

## Moral Obligation and Accountability

It is a curious feature of the contemporary philosophical scene that, although Strawson's critique has been very influential in debates about responsibility and free will within moral psychology and the philosophy of action, its implications for the metaethics of moral obligation as well as for normative moral theory have been largely ignored. In this chapter, I argue that there is an intrinsic conceptual connection between moral obligation and moral responsibility, one Strawson himself implicitly relies upon. It follows, I argue, that Strawson's influential critique of consequentialist accounts of moral responsibility can be turned into a powerful criticism of consequentialist theories of moral obligation, most obviously, of act-consequentialism, but arguably also of indirect consequentialist approaches such as rule-consequentialism.<sup>1</sup> When we reflect on obligation's intrinsic connection to (second-personal) accountability, we see that subserving an external goal is a reason of the wrong kind to justify moral obligation no less than it is to warrant claims of moral responsibility. Like moral responsibility, moral obligation is an irreducibly second-personal concept. That an action would violate a moral obligation is, I here argue, a second-personal reason not to do it.

### Accountability and the Metaethics of Moral Obligation

One way to see this is to note that Strawson includes a "sense of obligation" as a (reflexive) reactive attitude and that he characterizes the

1. Except, again, when these are themselves grounded in the second-personal idea that all persons have an equal claim. On this point, see note 32 of Chapter 4 and "Contractualism and Rule-Consequentialism" in Chapter 12. I am indebted here, again, to Allan Gibbard and Jim Staihar.

skepticism he takes pragmatic approaches to responsibility to be responding to as holding that if determinism is true, “then the concepts of moral obligation and responsibility really have no application” (1968: 86, 71). As Strawson sees it, skepticism about free agency puts pressure on both moral responsibility and moral obligation. Strawson doesn’t say directly why this should be so, but it is clear enough that he takes moral obligation and responsibility to be intrinsically related conceptually, and not just as a matter of substantive normative judgment. What we are morally obligated to do, he seems to be thinking, is what members of the moral community can appropriately demand that we do, including by responding with blame or other reactive attitudes if we fail to comply without adequate excuse.

Perhaps the best-known invocation of this idea is, ironically enough, by a consequentialist thinker, namely, John Stuart Mill.<sup>2</sup> In the course of considering in chapter 5 of *Utilitarianism* (1998) how a utilitarian might account for rights and justice, Mill provides a genealogy of conceptions of justice and concludes that “the primitive element, in the formation of the notion of justice, was conformity to law” and that this involves the idea of warranted sanctions. Mill evidently means this as a conceptual point. More importantly for our purposes, Mill goes on to apply this conceptual analysis to “moral obligation in general.” And then he famously adds:

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. This seems the real turning point of the distinction between morality and simple expediency. It is a part of the notion of Duty in every one of its forms, that a person may rightfully be compelled to fulfill it. Duty is a thing which may be exacted from a person, as one exacts a debt. (1998: ch. 5, para. 14)

Mill seems to be on safe ground in saying that our concept of wrongdoing is essentially related to accountability. Even if it is natural to think

2. In Mill 1998: ch. 5. Another landmark is Rawls’s argument in “Two Concepts of Rules” (1955) that practices are frequently constituted by rules that forbid participants to appeal to any external goals the practice might be thought to achieve. For an excellent discussion of this point, see Johnson 1985. Also relevant is Hart’s famous distinction between the “internal” and “external” perspective within a regime of law or other set of norms (1961: 55–57).

that a person falls short of full virtue if she does only what can be required of her—is a “minimally decent,” rather than a good, Samaritan, in Judith Thomson’s (1971) terms—it seems unnatural to suppose that she thereby does wrong. What is wrong is what we can be morally expected not to do, what the moral community assumes the authority to hold us to. We hesitate to impute wrongdoing unless we take ourselves to be in the range of the culpable, that is, unless the action is such that the agent is aptly blamed or the object of some other form of accountability-seeking reactive attitude if she lacks an adequate excuse.<sup>3</sup>

This aspect of the concept of moral wrong has been stressed also by a number of contemporary writers. John Skorupski says that calling an act “morally wrong . . . amounts to blaming the agent” and that the idea of moral wrong can’t be understood independently of that of blameworthiness (1999: 29, 142). Allan Gibbard quite explicitly follows Mill’s lead in proposing that “what a person does is *morally wrong* if and only if it is rational for him to feel guilty for having done it, and for others to be angry at him for having done it” (1990: 42). And we can find versions of this Millian idea in other writers also (Baier 1966; Brandt 1979; Shafer-Landau 2003). (It is consistent with these views that there remains a distinction between the wrongness of acts and the blameworthiness of agents. Someone may not be to blame for wrongdoing if he has an excuse.)

Perhaps most striking is the role the connection plays in neo-Nietzschean critiques of morality and moral obligation, most prominently by Bernard Williams.<sup>4</sup> Williams’s version of the Nietzschean critique that morality is an enslaving ideology, a form of false consciousness that shackles and sickens, runs through conceptual relations he sees between

3. The original meaning of ‘impute’ is relevant here: “To bring (a fault or the like) into the reckoning against; to lay to the charge of; to attribute or assign as due or owing to” (*Oxford English Dictionary*, online edition). See also Pufendorf on “imputativity” below. As T. M. Scanlon has pointed out to me, however, there may be cases where we take ourselves to have the authority to blame someone and make demands of them even when we don’t think they act wrongly, as, for example, when someone does the right thing, but for utterly unconscionable reasons, say, out of a virulent racism.

4. Especially in Williams 1985. For a discussion, see Darwall 1987. See also Williams 1995 and Baier 1993. Nietzsche’s diagnosis of morality “in the pejorative sense” is primarily given in Nietzsche 1994. For useful discussion, see Leiter 1995 and 1997.

It is worth noting that, although Williams is a critic of what we might call the “internal” aspects of second-personal accountability of the “morality system,” he does embrace the

moral obligation, blame, and reasons for acting.<sup>5</sup> Williams evidently assumes that it is a conceptual truth that violations of moral obligations are appropriately blamed and that blaming implies the existence of good and sufficient reasons to do what someone is blamed for not doing. The idea is not, of course, that normative reasons follow from the fact of someone's being blamed. Rather, in blaming one implies or presupposes that there are such reasons. According to Williams (1995), this presupposition is a bit of false consciousness. And what makes it so, according to him, are his famous *internal reasons thesis*, which asserts that all normative reasons for action must be anchored appropriately in the agent's own "motivational set" (be "internal reasons"), and his claim that nothing guarantees any connection between what we take to license blame when we attempt to hold agents accountable and their own motivations.<sup>6</sup>

It is important to the argument of this book that Williams is actually right about these conceptual connections between imputing wrong and blame and between blame and attributing authoritative reasons. Moral obligation really is conceptually related to standards of minimally decent conduct that moral agents are accountable for complying with. And the forms of moral accountability—blame, guilt, indignation, punishment, and so on—really do imply that agents have reasons (indeed, conclusive reasons) to do what they are morally obligated and accountable for doing.<sup>7</sup> Moreover, depending on how we understand the idea of a "motivational set," it may also be possible, consistently with the substantive normative claims of this book (that equal second-personal authority

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idea of human rights and the "external" forms necessary to enforce them. But this means, I believe, that participants in moral practices of enforcement, including all citizens when they participate in public discourse, are unable to accept reasons of the right kind for the second-personal demands through which they seek to enforce their rights. Their justification must consist in something like the desirability of using power, not any authority to use it. In my view, Hume's ideas about justice lead to the same result (see Chapter 8). Both run afoul of Strawson's Point. I am indebted here to discussion with Simon Blackburn.

