

# **Imperfect Duties and Good Will**

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Many moral philosophers, especially in the Kantian tradition, have thought of the relation between the domains of justice and beneficence in terms of a distinction between perfect and imperfect duties. Further, they typically assume that only perfect duties can be directed to particular individuals. In my dissertation, I argue that this assumption is false: some imperfect duties are directed to particular individuals by requiring that we express to them a distinctive kind of good will. In addition to having important consequences for debates in normative ethics, the view of imperfect duties that I develop provides novel explanations for the ways in which they differ from other duties: they are indeterminate while sometimes necessitating particular actions, they are unenforceable by means of demand, and discharging them places others under obligation. More generally, I argue that duties of good will have a distinctive role in morality, and concern the domain of the social, which lies in between the juridical and the ethical. They enable us to live our lives in community with others.

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## Preface

When I began the process of writing this dissertation, I did not plan for it to primarily concern imperfect duties. Instead, I planned to write a dissertation on practical reasoning and rationality, and specifically on how we can reason from general principles to concrete, determinate actions. I thought that imperfect duties represented a good test case for such reasoning, but over time realized that imperfect duties in their own right provide a wealth of interesting problems, and bring out a variety of core issues in normative ethics. My process of transitioning to this new area of research was emblematic of my time in graduate school at the University of Pittsburgh more generally: it was made possible through the exceptional and generous support of my committee members and fellow graduate students.

Since the beginning of my time at Pitt, Michael Thompson has given me more of his time than any advisor could be expected to, often talking with me in his office into the evening about my work. Regardless of what ideas I had or problems I wanted to work through, he always eagerly worked with me to figure out the deepest and most pressing version of a problem or idea. Stephen Engstrom's feedback on my work has always been insightful and helpful, ranging from better ways to formulate a specific claim to questions about foundational assumptions in the framing of big-picture problems. Jennifer Whiting has consistently pushed me to think through alternative ways of thinking about the nature of morality and its role in our lives, helpfully refusing to let me rest content with assumptions just because they have been accepted within a literature. And Sergio Tenenbaum has given me thorough and immensely useful advice about ways to make my points clearer, as well as difficult objections that go to the heart of my arguments. I cannot express my gratitude to the members of my committee enough—their help, and my relationships with each of them, is something that I will cherish endlessly. I consider myself very lucky to have had the chance to work with them.

I also received incredibly helpful feedback and encouragement from the other faculty at Pitt, in particular Japa Pallikkathayil and James Shaw. I am especially appreciative of their feedback and encouragement given that they were not members of my committee, and nonetheless were more than happy to give me their time and help.

Beyond the help of faculty, I also benefitted enormously from conversations with and feedback from other graduate students. Aaron Salomon and Daniel Webber in particular provided feedback on drafts that often changed how I thought about and presented my views and arguments, and my dissertation would not be the same without their support. I had many late-night conversations with fellow graduate students about philosophy that not only helped me write a better dissertation, but become a better philosopher more generally. I especially appreciate the willingness of Ned Howells-Whitaker, Travis McKenna, and Pablo Zendejas Medina, along with Aaron Salomon and Daniel Webber, to put up with my insistence that we talk about the problems I was thinking through on such occasions. Members of Pitt's dissertation seminar also provided helpful questions and comments about drafts of two chapters. Beyond their direct philosophical help, the graduate students at Pitt have been a constant source of support as friends, providing an invaluable support network throughout my time in graduate school. The graduate students at the University of Arizona were also an enormous help during some time I spent there, both as friends and philosophical interlocutors. In this respect I would especially like to thank Timothy Kearl, Andrew Lichter, Travis Quigley, Anna-Bella Sicilia, and Robert Wallace.

My parents, Judy and William, have provided unwavering support throughout my time in graduate school, and I cannot thank them enough for the variety of ways they have helped me, and for making sure I always knew that they had my back. Finally, my deepest gratitude goes to my wife, Karolina. Her love and support goes beyond anything I could ask for, and I can only hope to show my appreciation by reciprocating in the years to come. I could not have done this without her.

## 1.0 Introduction

The following is an investigation of the nature of a certain type of imperfect duty. The term “imperfect duty” has most often been used as a technical term, and has been used variously to denote a number of different features that a duty may have: its unenforceability, its provision of latitude to agents in the course of fulfilling it, its requirements concerning ends rather than actions, and many others still. I do not start by assuming any particular interpretation of what makes a duty imperfect rather than perfect. Instead, I start by understanding “imperfect duty” to refer simply to the members of the class of duties that most writers on this topic have been prepared to call “imperfect,” such as duties of beneficence, gratitude, and apology, and perhaps also including duties of sympathy and forgiveness. By starting without any particular conception of imperfect duties, we are in a better position to assess whether the various hallmarks and characteristics that have been ascribed to such duties are, in fact, necessary features of them, and if so, why they are.

The specific type of imperfect duty that I am primarily concerned with is one that, due to a common way of thinking about imperfect duties, is not typically recognized—or even thought possible. The common way of thinking about imperfect duties that I have in mind is one that locates their place in the moral landscape in part by opposing them to duties of “justice” or “right.” Duties of justice, it is thought, concern the kinds of conduct that we owe to one another, and so are directed duties. By contrast, imperfect duties fall within the sphere of the “ethical,” and while they concern other individuals, they are not owed or directed to others. One of the central aims of this dissertation is to



show that, contrary to this common way of thinking about them, some imperfect duties—at least when “imperfect duties” are understood simply to mean “duties such as beneficence, gratitude, apology, etc.”—are genuinely owed or directed to others.

Like many, I proceed in investigating imperfect duties by looking first to relatively concrete examples in which these duties are at play, and on the basis of these examples, working toward more general claims about the nature of imperfect duties. But I diverge from many writers in the duties that I take as my primary examples. Often, when reasoning about the nature of imperfect duties, writers take beneficence in particular to be the paradigm of an imperfect duty and accordingly use it as their model for imperfect duties in general. And they may well be right to think that beneficence is indeed such a paradigm: acting in pursuit of one another’s good, or taking others’ ends as ends of our own, is both the defining characteristic of beneficence as well as a core part of any imperfect duty. But using beneficence as one’s primary example can also obscure at least as much as it reveals; we often think of beneficence either in terms of charity, where we have latitude concerning the beneficiaries of our aid, or in terms of the promotion of valuable states of affairs, where everyone’s happiness matters equally with respect to what is required of us. Beneficence has been so thoroughly theorized that upon encountering an example of it that appears not to fit one or another prominent conception of its nature, we may be more inclined to reject the example’s status as one of beneficence than to modify our conception of beneficence itself. For this reason, however paradigmatic an imperfect duty it may be, beneficence is a potentially misleading starting point for an investigation of imperfect duties that calls into question some common ways of thinking about them.

Instead, over the course of this dissertation, I more often begin from cases involving duties of gratitude, not beneficence. Gratitude is especially helpful for two reasons. First, it has not been subject to nearly as much theorizing, so we are less likely to bring existing conceptions of it to bear on particular examples. Second, although it brings out many of the classical features thought to be necessary for imperfect duties, gratitude also reveals the directedness that imperfect duties can have. Duties of gratitude bind benefactor and beneficiary together in a moral relationship: when a beneficiary expresses gratitude, it is no accident that they express gratitude to their benefactor in particular. In many cases of beneficence, it may seem that so long as one helps others enough of the time, helping a particular individual is not obligatory. But this interpretation is far less plausible with gratitude. When someone treats us in a way that calls for gratitude in response, it is not as though we can avoid being obligated to express gratitude to them if, in general, we express gratitude to others enough of the time.

Even so, it may seem to some that while there is some sense in which duties of gratitude, for instance, are directed, this must not be the same sense in which duties of justice are directed. Duties of justice, one might think, occupy a fundamentally different part of morality, and have a fundamentally different purpose in our moral life, from imperfect duties like duties of gratitude. But while it's true, on my account, that duties of justice occupy a different part of morality, and have a different purpose in our moral life, from imperfect duties like duties of gratitude, this does not show that such imperfect duties are not directed, or that their fulfillment is not owed to others. I do not aim to show that the imperfect duties that I am concerned with are directed in precisely the same sense as duties of justice, if

there is such a thing as different senses of directedness.<sup>1</sup> What I am to show is that there is a real and genuine sense in which they are directed—a sense of directedness such that violating these duties wrongs others, warrants reactive attitudes such as blame and resentment, and triggers reparative duties.

If the imperfect duties that I am concerned with occupy a different part of morality from duties of justice, what part do they occupy? The answer stems from what exactly these duties require of us. Imperfect duties in general require us to adopt certain ends, and in particular, require us to adopt ends related to others' good or ability to achieve their ends. Imperfect duties thus require us to act in ways that express what we can call "good will" to others. But adopting ends related to others' good, and acting in ways that express this good will, needn't involve adopting the end of any *particular* person's good, or act in ways that express good will to any *particular* person. When we donate to charitable organizations, we further the end of others being able to achieve their ends. But in donating to charitable organizations, there is no particular person whose ability to achieve their ends that we aim to help. The kind of good will that we express in such cases is *impersonal* good will. But when an imperfect duty is directed to some individual, it doesn't require merely that we adopt an end concerning the good of others in general; rather, it requires that we adopt an end concerning the good of this individual in particular. In such cases, we are required to express a kind of *personal* good will. It is when imperfect duties require us to express personal good will to others, I argue, that they are directed or owed to particular individuals—and in particular, to the individuals to whom we are required to express personal good will.

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<sup>1</sup> In particular, some may use the term "owe" and related terms such as "directed duty," "wronging," etc. in such a way that it is a conceptual truth that they only apply in the juridical domain. I will not use these terms in this way, since it is impossible using this sense of these terms to ask whether imperfect duties can be directed or their fulfillment owed.

The aim or function of imperfect duties that require us to express personal good will to others—which I will call “duties of good will”—is to protect our ability to share social ties and relationships with one another. These social ties are partially constituted by shared expectations concerning the kinds of treatment and regard that individuals owe one another, and vary in strength or closeness: the relationships between friends, romantic partners, and family members are typically far closer, and are constituted by fuller sets of shared expectations than the ties between colleagues or fellow countrymen. Duties of good will enable such social ties by binding individuals together in relations of mutual good will, and thereby protecting individuals from becoming unilaterally dependent on others when in need of help in achieving their ends. They spur us to help one another in times of need, feel and express gratitude when we are helped, and apologize when we let one another down. These forms of mutual good will allow us to live our lives in community with others, as agents who are able to depend and rely on one another in ways that outstrip mere respect for one another’s rights.

My investigation of duties of good will proceeds by considering three puzzles about imperfect duties. Each has proven difficult to satisfactorily resolve in existing work on imperfect duties, and the progress that we are able to make on them by looking more closely at duties of good will in particular demonstrates the fruitfulness of the concept of duties of good will. But each puzzle also sheds light on a central aspect or presumed necessary feature of imperfect duties more generally. Over and above providing compelling solutions to some difficult puzzles concerning imperfect duties, then, the following chapters also make progress toward understanding the central features of imperfect duties in general: what makes a duty imperfect, and why. I will say a bit about each chapter’s contribution to this aim.

The first chapter attempts to solve a puzzle typically posed in terms of duties of gratitude. The problem is to explain why benefactors seem to lack the standing to demand gratitude from their beneficiaries, even when their beneficiaries owe them gratitude. Directed duties typically provide the claim holder with the standing to demand that the other individual act as their duty requires. But this seems not to be so for duties of gratitude: it seems inappropriate for benefactors to demand gratitude from their beneficiaries. Why do benefactors lack the standing to demand gratitude from their beneficiaries even when such gratitude is owed to them? After arguing against two prominent proposals, I argue that the answer lies in the fact that beneficiaries are unable to comply with demands for gratitude. Even when a beneficiary owes their benefactor gratitude, if the benefactor demands gratitude, then nothing that the beneficiary does in response can count as genuinely expressing gratitude. Because beneficiaries cannot express gratitude in response to demands for gratitude, they cannot in the relevant sense comply with demands for gratitude; and because beneficiaries cannot comply with demands for gratitude, benefactors lack the standing to demand gratitude from their beneficiaries.

Further, I argue that the reason why beneficiaries cannot comply with demands for gratitude is because expressing gratitude requires expressing personal good will—that is, duties of gratitude are duties of good will. Demanding that someone acts in a way that they owe us is a way of enforcing our claim to their treating us in this way, and thus attempting to determine their will on the basis of one's moral authority as the claim holder. But when one's will is determined by another person's enforcement, one's conduct cannot demonstrate that one has another person's good as an end of one's own. This chapter thus provides a novel explanation of the unenforceability of at least some imperfect duties: the enforceability of a duty by means of demand is inconsistent with that duty requiring agents to act in

ways that express good will. Only those duties that do not require agents to act in ways that express good will are enforceable in this sense.

The second chapter offers a solution to a puzzle concerning the indeterminacy of imperfect duties. According to a widespread view, imperfect duties provide agents with latitude in fulfilling them because the requirements that imperfect duties are indeterminate—that is, they require agents to adopt and pursue certain ends, rather than to perform certain actions. Nevertheless, imperfect duties also sometimes require agents to perform particular actions. How is it possible for agents to be required to perform particular actions on the basis of indeterminate requirements? An intuitive explanation goes by way of necessary means: agents are required to perform particular actions on the basis of indeterminate requirements when those actions are necessary means to the ends required by indeterminate requirements. But I argue that this “instrumental strategy” fails to capture the full range of cases in which agents are required by imperfect duties to perform particular actions.

Instead, I argue, we must distinguish between two levels at which imperfect duties provide requirements: they provide indeterminate requirements on ends, as well as more determinate requirements on actions. Specifically, imperfect duties provide determinate requirements through agents’ adoption of subordinate maxims on the basis of indeterminate requirements, and agents are required to act in accordance with subordinate maxims through others’ legitimate expectations in their doing so. When an agent has some subordinate maxim that specifies the content of an indeterminate requirement, and failing to act in accordance with the subordinate maxim would wrong someone, then they are required to act in accordance with it. Accordingly, we can explain how the fact that imperfect duties provide indeterminate requirements is consistent with the existence of cases in which they require

agents to perform particular actions by appealing to the fact that we sometimes owe it to particular individuals to act in accordance with our subordinate maxims, even when we were not antecedently required to adopt these subordinate maxims in particular. And relatedly, this explanation demonstrates that the latitude at issue in imperfect duties is located primarily in agents' adoption of subordinate maxims, not in their deliberation in particular cases.

In the third chapter, I argue against a widely held view of gratitude, which holds that duties of gratitude are never triggered by others treating us in ways that we are owed. I argue that while this view may be correct if we suitably restrict the scope of "others treating us in ways that we are owed"—and in particular, restrict the scope of such treatment to the domain of the juridical—it provides incorrect verdicts in cases featuring duties of good will. When someone owes it to us to act in a way that expresses good will to us, their doing so can (and indeed generally does) trigger a duty of gratitude on our part. Gratitude is paradigmatically a response to good will, and since morality sometimes requires us to treat one another in ways that express good will, duties of gratitude are sometimes triggered by others treating us in ways that we are owed.

In triggering duties of gratitude, I argue, duties of good will serve to enable us to share social bonds and personal relationships with one another. Duties of good will require agents to treat one another in ways that express good will, backed by shared expectations about the forms of help that we should provide to one another. They do so in an especially salient and extensive manner in the context of close personal relationships such as between friends, romantic partners, and family members by enjoining the individuals in such relationships to help in achieving one another's ends, to express gratitude when helped, and to apologize when they let one another down. In doing so, duties of good

will exemplify a further hallmark of imperfect duties: their fulfillment places others under obligation. The hallmarks of imperfect duties at issue in the first two chapters—their unenforceability and indeterminacy—have been widely acknowledged and discussed, to the comparative neglect of this third hallmark, which Kant notes merely in passing in the *Metaphysics of Morals*. By looking at the relationship between duties of good will in general and the duties of gratitude generated by their fulfillment, we can see that this third hallmark of imperfect duties speaks to a central aspect of their role in moral life.

The main arguments of my dissertation thus show that by attending to the ways in which imperfect duties can be directed to particular individuals—when imperfect duties take the form of duties of good will—we can explain why they are unenforceable by means of demand, how their indeterminacy is consistent with requirements on particular actions, and the role they play in establishing social ties constituted by mutual good will. These lessons have at least three important consequences for moral theorizing about imperfect duties more generally: (1) imperfect duties can be and often are directed duties, the fulfillment of which we owe to particular individuals; (2) theorizing in terms of the category of duties of good will is fruitful, allowing us to resolve long-standing and difficult problems in the study of imperfect duties; (3) duties of good will have a distinctive role in morality, one distinguished both from the juridical, which concerns relations of right, and the ethical, which concerns virtues of character. Duties of good will concern the domain of the social, which lies in between the juridical and the ethical. They enable us to live our lives in community with others. They make it possible to live together through mutual dependence on one another, rather than mere independence from one another.



## 2.0 Gratitude and Demand

Many of morality's requirements take the form of directed duties—duties the violation of which involves not only acting wrongfully but, further, wronging someone in particular. If I have a directed duty to you to *phi*—i.e. I owe it to you to *phi*—then (absent justification) I would not only do something wrong by failing to *phi*, but I would wrong you in particular by failing to do so. In general, the fact that I owe it to you to *phi* puts you in a special kind of position with respect to my *phi*-ing: it allows you to enforce my *phi*-ing, specifically by providing you with the *standing to demand* that I *phi*.<sup>1</sup> Suppose that I promise you that I will pick you up at the airport, and that when you arrive, I am nowhere to be found. If you call me and I tell you that I decided to stay home and read instead, you have the standing to demand that I keep my promise: “But you *promised* to pick me up! Come give me a ride!” you might say.

Duties of gratitude, however, appear not to accord with this general rule. Call the party who owes gratitude the “beneficiary” and the party to whom they owe it the “benefactor.” When a beneficiary has a duty of gratitude, it is directed to their benefactor—failure to express gratitude, when doing so is morally required, would wrong the benefactor. Nonetheless, benefactors seem not to have the standing to demand that beneficiaries express gratitude.<sup>2</sup> Suppose that you give me extensive

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<sup>1</sup> See, for instance, Gilbert's extended defense of the view that directed duties correlate with “demand-rights” in Chapter 4 of her (2018).

<sup>2</sup> For contemporary endorsement of either this claim or a claim that plausibly entails it (such as that benefactors do not have a “right” or “demand right” to gratitude), see Berger (1975), Card (1988), Darwall (2019), Herman (2012), Manela (2015), Martin (2019), Wallace (2019), and Wellman (1999). Note also that many early modern philosophers, such as Hutcheson, Grotius, and Wolff, held that gratitude is an imperfect duty which correlates with a merely “imperfect” right, which cannot be permissibly enforced through means such as demand.

comments on a paper draft, on short notice and at some personal cost. Plausibly, I owe it to you to express gratitude by doing the same for you, or buying you a drink, or in some other way. But even if I fail to express sufficient gratitude in any such way, it would seem inappropriate for you to demand that I express gratitude—there would be something characteristically *off* about approaching me and saying “I did you a favor! *Be grateful!*”

To say that benefactors lack the standing to demand gratitude from beneficiaries is not to say that they cannot engage in nearby forms of remonstrations. For instance, benefactors generally have the standing to remind or inform beneficiaries of their obligations, just as promisees can of promisors. (“You know, you do owe it to me.”) And they have the standing to express that their relationships with their beneficiaries will suffer if the duty goes unfulfilled, just as promisees can of promisors. (“Our relationship is starting to feel a bit one-sided.”) Demanding differs from each of these forms of remonstrations since it, unlike the others, is a form of enforcement. In demanding, we attempt to make a certain kind of impact on our hearer’s deliberation—we attempt to compel our hearer to act as we instruct them by virtue of our purported moral authority to so instruct them.<sup>3</sup> And while all of these forms of remonstrations—reminding or informing someone of their obligations, expressing that one’s relationship may suffer, and demanding—can often be uncouth, impolite, or more generally reflect some type of vice, demanding is unique among them in that beneficiaries lack the standing to demand gratitude altogether.<sup>4</sup> It is this fact that separates gratitude from most other directed duties. In most

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<sup>3</sup> I will say more about the sense in which demands attempt to compel their hearers in 2.3 below.

<sup>4</sup> Importantly, having the standing to *phi* is different from being either all-things-considered permitted to *phi* or all-things-considered justified in *phi*-ing. See Gilbert (2018, pp. 58-9) for discussion of the distinction between having the standing to *phi* and being justified in *phi*-ing. And see more on the sense in which benefactors lack the standing to demand gratitude from their beneficiaries below.

cases, when someone owes it to us to *phi*, we have the standing to demand that they *phi*—with the notable exception of duties of gratitude. What makes duties of gratitude unlike most other directed duties? Why doesn't a benefactor have the standing to demand that a beneficiary express gratitude, given that the beneficiary owes gratitude to the benefactor? This is the puzzle about gratitude and demand that I attempt to solve in this paper.<sup>5</sup>

In 2.1-2.2 I describe the phenomenon in a bit more detail and argue against two common strategies for solving the puzzle. In 2.3 I propose and defend a new solution. My solution focuses on the nature of demands, arguing that demands have success conditions that are necessarily prevented from being met in the context of demands for gratitude. Finally, in 2.4 I provide an explanation for the key premise in this solution. This explanation appeals to a distinction between duties that merely require us to refrain from expressing disrespect to others and those that also require us to express good will to them. The upshot of this explanation is that because duties of gratitude require us to express good will to others, it is impossible to comply with demands for gratitude.

