* the other.

Consent can only be given second personally and is dikaiological by definition (Ripstein 2009: 111–132; Darwall 2011b). It involves the exercise of a "normative (p.30) power," in this case, to release someone from a bipolar obligation he would otherwise have, say, not to step on your feet (Raz 1972 and 2002: 98–104). Normative powers, in general, are dikaiological authorities or standings to enter into reciprocally recognizing second-personal engagements with others that alter bipolar obligations and claim rights holding between the parties, but which engagements also presuppose that the parties are already obligated to one another in various ways. Other essentially bipolar dikaiological normative powers include the authority to make promises, to enter into agreements and contracts, and even such prosaic normative capacities as are exercised when we ask someone to do something or accede to a request (Watson 2009; Darwall 2011b; Enoch 2011).

Normative powers can only be exercised second personally, through a reciprocally recognizing transaction with another person. And their exercise both presupposes specific authorities, rights, and bipolar obligations, which are reciprocally recognized by the parties to the transaction as existing independently of the transaction, and creates new ones as a result, for example, a promiser's obligation to a promisee.

The power of consent is but one of an ensemble of normative powers or authorities that enter into the having of a claim right against someone, and therefore into another's having a bipolar obligation to one. These powers or authorities are all, moreover, essentially second personal. Feinberg emphasizes that the right holder's standing or authority to demand or *claim* her rights enters into the very idea that she has a claim right. "It is claiming," Feinberg writes, "that gives rights their special moral significance" (Feinberg 1980: 151). The authority to claim our rights "enables us to 'stand up like men,' to look others in the eye, and to feel in some fundamental way the equal of anyone" (Feinberg 1980: 151). When we regard persons as having a claim right that others not step unbidden on their feet, part of what we think is that each person has a distinctive set of individual authorities over others' conduct with respect to *his* feet that he doesn't have with respect to the treatment of other people's feet. Among other normative powers, each has the power to consent to and thereby authorize and render permissible treatment of his feet that would otherwise wrong him.

Right holders also have a distinctive authority to hold others answerable for violations of *their* rights that third parties do not have. The point is not that third parties have no authority. To the contrary, I shall claim that any 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. The point is that there is a special *individual* authority an obligee has to hold the obligor personally answerable that can, like the power of consent, be exercised only by the right-holding obligee herself at her discretion.

One way to see this is to reflect on forgiveness (see, e.g., Griswold 2007). Just as it is uniquely up to the right holder to decide whether or not to consent or waive her right (assuming the right is one that can be waived), so is it distinctively up to a victim whose right has been violated, whether to forgive someone who has violated it. No one else (p.31) has the same authority or standing.<sup>12</sup> Moreover, just as the power to consent can exist only against the background of bipolar



obligations and rights that are in force without consent, so also can the authority to forgive exist only against the background of a distinctive authority that obligees and right holders have to hold others personally responsible.

Forgiveness involves the victim's somehow moving past holding his victimizer personally responsible, for example, as Butler believes, through the personal reactive attitude of resentment (Butler 1900: Sermon IX).

Similarly with apology. An apology is, by definition, addressed to someone who receives it and who has the authority to accept it or not. If a victim comes upon an unaddressed admission of guilt and expression of sincere regret in her victimizer's diary, she has not discovered an apology.<sup>13</sup> Apologies are a way of holding oneself personally answerable to an obligee whose authority to hold one thus answerable is thereby reciprocally recognized. It is a second-personal acknowledgment of having violated a bipolar obligation to the obligee and of the obligee's special authority to hold one answerable for it.

Similarly also with the distinction made in law between the legal authority or standing to bring cases in civil and in criminal law, respectively. It is uniquely up to a(n alleged) victim to decide whether or not to bring a case in the civil law of contracts or torts. If a wronged or injured party would prefer not to pursue a tort action and seek compensation, the state and other citizens do not generally have the authority to pursue it on her behalf. It is not, however, 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. That is up to "the people" and their representatives. The criminal law is to the moral law as civil law is to the dikaiological order of bipolar moral obligations.