5. Williams encourages the association with slavery himself by referring to morality as the "peculiar institution" in the title of chapter 10 ("Morality, the Peculiar Institution") of Williams 1985.

6. The former is a version of what I have called "existence internalism" (Darwall 1983: 54–55).

7. Again, this is implied or presupposed in holding people accountable. It is not implied by the fact that we hold them accountable. We shall consider this point further presently.

grounds second-personal reasons), to hold a version of Williams's internal reasons thesis. However, I argue that reasons for acting are not constrained in any way by an agent's state- or outcome-regarding desires or even by his capacities to form such desires.<sup>8</sup> Any desires that are implicated in action on second-personal reasons, including action on the reasons we imply when we hold persons accountable for compliance with moral obligations, are "principle-dependent" rather than "object-dependent," in Rawls's terms (2000). And my claim is that second-personal relations and reactive attitudes quite generally address second-personal reasons in a way that presupposes that addressees have the capacity to be moved by these reasons through accepting principles to which their reciprocally recognizing participation in second-personal relations commits them.

Nothing depends, of course, on whether we use the words 'wrong' and 'moral obligation' in the way Mill and these contemporary thinkers say we do. We could use these words more broadly to include moral ideals or goals. However, if we did, we would still need terms to refer to the idea to which these thinkers point, namely, the part of morality that concerns that for which we appropriately hold one another responsible. And it seems clear enough that, as all these writers agree, this involves a notion of moral demands, that is, of standards of conduct that the moral community has the authority to demand compliance with, including through second-personal forms of accountability of the sort we canvassed in the last chapter. With this understanding, therefore, I henceforth use 'wrong' and 'moral obligation' in a Millian way as implying accountability-seeking demands.

Using 'wrong' in this way does not, we should note, require that there be an assignable victim who is wronged (hence, that what Mill regards as a right be in play), or even that that violations of norms of a community of mutually accountable persons directly threaten the interests of such persons. It is consistent with the idea that wrongdoing is essentially tied to accountability, even accountability to other moral persons, that what we are accountable for can extend, for example, to the treatment of nonrational animals, aspects of the environment, and nonrational human beings.<sup>9</sup>

8. Rawls calls these "object-dependent" desires in Rawls 2000: 45–48, 148–152.

9. See the discussion of this point in Chapter 2.

### Making Moral Obligation's Second-Personality Explicit

Debates in moral theory rarely tie moral obligation to second-personal accountability explicitly, but they often implicitly assume such a connection nonetheless. In this section, we note this phenomenon in two familiar debates. One takes place within normative ethical theory between consequentialists and their critics over whether act-consequentialism is “too demanding.” The other concerns morality’s authority or, as it is sometimes put, “Why be moral?” In both cases, analysis of what most deeply underlies the debate reveals an assumption that moral obligation and standards of right and wrong are conceptually related to what the moral community, and we as members, can demand (second-personally).

Take the “too demanding” criticism first. Act-consequentialism’s critics sometimes concede, *arguendo*, that an agent may always do best from the moral point of view by maximizing overall net good, for example, by always investing energy and resources at the margin to combat hunger, disease, and oppression worldwide. But they argue that even if this were so, it wouldn’t follow that failing, say, to produce small marginal increases in overall value at very large personal cost is wrong. And they argue, furthermore, that a theory that requires that we do so is unreasonably demanding.<sup>10</sup> What underlies this objection?

The following formulation puts the criticism in a way that helps one to see what is going on:

Perhaps we would admire someone who behaved in this way. But is it plausible to claim that those of us who do not are guilty of wrongdoing; or that we have a moral obligation to devote all our resources to charity?<sup>11</sup>

“Guilty of wrongdoing” is the revealing phrase. Wrongdoing is something one can be charged with and, lacking adequate account or excuse, be guilty of, where guilt is a verdict (an Austinian “verdictive”) in some quasi-legal, second-personal form of accountability.<sup>12</sup>

10. A particularly good example is Scheffler 1982.

11. This formulation actually comes from someone who tries to defend consequentialism in the face of the “demandingness” objection (Mulgan 2001).

12. Compare Nietzsche’s claim that, whereas in the aristocratic ethos, ‘good’ is the primary notion and ‘bad’ is defined as not ‘good’, in morality (in the pejorative sense), ‘evil’

That one is guilty of wrongdoing is not simply a finding that what one did was less than the best one could have done (even when this is the normative standard of wrongdoing); it is the judgment that one did less than can be expected or demanded and that one can implicitly demand of oneself in a second-personal feeling that acknowledges guilt. What underlies the “demandingness” objection, therefore, is the worry that act-consequentialism’s standard of right goes beyond what we can reasonably demand of one another (second-personally). A moral demand just is, *inter alia*, there being warrant to address a demand (second-personally) to someone as one person among others, “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. 5). To make sense of the “demandingness” objection, therefore, we must see it as resting on the assumption that wrong and moral obligation are conceptually related to holding morally responsible, hence to second-personal demanding as it functions, for example, in the reactive attitude of guilt.

The other debate in which such a conceptual connection is implicitly assumed concerns morality’s purported authority, that is, whether moral obligations are categorical imperatives in Foot’s (amplified by Scheffler’s) sense of always necessarily giving or entailing (conclusive) reasons for acting. In Chapters 10 and 11, I take on this question directly and argue that a conception of morality as equal accountability can be grounded in a theory of practical reason in a way that vindicates the claim that moral agents always necessarily have conclusive reasons not to violate moral obligations. At this point, however, I am concerned with what underlies this authoritative purport. Why does the statement “But it would be wrong” always purport to provide a conclusive reason?<sup>13</sup>

A number of writers, most prominently, again, Bernard Williams, have argued that holding someone accountable for wrongdoing through blame unavoidably carries the implication that she had conclusive reason not to

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is the primary notion and ‘good’ is its contradictory (in our terms: ‘wrong’ and ‘right’ [not wrong]) (Nietzsche 1994).