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<sup>5</sup> Some, such as Walker (1980) and Wellman (1999), have argued that gratitude is better understood as a virtue than as a duty. If so, then we would seem to have a straightforward solution to the puzzle: benefactors lack the standing to demand gratitude from beneficiaries because beneficiaries do not have duties of gratitude—i.e. beneficiaries are not required to express gratitude. But even if gratitude is best understood as a virtue, a parallel puzzle to the one I consider here arises. Typically, other-directed virtues—such as justice, fidelity, etc.—provide those to whom they are directed with the standing to demand that we treat them in accordance with these virtues. Gratitude is unlike these other virtues in that those to whom the virtue of gratitude is directed do not have the standing to demand that we treat them gratefully. Accordingly, shifting from thinking of gratitude as a duty to thinking of it as a virtue does not get around the issue in question. I will thus continue to speak of gratitude as a duty for the purposes of this paper.

There is another type of response to this puzzle that I will not consider here: an error-theoretic response that holds that, while there's something inappropriate involved in a benefactor's demanding gratitude from a beneficiary, the issue is not with the standing to demand but something else instead. The responses I consider are all "straightforward" solutions to the puzzle, providing purported explanations of why benefactors lack the standing to demand gratitude. I ignore the error-theoretic response because I think that the puzzle has a straightforward solution, and we can thus understand the phenomenon at hand without the revisionism of other types of response to the puzzle.

## 2.1 Discretion and the Standing to Demand

It will help to start by getting a bit clearer on the nature of duties of gratitude and their relation to the standing to demand. There are at least two things that someone might mean by speaking of a duty of gratitude. First, a duty of gratitude might be a duty to have a certain *emotion* or *feeling*. On this reading, if I owe you gratitude for some benefit that you provided me, I would wrong you if I fail to feel grateful to you for the benefit. But while it's true that in speaking of gratitude we are often speaking of a feeling or emotion, I don't think this is the sense of gratitude at issue in duties of gratitude. It doesn't seem as though simply feeling grateful is sufficient to discharge one's duty of gratitude, nor that being unable to bring about this feeling necessarily shows that one violates this duty. Instead, duties of gratitude are better understood as duties to act in ways that, in context, *count* as expressing gratitude—to act in ways such that the meaning or social significance of how one acts is that one thereby expresses gratitude.<sup>6</sup> Importantly, this isn't the same as a duty to feel grateful, since one can act in ways that count as expressing gratitude without feeling grateful at all. If you have mistreated me for many years, I may be incapable of feeling grateful to you, but if you now do me a favor, I may still do something to return it that counts as expressing gratitude. And conversely, I can feel grateful to you without thereby doing anything that counts as expressing gratitude. Accordingly, I take duties of gratitude to be duties to act

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<sup>6</sup> Nonetheless, there may be some form of sincerity condition on what counts as gratitude. Even if I act in ways that would typically count as expressing gratitude, if I don't actually appreciate the benefit that my benefactor provided, then I don't count as expressing gratitude. Even though duties of gratitude are duties to act in ways that express gratitude rather than duties to have certain feelings, these feelings are not altogether irrelevant to whether an individual counts as expressing gratitude.

in ways that count as expressing gratitude—expressing one’s recognition of and appreciation for some benefit—where this can float free from the particular feelings or emotions that one has.

As mentioned above, ordinarily when I have a directed duty owed to someone, they have the standing to demand that I do what I owe them. To say that they have the standing to demand is not to say that they would be all-things-considered permitted to demand that I do so: if I promise to pay you back the \$5 I borrowed by Friday, but someone close to me dies earlier in the week, you would not be all-things-considered permitted to show up at the funeral on Friday afternoon and demand your \$5. Nonetheless, you would have the standing to do so. There is considerable debate concerning what exactly constitutes standing, especially when we broaden the scope to include not only the standing to demand but also the standing to blame, forgive, resent, etc.<sup>7</sup> I want neither to venture into the points in favor of and against various accounts of standing here, nor to rest my argument on the plausibility of one account to the exclusion of others. Happily, we can provide a criterion for the standing to demand that does not take sides on which account of standing is ultimately correct, based on the ways in which it would be appropriate for a hearer to respond to a demand. In particular, a demand is made without standing just in case the hearer of the demand can be reasonably dismissive of the demand in response—that is, can reasonably refrain from factoring the demand into their deliberation (often with an attitude akin to “Who cares if you demand that I *phi*?”).<sup>8,9</sup> There are a number of conditions that can prevent a

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<sup>7</sup> See Piovarchy (2020) for a helpful discussion of the virtues of various accounts of the nature of standing.

<sup>8</sup> This does not mean that a demand is made without standing just in case the hearer of the demand can be reasonably dismissive of the obligation that *backs* a demand: if I am obligated to keep a promise to you, and you demand that I do so without having the standing to demand, I can be reasonably dismissive of your demand even though it would not be reasonable for me to be dismissive of my obligation.

<sup>9</sup> This is a slight oversimplification, since there are cases in which it would be unreasonable to fail to factor a demand into one’s deliberation even when it is made without standing. For instance, if our relationship is sufficiently important to me, and the stakes of your demand are especially high, then it might be unreasonable

demand from being made with standing: most straightforwardly, I lack the standing to demand that you *phi* when you are not morally required to *phi*. But I also lack the standing to demand that you *phi* if, for instance, my demand would be hypocritical due to my having wronged you in the past by failing to *phi*. For most duties, though, if I owe it to you to *phi*, and these standing-undermining conditions are not met, then you have the standing to demand that I *phi*, and it would be correspondingly unreasonable of me to be dismissive of your demand that I *phi*.

When a demand is made with standing, then, it is unreasonable for its hearer not to take the demand seriously. But one may wonder whether there is much of a difference (if any) between taking a demand seriously and taking its backing obligation seriously—the obligation in virtue of which the demander has the standing to demand. Both the demand and the backing obligation direct the hearer to perform one and the same action. So when you demand that I keep my promise to you, and come pick you up at the airport, it may seem that my taking the demand seriously is identical to my taking the backing obligation seriously: both consist in keeping my promise and picking you up.<sup>10</sup> But this appearance is misleading: taking a demand seriously and taking its backing obligation seriously do involve performing the same action(s), but for different reasons. For someone to take a backing obligation seriously is for them to act in the way that their backing obligation requires of them, and for

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for me to refrain from factoring a demand of yours into my deliberation, even if you demand without standing. But the basis for the reasonableness of factoring your demand into my deliberation in this sort of case is recognizably different from the basis involved in cases where you have the standing to demand.

<sup>10</sup> If this were true, then it would be impossible for benefactors to lack the standing to demand gratitude from beneficiaries in cases where beneficiaries owe their benefactors gratitude. For beneficiaries are required to take their duties of gratitude seriously—by expressing gratitude—and since (according to this view of what it is to take a demand seriously) to take a benefactor's demand seriously is to express gratitude, this entails that beneficiaries are required to take their benefactors' demands seriously. And for a beneficiary to be required to take their benefactor's demand for gratitude seriously is for the benefactor to have the standing to demand gratitude.

them to do so because acting in this way is obligatory (or for the reasons that make it obligatory—that they promised, for instance). By contrast, for someone to take a demand seriously is for them to act in the way that the demand directs them to, and for them to do so because acting in this way is demanded of them. Taking a demand to *phi* seriously involves treating the fact that *phi*-ing is demanded of one as a sufficient reason to *phi*. For most duties, when I owe it to you to *phi*, you have the standing to demand that I *phi*. In such cases, if you demand that I *phi*, it would be unreasonable for me not to treat the fact that you demanded that I *phi* as a sufficient reason to *phi*.<sup>11</sup>

Duties of gratitude, however, appear to form an exception to this general rule about the standing to demand. Consider again the case in which you give me extensive comments on a paper draft, on short notice and at some personal cost, and you subsequently demand that I express gratitude to you. I noted above that, intuitively, there would be something characteristically *off* about your demanding gratitude of me. Is this intuition preserved when we use the criterion for standing based on how it would be reasonable for the hearer of the demand to respond? It seems so: even if my duty of gratitude remains, it would be reasonable for me to be dismissive of your demand, rather than taking it as legitimate or authoritative and thus as a demand I must comply with. And it would be reasonable for me to be dismissive of your demand despite the fact that what you demand of me is simply what I already owe you. That is, it would be reasonable for me to refrain from treating your demand as a sufficient reason

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<sup>11</sup> I will say more in 2.3 below about the differences between demands' and their backing obligations' impacts on practical reason.

for expressing gratitude. Benefactors thus lack the standing to demand gratitude from beneficiaries even when beneficiaries owe them such gratitude.<sup>12</sup>

The first strategy for solving the puzzle about gratitude appeals to the fact that duties of gratitude are *discretionary* duties: they allow agents considerable discretion or latitude in determining how to fulfill them.<sup>13</sup> For instance, in the case of your providing me with extensive comments on a paper draft, there are a variety of ways in which I can plausibly fulfill my duty of gratitude: doing the same for you would be a natural way of showing gratitude, but I could also buy you a beer or two on an evening that we're both free. Perhaps, given our relationship, expressing heartfelt thanks would suffice. My duty of gratitude doesn't pick out any particular way of expressing gratitude as morally required; what is required of me is that I express gratitude in *some* such way.<sup>14</sup> The discretion involved in duties of gratitude distinguishes them from most other duties. While most any duty involves at least some minimal discretion—having promised to repay you the \$5 I borrowed, do I hand you the money with my right hand or my left?—duties of gratitude seem to lie at the far end of the spectrum in terms of the discretion they involve. As Wallace says, with duties that seem to provide the parties to whom they are

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<sup>12</sup> As noted above, this is not to say that benefactors never have any form of recourse when gratitude is not forthcoming: in some contexts, it may be appropriate for benefactors to complain, reproach, or remonstrate about a beneficiary's lack of gratitude. Demanding gratitude is distinct from these related phenomena, first and foremost, because it, unlike these others, is a form of *enforcement* of a purported duty of gratitude.

<sup>13</sup> See especially Martin (2019). Wallace endorses a discretion-based explanation for why duties of gratitude do not correlate with rights (and instead only with "claims"), and appears to hold that this goes hand in hand with a discretion-based explanation for why duties of gratitude do not correlate with the standing to demand. (2019a, pp. 56-7) Card also appears to endorse this form of explanation: in a discussion of "Hobbesian responsibilities," which she thinks provides the right model for duties of gratitude, she argues, "They are too abstract to be readily enforceable. They require judgment and discretion from the beneficiary." (1988, p. 120) Since demand is a form of enforcement, this amounts to a discretion-based explanation for benefactors' lack of standing to demand.

<sup>14</sup> Note that, plausibly, there are cases in which duties of gratitude do require specific actions of agents. All that the proponent of the discretion-based strategy needs here is that these cases are not the norm.



owed the standing to demand, “there is a specific category and occasion of performance that the agent must engage in to count as living up to the obligation that they are under.”<sup>15</sup> The kind or extent of the discretion provided to agents in the course of fulfilling duties of gratitude thus seems to distinguish gratitude from the directed duties where the parties to whom they are owed have the standing to demand.

If the discretion-based strategy is to succeed, it must next provide a link between the discretion involved in some type of duty and whether those to whom the duty is owed have the standing to demand. And there is a plausible link to be made here: given the discretion involved in duties of gratitude, most of the actions which would fulfill duties of gratitude are not morally required. And benefactors do not (nor does anyone else, for that matter) have the standing to demand that beneficiaries act in ways that are not required of them. If I owe you gratitude, and either *phi*-ing or *psi*-ing would count as expressing gratitude in the requisite way, then you have the standing to demand neither, since neither *phi*-ing nor *psi*-ing is morally required of me.

While I think the discretion-based explanation does provide a plausible link between the fact that duties of gratitude involve discretion and the fact that benefactors lack the standing to demand gratitude, I don’t think it explains the standing to demand at issue in the puzzle. Here is why. We need to distinguish between benefactors having the standing to demand some particular *way* of expressing gratitude and their having the standing to demand that the beneficiary express gratitude *at all*. The fact that duties of gratitude involve significant discretion in their fulfillment explains the former, but not the

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<sup>15</sup> Wallace (2019a, p. 57)

latter. Because duties of gratitude involve this kind of discretion, often, none of the particular ways of expressing gratitude are morally required, and benefactors accordingly lack the standing to demand that beneficiaries perform any particular action that would discharge their duty of gratitude. But beneficiaries do not have discretion concerning whether to express gratitude at all: when a beneficiary has a duty of gratitude, they are required to express gratitude in some way or other. Nevertheless, benefactors lack the standing to demand that beneficiaries express gratitude at all—not only the standing to demand that they express gratitude in any particular way. The discretion involved in duties of gratitude comes in at the wrong level of explanation to explain why benefactors lack the standing to demand that beneficiaries express gratitude.

So while the discretion-based strategy is not altogether misguided—it seems true both that duties of gratitude involve significant discretion and that this discretion prevents benefactors from having a certain kind of standing to demand—it cannot explain why benefactors lack the standing to demand that beneficiaries express gratitude, and thus fails as a solution to the puzzle about gratitude.

## **2.2 Undercutting the Standing to Demand**

A different strategy for explaining why benefactors lack the standing to demand that beneficiaries express gratitude focuses on the normative consequences of demanding gratitude. In particular, it argues that a benefactor's demanding gratitude of a beneficiary would undercut the duty of gratitude that the beneficiary appeared to have. This strategy starts by distinguishing between two

basic forms that the provision of benefits can take.<sup>16</sup> When you benefit me out of good will, you don't expect or feel entitled to anything in return. But when your benefit is "transactional," you benefit me with the hope of later receiving something in return. The transactional provision of benefits, according to this strategy, is based not on good will but on personal advantage. And only benefits based on good will can trigger duties of gratitude. Berger, for instance, claims that gratitude "is a response to a grant of benefits (or the attempt to benefit us) which was motivated by a desire to help us," while by contrast, "[transactional] arrangements are usually thought to be means for advancing the interests of both parties and hence tend not to be cases of benefits granted in order to help another, and gratitude would be out of place."<sup>17</sup> This strategy for solving the puzzle about gratitude thus starts with a necessary condition on the origin of duties of gratitude: in order for a benefactor to be owed gratitude by a beneficiary, their provision of benefits to the beneficiary must be motivated by good will, not by personal advantage, since the latter makes the benefit "transactional" and thus unfit for gratitude.

The undercutting-based strategy must then connect this necessary condition on duties of gratitude (i.e. that they are triggered only by displays of good will, not by transactional contexts) with the standing to demand. It does so by arguing that demanding gratitude would show that the benefactor was not, or does not remain, motivated by good will, which undercuts the beneficiary's duty of gratitude. In the literature on gratitude, there are a few versions of this step, differing in whether they hold that demanding gratitude would show that the benefactor was not motivated by good will in the original provision of benefit, or instead that demanding gratitude would merely show that the

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<sup>16</sup> For versions of this strategy, see Berger (1975), Manela (2015), and Weiss (1985).

<sup>17</sup> Berger (1975, pp. 299-300).

benefactor now believes that they are entitled to something in return for their benefit. Regardless of the particular version of this step, however, there is a problem with any version of this strategy: namely, demanding gratitude simply doesn't always undercut a beneficiary's duty of gratitude, even granting that such demands would be made without standing.

Suppose that you are enjoying a day at the beach, relaxing in the sun and sipping a fruity cocktail. You notice me struggling far out in the ocean, barely staying above the water, and nobody else seems to have seen me. You dive in, fighting against the waves, and manage to pull me back to shore, saving my life. Plausibly, I owe you gratitude for rescuing me. The next day, we run into each other at the beach, and I don't go out of my way to express gratitude, either verbally or otherwise. You grow resentful, and demand gratitude for having saved my life. While you don't seem to have the standing to demand gratitude, and I may well be taken aback by it, it seems that I would nonetheless still owe you gratitude despite your demand.<sup>18</sup> Though I might think less of you for having demanded, your help was sufficiently significant that I seem to still owe you gratitude, in spite of your demand. You saved my life, after all, and your rescue is important enough that it would be wrong for me to forgo expressing gratitude just because you demand it of me. In cases like this, where the beneficiary's duty of gratitude remains even following the benefactor's demand for gratitude, the undercutting-based strategy cannot explain why the benefactor lacks the standing to demand gratitude. Even if the distinction between provisions of benefits based on good will and those based on personal advantage is well-formed, demanding gratitude simply does not always undercut the beneficiary's duty of gratitude, especially if

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<sup>18</sup> Note also that your demand doesn't seem to show that you viewed our interaction as transactional; it's not as though you rescued me for the prospect of a favor later on.

the original benefit was sufficiently significant. Accordingly, we can't explain benefactors' lack of standing to demand gratitude by appealing to the fact that demanding gratitude undercuts beneficiaries' duties of gratitude, since such duties sometimes remain even following demands.

### 2.3 Demands and Compliance

I think we can explain why benefactors lack the standing to demand gratitude from beneficiaries by looking at the nature of demands, and seeing how demands function in the context of gratitude. I'll start by arguing for a claim about a success condition for demands, and then will argue that this condition is necessarily frustrated in cases of demands for gratitude.

A demand is a kind of speech act. Specifically, it is a member of a family of speech acts called "directives," including also commands and requests, which aim to bring about the hearer's doing what is described in the directive. Unlike commanding and requesting, demanding is a form of claiming: when I demand that you *phi*, the (purported) force of my demand derives from the fact that you antecedently owe it to me to *phi*, or that I "have a claim to" your *phi*-ing.<sup>19</sup> Feinberg distinguishes between two forms of claiming: propositional claiming, or asserting *that* you owe it to me to *phi*, and performative claiming, which attempts to make something happen in virtue of one's claim.<sup>20</sup> As a kind of directive, demanding

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<sup>19</sup> By contrast, when I command that you *phi*, I aim to establish that you are obligated to *phi*, and when I request that you *phi*, I aim to bring about your *phi*-ing without your being obligated to *phi* at all. I here ignore third party demands, which do not involve claiming in the same respect, but nonetheless depend on the appropriateness of claiming in the sense described.

<sup>20</sup> Feinberg (1970).

involves claiming in the performative sense: when I demand that you *phi*, I do more than merely assert that you owe it to me to *phi*. I try to get you to *phi* by appealing to the fact that you owe it to me to *phi*.

We can glean from demand's status as a directive "backed" by a moral obligation a claim about its success conditions: namely, one of a demand's success conditions lies in its hearer's *compliance* with the demand. In some contexts, such as when talking about norms or principles, an individual's "compliance" refers to their doing as something suggests. In the context of directives, however, compliance refers not only to an individual's doing as something suggests, but doing so partially *because of* the directive. Consider an army sergeant commanding a soldier to sweep the mess hall. If the soldier forgets about the command but later sweeps the mess hall out of boredom, they do not comply with the sergeant's command. This is not to say that they thereby *defy* the command; rather, in order for the soldier to count as either complying with or defying the command, the soldier would have to act in light of the sergeant's command. Moving back to the context of demand, then, to say that one of a demand's success conditions lies in its hearer's compliance with the demand is to say that it can succeed only if its hearer does what is demanded at least partially because of the demand.<sup>21</sup>

Why think that the hearers' compliance constitutes a success condition for a demand, over and above the hearer's doing what is demanded? The answer depends on what goes wrong, from the point of view of the party making a demand, in the hearer's doing what is demanded without doing so even partially on the basis of the demand. Specifically, a hearer's doing what is demanded *not* on the basis of the demand involves a dismissive response to the demand—one generally of the form "Who cares that

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<sup>21</sup> See Gilbert (2018, p. 59).

you demanded?”<sup>22</sup> That is, to do what is demanded *not* on the basis of the demand involves treating the fact that acting in this way has been demanded of one as irrelevant to one’s deliberation as to whether to act in this way. But recall that for a demand to be made without standing is for it to be reasonable for the hearer to respond dismissively to the demand. So a hearer’s doing what is demanded not on the basis of the demand involves treating the party making the demand as though they lack the standing to demand. Insofar as demands purport to be made with standing, then, it’s not enough for a demand to succeed if its hearer does what is demanded—in order to succeed, its hearer must *comply* with the demand, treating the demand as a sufficient motivating reason for acting as the demand directs the hearer to act. I’ll call this the *Compliance Condition* on demands: in order for X’s demand that Y *phi* to succeed, Y must treat the fact that X demanded that Y *phi* as a sufficient motivating reason to *phi*.

One may worry at this stage that the *Compliance Condition* misrepresents what we want from others when we make demands of them. Supposing that we demand that others fulfill their duties to us, we typically want them to act on the reasons that explain why they are under a duty in the first place. Consider an example of promissory obligation: I promise you that I will pick you up at the airport, and when you arrive, I am nowhere to be found. If you demand that I come and pick you up, you might reasonably want me to pick you up *because I promised to do so*—the reason I owe it to you to pick you up in the first place. But the *Compliance Condition* may seem to yield the incorrect result that your demand has failed if I pick you up because I promised to do so. However, the *Compliance Condition*

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<sup>22</sup> Note that this does *not* mean that doing what a demander demands not because of the demand involves responding dismissively to *them*—just that it involves responding dismissively to their *demand*. Doing what they demand, supposing that I genuinely owe it to them, involves taking seriously their interests—specifically those that ground my duty to them. But I can avoid being dismissive to them—i.e. being dismissive of their interests—while still being dismissive of their demand. See also fn. 5 above.

does not entail that your demand has failed in this case. This is because the *Compliance Condition* does not hold that in order for X's demand that Y *phi* to succeed, Y must treat the fact that X demanded that Y *phi* as Y's *sole* motivating reason, or even *primary* motivating reason. Rather, Y must treat the fact that X demanded that Y *phi* as *one* sufficient motivating reason, where this is entirely consistent with Y also treating other considerations as sufficient motivating reasons, including the reasons that explain why Y is under a duty in the first place. Accordingly, the *Compliance Condition* is compatible with the claim that demands can succeed perfectly well when their hearers act as they are demanded because of the reasons that explain why they are under a duty in the first place, or even because of the duty *de dicto*. The *Compliance Condition* describes one sufficient motivating reason that the hearer of a successful demand must act on, but not to the exclusion of others motivating reasons.