These points about *de facto* legal authority reflect underlying beliefs we hold concerning *de jure* authorities that are central to our going concept of morality. They reflect the belief that obligees (right holders) have an *individual moral authority* with respect to obligors against whom they hold claim rights. Obligees have an individual authority to claim rights *they* specially hold, for example, to insist on a promise or a contract

made *to or with them* being kept, and to hold obligors individually or personally answerable to them for violations if it is not, for example, to complain, seek apology or compensation, forgive, and so on. And similarly for the authority that is presupposed by the exercise of any normative power that is implicated in a dikaiological structure of bipolar obligations and claim rights. In each case, persons relating to one another second personally within a dikaiological order reciprocally presuppose that the obligee has an individual authority to make demands of the obligor and hold him personally responsible.

Summing up this section, bipolar moral obligations entail a distinctive discretionary second-personal authority that obligees have to make claims and demands of obligors and (p.32) hold them personally responsible. And this distinctive *individual authority* is related conceptually to a distinctive reason for acting that, because of its conceptual tie to an authority to address claims and demands, we can usefully call “second personal.” Among the various reasons that exist for not stepping on others’ feet, some, such as that it would cause pain and inconvenience, are logically independent of any authority anyone might have to make claims and demands of others (or themselves). But consider the fact that stepping on another’s foot would violate her right. Or equivalently, that it would violate a (bipolar) obligation to her. I have been arguing that this reason *is* tied conceptually to the other’s individual authority to make claims and demands of one and hold one personally accountable for compliance. In the terms of *SPS*, then, this reason is a second-personal reason. It is a reason that would not exist but for its connection to an authority to address (second-personal) claims and demands. Bipolar normativity thus involves a distinctive kind of second-personal authority and reason.

## The Distinctive Normativities of Moral Obligation Period and Bipolar Obligation

Persons have no *individual* authority to hold others personally responsible for violations of moral obligation period—with respect to the “moral criminal law,” as it were—even if,

indeed, the content of the moral obligation period is identical to or coextensive with respecting their moral right, that is, with a bipolar moral obligation *to them*. Whether to hold a person responsible for doing wrong, as opposed to wronging someone, is up to no one *in particular*. But if moral obligations period are genuine moral *demands*, who has the authority to make these demands? The answer that I take to be implicit in Strawson's work, and that I defend and develop in *SPS*, is that moral obligations period analytically entail a non-discretionary second-personal authority we all *share* as representative persons or members of the moral community to hold ourselves and one another accountable and demand compliance with moral obligations period. Thus where bipolar obligations presuppose the individual authority of the obligee, moral obligations period presuppose a representative authority that any person has as a representative person or member of the moral community to hold themselves and others accountable for compliance through impersonal reactive attitudes.

To make this idea plausible, let us step back a bit and ask, first, what makes any normative notion normative? And second, what are the distinctive normative aspects of the concept of bipolar obligation and moral obligation period? I assume that what makes a concept normative is that it analytically entails normative reasons for some attitude or other.<sup>14</sup> Credibility concerns there being reasons to believe some proposition or person. Desirability is normative for desire. Choiceworthiness is normative for (p.33) choice. The estimable is normative for esteem. And so on, for every normative notion.<sup>15</sup>

On this assumption, we should then ask, for what attitudes are moral obligation period and bipolar obligations distinctively normative? Now it might seem that the obvious answer is that both are normative for action. What we are morally obligated to do, whether period or to someone, is what we have good reason (perhaps conclusive reason, if the obligation is all things considered), or at least moral reason, to do. But however true that might be, I think it can fairly readily be seen that the concepts of moral obligation period and bipolar obligation differ from the concept of what there is good or

conclusive reason, or even, good or conclusive moral reason, to do.

The normative notion that is distinctively concerned with action, intention, and choice is *choiceworthiness*, that is, there being normative reason to choose, intend, or do something. Obviously, the concept of moral obligatoriness differs from this concept, if only because there are reasons to act that have nothing to do with morality at all.