13. Note that I say purport to provide conclusive reason. Richard Nixon evidently relied on this implication, according to H. R. Haldeman’s testimony, when he said in response to the question of whether hush money could be raised to pay off the Watergate burglars: “There is no problem in raising a million dollars, we can do that. But it would be wrong.” (The last “five crucial words” were not confirmed by John Dean’s testimony.) (“Seven Charged, a Report and a Briefcase,” *Time* 103 (March 11, 1974): 10–14.)

do what she is blamed for doing (Williams 1995: 40–44; see also Gibbard 1990: 299–300; Shafer-Landau 2003: 181–183; Skorupski 1999: 42–43; Wallace 1994).<sup>14</sup> Williams believes that this implication is “bluff,” a bit of ideology that it is hopeless to try to vindicate or validate, since the only reasons for acting the person we blame can possibly have are internal reasons that are suitably anchored in her desires or other motivational susceptibilities, and, he thinks, nothing we could say on behalf of moral demands could possibly guarantee that. At this point, we need not concern ourselves with this latter claim. We will have occasion to return to the issue of what moral psychology we presuppose when we make demands and what its relation is to the validity of second-personal reasons at various points later.<sup>15</sup> At this juncture we need focus only on Williams’s claim that blaming carries this implication, that is, that we cannot intelligibly demand that someone act in some way without implying that she has good and sufficient reason to do so.

Again, this just seems straightforwardly true. Try formulating an expression with which you might address a moral demand to someone. I doubt that you can find one that does not carry the implication that she has conclusive reason to do what you are demanding or reason not to have done what you are blaming her for. Certainly none of the obvious formulations will work. For example, you can hardly sensibly say, “You really shouldn’t have done that,” and then add “but you did have, nonetheless, conclusive reasons for doing it.” And if you try to pull your punches, by saying “You shouldn’t have done that, I mean, you know, morally speaking,” although you may end up canceling the implication of conclusive reasons, it’s hard to see how you can do that without also canceling an implication of blame or demand. Or to turn the point around, if someone were able to establish that she did in fact have good and sufficient reason for a putative violation of a moral obligation, then it seems she has accounted or answered for herself and shown she did no wrong.<sup>16</sup> When we charge her with wrongdoing, therefore, we must be implying that she can not provide such an account.

Or recall Philippa Foot’s comparison between morality and etiquette

14. It is no coincidence that Williams is an original source of the “too demandingness” objection to consequentialism (Smart and Williams 1973).

15. The issue is addressed mainly in Chapter 7.

16. I am indebted to Christine Korsgaard for this way of putting it.



(1972). Norms of etiquette and morality are both categorical in form, and some norms of etiquette can be expressed in no less mandatory terms than can those of morality. One simply must not eat peas with a knife. But even so, we can cancel any implication that a ‘must’ of manners carries conclusive normative authority without thereby calling into question etiquette’s customary normative purport. We can sensibly say that sometimes there is good reason not to do what etiquette requires without any suggestion that we are thereby somehow debunking manners. What explains this difference?

I believe that it is, again, moral obligation’s essential tie to second-personal accountability. It is part of the very idea of a moral demand that we are accountable for complying. But such accountability seems no part whatsoever of the idea that etiquette requires something. That doesn’t mean that manners are not, to some extent, “morals writ small,” or that etiquette cannot be an important part of or supplement to equal respect.<sup>17</sup> And it is also obviously true that some people treat etiquette, or parts of it, as having an importance that is tantamount to morality’s. The point is that accountability is no part of the concept of etiquette in the way it is of moral obligation. To the contrary, what etiquette usually calls for when its norms are violated is not accountability but something more like distracting attention from an otherwise embarrassing reciprocal recognition of a gaffe or, perhaps, third-personal disdain. Calling someone to account for bad manners is often bad manners itself.

### Morality’s Normativity and Second-Personal Reasons

The very ideas of wrong and moral obligation, therefore, are intrinsically related to the forms of second-personal address that, as we saw in Chapter 4, help constitute moral accountability. It follows that the fact that an action is wrong, or that it violates a moral obligation, must itself purport to be or entail a second-personal reason (or reasons). There can be no such thing as moral obligation and wrongdoing without the normative standing to demand and hold agents accountable for compliance. Of course, many of the reasons that ground claims of wrong and obligation are not themselves second-personal. That an action would cause severe harm, or even pain to your bunions, is a reason for someone not to do

17. On the latter, see Buss 1996a and Sherman unpublished.

it, whether or not anyone has any standing to demand that he not, and it supports, moreover, a relevant demand. But the action cannot violate a moral obligation unless such a standing exists, so any reason that is entailed by the moral obligation must be second-personal. Consequently, if moral obligations purport to provide conclusive normative reasons, other reasons to the contrary notwithstanding, then this must derive somehow from their second-personal character.

As I mentioned in Chapter 2, the projects of analyzing and vindicating morality's distinctive purported authority are generally framed in terms of "categoricity" and the normative weight of reasons to be moral. We are now in a position to appreciate why I there added that any attempt to account for moral obligation's distinctive bindingness must also explicate its distinctive tie to accountability. An adequate analysis of the concept of moral obligation must account for its conceptual connection to warranted demands. Even if it were possible, consequently, to account otherwise either for moral obligations' invariably purporting to provide superior normative reasons or their actually doing so, it would still be impossible thereby to explicate the distinctive hold or bindingness that moral obligations purport to have. This can only be done in second-personal terms.

This means that the project of analyzing morality's normativity is seriously incomplete as it has traditionally been conceived. I believe, moreover, that the significance of the fact that moral obligation's distinctive reasons are second-personal goes beyond even this. I have argued also in this chapter that appreciating moral obligation's tie to accountability provides the best explanation of morality's purported normativity as traditionally conceived. And I argue further in Chapters 10 and 11 that this normative purport can be vindicated as well when we see the place of second-personal reasons in an overall picture of practical reason. It follows that appreciating the second-personal character of moral obligation is necessary both to understanding its normative purport (both its putative normative weight and conceptual tie to moral responsibility) and to the most promising way of backing this hefty promissory note.

### Morality as Equal Accountability

I have been arguing that being subject to moral obligations includes accountability to those with the normative standing to demand compliance. So far, this has been a conceptual thesis: *moral obligation as accountability*.

This abstract concept admits of different specifications or conceptions, however.<sup>18</sup> For much of the rest of this chapter, I discuss the early modern voluntarist version of morality as accountability: *morality as accountability to God*. According to the voluntarists' conception, only God has the ultimate authority to make moral demands. Even if human beings reciprocally benefit by complying with God's commands, we have no underived normative standing to expect compliance of one another or of ourselves. However, when voluntarists like Pufendorf thought through what is presupposed in addressing demands as genuinely second-personal reasons, they began to see that they were committed also to the idea that moral subjects must be assumed to be capable of imposing moral demands on themselves through recognizing that they validly apply to them as rational persons. And this put significant pressure on their thought in the direction of a different conception, one I call *morality as equal accountability*.