Even though demands direct their hearers to comply, instructing their hearers to act as directed partially because so acting is demanded of them, one might wonder exactly in what sense demanding is a kind of *enforcement*, or in what sense it *compels* its hearer to comply. For unlike state coercion, interpersonal demands carry no threat of force or physical intervention. Nonetheless, there are at least two ways in which demands can compel their hearers to comply. First, demands often involve an implicit threat of social sanctions. Often, when you demand that I keep my promise and pick you up at the airport, you imply that if I fail to comply with your demand, you will blame me, place less trust in me, and perhaps tell others about our interaction, enjoining them to do the same. Imposing the threat of social sanctions is one way in which demands constitute enforcement rather than mere words. The second way in which demands can compel their hearers to comply lies in the fact that demanding raises the moral stakes of an interaction, such that the hearer's failure to comply would constitute a more



fundamental form of disrespect than merely violating their duty in the first place. When I fail to do what I owe it to you to do, I disrespect you by disregarding one or more of your morally relevant interests. But when I fail to comply with your *demand* that I do what I owe it to you to do, I also disrespect you by treating you as though you lack the authority to have a decisive say in how I treat you. Demanding raises the moral stakes by making it so that the hearer's noncompliance would disrespect the demander in a way over and above violating their duty to the demander.<sup>23</sup> Demanding thus leverages one's moral authority in order to make the hearer take account of both the demand and its backing obligation.

But in cases of demanding gratitude, unlike most other kinds of demands, it's not possible for the hearer of a demand for gratitude to comply with the demand. Even if a beneficiary acts in ways that would otherwise count as expressing gratitude, if they do so in part because of a demand, what they do is prevented from counting as expressing gratitude by the fact that it is done at least partially because of the demand. Consider, again, the case in which you give me extensive comments on a paper draft, on short notice and at some personal cost. Later, perhaps in response to my not yet expressing gratitude, you demand it of me: "I did you a favor! *Be grateful!*" you say to me. Suppose further that in response, and at least partially because of your demand, I give you effusive thanks and offer to do the same for you the next time you need feedback. Do my verbal thanks and offer for reciprocation count as expressions of gratitude? They seem not to. Given that I do them at least partially because you demand gratitude, they seem not to count as expressions of gratitude in the way in which they otherwise would, had you not demanded my gratitude. In order to count as expressions of gratitude, my actions need to be seen as

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<sup>23</sup> The sense of "demand" at issue in this paper is the sense that Macnamara calls "holding demands," as in demands through which we hold others responsible. See her (2011, pp. 91-2) for an argument to the effect that failing to comply with holding demands constitutes an impermissible form of disrespect.

something *coming from me*, or performed of my own accord, in a sense prevented by being done because of a demand. So while it's perhaps (at least sometimes) better for me to give you verbal thanks and offer to do the same for you than to refuse to express gratitude outright, doing so seems not to count as expressing gratitude in the way in which it would have, had I done so not because of your demand. Acting in ways that would otherwise count as expressing gratitude are prevented from so counting when they are done in part because of a demand for gratitude. I will call this claim about gratitude *Motive Restriction*. It follows from *Motive Restriction* that beneficiaries cannot comply with demands for gratitude.

One might worry, however, that we cannot straightforwardly infer that beneficiaries cannot comply with duties of gratitude from the fact that actions done partially because of a demand are prevented from counting as expressing gratitude. For the fact that a beneficiary treats the demand as a sufficient motivating reason does not rule out their having *other* motivating reasons for acting as they do—such as their appreciation of the benefit and a desire to reciprocate. But in order to prevent an action from counting as expressing gratitude, an individual needn't have the demand for gratitude as their *sole* motivating reason; rather, even if the demand is only one of their motivating reasons—they act only partially because of the demand—their action is prevented from counting as expressing gratitude. Consider a case in which you demand that I express gratitude for a favor you did me. Suppose I feel that, even though you demanded my gratitude, I have a duty of gratitude that remains (say, because the favor you did was quite significant). If I now try to express my gratitude, I would plausibly go out of my way to attempt to convince you that I am not now thanking you, offering favors in return, etc. because of your demand—instead, I would say, I had meant to do so all along, and your demand functioned merely

as a helpful reminder. In other words, if I were to try to discharge my duty of gratitude after you demand gratitude of me, I would take pains to convince you that I am *not* attempting to express gratitude even partially *because of* your demand. And the reason that I would plausibly adopt this strategy in our interaction is that if I were acting in this way even partially because you demanded that I express gratitude, then my acting in this way wouldn't count as expressing gratitude. Accordingly, when an agent *phi-s* even partially because gratitude is demanded of them—when the demand for gratitude is among their motivating reasons for *phi-ing*—their *phi-ing* is prevented from counting as an expression of gratitude.

The final step I need in my solution to the puzzle is a connection between the success conditions of demands and the standing to demand in the context of duties of gratitude. The connection is this: if demands for gratitude are bound to fail to meet their success conditions, then benefactors lack the standing to demand gratitude from their beneficiaries. For in general, there seems to be a connection between the possible success of a directive and one's standing to perform it, such that one cannot have the standing to make a directive that will necessarily fail to meet its success conditions. Consider a case of commanding: suppose that I am the leader of a secret society, and my leadership entitles me to ask members of the society to perform the secret hand signal to prove their allegiance. If I mistake you for a member of the society and command that you perform the secret hand signal, my command is bound to fail: as a non-member, you are not subject to my authority to issue such commands, and regardless, do not even know the secret hand signal. It seems to go hand-in-hand with the way in which my command is bound to fail that I do not have the standing to command that you perform the secret hand signal. But in the context of demands for gratitude, this connection is stronger still: if your demand that

I express gratitude is bound to fail because nothing I do because of your demand could count as expressing gratitude, then it is reasonable for me to be dismissive of your demand. If I can't possibly comply with your demand, then it's reasonable for me not to factor into my deliberation the fact that you demanded. And if it is reasonable for me to be dismissive of your demand, then you lack the standing to issue such a demand. So if demands for gratitude are bound to fail to meet their success conditions in this way, then benefactors lack the standing to demand gratitude from their beneficiaries.

We now have a deductive explanation for why benefactors lack the standing to demand gratitude from their beneficiaries:

1. In order for X's demand that Y *phi* to succeed, Y must treat the fact that X demanded that Y *phi* as a sufficient motivating reason to *phi*. (*Compliance Condition*)
2. If a beneficiary *phi*-s (where *phi*-ing is generally a way of expressing gratitude) partially because gratitude is demanded of them, then their *phi*-ing is prevented from counting as an expression of gratitude. (*Motive Restriction*)
3. Beneficiaries cannot express gratitude partially because gratitude is demanded of them. (From 2)
4. Demands for gratitude necessarily fail to meet their success conditions. (From 1, 3)
5. If demands for gratitude necessarily fail to meet their success conditions, then benefactors lack the standing to demand gratitude from their beneficiaries.
6. Benefactors lack the standing to demand gratitude from their beneficiaries. (From 4, 5)

I want to clarify two things that are, importantly, consistent with this solution to the puzzle about gratitude. First, this solution does not rule out the possibility of a beneficiary's expressing gratitude *following* a demand, so long as the beneficiary doesn't do so in part *because of* the demand. For instance, in some cases, it seems that a beneficiary can express gratitude *despite* a demand. If you do me an enormous favor, and demand gratitude of me before I even have a reasonable chance to express gratitude, I might then express gratitude to you despite the fact that you demanded it. If a beneficiary's duty of gratitude remains even following a demand, but the fact that the benefactor demanded gratitude meant that nothing the beneficiary did could possibly count as expressing gratitude, then the beneficiary would be subject to a duty that they in principle could not fulfill, which seems impossible. But my solution to the puzzle is in a good position to explain this: beneficiaries can express gratitude despite demands for gratitude by their benefactors because doing something *despite* (or otherwise *following*) a demand is different from doing it *because of* a demand. So my solution is consistent with it being possible for beneficiaries to express gratitude following a demand for gratitude.

Second, the solution I propose does not rule out the possibility of a beneficiary's expressing gratitude because they are obligated to, or on the basis of duty. That would be a bad result: it seems that beneficiaries can express gratitude from a sense of obligation, for instance in cases in which a benefactor demands gratitude without the demand undermining the beneficiary's duty of gratitude. In such a case, the beneficiary might think to themselves, "Well, he's a jerk for demanding it, but I do still owe him gratitude since he did me such a big favor—I'd still better express gratitude, even though I don't particularly feel like it anymore." But this solution in particular might seem to rule out the possibility of a beneficiary's expressing gratitude on the basis of duty, since demands attempt to bring about

someone's doing something on the basis of their antecedently being obligated to do it. However, it's important to distinguish between the fact of someone's being obligated to express gratitude and an actual demand that attempts to enforce this obligation: to be motivated by the former is to be motivated by morality's dictates, while to be motivated by the latter is to be motivated by a speech act, the function of which is to *enforce* morality's dictates. So claiming that one cannot express gratitude on the basis of a demand does not entail that one cannot express gratitude on the basis of obligation. My solution is thus consistent with expressing gratitude on the basis of duty.

#### **2.4 Gratitude and Expressions of Good Will**

Though I think that this solution suffices to explain why benefactors lack the standing to demand gratitude, this explanation on its own does leave an important phenomenon unexplained. Specifically, my solution crucially relies on *Motive Restriction*, which says that anything a beneficiary does partially because of a demand for gratitude can't count as expressing gratitude. Why is this? The same is not true for most other duties: your demanding that I get off your foot does not prevent my getting off your foot because of your demand from counting as respecting your bodily rights, and your demanding that I pick you up at the airport does not prevent my picking you up at the airport because of your demand from counting as keeping my promise to you. That is, other duties are not motive restricted in the way that gratitude is. Gratitude is rare, if not unique, in being inconsistent with demand-based motives in this way.

The answer, I think, starts with the claim that duties of gratitude require us to show others good will in a way that most moral duties do not. Most moral duties require us not to show others *good* will, but merely to refrain from disrespecting them.<sup>24</sup> Consider promissory obligation, for instance: if I promise that I will pick you up at the airport, my failing to do so would disrespect you in the sense that I would disregard your interest in promissory assurance, the interest that grounds my obligation to do what I promised. Or consider bodily autonomy: if I assault you, I would disrespect you by disregarding your interest in bodily autonomy, the interest that grounds my obligation to refrain from assaulting you. Duties of promissory obligation and respect for bodily autonomy require us to refrain from disrespecting others in the way characteristic of disregarding the interests that ground these duties.<sup>25</sup> But just because these duties require us to refrain from disrespecting others doesn't mean that they require us to show them good will. Consider some person living on the other side of the world from me, who I have never and will never meet. My duties of promissory obligation and respect for bodily autonomy require me not to disrespect this person by disregarding their interests in the relevant ways, and indeed I seem to live up to these duties. But I have not thereby demonstrated good will to them: I have not expressed that I care about whether their interests are actually met independently of my own noninterference with them, that I have the satisfaction of their interests as an end of my own. Most moral duties require us to avoid disrespecting others by interfering with their ability to satisfy their

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<sup>24</sup> By “disrespecting” someone, I mean failing to take their morally relevant interests into account, which needn't involve demonstrating feelings of animus or hostility toward them.

<sup>25</sup> Indeed, it is commonly thought, especially by those in the Strawsonian tradition, that it is the fact that violations of these duties express ill will—a form of disrespect—to those we wrong by such violations that warrants resentment on the part of those who are wronged. See Strawson (1974) and Wallace (1994) and (2019b).

interests, or by treating them as a mere means to our ends, not to express good will to them by adopting as an end of our own the satisfaction of their interests.

Duties of gratitude, however, require us to not only avoid disrespecting others but further to express good will to them. In expressing gratitude, we demonstrate to a benefactor that we have as an end of ours that they are able to achieve their ends. We signal to them that we are ready to help them in the future as they have helped us, or we go out of our way to do a favor for them that reciprocates the favor they did for us. Recall that in doing so, we aren't necessarily communicating that we have a certain feeling, or emotion, or inclination—gratitude can be expressed because one genuinely takes pleasure in reciprocating but also because one recognizes that it's one's duty to do so. Rather, we are expressing that the benefactor and their interests occupy a certain role in our deliberation. Duties of gratitude require us to act in ways that express that to a benefactor that we take the achievement of their ends as an end of our own. That is, duties of gratitude require us to express good will toward a benefactor, not merely to avoid disrespecting them.

Here is why the fact that duties of gratitude are duties of good will is relevant to the truth of *Motive Restriction*: nothing an agent does because of a demand can count as expressing good will to the demander.<sup>26</sup> When I do something in part because you demand that I do so, I can't express to you that I have your good as an end of my own. Crucially, this is true even if I *do* feel good will toward you, or if

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<sup>26</sup> This explanation of *Motive Restriction* bears some similarity to Herman's account of gratitude in her (2012), especially her account of why benefactors cannot waive beneficiaries' duties of gratitude. Her account, however, is framed not in terms of the role of good will in discharging duties of gratitude, but rather in terms of such duties' ability to restore agential equality in contexts of beneficence. The relation between the ways in which conduct can express good will and the ways in which duties can restore and preserve agential equality is complex, and while I think that the account I present in terms of good will is preferable, I leave discussion of the relation between my view and Herman's for another occasion due to space limitations.



I *do* have as my end that your ends are achieved. In order for my action to express good will to you, it must be able to express to you that I would have acted in this way of my own accord, without the kind of enforcement of which demands are characteristic. In order to express good will to you, my will must be determined by the place you occupy in my ends, as someone whose good is my own. But when I act in part because of your demand, my will is determined in part by something else, namely your attempt to compel me. This is not a problem for duties that require us to refrain from disrespecting others: so long as I do not disrespect you by e.g. breaking my promise to you or assaulting you, I do not violate my duty. Whether my actions count as fulfilling my duty is not sensitive to whether I demonstrate that I would have so acted independently of your demand. But when a duty requires me to express good will, I cannot do so when I act in part because of your demand. My actions simply can't express the fact that I have your ends as my own if they are done in part because of a demand, precisely because they are in this case done in response to your enforcement, rather than of my own accord.

This explanation of *Motive Restriction* based on good will has a consequence for the nature of the moral landscape that is worth noting: it suggests a broader claim about the function of demand as an informal means of enforcement with respect to what we are morally obligated to do. In particular, it suggests that only those obligations which require us merely to refrain from disrespecting one another are fit for enforcement via demand. And more generally, this explanation of *Motive Restriction* suggests that the fact that benefactors lack the standing to demand gratitude from beneficiaries doesn't mark duties of gratitude as a special exception to the norm. Instead, our moral duties fall into two kinds—duties that merely require us to refrain from disrespecting others and those that further require us to

express good will to others—and only with the former do parties to whom duties are owed have the standing to demand.

### 3.0 The Indeterminacy of Imperfect Duties

Imperfect duties, such as duties of aid and gratitude, are distinguished from perfect duties by the role they afford to latitude: imperfect duties permit agents considerable latitude in determining how to act in accordance with them, while perfect duties allow far less latitude in their fulfillment. According to a plausible and widely held view, imperfect duties feature such latitude in virtue of their *indeterminacy*: imperfect duties are requirements concerning the ends that agents may or must adopt, rather than the actions that agents may or must perform. (I'll call this view *indeterminism*.) On this view, imperfect duties are noncommittal about the deontic statuses of agents' options in specific circumstances—what e.g. the duty of beneficence requires of me is to adopt the end of helping others in need, not to help any particular person in need. While indeterminism is well suited to explain why imperfect duties give agents latitude in their fulfillment, it faces a challenge concerning cases in which imperfect duties *do* require agents to perform particular actions, cases in which some act of beneficence or expression of gratitude is morally required. In order to explain how imperfect duties can necessitate particular actions, indeterminists typically appeal to what I will call the *instrumental strategy*, which purports to explain why particular actions are required by showing that they are necessary means to required ends. Since indeterminists hold that imperfect duties are requirements on ends, they are in a position to explain how actions that are necessary means to those ends can be morally required, while maintaining a distinction between perfect and imperfect duties in terms of requirements on actions and requirements on ends.

In this chapter, I will argue that the instrumental strategy fails. Not all cases in which an imperfect duty requires an agent to perform some specific action are cases in which that action is a necessary means to an end required by an imperfect duty. But rather than arguing that imperfect duties are not, after all, indeterminate, I will argue that the structure of imperfect duties is more complex than we often think. More specifically, I will argue that imperfect duties have a two-level structure, involving both indeterminate requirements on ends and subordinate maxims adopted and pursued on their basis. The instrumental strategy is a way of trying to accommodate cases in which an agent is required to perform a particular action while keeping only a single level of requirements in the structure of imperfect duties. By contrast, I will argue that the structure of imperfect duties is constituted by two related but distinct levels of requirement: one indeterminate and one determinate. Appreciating the role of subordinate maxims allows us to explain how imperfect duties can necessitate particular actions, without the problems involved in the instrumental strategy.

I will proceed as follows. In 3.1 I explain the instrumental strategy in more detail and argue that it fails on extensional grounds. Not all cases in which an individual is required by an imperfect duty to perform a particular action are cases in which the relevant action is a necessary means to an end required by an imperfect duty. In 3.2 I argue that agents' fulfillment of imperfect duties goes by way of adopting and acting in accordance with subordinate maxims. Subordinate maxims specify the content of the indeterminate requirements provided by imperfect duties, and in doing so, protect individuals from becoming unilaterally dependent on others in virtue of being in states of need. In 3.3 I argue for a claim concerning the conditions in which acting in accordance with some subordinate maxim is required: namely, an agent is required to act in accordance with an imperfect duty by *phi*-ing just in case either (1)

they would wrong someone by failing to act in accordance with a subordinate maxim that they actually have, and which directs them to *pbi*, or (2) they are required to adopt some subordinate maxim *m* that would direct them to *pbi*. According to my view, then, the latitude involved in the fulfillment of imperfect duties is primarily located at the level of agents' selection of subordinate maxims that make the content of imperfect duties determinate, rather than at the level of their choices between options in particular circumstances.

### 3.1 Indeterminism and the Instrumental Strategy

Indeterminism has seemed to many a near-trivial thesis about the nature of imperfect duties. Following Kant, many philosophers hold that imperfect duties are obligations to have (or refrain from having) certain ends, as opposed to perfect duties, which are obligations to perform (or refrain from performing) certain actions.<sup>1</sup> As Thomas Hill writes, "What is required, at least directly, is that we take to heart certain principles, not that we act in certain ways. For example, what we can directly infer from the moral law is that one ought to adopt the maxim to promote the happiness of others, not that *this* or *that* beneficent act is obligatory."<sup>2</sup> Further, if the requirements of imperfect duties are indeterminate in this way, then we have a simple explanation of why imperfect duties allow agents latitude in how to

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<sup>1</sup> The distinction between perfect and imperfect duties was commonly used in early modern ethics, including by Grotius, Pufendorf, and Wolff. But prior to Kant, the distinction was primarily drawn in terms of enforceability or correlativity with rights; Kant seems to be among the first to draw it in terms of requirements on ends vs. requirements on actions, i.e. in terms of the indeterminacy of imperfect duties. See Salam (2014) for an analysis of the different ways of drawing the perfect/imperfect distinction by Kant and earlier philosophers.

<sup>2</sup> Hill (1971, p. 57).

fulfill them. If particular actions are not required or forbidden by imperfect duties, then agents are in general morally permitted to either perform or refrain from performing particular actions that would contribute to the fulfillment of an imperfect duty.<sup>3</sup> Indeterminism thus has two core benefits as a thesis about the generality of imperfect duties: it provides a clear and principled contrast between perfect and imperfect duties, and it explains why imperfect duties allow agents latitude in the course of fulfilling them.

Despite its intuitive plausibility, indeterminism faces a major problem: there are cases in which imperfect duties *do* determine the deontic status of particular actions. For instance, cases like the following are sometimes taken to show that agents are sometimes morally required to perform some action on the basis of the imperfect duty of beneficence:

**Car Accident:** Imagine that I am driving home on a secluded road. I am in a hurry because my husband and I have theater tickets for that evening, and we are hoping to have a leisurely dinner out before the show. As I round a bend, I notice a car that has gone off into the brush. When I stop to get a better look, I see an elderly man in the driver's seat, slumped over the wheel and apparently unconscious. It is probable that no one else will pass by in the near future. I ask myself whether I am required to set aside my other plans for the evening and render assistance.<sup>4</sup>

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<sup>3</sup> Some indeterminists argue that this claim is overly simplistic, since morally virtuous agents would only treat some considerations as sufficient reasons to refrain from performing e.g. beneficent actions—a morally virtuous agent wouldn't refrain from helping someone in need just because they didn't feel like helping at the moment. But even if this is true, it would at most entail that refraining from performing the relevant action would be suberogatory, not impermissible. Cf. Baron (2015).

<sup>4</sup> The case is from Stohr (2011, p. 45).

In **Car Accident**, I am morally required to help the elderly man. Further, my helping the elderly man is the sort of action that the imperfect duty of beneficence calls for. So **Car Accident** seems to be a case in which an imperfect duty determines the deontic status of a particular action.<sup>5</sup>

Because indeterminists hold that imperfect duties are requirements on ends, rather than on actions, they cannot claim that the duty of beneficence *directly* requires me to help in cases like **Car Accident**. Instead, they generally construe such actions as necessary means to the ends required by imperfect duties. This strategy for accommodating cases in which particular actions are required by imperfect duties is what I will call the instrumental strategy.<sup>6</sup> In the remainder of this section, I will survey three prominent versions of the instrumental strategy, and will argue that each is incapable of explaining a range of cases in which particular actions are required by imperfect duties.

Consider, first, a version of the instrumental strategy implicit in Hill's discussion of the imperfect duty to develop one's talents. He describes a case in which an unfortunate person has just one chance to escape "a debilitating, brain-numbing life of physical labor."<sup>7</sup> Given these circumstances, the person is required to take this opportunity to develop her talents. Hill reasons as follows: in this case, "nothing else would count as having seriously made developing her talents an end." That is, in order to achieve the end of developing her talents, she *must* take this opportunity: doing so is a necessary means

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<sup>5</sup> See Stohr (2011) for endorsement of this inference. I will for the time being ignore the objection that the elderly man in **Car Accident** has a right to my aid, and thus that there is a perfect duty of easy rescue, since I will also introduce cases in which victims do not have rights to others' aid despite such aid being obligatory.