But neither is moral obligation period simply a proper part of the choiceworthy, the morally choiceworthy: what there is moral reason to do, or what there is reason to do from the moral point of view, either *pro tanto* or all things considered. This can be seen by reflecting on the fact that it is at least conceptually open that there might be actions that are recommended, however conclusively, by moral reasons, however weighty, that are nonetheless not morally required. In other words, the possibility of supererogation, of action above and beyond the call of moral duty, is not closed by the concept of moral obligation. To the contrary, many of us believe that morality can recommend action, maybe even strongly recommend it, without yet requiring it or making it morally obligatory (period). And we clearly are not being incoherent or conceptually confused in having this belief.

Whether there is such a thing as supererogation is a substantive normative question rather than a purely conceptual one. If an act consequentialist maintains that it is always wrong not to perform the action that morality most recommends, and a Rossian deontologist denies this, it would seem that they can be disagreed about this while sharing the same concept of moral obligation (indeed, that they could not be thus disagreed unless they did). Similarly, it would seem that what the Rossian asserts is not contradictory or conceptually confused, as it would have to be if the concept of the moral obligatory were the same as that of the morally choiceworthy, or most morally choiceworthy. So the concept of moral obligation must differ from that of moral choiceworthiness.

The morally obligatory is what morality *demand*s, what can legitimately be demanded of us and what we are therefore accountable for as moral agents. This means, I argue, following Mill, Brandt, and Gibbard, that the concept of moral obligation is normative in the first instance for the distinctive attitudes through (p.34) which we hold one another and ourselves morally responsible, namely, “impersonal” Strawsonian reactive attitudes such as moral blame (Darwall 2006, 2007b). The concept of moral obligation (period) is that of an action’s being blameworthy, that is, a fitting object of the attitude of moral blame (equivalently, what there are normative reasons of the right kind to blame), if the action is done without adequate excuse.<sup>16</sup>

This does not mean, I hasten to add, that moral obligation is not *also* normative for action. It means that since its *distinctive* conceptual normativity is for impersonal reactive attitudes like moral blame, obligation’s normativity for action must follow in some way from this. I argue that this is indeed the case (Darwall 2006, 2007b), owing to blame’s conceptual connection to accountability. To hold someone accountable through moral blame is incompatible with seeing him as having had sufficient reason to act as one is blaming him for doing. Blame can be defeated either by excuses (which admit wrongdoing, but plead extenuation) or by justifications (which defeat also the charge of having violated a moral demand). It is incoherent to blame someone for wrongdoing while accepting that he had sufficient reason to act as he did. Moral obligation’s normativity for action thus follows from its normativity for blame.

If the distinctive normativity of moral obligation period is for impersonal reactive attitudes, the natural conclusion is that the normativity of bipolar obligations (and correlative claim rights) is for personal reactive attitudes like resentment.<sup>17</sup> It is a conceptual truth that something violates a bipolar obligation (and so a correlative claim right) if, and only if, the action would warrant resentment if done without excuse. If this is right, then, to capture the special normativity of bipolar obligations, bipolar normativity, we have to account for the distinctive second-personal element involved in holding people

# Bipolar Obligation

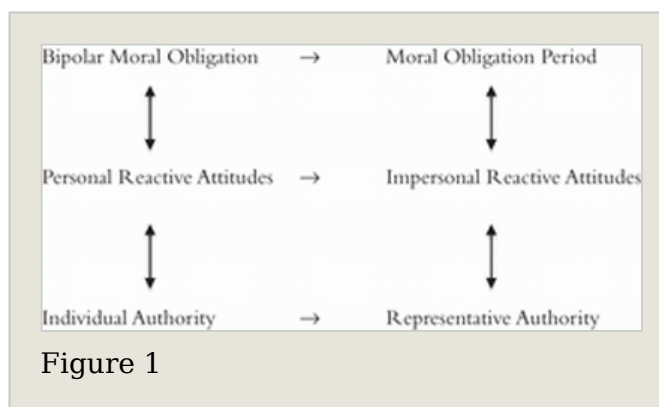
personally accountable, for example, through an attitude of resentment that implicitly addresses a demand to the resented agent, presupposes an *individual authority* to do as the individual tied to him in a bipolar “practical nexus,” and makes a claim on him to recognize this authority.<sup>18</sup> Part of what it is for an obligor to have a moral obligation *to* an obligee, and for the correlative claim right to obtain, therefore, is that the obligee has a set of individual authorities to claim the right and hold the obligor personally responsible for complying with it in the ways we have discussed.