We can see a similar movement of thought in other thinkers as well. Although it is rarely appreciated, Adam Smith also makes accountability central to his picture of morality.<sup>19</sup> "A moral being," Smith says, "is an accountable being," who "must give an account of its actions to some other, and that consequently must regulate them according to the good-liking of this other" (1982a: 111). Although Smith says that man is "principally accountable to God," he quickly adds that each "must necessarily conceive himself as accountable to his fellow-creatures, before he can form any idea of the Deity" (1982a: 111n).<sup>20</sup>

*Morality as equal accountability* is the conception I defend in this book. According to this conception, moral norms regulate a community of equal, mutually accountable, free and rational agents as such, and moral obligations are the demands such agents have standing to address to one another and with which they are mutually accountable for complying. In Kantian terms, norms of moral obligation are "laws" for a "kingdom of ends," which structure and define the equal dignity of persons as beings who may not be treated in some ways and must be in others and who have equal standing to demand this second-personally of one another.<sup>21</sup>

18. For the general concept/conception framework, see Rawls 1971: 5.

19. I discuss this aspect of Smith's views in Darwall 1999b.

20. Note, however, that Smith does not retain this passage in the sixth edition. I am indebted to Vivienne Brown and Charles Griswold for reminding me of this.

21. "By a *kingdom [of ends]* I understand a systematic union of various rational beings through common laws" (Kant 1996b: 433). Also: "In the kingdom of ends everything has

So conceived, “morality is,” as Kant puts it, “the condition under which alone a rational being can be an end in itself, since only through this is it possible to be a lawgiving member in the kingdom of ends” (1996b: 435).

Morality as equal accountability understands the moral point of view to be fundamentally *intersubjective*. It holds the moral perspective to be an impartially 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>22</sup> It is useful to contrast this understanding of the moral point of view with the impersonal standpoint that Nagel, in *The Possibility of Altruism*, famously argued is the perspective from which one must be able to see others’ interests, and ultimately one’s own, as reason-giving (Nagel 1970). Such a point of view, Nagel maintained, is one from which one sees oneself simply as “one among others equally real.”

However, an impersonal perspective *on* one among others is not necessarily the standpoint *of* one among others. It is not the intersubjective stance of someone relating to others as, and reciprocally recognizing his status as, one among others.<sup>23</sup> According to morality as equal accountability, the moral point of view is intersubjective in precisely this sense. It is an impartially regulated second-personal stance rather than a third-personal perspective on individuals, oneself included, as simply one among others.<sup>24</sup> In morality as equal accountability, agents relate to one

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either a *price* or a *dignity*. . . . Morality, and humanity insofar as it is capable of morality, is that which alone has dignity” (434–435). As I stress in Chapters 6 and 10, Kant also says that the dignity of persons is that “by which [a person] exacts *respect* for himself from all other rational beings in the world” (1996d: 435).

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

23. This is also a theme of Christine Korsgaard’s, in Korsgaard 1996d: esp. 275–276, 301. However, Korsgaard there seems to think that all reasons involve the making of claims (whereas I restrict this to second-personal reasons): “To say that you have a reason is to say something *relational*, something which implies the existence of another, at least another self. It announces that you have a claim on that other, or acknowledges her claim on you” (Korsgaard 1996d: 301). In my view, this conflates the general category of normative reasons with the distinctively second-personal reasons that figure in justifying ourselves to one another.

24. I believe this is also the right way of understanding Adam Smith’s sentimentalist

another as one among others second-personally; they don't simply view each other that way third-personally.<sup>25</sup>

We should now recall the thought with which we began this chapter, namely, that, owing to the connection between moral obligation and accountability, Strawson's criticisms of consequentialist accounts of responsibility can be turned into a critique of consequentialist accounts of obligation. The problem with pragmatic approaches to responsibility, recall, is that they point to reasons of the wrong kind, since reasons of desirability are in themselves irrelevant to any standards to which we are committed from within the (second-person) stance we unavoidably occupy when we hold one another responsible. Since responsibility and obligation are conceptually tied in the ways we have noted, if this is a problem with consequentialist approaches to responsibility, it must be a problem also with consequentialist theories of moral obligation and wrongdoing. However desirable it might be from some external perspective that someone do something, this is a reason of the wrong kind to support a demand that he do it, and hence to support the claim that he would do wrong if he didn't. Unlike considerations of desirability (even moral desirability), demands are second-personal reasons; their validity depends not on the value of any outcome or state, but on normative relations between persons, on one person's having the authority to address the demand to another. It follows that claims of moral obligation or wrongdoing must be supportable from within the second-person standpoint and grounded in presuppositions to which you and I are committed when we reciprocally recognize one another as free and equal persons.

This line of thought tells fairly directly against act-consequentialist theories of moral obligation.<sup>26</sup> That explains why consequentialists who are influenced by Mill regarding obligation's tie to blameworthiness, like Brandt and arguably Mill himself, tend to hold some form of indirect consequentialism, such as rule-consequentialism (Brandt 1965, 1979; Hooker 2000; Johnson 1991). But indirect consequentialism just seems to postpone the difficulty, since even though it admits a distinction between the desirable and the obligatory, the only support it al-

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metaethics of moral judgment, especially of judgments of justice. On this point, see Darwall 1999b.

25. On this, see Christine Korsgaard's important work (1996a).

26. For a related line of criticism, see Johnson 1985.

lows for claims of obligation are instrumental considerations regarding how a practice of obligation and accountability itself, structured by some candidate rule, serves to advance an external goal. And this still seems a reason of the wrong kind.<sup>27</sup> By contrast, morality as equal accountability understands standards of moral obligation as requiring support entirely within the second-personal standpoint itself—all the way down. In Chapters 10 through 12, I sketch how this might be done within a contractualism that is grounded in a theory of second-personal reasons.

### Accountability and Second-Personal Reasons in Early Modern Natural Law

Morality as equal accountability is, again, only one interpretation (or conception) of the concept of morality as accountability. In the rest of this chapter, I discuss the early modern natural law conception of morality as accountability to God, as we find it in, for example, Suarez, Pufendorf, and Locke.<sup>28</sup> My purpose is twofold. First, it is useful to grasp in a detailed way accountability's role in some of the earliest attempts to articulate a distinctively modern concept of morality.<sup>29</sup> Second, I want to display tensions within early modern voluntarism that lead in the direction of morality as equal accountability. In these respects, it is helpful, I believe, to think of the conception of morality as accountability to God as an ancestor conception of morality as equal accountability. I present this discussion here, however, less for its historical interest and more

27. Of course, as I have noted before, most recently in note 1 above, an act- or rule-consequentialist theory of right might avoid this problem if it could be adequately grounded in an equal claim to happiness, welfare, or something similar.