<sup>6</sup> There is also a related strategy which holds not that such actions are necessary means to required ends *per se*, but rather than in such cases, failing to perform the relevant action would provide conclusive evidence that one lacks a required end. This strategy ultimately fails for the same reason that the instrumental strategy does, and is sufficiently similar to the instrumental strategy that I will treat it as a variant of the instrumental strategy. See fn. 11 below.

<sup>7</sup> Hill (2002, p. 208).

to the end of developing her talents. Because there is an imperfect duty to develop one's talents, she is required to adopt the end of developing her talents, and because taking the opportunity is a necessary means to this end, she is required to take the opportunity. So despite holding that imperfect duties are indeterminate, Hill is able to explain why the unfortunate person is required to take the sole opportunity to develop her talents via a version of the instrumental strategy.<sup>8</sup>

Notice how Hill explains why taking the opportunity to develop her talents is required for the unfortunate person: taking the opportunity is a necessary means to a required end because it is the only chance she will have to take steps toward the end. The version of the instrumental strategy that Hill employs in his discussion of the duty to develop one's talents is one based on *opportunity*: the necessity of the means is explained by the fact that the agent will have no future opportunities to advance the end. We can imagine related cases in which this version of the instrumental strategy will also carry water, in which an agent has had other opportunities to pursue a required end in the past (unlike the unfortunate person). For instance, suppose that an old miser who has lived by the rule of never going out of his way to help others now lies on his deathbed, with one final opportunity to help others by donating a portion of his wealth to charity. The fact that he will have no future opportunities to pursue the end of helping others in need, perhaps combined with the fact that he has never pursued this end in the past, shows that he is required to take this opportunity to help.

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<sup>8</sup> I do not mean to suggest that Hill or the others I discuss in this section explicitly commit themselves to the plausibility of the instrumental strategy as a response to the problem of cases in which an agent is required by an imperfect duty to perform a particular action. Rather, I discuss the views of Hill and others in this connection because we can usefully construct different versions of the instrumental strategy from their discussion of related issues concerning imperfect duties.



What Hill's version of the instrumental strategy cannot explain, however, is why agents in cases like **Car Accident** are required to help. Such agents may well have future opportunities to provide assistance and rescue to those in need, but they are required to help nonetheless. Helping the elderly man in **Car Accident** is not a necessary means to the end of helping those in need in the sense of being my final opportunity to pursue that end. Because the cases in which particular actions are required by imperfect duties are not limited to those in which some action is an agent's last opportunity to pursue a required end, Hill's opportunity-based version of the instrumental strategy fails as a method for accommodating actions required by imperfect duties to the indeterminist view.

Consider next Barbara Herman's account of the duty of mutual aid.<sup>9</sup> She argues that this duty forms a part of the more general duty of beneficence, and that it explains why agents in cases like **Car Accident** are required to help when they are in a position to provide aid to someone whose vital needs—those things that are necessary conditions for rational agency, and thus for the accomplishment of any particular end—are at stake. According to Herman, we are required to see ourselves as members of a community of dependent beings, ones who inevitably have ends that they cannot hope to accomplish alone. And part of what seeing ourselves as members of such a community involves, she argues, is both wanting to receive help when our vital needs are at stake and a corresponding commitment to giving help when someone else's vital needs are at stake. More specifically, because I am rationally required to will that others help me when my own vital needs are at stake, my failing to will that I help others in similar circumstances would involve a contradiction in my will. Further, Herman claims that the only

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<sup>9</sup> Specifically, her account of the duty of mutual aid in her (1984), rather than in her later work on imperfect duties.

legitimate excuse for failing to help in such a case is that helping would risk one's own vital needs— unless helping would risk one's own vital needs, failing to help would show disrespect for rational agency, which is impermissible. Accordingly, I am required to help when I can easily rescue someone in serious need, such as when I encounter the elderly man in **Car Accident**.

There are two features of Herman's version of the instrumental strategy worth noting: the role of vital needs and the role of respect for rational agency. While I may be indifferent with respect to receiving others' help with this or that particular end, I cannot be indifferent with respect to whether I receive others' help when my vital needs are at stake. This is because my vital needs are things that I need in order to achieve any of my other ends. And because we are required not to act or will in ways that would generate a contradiction in the will, this means that the duty of mutual aid requires that we adopt the end of helping others when their vital needs are at stake. From this required end, Herman explains why I am required to help in **Car Accident**: since I would not risk my vital needs by helping, in failing to help, I would disrespect the rational agency of the elderly man. Helping him is a means to the required end of helping others when their vital needs are at stake, and it is a *necessary* means because failing to help would involve disrespect for rational agency.

Herman's version of the instrumental strategy thus has two parts: she explains the necessity of adopting and pursuing the end of helping others whose vital needs are at stake by appealing to the necessity of caring about our own vital needs, and she explains why particular actions are required as necessary means to this end by appealing to the role of respect for rational agency. However, this version of the instrumental strategy cannot explain all cases in which particular helping actions are required. This is because cases in which an agent's vital needs are at stake do not exhaust the cases in which giving

aid is required. To find cases in which giving aid is required without an agent's vital needs being at stake, we can take the basic setup of **Car Accident** and decrease the severity of the agent's needs, as in the following case:

**Supermarket:** Imagine that I am shopping in a fairly empty supermarket. I am in a hurry because my husband and I have theater tickets for that evening, and we are hoping to make dinner at home before the show with the groceries I am buying. As I turn the corner into the next aisle, I notice that an elderly man has fallen over. When I stop to look, I see that he isn't seriously injured, and would be able to get up with not too much effort. Though the supermarket isn't empty, there is no one else in the immediate vicinity. I ask myself whether I am required to stop for a few seconds to help him up and ask if he is alright.<sup>10</sup>

As in **Car Accident**, I am required to help the elderly man in **Supermarket**. But in **Supermarket**, his vital needs are not at stake. Accordingly, Herman's version of the instrumental strategy cannot explain why I am required to help the elderly man in **Supermarket**. Because it attempts to explain particular actions that are required by imperfect duties in terms of the necessity of helping when an agent's vital needs are at stake, it is incapable of explaining why aid can be required in lower-stakes cases as well.<sup>11</sup>

Finally, Karen Stohr attempts to provide a version of the instrumental strategy that modifies the role of respect for rational agency in Herman's version, divorcing it from the role of vital interests. According to Stohr, I fail to respect an agent's rational agency when I am indifferent to them as end-

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<sup>10</sup> One may worry that either I can't immediately tell that the elderly man isn't seriously injured, in which case his vital needs may appear to be at stake, or else that helping him would be good but not required. I will ignore this potential complication, since there are cases of required aid that do not depend on bodily harm at all. See, for instance, Stohr's (2011, p. 56) example of holding an elevator door open to enable a group of elderly people to get on, where they would simply have to wait a minute for the next elevator if I fail to do so. Thanks to Japa Pallikkathayil for raising this worry.

<sup>11</sup> Notice that the variant of the instrumental strategy mentioned in fn. 6 also fails with respect to this case: if I regularly help others at significant cost to myself, then failing to help on this occasion alone would not provide conclusive evidence that I lack the end of others' good.

setters—i.e. I fail to treat their ends as worth factoring into my plans—not only when I fail to help preserve their vital needs. Because I can be indifferent to someone as an end-setter even when their vital needs are not at stake, Stohr’s account opens the door to explaining how I can be required to help the elderly man in **Supermarket**. In particular, Stohr argues that the duty of beneficence has two component duties: a “wide” duty to help others achieve their ends, and a “narrow” duty to avoid indifference to others as end-setters. The former requires us to adopt the end of helping others achieve their ends, and the latter picks out certain actions as necessary means to this end. The actions picked out as necessary are those which, if an agent failed to perform them, they would thereby be indifferent to others as end-setters.<sup>12</sup>

While I think that Stohr’s version of the instrumental strategy (unlike those of Hill and Herman) aims at capturing the right scope of actions required by imperfect duties, I don’t think that the narrow duty to avoid indifference to others as end-setters can play the role that it needs to in order to explain why I am required to help the elderly man in **Supermarket**. Consider two ways to disambiguate “indifference to others as end-setters”: my being indifferent to someone as an end-setter could consist either in my failing to treat some *particular* end of theirs as worth factoring into my plans, or in my failing to treat the fact that they are an end-setter in the first place as worth factoring into my plans. If we interpret Stohr’s view in the latter way, we indeed seem subject to a duty not to be indifferent to end-setters. If I don’t consider the fact that you are an end-setter—a fellow rational being—as worth factoring into my plans, then I fail to respect your rational agency. In doing so, I would treat you as a

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<sup>12</sup> In Stohr’s words, “What makes certain helping actions strictly required is not that they fulfill a specific duty of mutual aid to a particular needy person, but rather that refusing to perform them constitutes a failure with respect to the obligatory end of beneficence itself.” (2011, p. 57)

mere thing rather than as a person. But failing to help the elderly man in **Supermarket** is consistent with considering the fact that he is an end-setter as worth factoring into my plans. Even if I fail to help him, I could refrain from physically injuring him on the grounds that he has a moral right against my doing so. I might even help him if the situation were more dire, e.g. if he were seriously injured. If I would help him if his vital needs were at stake, I must not be indifferent to his status as an end-setter in general. So although we do seem to have a narrow duty to avoid indifference to others as end-setters in the first place, this duty is not violated in **Supermarket**.

On the other hand, according to the first interpretation of Stohr's account, we have a narrow duty to avoid being indifferent to the particular ends of others. This would involve claiming that, if I don't consider the fact that you have a certain (permissible) end as worth factoring into my plans, then I would fail to respect your rational agency. The good news for this interpretation of Stohr's account is that unlike the first interpretation, it seems to better characterize something that I would do in failing to help the elderly man in **Supermarket**: in failing to help him, I would fail to treat the fact that he has the end of, say, getting up and going about his day as worth factoring into my plans. The bad news, however, is that we don't seem to have a duty to refrain from indifference to others' ends in this sense. We are simply not required to treat all the (permissible) ends of everyone around us as worth factoring into our plans. Suppose I learn that my neighbor intends to listen to a particular album in the next few days. It does not seem that I do something impermissible if I fail to treat this end as relevant to my plans. Of course, it would be impermissible for me to break into my neighbor's apartment and pry the record from their hands. But this is not because I am required to take their end as worth factoring into my

plans; rather, this is because I am required to respect their property and bodily rights.<sup>13</sup> So Stohr's version of the instrumental strategy for accommodating actions required by imperfect duties faces a dilemma: either the duty to avoid indifference to others as end-setters doesn't apply to all actions required by imperfect duties, or else it seems not to be a duty at all.

I have not shown that any possible version of the instrumental strategy is bound to fail, and perhaps there are stronger versions of it than have been raised in the literature. But the failure of the three versions I have discussed suggests that the instrumental strategy is unlikely to provide a successful explanation of when and why particular actions are required by imperfect duties, given the indeterminist view of imperfect duties. Not all actions required by imperfect duties are necessary means to the ends required by imperfect duties.

### **3.2 Making Imperfect Duties Determinate**

Must we give up the claim that imperfect duties provide indeterminate requirements in order to explain how they can necessitate particular actions? I don't think so. In order to see how indeterminate requirements can necessitate particular actions, I suggest that we start by looking at the ways in which agents deliberate in the course of fulfilling their imperfect duties. These forms of deliberation, I will

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<sup>13</sup> One might worry that, just because I needn't *alter* my plans in light of my neighbor's end, this doesn't show that I needn't factor their end into my plans in the sense of treating it as relevant to my deliberation. But I seemingly am not even required to treat their specific end as relevant to my deliberation: all that I need to treat as relevant to my deliberation is that certain things that I might do would infringe upon their autonomy in an impermissible way. Nothing about avoiding interference with their permissible ends depends on treating any particular end they have as relevant to my own deliberation.

argue, reveal an important fact about the ways in which imperfect duties provide requirements to particular agents.

From the claim that imperfect duties provide requirements on our ends—requirements like “help those in need” and “repay favors with generosity”—one might infer that agents fulfill them by going about their lives until they find themselves in a situation in which these ends might be (partially) achieved. Seeing a person in need, I recall the standing requirement to help those in need, and either do my part to help (by giving a beggar some money, for instance), or decide that I will help another time (if I have given a lot in the recent past, for instance). If an agent does their part a sufficient amount of the time, then we count them as fulfilling their duty—they count as having the end of, say, helping those in need. On this picture, the way that agents deliberate in fulfilling their imperfect duties is relatively simple: they treat imperfect duties as standing, background requirements, where they have latitude in most particular cases with respect to whether they must act in partial fulfillment of an imperfect duty. And perhaps they also monitor the rate at which they act in partial fulfillment: if they have not helped much recently, they try to help more in the near future, and if they have helped quite a bit recently, they feel less of a need to help in the near future. Each circumstance in which they have the opportunity to act in partial fulfillment of a required end is represented as one among many such opportunities, where what matters is that agents act in partial fulfillment enough of the time.

But this simple picture does not seem to accurately capture the ways in which we actually deliberate in their fulfillment of imperfect duties. Instead, we lean heavily on rules of thumb, personal habits and preferences, and implicit guidelines to determine when and how to help. Consider someone who reads to schoolchildren every Tuesday as part of an after school program: her doing so partially

fulfills her imperfect duty of promoting others' good, but she does not treat each week as simply one opportunity among many to help. Rather, she acts on a personal policy of helping by reading to the children, a policy that helps to integrate the general duty to help into her life in a way that she finds feasible and rewarding. Or consider someone who makes an effort to give their pocket change to beggars. When people with this policy come across a particular beggar, and have some spare change to give, they typically don't deliberate simply in terms of the general end of helping those in need, and ask themselves whether to give on this occasion or not. Instead, they rely on a rule of thumb which directs them to give if they have some spare change. We regularly deliberate not simply in terms of the general ends required by imperfect duties, but in terms of personal policies that help to guide our conduct, which I will call *subordinate maxims*.

How do subordinate maxims differ from the indeterminate requirements that they support? There are two factors worth mentioning here: first, subordinate maxims are more determinate than the indeterminate requirements provided by imperfect duties. Imperfect duties require us to adopt and pursue certain ends, paradigmatically the end of others' good. These indeterminate requirements are neutral with respect to the wide variety of ways in which they might be fulfilled. Subordinate maxims, on the other hand, direct us to perform specific courses of action in certain types of circumstances. Second, and in part because subordinate maxims are more determinate than the indeterminate requirements that they help us to fulfill, we have considerable latitude with respect to the subordinate maxims that we adopt and act in accordance with. While someone might reasonably adopt and act in accordance with the subordinate maxim of reading to schoolchildren every Tuesday, others may blamelessly refrain from doing so. Accordingly, subordinate maxims are both more determinate than



the indeterminate requirements provided by imperfect duties and involve latitude in which maxims agents choose to adopt and act in accordance with. At least in terms of how we deliberate concerning imperfect duties, there are two distinct levels of requirement: one indeterminate concerning ends, and one determinate concerning actions.

It's important to look more closely at why we deliberate in terms of subordinate maxims in the course of fulfilling our imperfect duties. One reason is that subordinate maxims enable us to organize our efforts in ways that make them likelier to succeed. If I rely on a vague plan to sometimes help those in need, "sometimes" may quickly become "hardly ever." If I instead adopt a personal policy to, for instance, volunteer at a soup kitchen every Saturday, then I am much less likely to forget or otherwise fail to help others in the way that imperfect duties require of me. Now, if this were the only reason to deliberate in terms of subordinate maxims, then they would be little more than helpful tools, ways in which we attempt to manage our shortcomings as finite moral agents subject to limitations on our cognitive faculties. But I think that there is another, more important reason to rely on subordinate maxims, a reason provided by subordinate maxims' rational relation to the indeterminate requirements that they help us to fulfill. In particular, subordinate maxims serve to *specify* or *determine* the content of the indeterminate requirements provided by imperfect duties. They are determinate principles relative to indeterminate requirements, such that acting in accordance with these subordinate maxims partially constitutes pursuing the ends required by imperfect duties. Rather than mere tools for

managing our limitations—tools the value of which derives from our pursuit of required ends—they are principles that are justified by the fact that they are themselves ways of pursuing required ends.<sup>14</sup>

To illustrate, consider the relation in Kant’s theory of justice between the provisional property rights enjoyed by all in the state of nature and the property rights supplied by a particular property convention.<sup>15</sup> Kant holds that property rights are merely provisional in the state of nature. He thinks that we have an innate right to freedom, a natural right to form ends and choose actions independently from the influence of the will of others, and limited only by the fact that others have this innate right to freedom as well. The innate right to freedom implies the existence of other “private” rights, including property rights. But in the state of nature, these rights are merely provisional, since they involve certain defects or problems. For our purposes, the most important problem facing property rights in the state of nature lies in the fact that the extent and character of any particular property right, including what it makes others obligated to do, remains indeterminate. This is known as the *indeterminacy problem* for property rights in the state of nature. Kant argues that the indeterminacy facing property rights (together with the other problems) in the state of nature justify the formation of political institutions to resolve them, and in particular, justify the formation of the state. Without political institutions to resolve these problems, agents are not merely *unlikely* to act in ways that respect others’ provisional property rights, but are *incapable* of doing so, and so are incapable of rightful conduct. That is, the possibility of rightful

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<sup>14</sup> For an influential account of what it means for one norm to specify another, as well as an argument that specifying norms enables us to resolve concrete ethical problems, see Richardson (1990), especially pp. 295-300.

<sup>15</sup> In the following discussion of Kant’s account of property rights, I mean only to illustrate the way in which one type of principle can specify or determine another, and not to suggest that the plausibility of my view of subordinate maxims depends on the success of Kant’s account of property rights.

conduct in this domain requires the formation of political institutions to resolve each problem facing property rights in the state of nature.

The indeterminacy problem is a defect in property rights in the state of nature arising from the lack of determinate boundaries to our property rights, boundaries determining what aspects of my property are protected and what I can rightfully prevent you from doing with respect to my property. For instance, are you allowed to set up a fan on your land that will blow over the daffodils I have planted on my land? Or to tear down a dam on your land, suddenly releasing a flood that will destroy the crops on my land? Or to take down a garage on your land that was providing the shade needed for me to grow porcini mushrooms on my land?<sup>16</sup> The problem is not just that you and I are liable to disagree about the answers to these questions despite our mutual acknowledgement that my land is my property and your land is yours. The problem is that in the state of nature, these questions have no answers whatsoever. My property right to my land is indeterminate, and for that reason, merely provisional. In order for the state to resolve the indeterminacy problem, it must issue determinate rules governing the nature of property rights among its subjects. These rules are, importantly, adopted on the basis of the innate right to freedom—they are enacted in order to preserve everyone’s innate right to freedom and the private rights that it generates—but do not follow deductively from the innate right to freedom. They must be more determinate than the innate right to freedom in order to resolve the kinds of indeterminacy described above.

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<sup>16</sup> The first two examples are from Pallikkathayil (2017); the third is from Ripstein (2009). Note that Pallikkathayil has a more extensive view of the nature and impact of the indeterminacy problem for property rights in the state of nature.

On Kant's view, the determinate property rules issued by the state specify the content of the provisional property rights in the state of nature. They are not mere tools or heuristics that give us a better chance of succeeding at respecting one another's property rights; instead, they serve to establish exactly what such property rights require of us. And they are able to do so in virtue of being both (1) more determinate than the provisional property rights that they specify, and (2) adopted on the basis of such provisional property rights. I think that subordinate maxims play a similar role with respect to the indeterminate requirements provided by imperfect duties: because they are more determinate than, and adopted on the basis of, such indeterminate requirements, they are capable of serving to establish exactly what imperfect duties require of us. The indeterminate requirements of imperfect duties are made determinate by agents' adopting and acting in accordance with subordinate maxims on their basis.

Nevertheless, subordinate maxims and determinate property rules are not in every way analogous: determinate property rules make it possible for different agents to respect one another's rights, and because imperfect duties lie outside the domain of the juridical, this cannot be the aim of subordinate maxims. What aim or interest is served by subordinate maxims' ability to specify the content of imperfect duties' indeterminate requirements? The answer lies in what would be missing without indeterminate requirements. It is conceivable that someone with impeccable, phronetic moral judgment would, even without the aid of subordinate maxims, help others (and express gratitude to them, apologize to them, etc.) in all the cases in which an appropriate set of subordinate maxims would direct them to do so. But even with such an agent, without determinate requirements on the basis of subordinate maxims, the others who they help would lack claims to their help. Such a phronetic agent

still would not owe it to those that they help to do so.<sup>17</sup> Without indeterminate requirements, made possible by agents' adoption of subordinate maxims, being in a state of need would make one unilaterally dependent on others in order to achieve one's ends. The aim or function of subordinate maxims is to generate determinate requirements that prevent being in need of aid—a state that, as finite agents, we all encounter—from making one unilaterally dependent on others. The point of having subordinate maxims that generate determinate requirements, specifying the content of imperfect duties' indeterminate requirements, is to protect us from becoming dependent on others in this way.

Turn back to the example of the subordinate maxim of reading to schoolchildren every Tuesday. Here is why it counts as specifying the content of the indeterminate requirement to adopt and pursue the end of others' good. First, it is more determinate than this indeterminate requirement: it concerns a particular set of individuals whose good is to be advanced, and a particular way in which their good is to be advanced. Second, it is justified by its relation to the indeterminate requirement: the fact that we are required to adopt and pursue the end of others' good explains the goodness of reading to schoolchildren every Tuesday. And finally, adopting and acting in accordance with this subordinate maxim partially constitutes fulfilling the indeterminate requirement: reading to schoolchildren every Tuesday partially constitutes adopting and pursuing the end of others' good. Accordingly, the subordinate maxim of reading to schoolchildren every Tuesday specifies the content of the imperfect duty of beneficence. In this context, the imperfect duty of beneficence appears to have two levels of structure: an indeterminate

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<sup>17</sup> I provide more detail in 3.3 concerning the significance of others' *claims* to our aid, and to our *owing* it to them to act in accordance with our subordinate maxims.

requirement that the individual adopt and pursue the end of others' good, and a determinate principle that directs her to read to the schoolchildren every Tuesday.