(p.35) We can present the links I have been making in Figure 1:

The items in each column entail one another, and each of the items in the left column entails the item in the right column that is in its row. Since

moral obligations period might exist with no corresponding bipolar obligation, items in the right column do not entail items in their rows in the left column.

To conclude this section, we should note that an obligee or right holder need not actually claim her right or demand compliance with it in order for the right to exist, or that the right consists wholly in any demand that she has the individual authority to make.<sup>19</sup> If that were so, then, for example, you would lack any right that people not step unbidden on your feet until you bid them not to or bid them not to do so unbidden. As we shall see, no moral obligation period, and so no bipolar moral obligation or moral claim right, can exist unless *non-discretionary* demands exist that do not depend on being made by anyone with the individual authority to make them or not. 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. Failure to account for this distinctive second-personal aspect will miss an essential element.

## Connecting Individual Authority to Representative Authority

It follows from our argument thus far that just as the distinctive normativity of moral obligation period is to be understood in terms of warrant for impersonal reactive attitudes, so also is the distinctive normativity of bipolar obligation explicated in terms of warrant for personal reactive attitudes. In this last section, we shall consider the relations between these points and Wallace's claim that second-personal notions are best understood in terms of bipolar normativity. My counter-claim can perhaps now be more clearly appreciated. Since all Strawsonian reactive attitudes, whether personal or impersonal, are "inter-personal," in Strawson's sense, or "second personal," in mine, (p.36) both bipolar normativity *and* the normativity of moral obligation period are second personal, albeit in different ways. The distinctive second-personal authority involved in bipolar obligations is *individual authority*, whereas that involved in moral obligation period is *representative authority*. These are different species of second-personal authority (standing to address claims and demands and hold accountable). An obligee has a distinctive discretionary authority as the particular individual to whom an obligor is bound in bipolar obligation to hold the obligor personally responsible. And any person has a (non-discretionary) authority as a representative person or member of the moral community to hold anyone, himself and others, accountable for complying with moral obligations period through impersonal reactive attitudes.

Wallace recognizes what I am calling the second-personal element of bipolar obligations. He agrees that the obligee has a "privileged basis for complaint" "that uninvolved third parties lack" against the obligor if a bipolar obligation is violated and that the obligee can "authorize," and so make permissible, acts that would otherwise violate her rights through consent (Wallace 2007: 29). Wallace's objection, as I

understand it, is that these second-personal elements come for free as aspects of bipolar obligation and normativity, that bipolar obligations are the only place where second-personal notions are at home, and therefore that bipolar normativity is the more fundamental idea.

My counter-claim is that impersonal reactive attitudes presuppose authority no less than do personal ones, and that this representative authority is no less second personal than is the individual authority that personal reactive attitudes presuppose. Strawson and I argue that moral blame is always essentially “inter-personal” because it implicitly makes a demand of (and so addresses the demand to) its object. Even “impersonal” reactive attitudes are “participant” rather than “objective” attitudes. In this way, blame differs from other negative critical attitudes, even within the moral sphere, like disesteem, contempt, and disgust. Unlike the latter, the former have an implicit RSVP.

Now this latter point is common ground between Wallace and me. (I actually came to the idea partly through Wallace’s insightful writings on responsibility; Wallace 1994.) Here is how he puts the point.