28. In what follows, I draw on Darwall 2003a.

29. Here I follow Schneewind 1998 in thinking that the “Grotian problematic,” that is, distinguishing between, and trying to appropriately relate, the idea of an individual's good and some other regulating idea (justice, right, or the morally obligatory) provides the distinctive backdrop for a “modern” concept of morality. I discuss this point in Darwall 1995a: ch. 1 and 1999a. Also relevant is Sidgwick's perceptive remark that “the most fundamental difference” between modern and ancient ethical thought is that, whereas the ancients believed that there is only one “regulative and governing faculty” to be “recognized under the name of Reason,” “in the modern view, when it has worked itself clear, there are found to be two—Universal Reason and Egoistic Reason, or Conscience and Self-love” (Sidgwick 1964: 197–198). For a discussion of this claim, see Frankena 1992.

because it will enable me to provide some context for Pufendorf's Point, which will play a significant role in the argument of Chapter 10.

What can the idea of mutual accountability between equals owe to the early modern idea of morality as subjection to the will of superior authority? From the outset, the voluntarist natural lawyers combined two ideas that have central importance for morality as equal accountability. First, and most obviously, they held that morality essentially involves accountability. Moral norms don't say just what we are required to do, but also what we are answerable for doing. Morality requires us to account for our conduct in light of its demands, and unexcused violations can be imputed to our account. Of course, Pufendorf believed that morality essentially involves accountability to a superior authority, namely God. But, he also believed that being thus accountable is only possible for free rational agents who are able to hold themselves responsible—who can determine themselves by their acceptance of the validity of the demands, thereby imposing them on themselves.<sup>30</sup> I argue that this idea exerted a pressure on his thought in the direction of morality as equal accountability, although the latter is not, of course, a conception he accepted or likely would have accepted on reflection.

The second idea is that moral norms derive from demands one will has the standing to address to or make on another (free and rational) will and that moral obligation would not exist but for the possibility of reasons that can arise through, and that are presupposed by, this second-personal relationship. Again, the modern natural lawyers believe that the requisite relationship is asymmetric: morality involves, in its nature, being subject to God's authoritative will. At the same time, however, their view is that the relevant relation is essentially between rational wills and that it differs from subjugation, intimidation, or any form of non-rational control, as well as from the kind of reason-giving involved in rational coercion. Pufendorf makes an explicit distinction between being moved by an acceptance of an obligation rooted in God's authority and merely submitting to God's greater power (Pufendorf's Point).

30. Like Pufendorf, Locke also thought that " 'Person' is a Forensick Term appropriating Actions and their Merit; and so belongs only to intelligent Agents capable of a Law" (Locke 1975: 346). However, his moral psychology differed from Pufendorf's in important ways. For a discussion of relevant differences in this context, see Darwall 2003a.

### Suarez on Moral Obligation

To provide background for Pufendorf, it will be useful to begin briefly with Francisco Suarez.<sup>31</sup> Suarez was in many ways a classical (Thomist) natural lawyer, but he thought that Aquinas's view left out an essential element: morality's distinctive power to bind or obligate those subject to it. To account for this, he argued, it is insufficient to show that acting immorally is against our end or nature as rational beings. Telling falsehoods may be "repugnant" in itself to rational nature, but this repugnancy is insufficient to lay us under a moral obligation to tell the truth (Suarez 1944: 181–183). Morality cannot therefore be identified with a teleological structure, as in Thomas's version of natural law, because nothing like this could explain morality's power to obligate. It does not provide a reason of the right kind.

To understand morality as obligating, Suarez believed, it is necessary to see its laws as commands that are addressed to us by a superior authority, that is, by God. Several ideas are packed into this. First, because "ordering pertains to the will," moral norms or laws must aim to direct a will (1944: 66). Only thus can morality have a "binding force" (66, 67). Second, moral norms are God's will as addressed to us. Suarez's idea is not that God simply wants or wills us to act in certain ways. If that were his will, we could not fail to comply ("all these precepts would be executed"), since God is omnipotent (55). Rather God wills "to bind" his subjects by addressing them in a certain way, by commanding them (55). Third, the commands that create morality are addressed to human beings as free and rational. Morality can exist "only in view of some rational creature; for law is imposed only upon a nature that is free, and has for its subject-matter free acts alone" (37). So, fourth, although moral norms "provid[e] motive force and impe[l]," they do so by providing a distinctive kind of reason that wouldn't have existed but for God's having addressed us and our wills in this distinctive way (in our terms, given us a second-personal reason) (54). Finally, fifth, this second-personal address makes moral obligations something we are accountable for complying with. If we do not "voluntarily observe the law," therefore, we are culpable ("legal culprits in the sight of God") (132).

31. Francisco Suarez (1548–1617) was an important late scholastic thinker in the tradition of moral and political thought that derived from Thomas Aquinas. For a useful introduction and selections, see Schneewind 1990.



It is thus essential to Suarez's picture that morality derives from a distinctive second-personal relationship between one rational will and another. Moral norms derive from claims that are made will to will and that purport to give the addressee a distinctive reason for acting he wouldn't otherwise have had, a second-personal reason, and to place him in the position of accountability for so acting. Of course, it is no less essential to Suarez's view that the requisite second-personal relation is asymmetric, that of a superior to an inferior will. There can be "moral government" only through the existence of rational creatures, that is, rational beings who, because they are created, are (in their nature, he thinks) subject to the authority of their Creator (1944: 37–38).<sup>32</sup> Still, morality exists only through the possibility of a second-personal address in which one rational agent can give another a distinctive kind of reason he wouldn't otherwise have had and which he is thereby accountable for acting on.

### Pufendorf on Moral Obligation

We find these same themes in Pufendorf, but put more sharply and outside the Thomist framework.<sup>33</sup> The increased acuity comes from Pufendorf's distinction between physical and moral "entities": the difference, he claims, between how things stand in nature without the address of a commanding will and "superadded" moral features that result from this form of address (1934: 4–7). "Moral entities are produced" through God's "imposition" of his will in commands (5). Thus are "moral entities" superadded to the physical realm—the moral law and moral reasons are created.

Pufendorf calls the "active force" of moral entities its being "made clear to men along what line they should govern their liberty of action, and that in a special way men are made capable of receiving good or evil and

32. There is, of course, a deep tension between the idea that it is part of the nature of being created that one is subject to the authority of a creator and the idea that, as Suarez also thinks, accountability is essentially a second-personal relation for reasons that, if they are not clear by now, should become so by the end of our discussion of Pufendorf.

33. Samuel Freiherr von Pufendorf (1632–1694) was, along with Grotius, one of the two most important sources of the early modern theory of natural law. For a very useful introduction and selections, see Schneewind 1990. See also the important discussion of Pufendorf in Schneewind 1998.

of directing certain actions towards other persons with a particular effect” (1934: 6). The “special way” men can “receive” good or evil and “direct” actions toward others “with a particular effect” refers to accountability, specifically, the standing to address and acknowledge warranted (or legitimate) sanctions.