Now, if appealing to the sense in which subordinate maxims specify the content of imperfect duties is to explain how imperfect duties can *necessitate* particular actions, then subordinate maxims must be capable of *requiring* things of us, beyond what is required of us by indeterminate requirements. And it may seem that subordinate maxims are simply not capable of affecting what we are required to do. After all, agents have latitude concerning which subordinate maxims they adopt. Why, then, should we think that subordinate maxims not only help guide our conduct in the fulfillment of imperfect duties, but actually have an effect on how we are required to act? My answer will consist of two steps: I will first give a preliminary case for thinking that agents can sometimes be required to act in accordance with subordinate maxims, and I will then argue for a view of the conditions under which (and explanation of why, in such cases) agents are required to do so. I will provide the first step in the remainder of this section, and will provide the second in the next section.<sup>18</sup>

My preliminary case for the claim that agents can sometimes be required to act in accordance with subordinate maxims starts by turning back to the ways in which agents deliberate about how to fulfill their imperfect duties. I above noted that we regularly deliberate not just (and perhaps not often) in terms of indeterminate requirements on ends, but also (and perhaps primarily) in terms of

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<sup>18</sup> A worry suggests itself here: in some earlier cases, such as **Car Accident** and **Supermarket**, it cannot be true that the reason why the agents are required to help is because of the subordinate maxims that they have adopted and pursued, since no mention is made in the examples of what subordinate maxims they have. In such cases, *anyone* would be required to help. I address this worry in 3.3 below: roughly, I argue that agents can be required to act in accordance with some subordinate maxim even when they have not adopted it just in case adopting it is necessary in order to have some required end.

subordinate maxims that direct our conduct in more determinate ways. But agents often don't just treat their subordinate maxims in their deliberation as *pro tanto* considerations to be weighed against others—often, they treat them as presumptively *decisive* concerning how to act. That is, subordinate maxims often play the role of *prima facie* requirements in agents' deliberation concerning how to fulfill their imperfect duties.<sup>19</sup> Consider again the case of an agent who adopts the maxim 'read to the children at School X every Tuesday.' Suppose that, one week, when it's time to gather her things and head to the school, she simply doesn't feel like going. "I read to the kids *every* week, and today I'd just rather sit around the house," she might think to herself. But despite the temptation to stay home, she may also feel the pull of duty: "Nonetheless, the kids are depending on me—if I don't go read to them, then nobody else will." Especially if she has made her weekly trips an important part of her life, and if she has come to know and care for the schoolchildren, she might plausibly treat acting in accordance with her subordinate maxim on any given occasion not just as something *good* to do, but as something *required* of her.<sup>20,21</sup>

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<sup>19</sup> In some of her more recent work on imperfect duties, Herman argues for a similar view. First, she argues that agents have latitude concerning how to incorporate the dictates of imperfect duties into their lives: imperfect duties "allow an agent some say about how the duty will figure in her life. One may decide to have nothing to do with large public charities; or commit to working in one's neighborhood; or volunteer for an international relief organization." And second, she argues that within any particular way in which an agent incorporates an imperfect duty into their life, the relevant considerations present themselves as requirements: "It is like joining the fire brigade: you do not have to do it, though you may feel you must; but once you are there, the rest is straight obligation." Cf. Herman (2007, p. 297), and her development of this view in her (2021).

<sup>20</sup> Of course, it's not as though all agents treat all their subordinate maxims this way in all circumstances. My point is that it's not unfamiliar or rare for agents to treat a variety of their subordinate maxims as providing *prima facie* requirements, rather than *pro tanto* considerations.

<sup>21</sup> Though I reserve the task of providing an account of the conditions under which agents are required to act in accordance with a subordinate maxim for the next section, I want to preempt one worry at this stage. In particular, one might think that this agent is required to read to the schoolchildren on a given occasion not in virtue of her subordinate maxim, and in fact not in virtue of any imperfect duty at all. Rather, one might think that she is required to do so because she has led the schoolchildren to rely on her doing so, and she is required to follow through in virtue of the (perfect) duty not to frustrate others' reasonable reliance on us.

It is not uncommon for agents to treat their subordinate maxims as providing them with requirements—to feel the pull of duty on the basis of one’s subordinate maxims. Insofar as we look favorably upon such agents, we might think that the existence of such agents indicates that subordinate maxims sometimes provide requirements. But one might worry that such agents do not accurately represent the moral landscape when they do so; rather, one might think, they display a form of praiseworthy but unnecessary rigorism in overstating to themselves how much is required of them. If this is so, then the praiseworthiness of the after-school reader would lie not in doing something morally required, but in admirably seeing themselves as required to help when they really are not. In general, we are not prepared to endorse all such feelings of requirement, praiseworthy though they might be: a soldier might dive on a grenade to save his fellow troops out of a sense of obligation, but we wouldn’t blame him for refraining from doing so in order to avoid certain death. Part of why we would think of the soldier as courageous is because he sees himself as subject to a requirement where others would not.

But need we think of all agents who treat their subordinate maxims as providing them with requirements on the model of the soldier? That is, must it be the case that every agent who thinks of themselves as morally obligated by some subordinate maxim represents the moral landscape in a

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But I do not think that the duty not to frustrate others’ reasonable reliance on us is triggered in this case. Here is why: the duty not to frustrate others’ reliance on us requires us to prevent others’ incurring losses through their reliance on us, where failing to provide an expected benefit cannot count among the relevant losses. For if, in the context of this duty, the relevant losses were to include an agent’s failure to provide an expected benefit, then we would be required to follow through on providing benefits *whenever* others reasonably expected us to do so, which is false. In the case of reading to the schoolchildren, the children seem to suffer no relevant losses if the agent fails to read to them on a given occasion (in a sense that would not be true if the children incur opportunity costs by relying on her, such as missing the opportunity to go on a field trip to an exciting museum). Because she might reasonably feel required to read to the children even if the children would not incur any relevant losses from her failing to do so, the reasonability of her feeling required to read cannot derive from the duty not to frustrate the children’s reliance on her.



praiseworthy but ultimately inaccurate way? Consider two models of the considerations involved in the cases of the after-school reader and the soldier. According to the first, neither is subject to any requirement: the children's' educational enrichment and the soldier's compatriots' lives make either's aid meritorious without being required. On this model, although both the reader and the soldier manifest a kind of virtue in overestimating the extent of what they're required to do, they are ultimately wrong about the shape of the moral landscape.

This first model, however, is not the only one available, and seems unable to account for the intuitive difference between the two cases. According to a second model, both the reader and the soldier are subject to prima facie requirements in virtue of their subordinate maxims.<sup>22</sup> This model, unlike the first, allows us to distinguish between the deontic status of reading to the schoolchildren and diving on the grenade: while the reader is both prima facie and all-things-considered required to go and read to the schoolchildren, the soldier's prima facie requirement is defeated by the fact that his life is at stake. Nevertheless, the soldier does not even treat the fact that his own life is at stake as sufficient to defeat his prima facie requirement. The second model, on which both the after-school reader and the soldier have prima facie requirements to act in accordance with their subordinate maxims is better able to distinguish between the two cases than the first. And further, it allows us to say that the soldier's courage lies not in

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<sup>22</sup> One might worry that if the soldier has been socially pressured to adopt a subordinate maxim of, say, putting the needs of his troop unit above those of his own, this might provide an explanation for his feeling obligated in a way that is absent from the case of the after-school reader. But we can ignore this worry by supposing that in his case, there is no social pressure to adopt such a subordinate maxim: imagine that the norms at issue in the soldier's unit and relevant military codes of conduct do not require soldiers to sacrifice themselves in this way.

One might also worry that the example of the soldier introduces considerations from the juridical domain in a way that distorts the ways in which various maxims might interact with moral requirements. But we can keep the same structure of the case while removing it from the juridical domain: consider someone who puts themselves in an uncomfortable social situation so that others will not have to.

his mistakenly seeing an obligation where none ever existed, but instead in his relative weighting of the importance of his life and others' lives in determining whether his prima facie requirement is defeated. The virtues of this second model, then, suggest that agents are at least sometimes required to act in accordance with their subordinate maxims.

### 3.3 How Subordinate Maxims Require

Nonetheless, we are not always required to act in accordance with our subordinate maxims. Suppose that I have a subordinate maxim that directs me to donate to OXFAM every month, and I encounter a volunteer who tells me about the important work done by the Red Cross and their current state of need. It seems that I would be permitted to switch to a subordinate maxim that directs me to donate to the Red Cross, rather than OXFAM. So agents are not always required to act in accordance with their subordinate maxims. When, and in virtue of what, do subordinate maxims have morally requiring force?

Recall some of the cases in which it seems that imperfect duties provide requirements on agents' action. In one, someone comes across a man who has been in a car accident; in another, someone comes across a man who has fallen over in a supermarket; in a third, someone reads to children after school and considers skipping her weekly visit. In all three cases, it seems, imperfect duties necessitate particular actions. But there is a further common feature of these cases, one that I think provides a suggestion as to why imperfect duties provide requirements in these cases: namely, in all three cases, if the agents fail to act as they are required, they would not only act *wrongfully* but would also *wrong* someone. That is,

they are not only required to act; they *owe it* to someone in particular (or to a particular set of individuals) to do so.<sup>23</sup> I think that it is no accident that in all three cases, agents owe it to others to act in accordance with imperfect duty. I think that agents are required to act in accordance with their subordinate maxims just in case they owe it to someone (or to some set of individuals) to do so.

I'll first argue that an agent's owing it to someone to act in accordance with a subordinate maxim is sufficient for their being required to do so, and will turn afterwards to an argument for why the former is necessary for the latter. The case for sufficiency is relatively straightforward: the claim that X owes it to Y that X *phi* plausibly entails the claim that X is required to *phi*, since owing it to someone to *phi* is one species of being required to *phi*. Now, one might worry that this entailment is invalidated by the fact that directed duties (duties the violation of which would wrong someone) are defeasible by other moral considerations, as well as by the existence of moral dilemmas. As an example of the former, consider a case of promissory obligation: I promise you to pick you up at the airport, and I would wrong you by failing to do so. But if, on my way, I am interrupted by an emergency and e.g. have to perform emergency CPR to save someone's life, I am not required to pick you up at the airport. As an example of the latter, consider two incompatible promises: I promise you to pick you up at the airport, and promise someone else to attend their art show, not realizing that you arrive during the show. Assuming that this case is a moral dilemma, I would not be required to pick you up at the airport despite owing it

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<sup>23</sup> Some may have lingering doubts about whether the agents in all three cases are truly required to act in accordance with imperfect duty. I do not mean to rest my argument on intuitions about any particular case. The point that matters for me here is that in at least some cases, imperfect duties necessitate particular actions, and that when they do, agents owe it to particular individuals to act as they are required.

to you to do so. Such cases, one might think, show that we cannot infer that X is required to *phi* from the fact that X owes it to Y that X *phi*.

But the sense in which I am not required to keep my promise to you in these examples is different from the sense in which agents are sometimes required to act in accordance with their subordinate maxims. The examples in the above paragraph show that because directed duties are defeasible and subject to moral dilemmas, the fact that X owes it to Y that X *phi* does not entail that X is *all things considered* required to *phi*. But this is consistent with the claim that an agent's owing it to someone to act in accordance with a subordinate maxim is sufficient for their being required to do so, since the sense of "required" at issue in the context of subordinate maxims is merely that of *prima facie* requirement. Accordingly, they do not invalidate the inference, in the sense of "requirement" at issue, from the fact that X owes it to Y that X *phi* to the fact that X is required to *phi*.

The case for necessity—for the claim that agents are required to act in accordance with their subordinate maxims only if they owe it to someone in particular to do so—is a bit more complicated. Roughly, my argument will go by way of claiming that imperfect duties can require us to have the end of others' good in two, importantly different ways. And imperfect duties necessitate particular actions only when they require us to have the end of others' good in one specific way.

Recall the sense in which imperfect duties provide indeterminate requirements: they require us to have certain ends, rather than to perform particular actions. While various imperfect duties may require somewhat different ends of us (e.g. that others' needs are met for duties of aid, or that others' benefits to us are appreciated and recognized for duties of gratitude), they generally fall into the sphere of beneficence—of promoting one another's good. As a result, imperfect duties require us to have a

form of good will toward others, where others' ends play a particular role in our deliberation: they require us to have as an end of our own that others are able to achieve their ends. But notice that there is an important ambiguity between two ways my helping someone might demonstrate that I have the end of others' good: it might demonstrate that I care about the ability of people *in general* to achieve their ends, or it might demonstrate that I care about the ability of the person I help *in particular* to achieve their ends. As an example of the former, consider donating a portion of one's income to OXFAM. When I donate to a charity, this partially constitutes having and pursuing the end of helping others to achieve their ends. But it doesn't show that I care about any *particular* person's ability to achieve their ends. My donation doesn't demonstrate that any particular person occupies a distinctive role in my deliberation as someone whose ends are to be achieved—instead, it partially demonstrates that others in general occupy the role in my deliberation of being those whose good is to be promoted.

By contrast, consider the case in which an agent reads to the schoolchildren every Tuesday. When she reads to the schoolchildren—especially in the face of inclination pulling toward staying home—she demonstrates not only that she cares about the ability of people in general to achieve their ends, but cares in particular about the schoolchildren. The children don't merely provide an occasion for her demonstration of good will to others in general, but represent agents to whom her good will is directed. While both types of good will concern others, only the second is directed toward other individuals in particular. I will refer to these as *impersonal* and *personal* good will, respectively.

Now, the distinction between personal and impersonal good will not only marks a difference between two ways in which an action can partially fulfill an imperfect duty, but also a difference between two ways in which imperfect duties require us to pursue one another's good. In general, the

kind of good will that imperfect duties require us to express to one another is impersonal good will: we are required to help others, rescue others, express gratitude to others, etc. to a sufficient degree that we count as having and pursuing the relevant required ends. But imperfect duties also sometimes require us to express personal good will to particular individuals. In **Car Accident**, for instance, our duty to help others directs us not only to express good will to others in general, but specifically to the victim of the accident. It is the fact that imperfect duties can require us to express directed good will to specific individuals that makes it possible to wrong others by failing to help. If imperfect duties only ever required us to deliberate in terms of promoting the good of others in general, then we would have little way of explaining why particular individuals can have privileged claims on our help.<sup>24</sup> In such cases, our imperfect duties require us to pursue the end of a specific individual's good, and not just the good of others in general.

Return to the question of the relation between an agent's being required to act in accordance with a subordinate maxim and an agent's wronging someone by failing to do so. Here is why the former depends on the latter: (1) an agent would wrong someone by failing to do so only if an imperfect duty requires them to express personal good will to them, and (2) agents are not required to act in accordance with subordinate maxims (in particular cases) when their imperfect duties only require them to express impersonal good will. I argued for (1) in the previous paragraph. Why think that (2) is true? The answer is that (2) is true for the same reason that the instrumental strategy fails. The instrumental strategy fails because not all cases in which an imperfect duty necessitates some particular action are cases in which

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<sup>24</sup> That is, given that the instrumental strategy fails.

the relevant action is a necessary means to a required end. And more specifically, in such cases, so long as the agent acts in accordance with the imperfect duty enough in other cases, they can still count as having and pursuing the required end. Similarly, so long as an agent acts in accordance with some subordinate maxims enough in other cases (or in accordance with other subordinate maxims enough in other cases), they can still count as having and pursuing the required end. It is when an imperfect duty requires that we express personal good will to someone in particular that we would wrong them by failing to act in accordance with our subordinate maxim, and in exactly these cases that agents are required to act in accordance with their subordinate maxims.

According to the view that I am proposing, the requirements of imperfect duties are made determinate by agents' adopting and acting in accordance with subordinate maxims, and agents are morally required to act in accordance with their subordinate maxims when failing to do so would wrong someone.<sup>25</sup> In the remainder of this section, I will consider two objections to this view, both concerning the relation between subordinate maxims and cases in which we owe it to others to act in accordance

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<sup>25</sup> There is a further question here that, while important, I remain neutral on here: namely, when would an agent's failing to act in accordance with some subordinate maxim wrong someone? I think there are a variety of plausible answers to this question, and leave a fuller investigation for another occasion. But I will briefly sketch one answer: an agent's failing to act in accordance with some subordinate maxim would wrong someone just in case the latter (1) reasonably expects the agent to act in accordance with the subordinate maxim (either because the former leads the latter to expect their doing so, or because of a generally accepted social norm that specifies such an expectation to be reasonable), and (2) would be the beneficiary of the agent's acting in accordance with the subordinate maxim. This view would tie the idea of being required to act on our subordinate maxims—and thus being required to act in accordance with our imperfect duties—to an interest in being able to rely on others to help achieve our ends, without making the connection so tight as to require us to always help others achieve their ends. Note that this view is different from the claim discussed in fn. 21 that we can interpret cases of determinate requirements to help others as stemming from the duty not to frustrate others' reasonable reliance on us: this view (1) does not appeal to a distinct perfect duty, (2) does not depend on protecting claimants against losses incurred due to their reliance, and (3) restricts claimants to the beneficiaries of an agent's acting in accordance with a subordinate maxim, where those whose reliance can trigger the duty discussed in fn. 21 need not be beneficiaries of the agent's action in this way.

with our imperfect duties. First, it may seem that if I am right about the connection between cases in which imperfect duties necessitate particular actions and cases in which failure to act in accordance with one's imperfect duty would wrong someone, then the idea of subordinate maxims plays little role in explaining how the requirements of imperfect duties can be made determinate. Second, even if my account is correct, it may seem poorly suited to explain why agents are required to act in accordance with their imperfect duties in cases like **Car Accident** and **Supermarket**, in which *any* agent, regardless of what set of subordinate maxims they have, is required to come to others' aid.

The first objection concerns the role of subordinate maxims in my account. I argued above that agents' adopting and acting in accordance with subordinate maxims plays a crucial role in making the requirements of imperfect duties sufficiently determinate to necessitate particular actions. And I then argued that agents are required to act in accordance with one of their subordinate maxims just in case failing to do so would wrong someone. But it may seem that there is a simpler view that can provide just as good an explanation of how imperfect duties can necessitate particular actions, one that avoids appealing to subordinate maxims at all: namely, the view that agents are required to act in accordance with an imperfect duty just in case failing to do so would wrong someone. This view would still keep the two-level account of the structure of imperfect duties, and simply dispense with part of my account of the relation between the two levels.<sup>26</sup> Essentially, this view would take a more direct route to a view

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<sup>26</sup> Ignneski (2006) argues for a similar view. She claims that we have both perfect and imperfect duties to aid, and it is when a situation is "morally determinate" that we are subject not only to the imperfect duty to adopt and pursue the end of others' good, but also a perfect duty to provide aid to some individual in particular. This view faces a problem in explaining what makes a situation "morally determinate" without appealing to facts (such as that one individual would wrong another by failing to help) that the view is supposed to explain. Similarly, Hanser (2014) argues for another similar view, claiming that we have first-order justifying reasons to help individuals, and that imperfect duties provide second-order requirements to act on our first-order reasons enough of the time. According to this view, we are required to act on some first-order reason when doing so is



that is extensionally equivalent to the view that I argued for, while getting rid of the added complexity surrounding the idea of subordinate maxims. For if agents are required to act in accordance with one of their subordinate maxims just in case failing to do so would wrong someone, and are not required to act in accordance with an imperfect duty except through being required to act in accordance with one of their subordinate maxims, then agents are required to act in accordance with an imperfect duty just in case failing to do so would wrong someone. Why, then, think that subordinate maxims have any role in this explanation?

I'll call this alternative type of view the "bare two-level view." There are two reasons why such a view, which keeps the two-level structure of imperfect duties but dispenses with the role for subordinate maxims, is inadequate. First, the bare two-level view will have difficulty why some determinate requirement applies in a given case, and will thus provide a less unified account of how imperfect duties can require agents to perform particular actions. Without some explanation for how imperfect duties' indeterminate requirements are explanatorily linked to their determinate requirements, this view is left simply with the claim that agents are sometimes subject to determinate requirements. This is surely true, but says little about what sorts of circumstances will trigger determinate requirements. By contrast, my view provides an explanation of when and why an agent is morally required to act in accordance with a determinate requirement, and so provides a more explanatorily unified account of the relevant cases. Still, comparing accounts in terms of explanatory unity is slippery, and advocates of the bare two-level view may have ways of redescribing the structure of their view so that it appears more unified.

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required for "doing our share" of responding to our first-order reasons. As with Ignieski's view, Hanser's view faces a problem in explaining why helping some individual is required for "doing our share" without appealing to facts that the view is supposed to explain.

Regardless of this point about relative explanatory unity, though, the bare two-level view faces a more troubling problem: it is unable to explain cases like that of reading to the schoolchildren. The relevant feature of such cases is that not all agents in similar circumstances are required to help, and even the agent in question would not have been required to help had they adopted different subordinate maxims. Because not all agents in similar circumstances are required to help, the fact that the agent is required to help cannot be explained by features of the agent's situation. But this is exactly what is required by the bare two-level view: this view holds that agents are subject to indeterminate requirements, and in some circumstances, agents are subject to determinate requirements such that failing to act in accordance with such determinate requirements would wrong someone. But as we can see from cases such as that of reading to the schoolchildren, whether an agent is subject to such a determinate requirement is not simply a function of their circumstances. It is also a function of their adoption and pursuit of certain subordinate maxims, as well as others' expectations concerning their acting in accordance with their subordinate maxims in particular cases. Subordinate maxims thus have a central role in explaining when and why agents are required to act in accordance with imperfect duties.