I do not mean to deny that reactive sentiments involve implicit claims; I myself have argued at some length that there is a distinctive stance of holding people to a demand or expectation that is constitutively connected to the Strawsonian reactive attitudes and that is indeed among their defining characteristics. (Wallace 1994) To the extent this is the case, we might say that reactive emotions “address” demands or normative expectations to the agents who are their targets. (Wallace 2007: 30)

But if impersonal reactive attitudes like moral blame implicitly address demands, it also seems obvious that they don’t make *naked* demands. Holding someone morally responsible for an action through moral blame isn’t an exercise in brute force, except perhaps on a debunking Nietzschean analysis. Blame addresses a demand *as legitimate*, so it necessarily assumes an authority to make the demand. And this is what makes it second (p.37) personal, in my sense. It addresses a demand as



putatively legitimate to an addressee, presupposes the authority to do so, calls the addressee to recognize this authority (has an RSVP), and so on. My claim is 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. Impersonal reactive attitudes like moral blame thus presuppose a *representative authority* that is complementary to the individual authority that is presupposed by bipolar obligations.<sup>20</sup>

Sometimes, Wallace seems to deny that blaming and implicitly holding someone to a demand presupposes any authority to do. Here is what he says:

When I become indignant about Mugabe's treatment of Zimbabwean dissidents, I assume that he had good reason to comply with the demand that I hold him to for humane treatment of his political opponents. But this reason does not derive from my "authority" to hold him to the demand. If anyone's authority is at issue here, it is surely the authority of Mugabe's political opponents, who are in a privileged position to complain when he arranges for them to be beaten and intimidated. (Wallace 2007: 31)

Wallace and I are agreed that the only discretionary *individual* authorities involved are those of the dissidents, which uninvolved third parties lack. The issue is whether impersonal reactive attitudes presuppose a further complementary authority, *representative authority*. Wallace and I are agreed also that any reason for acting that blame presupposes does not depend on any authority that the blaming individual *distinctively* has, and therefore, *a fortiori*, that the reasons do not depend on a demand being made by any individual.

I am claiming, however, that the reason that blame expresses, namely that the action violates moral obligation period, does depend on there being an authority to make demands of any moral agent that anyone, whether a dissident, an outside party, or Mugabe himself, shares as a representative person or member of the moral community.<sup>21</sup> Individuals don't make

moral demands in the way an obligee might demand that an obligor comply with a bipolar obligation or demand an apology for its violation. Rather, when we blame someone, we add our 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.

To hold that impersonal reactive attitudes like blame do not presuppose representative authority is to be committed to the dilemma that either blame is purely epistemic, seeking simply to inform its object of a moral standard or of the legitimate demands (p.38) that only others have the authority to make or press, or that it has practically directive force, but only brutally or nakedly. Some of the things Wallace says suggests he might take the first horn, although it is hard to see how he could consistently with the broadly Strawsonian interpretation of impersonal reactive attitudes to which he seems otherwise committed (in Wallace 1994). The most that “holding someone to an expectation” could then mean is something like directing the person’s attention to it. But it seems impossible to grasp the second horn without lapsing into Nietzschean cynicism about morality.

As a way of consolidating these points, consider again the relation between the special way in which an obligee can hold an obligor responsible for complying with a bipolar obligation and the form accountability takes with moral obligation period. As Wallace says, an obligee has a “privileged basis for complaint.” But what exactly does this mean? Suppose, for example, that Mugabe’s victims complain to him about their mistreatment. What attitude could Mugabe take that would adequately recognize the legitimacy of their complaints and their authority to hold him accountable for complying with their demands? What is it like to acknowledge someone’s legitimate complaint against oneself in the relevant sense?