The key idea is that the distinctive second-personal character of God’s relation to those he commands makes addressees accountable for obedience. Once God addresses us in this way, our actions and various of their effects are imputable to us. When, consequently, God makes us aware of an evil we will suffer if we violate his commands, he is not merely threatening or coercing us. He is putting us on notice of warranted sanctions in a way that is itself an authority-warranted expression of the same second-personal accountability relation that God presupposes in commanding us in the first place and that we presuppose when we acknowledge his commands. It is what his holding us accountable consists in.

When God addresses his will to free and rational beings, he makes us “moral causes,” agents to whom actions and their effects can be imputed and for which we are thereby accountable. Of course, he must also have made us free and rational, since this is necessary for imputability. But it is not sufficient, since imputability, as Pufendorf thinks of it, entails accountability, and that requires imposition. The formal nature of a moral action, he says, “consists of its ‘imputativity,’” “whereby the effect of a voluntary action can be imputed to an agent.” Whether the effects be “good or evil,” Pufendorf continues, “he must be responsible for both” (1934: 68). This is the “primary axiom in morals”: “a man can be asked for a reckoning” for anything in his power. Or, equivalently, “any action controllable according to a moral law, the accomplishment or avoidance of which is within the power of a man, may be imputed to him” (70). According to Pufendorf, then, when God addresses his will to us free and rational beings, he simultaneously creates the moral law and makes us “moral causes” by making us accountable for following it.

Being under moral obligations, then, is not simply a matter of standing under categorical oughts, but, as well, of being obligated to (answerable to) someone for complying with these oughts. Moral obligation, consequently, depends upon the authority for a second-personal address that presupposes and can also generate the requisite accountability relations,

as Pufendorf believes, to God. Pufendorf agrees with Suarez (and, he points out, with Hobbes), that this can only come from a will. He quotes with approval Hobbes's definition of law as "a precept in which the reason for obedience is drawn from the will of the person prescribing it" (1934: 88). And he also agrees that law can only be imposed on free and rational wills and, then, only by a form of second-personal address.<sup>34</sup> A law is "a decree by which a superior obligates a subject." And a "decree" comes into existence only in "being communicated to the subject in such a way that he recognizes he must bend himself to it" (89). Morality, with its distinctive form of accountability, therefore, can only exist because of the distinctive demands that one (kind of) free and rational will can make on another.

As Pufendorf's critics, notably Leibniz, pointed out, however, and as Pufendorf himself affirmed, even God's commands cannot create the whole structure of accountability *ex nihilo*. As Cudworth put the point, "It was never heard of, that any one founded all his Authority of Commanding others, and others Obligation or Duty to Obey his Commands, in a Law of his own making, that men should be Required, Obligated, or Bound to Obey him" (1996: I.ii.3).<sup>35</sup> Without its already being true that we should obey God's commands, these cannot obligate us to perform specific actions. Pufendorf acknowledges this point. We could not be obligated by God's command, he says, unless "we owed beforehand obedience to its author" (Pufendorf 1934: 89).

This is an instance of the general point we noted in Chapters 1 and 3 (and a consequence of Strawson's Point—this instance might be called Cudworth's Point). Since second-personal demands do not reduce to, and cannot be derived in any simple way from, propositions of value or non-second-personal norms of conduct, any obligation to God that results from his commands requires a normative second-personal accountability relation already existing in the background. As stated in Chapter 3: "Second-personal authority out, second-personal authority in."<sup>36</sup>

34. That law can only bind free rational wills is a major theme of Pufendorf 1934: 52–65.

35. Leibniz made similar arguments against Pufendorf in his *Opinion on the Principles of Pufendorf* (1989: 70–75).

36. I take this to be a problem for versions of the Divine Command Theory that attempt to ground God's authority to command in his goodness. That God is infinitely good could explain why we should be guided by his will as perfect advice. But it could not explain

But what can provide the required second-personal background, according to Pufendorf? The terms in which Pufendorf draws the distinction between moral and physical entities apparently prevent him from holding, with Suarez, that created rational beings are in their nature, and independently of imposition, the Creator's moral subjects in the sense of being rightly ruled by him. Moral entities "do not arise out of the intrinsic nature of the physical properties of things, but . . . are superadded at the will of intelligent entities" by imposition (Pufendorf 1934: 5–6). So there can't be a more fundamental obligation or accountability relation grounded in the natures of these different kinds of rational beings from which God's imposed will draws its authority over us. Without that, however, it remains unclear, by Pufendorf's own admission, how God's impositions can have the background authority needed to impose obligations (Cudworth's Point).<sup>37</sup>

Pufendorf tries to fix this problem by arguing that we are obligated to obey God out of gratitude, since we are indebted to him for our "very being" (101). But this creates problems of its own. If we are permitted to help ourselves to an independently standing obligation of gratitude in order to give authority to the structure of command, then why suppose that all other obligations require command for their moral force? What is special about gratitude? Once a voluntarist makes a concession on this obligation, why should he not make it also on others?

This was perhaps the most fundamental problem that voluntarists like Pufendorf faced. They wanted to hold that morality requires a distinctive form of accountability that derives from one kind of will's addressing a demand to another. But they also held that this is impossible without a normative structure in which two wills already have the requisite authority relations, independently of any second-personal interaction. This is what makes the relevant demand an order that obligates the inferior to obey as the superior's subject. But assuming this prior moral relation creates two kinds of problems. First, there is the problem just noted: assuming any prior moral relation raises the question of why other relations can't be taken for granted also, for example, promiser to promisee

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our being accountable or responsible to God and, hence, God's having the authority to command us in this sense. For an example of such a version of theological voluntarism, see Adams 1999: 249–276.

37. I don't mean to imply of course that Suarez's position is at all plausible.

or parent to child. Second, as we shall presently see, in holding that any rational agent God addresses is thereby accountable for obedience, the voluntarists made their views subject to pressure from the idea of rational accountability in ways that can seem to cut against theological voluntarism.<sup>38</sup> God can hold free and rational agents accountable for following his commands, Pufendorf held, only if exercising the capacity for free and rational deliberation would lead agents to determine themselves by reasons for obedience, which reasons they recognize in this second-personal address. But this requires that free and rational (second-personal) deliberation already involves an acknowledgment of an independently established moral relation of inferior to superior that gives God's commands authority in the first place. And what might guarantee that?