The second objection concerns whether my account can, in fact, explain why agents are required to act in cases like **Car Accident** and **Supermarket**. I argued that in both cases, agents are required to help. But the details of neither case specify what, if any, subordinate maxims the agents in question have. So it may seem that my account, in virtue of explaining when agents are required to act in accordance with imperfect duties in terms of their being required to act in accordance with their subordinate maxims, can provide little help in these cases. Wouldn't an agent who has *no* subordinate maxim

directing them to help still be required to help? Surely we cannot avoid our imperfect duties by refraining from adopting subordinate maxims.

This objection does succeed against my view as I have so far stated it, since I have claimed that an agent is required to act in accordance with an imperfect duty just in case they are required to act in accordance with maxim subordinate to that duty, and they are required to act in accordance with a subordinate maxim just in case failing to do so would wrong someone. But we can modify the view in a plausible way that defends it against this objection. Specifically, consider an agent who, in the context of **Car Accident**, has no subordinate maxim that directs them to help the elderly man. The imperfect duty of beneficence requires us to adopt and pursue the end of others' happiness, or others' ability to achieve their ends. Plausibly, although we in general have considerable latitude in determining which subordinate maxims to adopt and pursue, there are some maxims without which we simply would not count as having the end of others' ability to achieve their ends.<sup>27</sup> And one such maxim, it seems, is a maxim roughly like 'I will help in cases like **Car Accident** in order to promote others' happiness.' In cases like **Car Accident**, failing to help (absent special justification) shows that one does not have some relevant maxim that directs one to help, and thus that one has failed to meet the demands of an imperfect duty's indeterminate requirement to adopt and pursue a required end. Here, then, is the relation between subordinate maxims and determinate requirements in such cases: if an indeterminate

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<sup>27</sup> We can distinguish between two forms that this view may take. On one, conventional expectations concerning forms of help would play a central role: given the conventional expectations within some community concerning when to help, an individual in that community cannot count as having the end of others' happiness without having maxim *m*. On another, we needn't appeal to conventional expectations: there are simply certain maxims, including *m*, such that one cannot count as having the end of others' happiness without having these maxims. While I think the former view is more plausible, since it will have an easier time explaining why certain maxims are required to have the relevant ends, I want to remain agnostic here on the question of which view is preferable.

requirement demands that the agent adopts some maxim *m* that directs them to *phi* in circumstances relevantly similar to *c*, then they are required to *phi* in *c*. In such cases, then, the source of the determinate requirement is not any particular subordinate maxim that an agent actually has, but rather the fact that the agent ought to have some subordinate maxim *m* that would direct them to act.

In light of cases like **Car Accident** and **Supermarket**, we must add a second way in which agents can be subject to determinate requirements on the basis of imperfect duties. But rather than retreating from the centrality of subordinate maxims, this modification underscores their role in mediating between the indeterminate and determinate requirements provided by imperfect duties. An agent is required to act in accordance with an imperfect duty by *phi*-ing just in case either (1) they would wrong someone by failing to act in accordance with a subordinate maxim that they actually have, and which directs them to *phi*, or (2) they are required to adopt some subordinate maxim *m* that would direct them to *phi*. In both cases, subordinate maxims that the agent must have or actually has play a crucial role in explaining the source of an agent's determinate requirement, and so in explaining why they must perform some particular action.

This view of imperfect duties allows us to explain when and why imperfect duties require agents to perform particular actions despite the latitude we have in fulfilling them. Imperfect duties are fulfilled only through adopting and acting in accordance with subordinate maxims that make their content determinate. According to this view, much of the action of imperfect duties happens at the level of our subordinate maxims—it is these maxims that trigger determinate requirements, but it is also these maxims that are the site of the latitude involved in fulfilling imperfect duties. This latitude has often been misconstrued as a kind of liberty to act or refrain as one pleases, so long as one generally does

enough. According to my view, this is false. The latitude involved in fulfilling imperfect duties is latitude to determine how we will help (how we will express gratitude, how we will apologize, etc.), not whether to do so in any given case. This view helps us to make sense of the distinctiveness of imperfect duties while also rendering their structure intelligible.

## 4.0 Gratitude for What We are Owed

Gratitude occupies a central place in our moral landscape. We tend to feel gratitude when others benefit us out of good will, and we tend to express gratitude to others out of our recognition and appreciation of such good will. In playing this role, Strawson claims in “Freedom and Resentment,” gratitude stands opposed to the reactive attitude of resentment, which we feel in response to displays of ill will.<sup>1</sup> But many hold that gratitude and resentment stand opposed to one another not just in relation to good and ill will, but also in their relation to the demands of morality. Concerning resentment, many hold that *X* is warranted in resenting *Y* only if *Y* wrongs *X*, i.e. if *Y* treats *X* in a way that *Y* owes it to *X* not to treat them.<sup>2</sup> And further, many philosophers hold that gratitude likewise has an important connection to what we owe to each other: *X* never owes *Y* gratitude for *Y*’s treating *X* in a way that *Y* owes it to *X* to treat them.<sup>3</sup> I will call this latter claim the Orthodox Thesis. These two claims about the relationship between gratitude, resentment, and what we owe to each other jointly characterize a conception of the role of good and ill will in interpersonal morality: ill will is displayed in someone’s failing to live up to the demands of morality in their treatment of us, while good will is displayed in someone’s going above and beyond the demands of morality in their treatment of us.

In the main part of this paper, I argue that the Orthodox Thesis is false—or, at least, that its scope must be restricted if it is to be plausibly maintained. That is, I argue that we sometimes owe others

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<sup>1</sup> Strawson (1974).

<sup>2</sup> See, for instance, Wallace (1994) and Darwall (2009).

<sup>3</sup> See Camenisch (1981), Lyons (1969), Weiss (1985), Feinberg (1970), and most recently, Macnamara (2019).

gratitude for their treating us in ways that we are morally owed, or, equivalently, for their treating us in ways that we have a claim to.<sup>4</sup> I begin by presenting a range of cases that, I claim, intuitively have two features: (1) one agent treats another in a way that the first owes it to the second to treat them; and (2) the second agent owes the first gratitude in response. By virtue of having these two features, these cases represent counterexamples to the Orthodox Thesis.

I then argue that these cases have a further feature in common: part of what the duties in question require of an agent, in context, is to act in such a way that they display a kind of good will to a second, and specifically, to act in such a way that they treat the second as an end in themselves, taking the ends of the second as ends of their own. And it is this feature—that the agent acts on a duty that requires them to display good will to another agent—that explains why the second agent owes the first gratitude in response: the first displays good will of the kind that triggers a duty of gratitude. Some moral duties—including certain duties of beneficence, gratitude, and apology—require us to act in ways that display precisely this kind of good will to others. While the Orthodox Thesis may be true when restricted to other duties—in particular, when limited to juridical duties—it is false when asserted in full generality, due to the existence of duties that require us to express good will to one another.

I then address two objections to my argument. The first appeals to the central premise in an argument commonly given in favor of the Orthodox Thesis, which claims that feeling gratitude involves representing what one is grateful for as something to which one was not normatively entitled. If this

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<sup>4</sup> Some philosophers, such as Macnamara (2019), put this view in terms of owing others gratitude for their respecting our “rights.” I will avoid the term “right” due to complications concerning the relation between rights and enforceability, and instead use “claim” as the theory-neutral correlate to directed obligation. See McConnell (2017) for a different argument against the Orthodox Thesis.

premise were true, then the purported counterexamples to the Orthodox Thesis would involve morality requiring agents to represent the moral landscape incorrectly, or requiring agents to ignore the fact that in these cases, they are treated in ways that they are owed. But I argue that we can explain both the intuitive appeal of the claim that feeling gratitude involves representing what one is grateful for as something to which one was not normatively entitled, as well as why this claim is false. My account does not imply that agents are required to represent the moral landscape incorrectly in feeling grateful.

The second objection points out an apparent *reductio* of my view: if some moral duties require us to treat others in ways that trigger duties of gratitude for them, and if (as I argue along the way) some duties of gratitude fall into this class of moral duties that work in this way, then individuals can become mired in indefinitely extended cycles of duties of gratitude, where one agent's fulfillment of a duty of gratitude triggers a duty of gratitude on the other's part, and so on. Morality, it may seem, cannot require us to enter—much less stay in—such cycles of obligatory gratitude. But I argue that this is no *reductio*, and that morality not only can, but often does enter us into this type of reciprocal cycle of gratitude. This type of gratitude cycle, I argue, is characteristic of the formation and continuation of personal relationships, relationships that often demand more of us from the point of view of morality than “one-off” interactions between strangers do.

In the final part of the paper, I draw a lesson concerning the place of duties of good will in our moral lives. These duties are in some ways difficult to categorize, since they appear to fit comfortably into neither side of the distinction between juridical and ethical duties. But I argue that we can make sense of their role by looking more closely at the type of interest that they are designed to protect, and so by looking at their characteristic aim. Specifically, I argue that they aim to allow us to live in



community with others by sharing social ties that are partially constituted by shared expectations concerning when and how to help one another. Duties of good will protect our ability to do so by preventing the kinds of actions that express good will to others from making us unilaterally dependent on others.

#### 4.1 Gratitude and Obligation

In this section I will provide a series of cases that, I argue, are counterexamples to the Orthodox Thesis. Each case has two features: (1) one agent treats another in a way that the first owes it to the second to treat them; and (2) the second agent owes the first gratitude in response. In the following section, I will look more closely at what unifies these cases. But first, I will provide the series of cases, arguing that each has features (1) and (2).

**Supermarket:** Y is in line for the cashier at the supermarket, and while walking up to the cashier, Y trips and drops the items that they were carrying. X is standing behind Y in line, and notices that Y will have a difficult time trying to pick up the cans themselves. Holding only one item themselves, X picks up the cans and helpfully places them next to Y.

**Beach Rescue:** Y is swimming in the ocean and gets caught in a riptide, and begins to struggle to stay afloat after fighting against the current. X is nearby on a small boat, and is trained in water rescue. X notices Y's peril and jumps into the water. X reaches Y before they drown, and successfully hauls Y back to the boat, saving their life.

**Business Competition:** Years ago, Y heroically saved X's life. X now owns a business and is trying to expand into new markets. X is considering opening a new store in an area, recognizing

that doing so will drive a small store in the area out of business. But while X is considering opening the new store, Y comes to X and informs X that Y is the owner of the small store, and asks X not to open their new store in this area. Out of recognition and appreciation for what Y did for them years ago, X refrains from opening the store in Y's area.<sup>5</sup>

**Hurtful Joke:** X and Y are at a party, and the attendees are enjoying each other's company by laughing and telling jokes, where some of these jokes involve making good natured fun of one another. X makes one such joke at Y's expense, and the joke goes too far and hits a sore spot for Y, who becomes quiet and soon leaves the party. While X didn't know that Y had this particular sore spot, X was in a position to know that jokes of this kind can be hurtful, and that even when friends make jokes at one another's expense, this type of joke is considered over the line. The next day, after another attendee informs X that their joke was hurtful to Y, X reaches out to Y and apologizes. X acknowledges that they were inadequately sensitive to the hurt that their joke was liable to cause, sincerely expresses that they value their friendship, and promises to be more sensitive to Y's feelings in the future.

I will first argue that feature (1) holds in each case—that is, that in each case, X owes it to Y to treat Y in the way that they do. And in order to establish that feature (1) holds in each case, I will first argue that in each case, X is required to act as they do, and will then argue that X owes it to Y to do so.

In these four cases, we are presented with four different moral duties:<sup>6</sup> in **Supermarket**, X has a duty of (minor) aid or beneficence; in **Beach Rescue**, X has a duty of rescue; in **Business Competition**, X has a duty of gratitude; and in **Hurtful Joke**, X has a duty of apology. Let's take each in turn.

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<sup>5</sup> This case is from Manela (2015), who uses it to argue that there are genuine obligations of gratitude.

<sup>6</sup> Or perhaps three, depending on how you count, since the duty of rescue involved in **Beach Rescue** may be thought to be a special case of the duty of aid or beneficence involved in **Supermarket**.

In **Supermarket**, if X fails to help Y by picking up the cans, X would express a kind of indifference to Y that would warrant blame. Especially when it is so easy to help someone who is clearly in need, this kind of indifference involves failing to take account of someone's interests. Of course, if it would be relatively onerous for X to help, then failing to pick up the cans would not express this indifference, and would similarly fail to warrant blame. But given that it is easy for X to help, failing to do so would be *prima facie* blameworthy, indicating that X is required to help.<sup>7</sup> Granted, the stakes in this case are quite low—Y will not suffer any great misfortune if X does not pick up the cans. But this does not show that failing to help would not be wrong, but rather that the wrong would merely be a fairly minor one in the grand scheme of things. Accordingly, X is required to help Y by picking up the cans.

But not only is X *required* to help Y by picking up the cans; further, X *owes* it to Y to pick up the cans. That is, X would not just act wrongfully by failing to help, but further, would wrong Y by doing so. In order to tell whether and to whom some duty is directed, recall the claim about the relation between resentment and the demands of morality described above. This is the claim that X is warranted in resenting Y only if Y wrongs X, i.e. if Y treats X in a way that Y owes it to X not to treat them.<sup>8</sup> Because this claim provides a necessary condition on warranted resentment, it provides us with a test for identifying whether and to whom some duty is owed: if Y would be warranted in resenting X for acting

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<sup>7</sup> X is only *prima facie* blameworthy, since X's failure to help could be justified or excused by other factors concerning X's circumstances, knowledge, etc. In what follows, I will simply say that X is blameworthy, since we can stipulate that in none of the four cases would X's failure to act be justified or excused by other factors.

<sup>8</sup> We can modify this necessary condition on warranted resentment into a necessary and sufficient condition on warranted resentment by adding a clause to this claim: X is warranted in resenting Y only if Y wrongs X, i.e. if Y treats X in a way that Y owes it to X not to treat them, absent excuse or special justification.

in some way, then X owes it to Y not to act in this way.<sup>9</sup> Accordingly, if Y would be warranted in resenting X for failing to help by picking up the cans, then X owes it to Y to pick up the cans. And indeed, Y would seem to be warranted in resenting X for failing to pick up the cans. We wouldn't consider Y's resentment to be misplaced, for in failing to pick up the cans X would show Y the type of indifference or disrespect described in the above paragraph. So not only is X required to help Y by picking up the cans, but further, X owes it to Y to help by doing so.

Before moving to the other cases, I want to preempt a worry concerning my appeal to whether Y would be warranted in resenting X for failing to pick up the cans. I used this fact about Y's warranted resentment in order to argue that X owes it to Y to pick up the cans, since one person is warranted in resenting another only if the latter wrongs the first. And this is true because of a connection between resentment and ill will: resentment is a reaction to apparent displays of ill will, and in particular to the sorts of ill will displayed in conduct that wrongs someone. But it may seem a stretch to claim that X would express ill will to Y by failing to pick up the cans. We often think of ill will as characterized by malicious sentiments such as spite, vengeance, or other forms of animosity. By contrast, in failing to pick up the cans, X would merely display a kind of indifference to how Y fares—we wouldn't, as a third party,

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<sup>9</sup> Why think that warranted resentment is capable of providing such a test? The idea is that resentment is a form of blame, which is in general warranted in response to someone's failing to weigh others' interests correctly, thus exhibiting a kind of disrespect or indifference. And specifically, resentment is the form of blame that, when appropriate, signifies that the resenter is the person whose interests were incorrectly weighed. Accordingly, when resentment is warranted, the person toward whom resentment is directed expressed a kind of disrespect or indifference toward the resenter in failing to weigh their interests correctly, and this in turn demonstrates that the person toward whom resentment is directed owed it to the resenter to treat them differently.

Note that there are examples of directed duties that are not identified as such by this test: if X has a good excuse for treating Y in a way that they owe it to Y not to treat them, then Y would not be warranted in resenting X. But none of the cases presented above fall into this category.

infer that X must have some form of active malice toward Y. And since X needn't exhibit some malicious sentiment in failing to help, why should we think that Y would accordingly be warranted in resenting X?

The answer is that the kind of ill will that warrants resentment includes not only active malice but also the indifference toward others that X would display in failing to help. Resentment isn't only appropriate when others display malice towards us—sometimes, their indifference is sufficient to warrant resentment as well.<sup>10</sup> So the fact that X needn't display malice in failing to pick up the cans does not show that Y's resentment would be unwarranted. X owes it to Y, in this case, not to treat them in such a way that X would display indifference to how Y fares. Resentment is an appropriate response to displays of ill will, where ill will is understood to include both malice and certain forms of indifference.

Let's turn back to the other cases beside **Supermarket**. In **Beach Rescue**, if X fails to help Y by jumping into the water and attempting to save them, X would express a similar kind of indifference to Y as in **Supermarket**, but with much higher stakes. Although the kind of help that Y needs in **Beach Rescue** is much more onerous than the help involved in **Supermarket**, this would provide no justification for failing to help, since Y's life is at stake. The fact that Y's life is at stake shows that failing to help would be wrong, at least so long as X would not be risking their own life in the process. So X is

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<sup>10</sup> Of course, indifference to others doesn't always warrant resentment. There are some cases, and some respects, in which morality permits us to be indifferent to how others fare. I will not here try to give an explanation for when morality permits such indifference.

It's worth noting as well that Strawson sometimes uses "indifference" in such a way that it appears distinct from ill will—e.g. "What I have called the participant reactive attitudes are essentially natural human reactions to the good or ill will or indifference of others towards us, as displayed in their attitudes and actions." But in doing so, he claims that indifference is the sort of state of the will that can warrant resentment. I will use the term "ill will" to include at least some cases of indifference—those cases that warrant resentment—but this difference between my usage and Strawson's is merely terminological. See Strawson (1974, 10-11).

required to help Y by jumping into the water and attempting to save them. And further, the same test that we used in **Supermarket** indicates that X owes it to Y to try to save their life: if X were to stand idly by, then Y would be warranted in resenting X. Of course, if X were to stand idly by, then Y would likely perish. But the relevant question is not whether Y would have the chance to resent X, but if such resentment would be warranted. And in **Beach Rescue**, failing to help would express a more extreme form of the kind of indifference involved in failure to help in **Supermarket**. So X owes it to Y to jump into the water and attempt to save them.

In **Business Competition**, if X does not accede to Y's request and opens the new store in Y's area anyway, then X would express a lack of recognition and appreciation for Y's life-saving aid. Here and now, X has the opportunity to express their recognition and appreciation—in short, their gratitude—for this aid, and failing to do so would express ingratitude. Saving someone's life is such a significant benefit that, at least typically, it triggers a duty of gratitude for the person saved. And while we often have considerable latitude in determining just how to express gratitude to those who benefit us, in **Business Competition**, this ordinary latitude is absent.<sup>11</sup> Y saved X's life, and X now has the opportunity to save Y's livelihood—or else to eliminate it. Insofar as opening the new store despite Y's request would express ingratitude, and Y's earlier life-saving aid triggers a duty of gratitude for X, X is required to refrain from opening the new store in Y's area. Further, the resentment test for determining whether and to whom a duty is directed has the result that X owes it to Y to refrain from opening the new store, and would wrong Y by failing to do so. If X were to open the new store and drive Y out of

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<sup>11</sup> I stay neutral here on what feature of **Business Competition**, or of duties of gratitude more generally, explains the fact that the typical latitude involved in duties of gratitude is absent here.

business, Y might reasonably resent X, thinking something along the lines of “After all I did for them, this is the thanks I get?” Accordingly, X is not only required to refrain from opening the new store in Y’s area, but in fact owes it to Y to do so.

Finally, in **Hurtful Joke**, X inadvertently hurts Y’s feelings by making a joke that hits on a sore spot for Y. To be fair, inadvertently hurting someone’s feelings is no grave moral sin—it is closer to a casualty of living in a community of people who each have distinct sensibilities and vulnerabilities, making it close to inevitable that we step on one another’s toes from time to time. Nonetheless, if X were to refuse to apologize to Y, then X would seem to express disrespect to Y: refusing to apologize would demonstrate that X does not consider Y’s interest in emotional wellbeing and feeling secure in their group of friends to be weighty enough to warrant apologizing. Further, in refusing to apologize, X would signal that they will not take steps to avoid hurting Y’s feelings again in the future. So even though we may not be inclined to blame X for inadvertently hurting Y’s feelings in the first place (or, at least, we may not be inclined to blame X very much), it does seem that X is required to apologize for doing so. Additionally, the resentment test yields the same result as in the previous three cases: if X refuses to apologize, it seems, Y would be warranted in resenting them. Y might reasonably think to themselves, “I’m sure that X didn’t mean it, but still—doesn’t it matter to them that the joke was hurtful?” As with the first three cases, then, X is not only required to treat Y in the way that they do; further, X owes it to treat Y in this way.

All four cases thus have feature (1): one agent treats another in a way that the first owes it to the second to treat them. But in order to serve as counterexamples to the Orthodox Thesis, these cases must also have feature (2): the second agent owes the first gratitude in response. I’ll now argue that each case

also has feature (2). In saying that the second agent owes the first gratitude in response, I mean that the second owes it to the first to *express* gratitude, not just to feel gratitude. Expressions of gratitude, at least in the sense I mean, are primarily actions that someone performs out of recognition and appreciation of what they are grateful for, rather than verbal expressions that inform someone that one feels grateful.<sup>12</sup> In order to defend against the worry that gratitude in these cases would be praiseworthy but more generous than morality requires, for each case, I will argue first that gratitude is an *appropriate* way for Y to respond to X's conduct, and then that Y's gratitude is not merely appropriate, but is in fact *owed* to X. Let's turn back to the four cases.