I take it as obvious that obligees’ distinctive privilege of complaint does not just mean that an obligor has to “listen” to the complaint in a way that someone might be required to give another person the space to vent or spout off, or even be required to absorb the cost of bearing the “slings and arrows” of being their complaint’s object, that is, to accept that cost

without complaint. One can do those things without accepting or recognizing the legitimacy of the complaint itself. Any response of Mugabe's that would adequately acknowledge the legitimacy of the dissidents' complaint and their special authority to make it would have to involve an internal *acceptance* of the complaint's legitimacy, which was also communicated second personally. And any such internal acceptance, I take it, would have to involve Mugabe's taking his victims' resentment to be warranted, not just as an understandable expression of their own sense of injury nor as a form of retaliation that it would be unjust of him to seek to avoid, but in the sense that his own actions of unjustly abusing them were *culpable*. The attitude that would reciprocate his victims' resentment in the sense of being its proper reciprocal would thus be a form of guilt. Mugabe could internally accept his culpability only by *blaming himself*, and so making a demand of himself not as just from his victim's standpoint, but as from anyone's including his own as a representative person or member of the moral community. As Adam Smith insightfully remarks, what resentment is "chiefly intent upon, is not so much to make our enemy feel pain in his turn, as...to make him sensible that the person whom he injured did not deserve to be treated in that manner" (Smith 1982: 95-6).

If this is right, then there is a conceptual connection between bipolar obligation (along with claim rights) and moral obligation period. If X has an obligation to Y to do A, and Y therefore a claim right against X that X do A, then X's failure to do A would (p.39) not only wrong Y, it would be wrong period, other things equal, at least.<sup>22</sup> Mugabe cannot adequately recognize his personal responsibility for injuring and thereby wronging his victims without also accepting that his actions were wrong period. And he cannot do that, unless he can believe this wrongdoing excusable, without blaming himself, that is, by implicitly making a demand of himself that he sees to be warranted from an impartial third-party perspective and accepting his own culpability. And this presupposes representative authority. It follows that the individual authority that Zimbabwean dissidents have to object to Mugabe's abuses, cannot exist unless there is also a representative authority that everyone shares along with the

dissidents, including third parties and Mugabe himself, to hold Mugabe accountable through directive impersonal reactive attitudes like moral blame.

To conclude: the metaethics of bipolar obligation parallels that of moral obligation period. Both are second personal, but in different ways. Bipolar normativity involves a distinctive individual authority that obligees have to make demands of and hold obligors responsible. And moral obligation period entails a representative authority that anyone shares as a representative person or member of the moral community. It follows that the concept of bipolar obligation is not more fundamental than those of second-personal authority and second-personal reasons. The second-personal authority and entailed second-personal reasons that are distinctive of bipolar obligations are not, and cannot be, the only kind. The idea of second-personal authority is a more general notion, and it is required to understand the metaethics of both bipolar obligations and moral obligations period.<sup>23</sup>

Notes:

(<sup>1</sup>) I will assume that if X is morally obligated to Y to do A, it follows that X is morally obligated period to do A, at least other things being equal.

(<sup>2</sup>) Also: “We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience” (Mill 1998: Ch. V. ¶14).

(<sup>3</sup>) The first two are personal reactive attitudes; the third is an impersonal reactive attitude.

(<sup>4</sup>) How they may respectively hold violators accountable also differs. For example, individual obligees arguably have standing to express resentment to their obligors in complaints in a way that representative persons do not necessarily have standing to express their blame.

(<sup>5</sup>) *The Concise Oxford Dictionary of English Etymology*, online. This earlier use helps explain why writers like Hart and Rawls sometimes reserve “obligation” to such voluntary

undertakings (though Hart also famously distinguishes between being obliged, in the sense of being compelled, from being obligated) (Rawls 1971: 113; Hart 1958: 100–5; Hart 1961: 6–8).

<sup>(6)</sup> See also the excellent discussion in Clark 1994.

<sup>(7)</sup> It follows that the retaliatory responses that Nietzsche is discussing, including *ressentiment* as he understands it, differ from reactive attitudes, as Strawson and I understand them. Nothing within retaliatory responses involves the distinctively “inter-personal” or second-personal structure that Strawson and I are pointing to. For further discussion, see Darwall 2010b and Darwell forthcoming b.