### Accountability, Moral Reasons, and the Second-Person Standpoint

Now we get to Pufendorf's Point, and here we have to consider a fundamental distinction that Pufendorf makes between the goods and evils that can attend moral violations and the way these enter into deliberation.<sup>39</sup> Many things can "influence the will to turn to one side" or the other, but nonmoral evils "bear down the will as by some natural weight." Obligation, however, "affects the will morally," so that it "is forced of itself to weigh its own actions, and to judge itself worthy of some censure, unless it conforms to a prescribed rule" (1934: 91). Obligation thus "differs in a special way from coercion."<sup>40</sup> Although both obligation and coercion "point out some object of terror, the latter only shakes the will with an external force," since what moves the will is only "the sense of the impending evil." "An obligation," however, "forces a man to acknowl-

38. In effect, they committed themselves to constraints of intelligible second-personal address that pushed their views in the direction of Grotius's doctrine that the law of nature expresses a "moral necessity, of any act from its agreement or disagreement with a rational nature" (Grotius 1925: I.x.i). A remark of Karl Graf Ballestrem's led me to see this.

39. There are subtleties here concerning a tension between Pufendorf's theory of the will as always having to aim at some good and his claim that "whatever we do from obligation," we do from "an intrinsic impulse of the mind" (1934: 8), which I cannot enter into here. I discuss them in Darwall 2003a.

40. This corresponds to Hart's famous distinction between being obligated and being obliged, which he makes in the course of criticizing the legal positivism of John Austin (Hart 1961: 6–8).

edge of himself that the evil, which has been pointed out to the person who deviates from an announced rule, falls upon him justly.”<sup>41</sup>

This is an initial statement of Pufendorf’s Point. It is not yet obvious, however, how, so stated, Pufendorf’s Point can help solve his problem. How does the distinction between, as Hart would later put it, being obligated and being obliged, help to explain obligation’s ability to move the will “of itself” differently from coercion? How does it help to note that in the former case one acknowledges that the evil that is threatened if one violates the moral law falls on one “justly”? (Hart 1961: 6–8). It seems that one could acknowledge that God, or anyone else for that matter, has the authority to make a demand of one without yet having to grant that this creates a reason for one to act as the other demands. How does this force the will “of itself” to give the demand intrinsic weight?

To see what Pufendorf must be getting at, we need to distinguish between merely external censure or blame, even censure that addresses a demand that one believes to be warranted from the other’s point of view, and internal blame, that is, the self-reactive attitude of guilt. Blame is purely external when it comes from outside and is not accepted. It seems possible to accept even the fact that another is warranted in a demand she expresses as censure without yet accepting the blame or censure itself. When, however, one accepts and acknowledges blame or censure, one owns the blaming address of the censuring person second-personally; one credits that imputation, and thus also blames oneself.<sup>42</sup> One sees oneself as being to blame. One thereby holds oneself responsible in making the demand of oneself from a second-personal standpoint one shares with the other. Pufendorf’s Point, then, 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*. For us to blame them for noncompliance, we must see them as able to blame themselves from the same perspective, the standpoint of free and rational members of the moral community. So Pufendorf’s Point can solve his problem only if violating the moral law threatens not merely evils that are only externally related to the violation, but also one’s own censure.

41. Ibid. Cf. the discussion of the difference between coercion and second-personal address in Chapter 3.

42. Compare the remark of Hanoch Yerushalmi, quoted by Laura Blumenfeld: “Acknowledgment is . . . accepting responsibility. It’s when you ‘own your own guilt’ ” (2002: 292).

But cannot even internal blame be externalized? Is the worry supposed to be that I cannot avoid my own gaze, and so my own blame, in a way that I can avoid others' if I stay out of their sight? What if I could take a pill that would wipe out the memory of the violation? To solve his problem, Pufendorf's Point must be that although a pill might expunge the psychic state of internal blame, it couldn't expunge one's being to blame, as one acknowledges here and now (second-personally) one is.<sup>43</sup> In sincerely making this judgment of oneself, second-personally, one is already in the process of holding oneself accountable for one's conduct with respect to the relevant law. One sees not just that a demand of oneself is warranted from some other person's standpoint (say, God's). Taken by itself, even that might give one no motive; so far, it just concerns what that person can justifiably feel or do. Rather, in taking a second-personal standpoint on oneself and acknowledging blame, one makes the demand of oneself. And in making that judgment, one implicitly acknowledges an adequate motive, a conclusive reason, not to violate the demand. As we saw earlier in the chapter, it seems incoherent to judge that someone (whether oneself or someone else) is to blame for something that one thinks she has or had conclusive reasons for doing. When, consequently, a free and rational deliberating agent acknowledges she would be to blame for doing something, she thereby acknowledges conclusive reasons not to do it and, in a sense, holds herself accountable.

This picture links accountability centrally to the reasons free and rational beings have for living by the moral law. On this picture, recognizing moral reasons is itself part of moral agents' active participation in a scheme of accountability, part of their holding themselves accountable for guidance by the relevant norms.

Once we view things this way, significant pressures develop on the sort of voluntarism that Pufendorf put forward. Most obviously, accountability is no longer simply to God, but also, in a sense, to oneself. It may still be, of course, that God rightly claims, uniquely, the right to punish and to judge. Maybe only he has all the evidence or uniquely has the authority to render final judgments. But even these ideas may also come under pressure if this punishment itself includes self-condemnation

43. Cf. my discussion of Mill's distinction between internal and external sanctions from chapter 3 of *Utilitarianism* in Chapter 7 below.

and a sense of guilt, since these involve internal, and not just external, blame.

To the extent that we conceive of moral agents as capable of internal blame, we must think of them as capable of taking part in second-personal moral community. For Pufendorf, each agent forms such a community with God alone, with God being accountable to no one. But Pufendorf also thinks that agents can form such a community with God, and hence be truly accountable to him, only if they are capable of acknowledging God's censure internally, hence only if they can in this way hold themselves responsible and be accountable also to themselves. In relating to God, one takes a second-personal standpoint on oneself as a person, and one will have this capacity only if one is also capable of entering into a community of mutually accountable persons. Pufendorf does not himself draw the conclusion, of course, but it follows that only beings capable of entering into relations of mutual accountability can be moral agents. Or, as we might also put it, human beings can individually have moral community with God only if they have the capacity to be a moral community together themselves.<sup>44</sup>

We should view voluntarists like Pufendorf as putting forward but one *conception* of a more general *concept* of morality as accountability. Any interpretation of this general concept must see morality as grounded in the possibility of second-personal community. What characterizes a voluntarist conception is that it takes a moral hierarchy for granted and then derives the rest of morality (by fiat) from that. As we have seen, however, tendencies within the general idea of morality as accountability put heavy pressure on a voluntarist interpretation of that idea. To distinguish between moral obligation and coercion, Pufendorf required an account of moral agents' distinctive capacity for self-censure from a shared second-person standpoint and its role in free rational deliberation. But this effectively assumes that to be accountable to God, moral agents must also be accountable to themselves.