In **Supermarket** and **Beach Rescue**, X provides two types of help or aid to Y—in the former, the aid is quite minor, while in the latter, the aid is vital. And X helps Y without being externally forced or coerced to do so. Not only does X help Y in both cases; X does so of their own accord. And in doing so, X displays to Y a kind of good will: X wants to help Y, and (let's say) not simply in order to get something from Y in return. Further, suppose that in each case, following X's help, Y both feels and expresses gratitude to X for the help.<sup>13</sup> Would such gratitude strike us as inappropriate or unfitting? I don't think so—I don't think that many people would, in X's position, find Y's gratitude odd or

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<sup>12</sup> Sometimes a verbal expression is sufficient to fulfill a duty of gratitude, but I am primarily interested in the sense in which we can owe others gratitude in the form of actions that reciprocate what one is grateful for. Further, there is plausibly a sincerity condition on expressions of gratitude: an action is prevented from expressing gratitude if the agent actually feels ungrateful. Still, the locus of "expressions of gratitude" as I use the phrase is action, not speech or feeling.

<sup>13</sup> I will talk of both feeling and expressing gratitude in order to avoid the question of what, exactly, duties of gratitude require of us. I elsewhere argue that they should be understood as duties to act in ways that express gratitude, where "expressing gratitude" is both determined by conventional understandings of what types of behavior count, in context, as expressing gratitude, and subject to a sincerity condition that rules out the possibility of expressing gratitude while feeling ungrateful.



inappropriate. X helps Y, and exhibits a kind of good will in doing so. In such circumstances, gratitude is a natural response.

But further, Y's gratitude is not merely *appropriate*; it is something that Y *owes* to X, in the sense that Y would wrong X by failing to feel or express gratitude in response. X's help triggers a duty of gratitude for Y. Why think that this is so? To answer this question, we can turn again to the test concerning resentment: if X would be warranted in resenting Y for failing to feel or express gratitude for X's help, then Y owes X gratitude for X's help. And it does seem that, were Y's gratitude not forthcoming, X would be warranted in resenting Y.<sup>14</sup> Take **Supermarket** first: if Y doesn't even acknowledge X's help, then it would seem warranted for X to resent Y. Admittedly, Y's ingratitude in this case certainly wouldn't warrant anything like a longstanding grudge—after all, the help only involved picking up a few cans. But some degree of resentment, perhaps proportional to the relatively minor significance of the interaction, does seem warranted. Next, take **Beach Rescue**: if Y doesn't thank X right after being saved, this seems reasonable, since Y would presumably be in a state of shock. But if Y has the opportunity to express gratitude after the shock has subsided, X might reasonably feel resentful of Y's ingratitude. (After all, they saved Y's life!) Accordingly, in **Supermarket** and **Beach Rescue**, Y owes X gratitude for X's treatment of them.

Next, consider **Business Competition**. Here again it seems appropriate for Y to feel and express gratitude to X for refraining from opening the new store in Y's area. In a sense, X doesn't have to accede

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<sup>14</sup> Note that in all four cases, there seems to be a shared set of social expectations concerning the ways in which individuals are supposed to help one another. It is partially in virtue of both X and Y sharing these expectations that it seems warranted for Y to resent X if X doesn't help, as well as for X to resent Y if Y is subsequently ungrateful.

to Y's request: expanding the reach of one's business is fair game, so far as the competitive market is concerned. And X refrains from opening the new store of their own accord, rather than in response to Y making a demand that X do so, for instance, or because of coercion from some regulatory institution. X refrains from opening the new store in order to reciprocate Y's aid years before and to express their appreciation for that aid, and thereby expresses good will toward Y. In response, then, it is perfectly appropriate for Y to feel and express gratitude for X's refraining from opening the new store. Further, Y owes such gratitude to X: if, once X decides to refrain from opening the new store and informs Y of this fact, Y neither feels nor expresses gratitude, then X would be warranted in resenting Y. X went out of their way to refrain from engaging in an ordinary and profitable business activity, and did so for Y's sake and at Y's request. If Y neither feels nor expresses gratitude in return, X might reasonably feel taken advantage of. And because X would be warranted in resenting Y for their ingratitude, we can infer that Y owes X gratitude for refraining from opening the new store.

Finally, consider **Hurtful Joke**. Once again, it seems appropriate for Y to feel and express gratitude to X for apologizing. X's joke, although hurtful, was not motivated by malicious intent, and Y might reasonably think that, had X known that the joke would hit on a sore spot for Y, X wouldn't have made the joke. Further, we can suppose, X's apology did not stem from pressure from others to apologize, nor from Y demanding that X apologize—it was something that X decided to do of their own accord, from feeling guilty or otherwise negatively about hurting Y's feelings. X's apology serves to signal that X cares about their relationship with Y and takes considerations concerning Y's happiness to constrain X's own behavior. In apologizing, then, X displays good will to Y, making it appropriate for Y to feel and express gratitude for the apology in return. Indeed, Y might reasonably express this gratitude

by forgiving X, or even by insisting that there's nothing to forgive X for. And once more using the resentment test, we can see that Y's gratitude is not only appropriate but is genuinely owed to X. Following X's apology, if Y does not feel or express gratitude, X would be warranted in resenting Y, at least to some degree. X might reasonably feel as though their attempt to repair the relationship and express good will had fallen on deaf ears. "I told Y that I wouldn't have made the joke if I had known that it would be hurtful—shouldn't that matter to them?" Of course, resentment may be out of place if Y's lack of gratitude stems from the fact that their feelings are still hurt, or from the fact that they feel that X should have known better. But supposing that Y's feelings are no longer hurt, and Y understands that X didn't mean to hurt Y's feelings, if Y were not to feel or express gratitude in response to X's apology, then it would be reasonable for X to resent Y. Accordingly, Y owes X gratitude for X's apology.

All four cases thus have both features (1) and (2): one agent treats another in a way that the first owes it to the second to treat them, and the second owes the first gratitude in response. All four cases are thus counterexamples to the Orthodox Thesis, which holds that X never owes Y gratitude for Y's treating X in a way that Y owes it to X to treat them. The four cases feature a number of different moral duties, with the aim of putting to the side concerns that might arise about specific cases—e.g. about whether Y really owes X gratitude for X's apology in **Hurtful Joke**, or about whether X really owes it to Y to pick up the cans in **Supermarket**. So long as we find at least one case that has both features (1) and (2), the Orthodox Thesis is false. Nonetheless, I think that all four cases are counterexamples, and that there is a common feature that explains why cases of this kind are apt to function as counterexamples to the Orthodox Thesis. In particular, I think that the duties involved in these cases

are unlike many other moral duties, and have a special connection to the quality of will expressed in fulfilling them. I turn now to this further feature at issue in the four cases.

#### 4.2 Duties of Good Will

What explains why X's duty-fulfilling actions in the four cases presented above trigger duties of gratitude for Y? Duty-fulfilling actions don't in general have this property: I don't owe you gratitude for respecting my right to bodily autonomy, for refraining from deceiving me, or for treating me in countless other ways that you owe me.<sup>15</sup> Why are the cases above different? The answer that I will argue for in this section is that part of what the duties involved in these cases require of X is that X acts in a way that expresses good will to Y. The duties at issue are what we can call "duties of good will." In treating Y in the way that Y is owed, then, X expresses good will to Y. And it is this fact—that X expresses good will to Y in treating Y in the way that Y is owed—that explains why Y owes X gratitude in response. I will first go into more detail concerning what it takes to express good will in the relevant sense, and argue that the duties involved in the four cases are duties of good will. I will then argue that this feature of the four cases is what explains why Y owes X gratitude in each, despite the fact that X treats Y in a way that Y is owed.

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<sup>15</sup> McConnell (2017) disagrees, arguing that if treating others in ways that they are owed makes one a moral standout—that is, if most people violate these duties—then doing so can trigger duties of gratitude. This is a different route to rejecting the Orthodox Thesis from the one I pursue in this paper. I want to remain neutral here on whether gratitude is obligatory with respect to moral standouts, but see Macnamara (2019) for plausible considerations that suggest otherwise.

To express good will to someone is to act in a way that demonstrates one's positive regard for them: we express good will when we show others that we care about them and how they fare. Further, it is typically not sufficient for expressing good will to have a mere preference or background wish that they fare well, nor to merely inform them that we care about them. Instead, expressions of good will are located in the ways that we treat others. It is through treating others in some ways and not others that we can reveal that, over and above having a preference or wish that they fare well, their interests and welfare are sufficiently important to us that we willingly act in ways that we otherwise would not if we didn't care about them and how they fare. In expressing good will to someone, we convey that we take their interests and their ends as reason-giving, or as ends of our own.

Contrast expressions of good will with expressions of ill will: in expressing ill will to someone, we demonstrate not (or not necessarily, anyway) that we actively care about the frustration of their ends. That would be a form of malice that needn't come along with just any expression of ill will. Rather, in expressing ill will to someone, we show them that we don't care enough about their interests and ends to weigh them appropriately in our deliberation. Both good and ill will reflect the ways in which others show up in our deliberation: while good will consists in demonstrating that we take someone's interests and ends as ends of our own, ill will consists in demonstrating that we fail to give others' interests and ends sufficient weight in our deliberation.

There is a general connection between directed duties and ill will. Recall the claim about resentment and the demands of morality: X is warranted in resenting Y only if Y wrongs X. And further the following commonly accepted Strawsonian claim about the object of resentment: resentment is (appropriately) felt toward (apparent) displays of ill will. From these two claims, it follows that part of

what directed duties require of us is to refrain from acting in ways that would display ill will to others. By contrast, there is no necessary connection between directed duties and good will. Treating others in ways that they are owed needn't thereby display good will—indeed, it needn't display any quality of will whatsoever.

However, there is a specific class of duties that does have a necessary connection to good will. These are duties that not only require us to avoid acting in ways that display ill will to others, but further, require us to act in ways that display good will to others. And I think that the duties involved in the four cases in 4.1 are members of this class, or are duties of good will. Why think that these duties require X to act in ways that display good will, rather than merely requiring X to avoid acting in ways that display ill will?<sup>16</sup>

Start with **Supermarket**: X owes it to Y to help by picking up the cans. Does doing so convey that X takes Y's interests and ends as ends of X's own? The answer seems to be yes, at least in a limited way. In helping by picking up the cans, X doesn't demonstrate that X takes *all* of Y's as ends of their own, just in virtue of these ends being Y's ends. But X does demonstrate that they take a particular end of Y's as an end of their own—namely, Y's end of bringing the items that they had selected to the cashier. X does not (unless the case is further specified in strange ways) have as an independent end of their own that Y brings the items that they had selected to the cashier. Rather, X adopts this end because it is Y's

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<sup>16</sup> In arguing that the duties involved in the four cases are duties of good will, requiring X to act in ways that express good will to Y, I don't mean to claim that any of these duties are *always* duties of good will. For instance, I don't mean that all duties of beneficence require agents to express good will in the sense described. I mean only that the specific duties that X is subject to in these cases are duties of good will. I go into more detail concerning the relation between duties such as beneficence, gratitude, and apology in general, and the ways in which they manifest in particular cases as duties of good will in 3.0-3.3.

end, and because X notices Y in need of help in achieving this end.<sup>17</sup> In requiring X to help by picking up the cans, then, X's duty of (minor) aid or beneficence requires X to act in a way that expresses good will to Y.

For similar reasons, X's duty of rescue in **Beach Rescue** requires X to act in a way that conveys good will to Y. In jumping into the water and attempting to save Y from drowning, X fulfills their duty of rescue. But X also demonstrates that they take Y's interests and ends as ends of their own—Y's end of staying alive, or perhaps even Y's very ability to set ends at all. Now, if we specified the case differently, X's life-saving aid may not demonstrate good will—for instance, if X had as an independent end of their own that Y is saved from drowning, or if X were coerced or otherwise pressured into helping. But X jumps into the water and saves Y's life because X notices the threat to Y's end of staying alive (or to Y's ability to set ends at all), and adopts Y's ends as ends of X's own. In requiring X to attempt to save Y's life, then, X's duty of rescue requires X to act in a way that expresses good will to Y—that is, X's duty of rescue is a duty of good will.

Next, in **Business Competition**, X has a duty of gratitude that requires them to refrain from opening the new store in Y's area. But in refraining from opening the new store, X expresses good will to Y—X demonstrates that they take Y's ends as ends of their own. In particular, X demonstrates that they adopt Y's end of staying in business, and thereby protecting their livelihood, as an end of X's own. Further, we can see from the case that this is not an independent end that X has: X is considering opening

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<sup>17</sup> Note that it does not follow that X would not convey ill will in refraining from helping; rather, X's choice situation involves choosing between an option that would express ill will and an option that would express good will. In situations like **Supermarket**, unlike others, there is no option that would be neutral with respect to the quality of will expressed in one's conduct.

the new store, which would be an ordinary and (presumably) profitable business activity, and only decides not to upon learning that the store that doing so would drive out of business is Y's. So in requiring X to refrain from opening the new store, X's duty of gratitude requires X to act in a way that expresses good will to Y.

Finally, in **Hurtful Joke**, X's duty of apology requires them to sincerely apologize for hurting Y's feelings. In apologizing to Y, X expresses good will to Y, since X demonstrates that they take Y's ends of avoiding emotional pain, and perhaps having one's friendships be mutually supportive and caring, as ends of X's own. Of course, if X had "apologized" in other ways, they might not thereby express good will to Y—merely saying the words "I'm sorry" doesn't always suffice for sincerely apologizing, and thus doesn't always fulfill a duty of apology. But given that X's apology is sincere and is made with an assurance of more careful sensitivity to Y's emotions in the future, it does seem that X expresses good will to Y. In fulfilling the duty of apology, X expresses good will to Y, and so part of what the duty requires of X is to express good will.

The duties at issue in the cases presented in 4.1 are thus duties of good will—part of what they require is that an agent acts in ways that expresses good will to another agent. I will now argue for a claim about the significance of this fact about the duties involved in the four cases: the fact that X fulfills a duty of good will in each case explains why Y owes X gratitude in response.

For this argument, we needn't proceed case by case. Instead, we can start from a claim about what gratitude is, characteristically, a response to: we (appropriately) feel gratitude in response to (apparent) displays of good will. It is this fact about the nature of gratitude that led Strawson to describe gratitude and resentment as an opposed pair: gratitude is characteristically felt and expressed in response



to displays of good will, while resentment is characteristically felt and expressed in response to displays of ill will. When X fulfills a duty of good will that is directed toward Y, X expresses good will to Y, and when X expresses good will to Y, it is appropriate for Y to feel and express gratitude in response. So the fact that X fulfills duties of good will in the four cases explains why it is appropriate for Y to feel and express gratitude in response.

However, even where gratitude is appropriately felt or expressed, it isn't always *owed*. And I have claimed that the fact that X fulfills a duty of good will in each of the four cases explains not only why Y might appropriately feel gratitude in response, but further, why Y owes X gratitude in response. In order to see why X's fulfillment of duties of good will explains why Y owes gratitude in response, it is helpful to look at a few examples of cases in which gratitude is appropriately felt or expressed but not owed. (We might think especially of those individuals who we would characterize as especially generous with their gratitude.) Someone might sincerely express gratitude to their boss for giving them an ordinary cost of living wage. Or someone might sincerely express gratitude to the organizers of a raffle upon winning the top prize. Or, finally, someone might sincerely express gratitude to a pizza delivery person who delivered a pizza fairly quickly. In none of these cases does gratitude seem inappropriate or unfitting. But neither does gratitude seem owed. Gratitude is appropriate because of the benefit provided in each, especially in virtue of gratitude's ability to maintain a happy equilibrium in the dynamics of interpersonal relationships (even quite fleeting ones, such as with the raffle organizers or the pizza delivery person).

Why isn't gratitude owed in these cases? A striking fact about these cases, as opposed to the four presented in 4.1, is that in none of them does the benefactor display good will to the beneficiary. The boss does not demonstrate that they take the employee's ends as ends of their own—only that they want

their employees to be fairly compensated. (Or perhaps only that they want to retain their employees and fear that without offering such a raise, their employees will find jobs elsewhere.) The raffle organizers do not demonstrate that they take the winner's ends as ends of their own—after all, supposing that it is a fair raffle, the winner is selected randomly. And the pizza delivery person does not, unless they are familiar with the person who ordered the pizza and accordingly make an effort to deliver especially quickly, demonstrate that they take the pizza recipient's ends as ends of their own.<sup>18</sup> When a benefactor does not display good will to their beneficiary in the provision of the benefit, it seems, the beneficiary does not owe the benefactor gratitude in response. And when a benefactor does display good will in providing a benefit, it seems, the beneficiary owes them gratitude in response. Accordingly, with respect to the four cases presented in 4.1, the fact that X fulfills a duty of good will directed to Y explains not just the fact that it is appropriate for Y to feel and express gratitude in response, but further, the fact that Y owes X gratitude in response.

Let's pause to take stock of what I've argued so far. I presented four cases that I argued are counterexamples to the Orthodox Thesis, since they each have the following two features: (1) X treats Y in a way that Y is owed; and (2) Y owes X gratitude in response. I then argued that these cases have a further feature in common: (3) in each, X fulfills a duty of good will, or a duty that requires X to act in a way that expresses good will to Y. Finally, I argued that feature (3) explains why feature (2) holds in

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<sup>18</sup> There is another reading of these cases in which each person *does* display good will, but good will to the beneficiary community as a whole (the boss's employees, the raffle participants, the customers of the pizza restaurant) rather than to individuals. If that is true, then these people may be owed gratitude in response, and in particular, the relevant beneficiary communities may owe it to these people to express gratitude. Consider, as an example of this sort of communal gratitude, organizing a lunch for volunteers who clean up a neighborhood garden. This reading of these cases would only bolster my argument: it would show that when someone displays good will of the relevant kind, they are owed gratitude in response.

each case. We thus have not only a case against the Orthodox Thesis, but an explanation for why it is false. The Orthodox Thesis delivers the wrong verdict in cases where an agent fulfills a duty of good will. Its plausibility depends on the assumption that we are never required by duty to treat others in such a way that we express good will to them. But this assumption is false, as demonstrated by the duties at issue in the four cases.

### 4.3 Gratitude, Entitlement, and Supererogation

I now want to consider an objection to my view based on a claim about the nature of gratitude as a feeling or emotion. This objection stems from an argument commonly given in favor of the Orthodox Thesis. The argument, roughly, is this:

#### *The Entitlement Argument for the Orthodox Thesis*

1. Feeling grateful to someone involves representing what one is grateful for as something to which one is not normatively entitled.<sup>19</sup> (Call this the Entitlement Claim.)
2. If the Orthodox Thesis is false, then we are sometimes morally required to be grateful for things to which we are normatively entitled.

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<sup>19</sup> I will interpret this claim to mean that feeling grateful to someone *necessarily* involves representing what one is grateful for as something to which one is not normatively entitled, rather than merely *typically* involving such a representation, since the argument is invalid if premise (1) is interpreted in the latter way.

3. It cannot be true both that (a) we are morally required to be grateful for  $p$ , where we are normatively entitled to  $p$ , and (b) we are morally required to represent  $p$  as something to which we are not normatively entitled.
4. Therefore, the Orthodox Thesis is true.<sup>20</sup>

Although offered as an independent argument in favor of the Orthodox Thesis, the Entitlement Argument can be repackaged as an objection to my view. In particular, it may seem that, so long as we accept premise (3), I am committed to denying the Entitlement Claim, a premise which has enjoyed intuitive appeal to many.<sup>21</sup> I agree with this objection that if we accept the Entitlement Claim, then my view is false. But I will argue that we can explain both why this premise is false as well as its intuitive appeal. I will first explain the effect that accepting the Entitlement Claim would have on my account of the interaction of moral duties in cases like the four presented in 4.1, and will then provide an explanation of the falsity of this premise that nevertheless vindicates its intuitive appeal.

Suppose for the moment that the Entitlement Claim is true: part of what is involved in being grateful is representing what one is grateful for as something to which one is not normatively entitled. More specifically, part of what is involved in being grateful for the way in which someone treats us is representing the way in which they treat us as something to which we are not normatively entitled. And for someone to owe it to me that they treat me in some way just is for me to be normatively entitled to

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<sup>20</sup> See Feinberg (1970) for an early version of this argument, Macnamara (2019) for the most developed version of it, and Attie-Picker (forthcoming) for endorsement of the Entitlement Claim, albeit for a different purpose.

<sup>21</sup> Premise (3) is not best justified by appeal to intuition; rather, its plausibility is better seen as stemming from something like the claim that morality cannot require us to represent the moral landscape incorrectly. I think that more would need to be said to justify this further claim—or whatever claims we might appeal to in order to justify premise (3)—but for the purposes of this paper, I am happy to grant the truth of premise (3) to those who believe the Entitlement Argument to be sound.

them treating me in this way.<sup>22</sup> So gratitude is out of place when others treat us in ways that we are owed—or, at least, we must pretend to ourselves that we weren't really owed this form of treatment at all if we are to feel gratitude.

Let's start by considering **Hurtful Joke**. If the Entitlement Argument is sound, and if X does owe it to Y to sincerely apologize for hurting Y's feelings, then Y cannot owe X gratitude in response. But it's worth looking in particular at what is entailed by the Entitlement Claim. This claim says that one cannot feel grateful without representing what one is grateful for as something to which one is not normatively entitled. Now, suppose that in response to X's apology, Y feels grateful, and further, expresses gratitude and forgives X. If the Entitlement Claim is true, then in feeling grateful for X's apology, Y necessarily represents X's apology as something that Y is not entitled to. But while it certainly seems possible for Y to represent X's apology as something that they are not entitled to, it hardly seems impossible for Y both to acknowledge that X genuinely did owe them an apology—to acknowledge that it would be wrong for X not to apologize—and to also feel grateful for X's apology. The Entitlement Claim entails, counterintuitively, that unless Y represents X's apology as something that Y is not entitled to, Y simply cannot feel grateful for the apology.