<sup>(8)</sup> In Darwall 2012b and Darwell forthcoming b, I argue in favor of Anscombe and Sidgwick’s view that the idea of morality conceived in terms of distinctively moral obligation is a modern conception and not one found, for example, in ancient Greek ethical writers like Plato and Aristotle.

<sup>(9)</sup> Apparently, this term was first introduced in Glassen 1959. I am indebted to Arthur Ripstein for this reference.

<sup>(10)</sup> This might be questioned, since it might be argued that some bipolar obligations do not entail claim rights. It sounds strained, for example, to say that anyone to whom one owes a debt of gratitude thereby has a claim right to one’s gratitude. There is not space adequately to discuss this point here, but I would suggest that though the full force of a claim right is arguably lacking in such cases, there nonetheless must exist some similar second-personal standing, for example, to take ingratitude personally and hold the ungrateful person responsible in some way, in order of us to be able to say properly that there exists a bipolar obligation of gratitude. In any case, for present purposes I shall simply assume with Thompson and Hohfeld that bipolar obligations entail correlative claim rights. I am indebted for discussion here to Rowan Cruft.

<sup>(11)</sup> For a discussion of recognition respect for persons as second personal in this way, see Darwall 2006: 119–47.

(<sup>12</sup>) Though others who are specially related to the victim may have some standing, it is nonetheless not the same.

(<sup>13</sup>) Though she might if she came across something with the same content addressed to her.

(<sup>14</sup>) This may not be quite right, since there might be normative requirements (such as “wide scope” oughts) that cannot be understood in terms of normative reasons (Broome 1999). However, we can ignore this complication for present purposes.

(<sup>15</sup>) I defend this more fully in Darwall 2010a.

(<sup>16</sup>) In Darwall 2010a, I discuss how moral obligations create normative reasons for acting. I also discuss how the “right kind of reasons” problem is relevant the fittingness of these attitudes. Note, by the way, that the idea is not that the concept of wrong is identical with that of blameworthiness. An act can be wrong though not blameworthy if the agent has a valid excuse. The conceptual connection is that an action wrong if, and only if, it would be blameworthy if done without excuse.

(<sup>17</sup>) And, perhaps, resentment’s first-party correlate, a form of guilt in which we feel distinctively responsible for someone’s injury.

(<sup>18</sup>) I take the phrase “practical nexus” from Thompson.

(<sup>19</sup>) I am indebted here to Wallace’s comments in Wallace 2007 and to discussion with Kelly Heuer.

(<sup>20</sup>) It might be objected that not all third parties have representative authority, in particular, those who have violated moral demands themselves do not. It would be hypocritical of them to make any demands of others, since they have not complied themselves. However, even if this is the case, impersonal reactive attitudes would still presuppose a shared representative authority that all persons have unless they have failed to comply with the relevant demands themselves. I am indebted to Julia Markovits for this objection.

(<sup>21</sup>) See note 20.

(<sup>22</sup>) There are familiar legal cases in torts where someone can claim compensation for *non-culpable* transgressions of rights (and so, by Hohfeldian entailment, a bipolar legal obligation). Jules Coleman calls these “infringements” rather than “violations” of rights in Coleman 1992. Whether we say that the victim is *wronged* in such a case is probably a semantic choice. Whichever choice we make, it seems that although the victim has a warranted claim to compensation, she would not have warrant for *resenting* the violation. To bring such cases within the spirit of the analysis in the text, we might say that a claim right is either infringed or violated if it would warrant resentment if done without excuse *or justification*, where a justification defeats a charge of wrongdoing (violating a moral obligation period) as well as of culpability.

(<sup>23</sup>) I am indebted to participants in the 2010 Wisconsin Metaethics Workshop and to audiences at the University of British Columbia, the CUNY Graduate Center, and the University of Wyoming, and the 2011 APA Pacific Division Meetings, as well as participants in a conference on claim rights at Princeton University for helpful comments. I am especially indebted to my commentators on two of those occasions, Henry Richardson and Julia Markovits.



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