It is implicit in the very idea of one free and rational will addressing a claim to another (as free and rational) that the addresser is committed to the addressee's capacity, as second-personally competent, to accept the claim and freely determine herself by it. But what claims can one free and

44. It is important, again, that as Postema (1995) and Korsgaard (1996e) have stressed, this involves seeing the moral point of view as a first-person plural (and I here add, second-personal) standpoint, as one from which we address demands to each of us.



rational will make on another and reasonably expect reciprocation? I argue in Chapters 10 and 11 that the answer to this question is provided by morality as equal accountability, the idea that second-personal competence grounds an equal second-personal authority.<sup>45</sup> It follows that we human beings can enter (individually) into moral community with God only if we have the authority to form a moral community ourselves as mutually accountable free and rational persons: a Kantian “realm of ends.”

### CI and the Golden Rule as Second-Personal

I have been arguing that second-personal accountability is part of the concept of moral obligation. When we hold one another accountable for complying with moral requirements, moreover, the addressers presuppose that the addressees are second-personally competent to accept authoritative moral demands and freely act on them by making the demands on themselves second-personally. In Chapter 9, I argue that this is the deep idea underlying what Kant calls “autonomy of the will” and supporting his thesis that moral obligation must bottom out in a formal principle of the will, like the Categorical Imperative (CI), which moral agents can use to determine moral demands, and determine themselves to comply with them, in their own reasoning. To close this chapter, I would like briefly to illustrate that the CI and related injunctions like the Golden Rule are themselves most intuitively interpreted in second-personal terms.

Hobbes, for example, formulates a principle he claims to be “intelligible even to the meanest capacity,” as follows: “*Do not that to another, which thou wouldst not have done to thyself*” (Hobbes 1994: XV.35). If we understand “thou wouldst not have done to thyself” in terms of desire or preference, we get very strange results. Jones, let us say, is in a position to peel me a grape (as I am to peel one for him). I prefer the state in which Jones peels me a grape to one in which he forbears to peel me a grape. In that sense, I would have him not (or in Hobbes’s English:

45. This will turn Anscombe’s famous claims in “Modern Moral Philosophy” (1958) on their head. Although I agree with Anscombe that morality is inconceivable without the idea of addressable demands, I maintain that her claim that they require divinely addressed demands ultimately overturns itself in the way I have indicated. I am indebted here to Kate Abramson.

“would not have him”)<sup>46</sup> forbear to peel me a grape. Should we then understand Hobbes’s Golden Rule as enjoining me not to forbear peeling a grape for Jones (as I am equally in a position to peel him a grape). That seems an obviously perverse way to interpret the principle. Clearly I do no wrong if I do not peel the grape for Jones, as he does no wrong also, if, having appropriately corresponding preferences, he does not peel the grape for me.<sup>47</sup>

It is clearly more intuitively plausible to interpret “wouldst not have done to thyself” in terms of what one would expect or demand that others not do to one or object to or resent their doing (or perhaps, what one would want to be able to claim or demand that they not do). Although I would prefer that others peel me grapes, and hence, that they not forbear doing so, I certainly don’t object to their not doing so, or demand that they do so. As I wouldn’t (want to) claim this from Jones, I do not violate the Golden Rule if I don’t peel a grape for him.

A familiar way to think of the Golden Rule is in terms of *acceptance*. If you wouldn’t or couldn’t accept other people doing something to you, it is often said, then you shouldn’t do it to them. But what does acceptance mean in this context? It is frequently pointed out in discussions of egoism that there is a theoretical sense in which an egoist can accept the totally self-regarding conduct of others even when it disadvantages her; she can accept that it is justified. That others are no less justified in their egoistic conduct than she is in hers just follows from egoism of this kind’s being a universalistic position. All parties to the debate usually agree that she doesn’t have to accept it in a more practical sense to accept it theoretically.

But what is it for someone to accept something practically? If it just means desiring or preferring it to alternatives, or at least not dispreferring it, then we are back in the same terrain we were two paragraphs ago with the same problems. Perhaps ‘accept’ means something like “not resist.” But this also gives strange results. Whenever I play a competitive game, like ping-pong, there is a perfectly natural sense in which I am resisting

46. If we don’t interpret Hobbes this way, we get an even stranger result, namely, that if I would not prefer him to forbear peeling me a grape (if, say, I were indifferent to that prospect), then I should not forbear to peel him a grape.

47. Scanlon makes a similar point (1998: 170), noting that this is Kant’s objection also in *Groundwork* (1996b: 430n).

my opponent's efforts to win points. So should I not play to win points against her?

A moment's reflection shows, I think, that the most natural way to take 'accept' in "don't do to others what you wouldn't or couldn't accept their doing to you," is in terms of the second-personal circle of concepts we identified at the outset of this book. What I can accept in these terms is what I would not object to or claim or demand otherwise. On this natural interpretation, the Golden Rule is second-personal.<sup>48</sup> It asserts what we might think of as a fundamental principle of the reasonable, that is, as Rawls (1980) and Scanlon (1998) understand this idea. One should not act in ways that one demands or expects (or would demand or expect) that others not act, or equivalently, in ways that one would resent or object to. If I am going to object to others' stepping on my feet (and thus demand that they not do so), then I must not step on their feet either. Lincoln's famous remark, "As I would not be a slave, so I would not be a master" (1989: 484) is along the same lines: As I would not allow others a master's claim on me so should I not make a master's claim on others.

Or again, consider the Formula of Universal Law of the CI (FUL): "Act only in accordance with that maxim through which you can at the same time will that it become a universal law of nature" (Kant 1996b: 421).<sup>49</sup> There are delicate issues about how to interpret Kant's idea of a maxim and FUL in light of it, and about how to understand FUL, so interpreted, in relation to the Formula of Humanity (FH) and Formula of the Realm of Ends (FRE), which Kant says are equivalent. We can hardly sort this all out here. In Chapter 12, however, I argue that the best way of interpreting the CI in its various formulations is within a contractualist framework (grounded in the equal dignity of free and rational agents that we presuppose in the second-person standpoint). The intuitive idea is that,

48. For a fascinating study of Hobbes's moral philosophy that makes his version of the Golden Rule, what she calls Hobbes's "reciprocity theorem" central (understood in terms of what we would or would not blame or "fault" others for), and treats the desire to justify ourselves to one another as a central aspect of Hobbes's moral psychology, see Lloyd forthcoming.

49. A key difference with the Golden Rule (one Kant himself notes [1996b: 430n]) is that what one must be able to will is universal following of a maxim, not just a particular action.

when we regulate ourselves by the CI, we accept and comply with demands we think it sensible (reasonable) to make on everyone from the shared standpoint of a community of equal free and rational persons. This makes second-personal authority and competence fundamental. What is most basic is the dignity of free and rational persons, understood as their (second-personal) authority to make demands on one another as equals.