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<sup>22</sup> I am here and throughout this section assuming that talk of what agents are “normatively entitled” to, in the context of the Entitlement Argument, is synonymous with talk of what agents are owed. But there is another sense of entitlement that we might employ: to be normatively entitled to something might mean having the ability to *claim* it (in Feinberg's “performative” sense of “claim”), or having the standing to *demand* it. If we interpret the Entitlement Argument using this interpretation of talk of what agents are “normatively entitled” to, then my response to this objection does not have purchase. But more importantly, if the Entitlement Argument is interpreted in this way, then it no longer provides an objection to my view, since the claim that we sometimes owe gratitude in response to others treating us in ways that we are owed does not entail the claim that we have the standing to demand that they treat us in these ways, or the ability to claim such treatment.

The Entitlement Claim also delivers the same verdict in **Supermarket**, **Beach Rescue**, and **Business Competition**. In each case, unless Y represents the way in which X treats them as something that they are not entitled to, then Y cannot feel gratitude in response. And while it might be true that some individuals, were they in Y's position, would not be disposed to represent the way in which X treats them as something that they are entitled to, it certainly seems possible for Y to both feel grateful and to acknowledge that X treats them in a way they are owed. Further, for additional evidence for this claim, consider **Business Competition**. It's possible for Y to either be grateful for X's refraining from opening the new store (supposing that X refrains from doing so) or resentful for X denying their request and opening the new store anyway (supposing that X opens the new store) without holding different beliefs about what morality requires of X. If Y resents X for denying the request and driving Y out of business, then Y would represent X as failing to treat Y in a way they are owed—that is, Y would represent X's refraining from opening the new store as something to which Y is normatively entitled. But if X accedes to the request, it's possible for Y to feel grateful to X. Suppose that, while X is deciding whether to accede to Y's request, Y knows that they will resent X if X refuses, and thereby represents X's refraining from opening the new store as something to which Y is entitled. If X then accedes to the request, Y would not need to change their mind about what morality requires of X in order to feel grateful. But this is exactly what the Entitlement Claim entails.

The Entitlement Claim—the key claim in this objection to my view—thus delivers implausible verdicts about the cases presented in 4.1. Nevertheless, there is something intuitively plausible about it. But this intuitive plausibility, I will now argue, stems from the resemblance between the Entitlement Claim and a nearby but importantly distinct claim about the nature of gratitude. This nearby claim is

what I will call the Good Will Claim: feeling grateful to someone involves representing what one is grateful for as expressing good will. Like the Entitlement Claim, the Good Will Claim provides a necessary condition on the feeling or emotion of gratitude. And given a further assumption, they may even seem to be equivalent claims. I think that the intuitive plausibility of the Entitlement Claim stems from the truth of the Good Will Claim, along with acceptance of a further assumption about good will and supererogation. But I will argue that this further assumption is false, that the Entitlement Claim and the Good Will Claims are not equivalent, and that only the latter is true.

The further assumption that I have in mind is this: good will can be expressed only by supererogatory actions. While this assumption is often left implicit, it captures a commonly held view of the place of good will—and, relatedly, of gratitude—in the moral landscape.<sup>23</sup> What might be said in favor of this assumption? One thought is that for many duties, actions that fulfill them cannot express good will, since one can be motivated by duty rather than by good will for the individual to whom the duty is owed. This is especially plausible regarding what are sometimes called “juridical” or “perfect” duties, such as duties concerning promise, property, and bodily autonomy. But these do not exhaust the range of duties that morality provides; we are subject also to “ethical” or “imperfect” duties as well. Concerning these duties, it is often suggested that we are only required to act in accordance with them *enough* of the time—and so acting in accordance with them on any particular occasion is

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<sup>23</sup> Heyd helpfully makes this assumption more explicit than most. For instance, he says that “The point of supererogatory action lies [...] in the good will of the agent, in his altruistic intention, in his choice to exercise generosity or to show forgiveness, to sacrifice himself or to do a little uncalled favor, rather than strictly adhering to his duty.” (Heyd 2019) Elsewhere, connecting this assumption to gratitude, he writes, “Gratitude is generally the mark of supererogation, for it means an acknowledgement of the gratuitous, supererogatory nature of the act for which one is grateful.” (Heyd 1980, p. 319)

supererogatory.<sup>24</sup> But whatever the precise sense of latitude at issue in imperfect duties, we can return to the cases presented in 4.1 to see that this assumption is false. In each case, X treats Y in a way that Y is owed. X's actions are not supererogatory but required. And yet X's actions express good will to Y; the duties that X fulfills are duties of good will. Accordingly, the assumption that good will can only be expressed by supererogatory actions is false.<sup>25</sup>

If this assumption were true, then the Good Will Claim would entail the Entitlement Claim: to represent an action as expressing good will would be to represent it as supererogatory, and thus as something to which one is not normatively entitled. But without the assumption, they are importantly different claims: it is possible to represent some action as expressing good will without representing it as something to which one is not normatively entitled. Both claims seem to aim at capturing a way in which we represent an action as freely performed and indicative of how someone really feels about us when we feel grateful for their treatment of us. But while the intuitive plausibility of the Entitlement Claim depends on an incorrect assumption about the relation between good will and the supererogatory, the Good Will Claim does not. By appealing to the Good Will Claim, in tandem with the earlier discussion of the cases presented in 4.1, we can explain both the intuitive appeal of the Entitlement Claim as well

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<sup>24</sup> This view would make sense of Heyd's examples in the previous footnote: generosity, forgiveness, and aid all seem to fall into the category of the ethical or imperfect. I argue elsewhere that this view faces a significant challenge in its ability to explain cases in which imperfect duties appear to require agents to perform particular actions.

<sup>25</sup> I do suspect that the considerations described in this paragraph provide the bulk of the rationale for this assumption: many either think of all duties on the model of juridical or ethical duties, or else think of all actions performed in accordance with imperfect duties as supererogatory. But this is nothing more than a suspicion. Regardless, my arguments in 4.1-4.2 suffice to provide an independent argument for the falsity of the assumption.



as its falsity. The objection to my view on the basis of the Entitlement Claim, accordingly, does not succeed.

#### 4.4 Obligatory Gratitude Cycles

The second objection that I want to consider is one that proposes a reductio of my view. It starts by noting that, according to my view, when X fulfills a duty of good will to Y, Y owes X gratitude in response. This, I have argued, is because fulfilling a duty of good will involves expressing good will of the sort that triggers a duty of gratitude. But I have also claimed that among the duties of good will that function in this way are at least some duties of gratitude themselves. Think of **Business Competition** for example: in that case, X has a duty of gratitude to Y, which in the circumstances requires X to refrain from opening the new store in Y's area. But further, X's fulfillment of this duty of gratitude triggers a new duty of gratitude on Y's part. This is the point at which the the reductio's engine kicks in: because duties of gratitude are duties of good will, if Y fulfills this new duty of gratitude triggered by X's fulfillment of the prior duty, then Y will express the sort of good will to X that will trigger a new duty of gratitude on X's part. But then, if X fulfills this most recent duty of gratitude, X will express the sort of good will to Y that will trigger a new duty of gratitude on Y's part. And so on. So long as X and Y keep fulfilling their duties of gratitude, new duties of gratitude keep getting triggered. My view implies, according to this objection, that morality sometimes requires us to enter into and continue such obligatory gratitude cycles. However, this objection continues, morality can require no such thing of us.

We can hardly be expected to continue feeling and expressing gratitude to one another forever, and we don't blame those who express gratitude and then move on with their lives.

It's worth distinguishing between two distinct forms that the purported implausibility of obligatory gratitude cycles might take, or two distinct rationales for claiming that obligatory gratitude cycles cannot be required in the way that my view entails. The first reason why a commitment to obligatory gratitude cycles may be thought to be implausible concerns the demandingness of morality according to a view that allows their existence. Allowing obligatory gratitude cycles would allow the triggering of indefinitely many duties of gratitude, so long as the individuals linked by the relevant duties of gratitude continue to fulfill these duties.<sup>26</sup> This would make the parts of our moral lives that concern gratitude and those forms of conduct that trigger duties of gratitude quite demanding—rather than requiring us merely to feel and express gratitude in response to some particular benefit, we would often be on the hook for downstream displays of good will, and obliged to feel and express gratitude for these as well. And further, the demandingness of obligatory gratitude cycles would only increase if the individuals with whom one is in such cycles are morally virtuous people, since they would readily display gratitude in return.<sup>27</sup> Allowing the existence of obligatory gratitude cycles might thus be thought to make duties of gratitude require far more of us than they really do.

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<sup>26</sup> We can add more fuel to this fire by noting that if some individual fails to fulfill one such duty of gratitude, they would plausibly incur a duty of apology—which, if fulfilled, would then trigger a new duty of gratitude for the individual to whom the apology was owed. Obligatory gratitude cycles, then, seem not to terminate even when one of their duties of gratitude is violated.

<sup>27</sup> To be clear, this accusation of my view being overly demanding is somewhat different from the common accusation that, for instance, act utilitarianism is an overly demanding moral theory. When philosophers accuse act utilitarianism of being overly demanding, they typically mean (roughly) that if act utilitarianism were true, then counterintuitively, individuals would have little to no permission to pursue their own ends, goals, relationships, etc. The sense of demandingness at issue in obligatory gratitude cycles, by contrast, is that counterintuitively, individuals would become stuck in indefinitely long chains of duties. The demandingness at

The second reason why a commitment to obligatory gratitude cycles might be thought to be implausible is that we don't seem to demand of one another the kinds of conduct that would be required of us if we really were subject to such cycles. Consider a case in which a friend asks you to help them move into a new apartment. You help by carrying boxes and furniture out of the old apartment, driving with them in the moving van across town, and carrying everything up the stairs into the new apartment. They owe you gratitude in return, and express their thanks by buying you dinner and a few drinks. It seems as though the situation is now finished: your friend expressed their gratitude for your help, but you needn't now express gratitude for their expression of good will. It's not as though you are required to e.g. buy them dinner next week as a sign of your appreciation for them buying you dinner and drinks—they bought you dinner and drinks because you helped them move! But a commitment to obligatory gratitude cycles may seem implausible in virtue of seeming to require that you now do something further to show your appreciation for your friend's expression of gratitude.

Rather than responding to this objection by arguing that my view is not committed to the existence of obligatory gratitude cycles, I will admit that my view is committed to their existence. But I will argue that the existence of obligatory gratitude cycles is less implausible than it may seem, and that they in fact play an important role in most people's moral lives. In order to do so, I will first offer a description of the part of moral life that I take obligatory gratitude cycles to operate in: the formation and ongoing dynamics of interpersonal relationships. After arguing that obligatory gratitude cycles are

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issue does not depend on a comparison between the moral and non-moral aspects of practical life, and instead, only on the nature of what is asked of us in our moral lives.

a common and important part of interpersonal relationships, I will argue that neither rationale for denying the existence of obligatory gratitude cycles is ultimately successful.

Consider the ways in which we treat, and expect to be treated by, those with whom we share close personal relationships, such as friends, family members, and romantic partners. Although the norms of our relationships can differ from case to case, and although there are varying degrees of closeness in such relationships, it is characteristic of such relationships to treat one another in ways that express good will. Those in close personal relationships do favors for each other, provide a shoulder to cry on when times are tough, show their recognition and appreciation of each other's help, and apologize when they let each other down. Of course, few relationships (at least those that are relatively close and persist for more than a short time) involve a perfect track record from the individuals involved; we all make mistakes and let each other down from time to time. But to be in a close personal relationship is to typically make an effort to treat one other in these ways, to treat one another in ways that express good will. Realizing that someone no longer treats us in these ways can not only prompt the decision to end a friendship, but can reveal that someone hasn't actually been our friend in quite a while.

In many or most close personal relationships, these expressions of good will are spread across a variety of interactions and situations, and so long as both individuals feel as though there is an overall equality in how much effort and help each puts in, neither feels taken advantage of, or as though there is a problem of this sort in the relationship. But contrast this approach with a different kind of approach to such relationships: some individuals (I think that most people have known at least a couple friends like this) approach the forms in which friends help one another as a type of transactional affair. Giving such a person a ride might lead them to feel bound to find a comparable favor to do in return—only

then will they feel as though the books are balanced. And if such a person does us a favor and doesn't promptly receive a specific benefit in return, they are apt to feel wronged. It can be tiring to have a close relationship with such a person; we might feel as though we are walking on eggshells with them, and it can feel as though specific favors or benefits they provide stem less from their positive regard for us and fulfillment in the friendship, and more like attempts to repay a debt—or even, if the person acts manipulatively, to incur a debt. Such an approach to close personal relationships often limits how close the relationship can really become.

Now, consider the existence of obligatory gratitude cycles in the context of a relationship with someone who takes the transactional approach. Each new duty of gratitude fulfilled would call for—at least, in their eyes—a new form of repayment. One would likely have a hard time feeling settled or comfortable in the relationship, for at any given time, one would know that such a person either feels obligated to return a favor or else feels as though you owe them some form of repayment in order to express gratitude to them. In a relationship with someone whose approach to the characteristic forms of help, gratitude, and sympathy involved in close personal relationships is transactional, the existence of obligatory gratitude cycles would feel like one's job—at least in their eyes—is to balance the books, and yet nothing that one does can actually make the books balanced. And just as the objection to obligatory gratitude cycles claims, being morally bound to do one's part in the continuation of such a cycle would be both quite demanding and counterintuitive, since we wouldn't blame someone for wanting to put some distance between them and the friend, or perhaps even wanting to end the friendship entirely.

But not all close personal relationships are like a relationship with someone who takes the transactional approach. We typically don't expect any specific benefit by way of our friends' gratitude

for our help. (Granted, there are exceptions: especially onerous favors may call for specific reciprocation, and especially meaningful or significant instances of apology or sympathy may require acknowledgement.) When we help our friends, family members, romantic partners, etc., in response to their thanks, we often say things like “You would do the same for me” as a way of telling them that they needn’t return the favor in any specific way, here and now. In noting that they would do the same for us, we are not appealing to some sort of implicit contract or requirement of strict reciprocation; rather, we are noting that the kind of relationship we have with the other person is one in which we both are willing and ready to help each other, or in which we both express good will in an ongoing way, spread across a variety of interactions.<sup>28</sup> The gratitude that we feel and express to those with whom we share close personal relationships is usually not defined by specific feelings or actions at specific times, but is manifested in the continuing dynamics of the relationship—in individuals’ continuing to treat each other in ways that express good will. This does not show that particular helping actions between those in close personal relationships do not trigger duties of gratitude. Instead, it shows that the duties of gratitude triggered by such helping actions are duties to be good friends, romantic partners, family members, etc. by continuing to treat one another in ways that express good will, both in general and in response to one another’s expressions of good will.

With this point about the nature of gratitude in close personal relationships in mind, we can see that the existence of obligatory gratitude cycles is neither overly demanding nor contrary to the types of

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<sup>28</sup> Indeed, there is empirical evidence that the emotion of gratitude plays a significant role in strengthening relationships by increasing the extent to which those who feel grateful choose to spend time with their benefactors and facilitating socially inclusive behaviors. See Bartlett, Condon, Cruz, Baumann, and Desteno (2012).

conduct for which we tend to blame one another. Obligatory gratitude cycles arise in the context of close personal relationships, relationships which are partially constituted by individuals' continuing to treat one another in ways that express good will.<sup>29</sup> The demandingness of obligatory gratitude cycles is tempered by the fact that the duties involved in obligatory gratitude cycles do not typically require distinct expressions of gratitude for each specific expression of good will, but instead are fulfilled by the variety of expressions of good will that are diffused throughout close personal relationships. Nonetheless, there is a genuine sense in which obligatory gratitude cycles can be fairly demanding, and this sense of demandingness is connected to a way in which we *do* blame others for failing to act in the ways that are required of them by obligatory gratitude cycles. Namely, we do tend to blame others for being bad friends, romantic partners, and family members. When others are cold, ungrateful, slow to help, or not appreciative, we often blame them for failing to do their part in the maintenance of these relationships. And this is exactly what is required of us when we are subject to obligatory gratitude cycles: to show our recognition and appreciation for others' expressions of good will to us by treating

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<sup>29</sup> Why don't obligatory gratitude cycles tend to arise outside of close personal relationships? More specifically, why don't they arise whenever a duty of gratitude is triggered? One thing to note is that, as I will suggest in more detail in 4.5, the primary point or aim of duties of good will is to protect our ability to live our lives in community with others through mutually beneficial social ties. And these social ties are thickest or strongest in close personal relationships. But arguably, duties of gratitude and other duties of good will can only arise in contexts where individuals have some shared social expectations, and thus at least some minimal social ties with one another (fellow countrymen, for instance).

In cases (such as **Supermarket** and **Beach Rescue**) where a duty of gratitude is owed to a stranger, duties of gratitude plausibly stop being triggered at the point at which a new duty's being triggered would hinder the agential equality between individuals. If, in **Supermarket**, X were required to express gratitude in response to Y's gratitude for X's help, then X would make their agency dependent on Y's in picking up the cans in the first place. By contrast, if Y is obligated to express gratitude in response to X's help but no further duties are generated, then the set of duties at issue succeed at protecting the agential equality between X and Y throughout the interaction. On the other hand, in **Business Competition**, it seems that due to the prior interaction between X and Y, they share some minimal personal relationship, and it may accordingly be easier for an obligatory gratitude cycle to arise. For more on the role of agential equality in duties of gratitude, see Herman (2012).

them in ways that express good will in return. Doing so can, of course, be quite demanding: we often feel that such relationships can ask quite a lot of us, especially when those with whom we share these relationships are in need.

The objection concerning obligatory gratitude cycles thus fails. It rightly points out that my view entails that we are sometimes subject to obligatory gratitude cycles, but it is wrong to hold that the existence of obligatory gratitude cycles is implausible. Rather, their existence is commonplace in the part of moral life where duties of good will, including duties of gratitude, primarily operate. Obligatory gratitude cycles arise primarily between those in close personal relationships, and require such individuals to show their recognition and appreciation for one another's expressions of good will by being good friends, romantic partners, and family members.

#### **4.5 The Aim of Duties of Good Will**

By way of conclusion, I want to draw a lesson concerning the aim of duties of good will from my arguments up to this point. I have argued that we sometimes owe others gratitude for treating us in ways that we are owed, and specifically, that this occurs when the duties in question are duties of good will. And in the last section, I argued that duties of good will primarily operate in the context of social ties, which are partially constituted by one another's mutual good will in navigating shared expectations. But the nature of duties of good will is not a topic that has received much specific attention, at least not with respect to the features that I am most interested in here. Where do these duties lie with respect to other, more familiar types of duties? What role do they play in moral life?



I want to start by highlighting two basic but crucial features of duties of good will. First, they are *directed* or *owed* to particular individuals; to violate a duty of good will is to wrong the person to whom it is directed. There are a few points to mention in this regard. First, we hold each other responsible for living up to the demands of duties of good will through reactive attitudes like resentment. When someone violates a duty of good will that is owed to us, we typically are warranted in resenting them for doing so. This form of holding each other responsible goes hand in hand with duties that are directed or owed. Second, duties of good will do not resemble paradigms of non-directed duties. Some non-directed duties, such as duties to donate resources to charity, are other-regarding without being owed to any particular individual (or set of individuals). Other purported non-directed duties, such as duties not to deface or destroy objects with significant aesthetic value, are at best only indirectly other-regarding. But duties of good will are directly other regarding, and are directed toward particular individuals.

The second feature to highlight is that duties of good will require us to adopt particular *ends*—roughly, ends associated with others’ happiness, their good, or their ability to achieve their ends. To express good will to someone is to demonstrate something about the place they occupy in one’s deliberation. And demonstrating the place that someone occupies in one’s deliberation involves making apparent to someone what ends one has. Some duties, such as duties concerning keeping one’s promises or respecting others’ bodily autonomy, can be fulfilled independently of the ends that one has. These duties concern what actions we perform, not the ends on the basis of which we perform them. But because these duties do not require us to adopt any particular ends, fulfilling these duties does not

necessarily convey any particular quality of will. Duties of good will require us to act in ways that express good will to others, and accordingly, they require us to adopt ends concerning others' good.

These two features of duties of good will are notable because in having both of them, duties of good will resist simple classification with respect to a notable distinction among duties: the distinction between juridical and ethical duties, or between perfect and imperfect duties. This distinction was important throughout early modern moral philosophy, but arguably reached its apotheosis in Kant's treatment of it.<sup>30</sup> Directed duties have often been claimed to lie squarely within the domain of the juridical, which concerns relations of right. Juridical duties protect, at least in a broad sense, our ability to live together in relations of right, or to protect the freedom of each person in a way that is consistent with the same freedom for everyone else. On the other hand, duties that require us to adopt particular ends have often been claimed to lie squarely within the ethical, and are categorized as imperfect duties that are not directed to any individual in particular. (Consider, again, duties of charity: they stem from a requirement to adopt the end of others being able to achieve their ends, though they do not require us to adopt the end of *any particular* individual being able to achieve their ends.) They address the fact that as finite beings, we from time to time require others' help in achieving our ends and thus have an interest in others' coming to our aid.

The existence of duties of good will sits unhappily within this distinction between the juridical and the ethical, for the fact that they are both directed and require us to adopt particular ends suggests that duties of good will straddle the boundary between the juridical and the ethical.<sup>31</sup> And this difficulty

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<sup>30</sup> In particular, in Kant's division of the *Metaphysics of Morals* into a Doctrine of Right and a Doctrine of Virtue.

<sup>31</sup> Or at least they sit uncomfortably within the distinction as it has sometimes been drawn. There are also ways of thinking about the distinction between the juridical and the ethical according to which we can accurately

of placing duties of good will on either side of the boundary may appear to threaten our ability to understand what role they play within morality more generally. But although the presence of both of these features in duties of good will makes these duties difficult to assimilate into familiar moral categories, I think it also provides a route to understanding their significance. Regardless of the precise way in which we should understand the distinction between the juridical and ethical, I think that we can provide a sketch of the aim of duties of good will that explains why they are both directed and require us to adopt particular ends. The aim I have in mind is that of enabling us to live in community with others through sharing social ties and relationships.

We have a strong interest in being able to live together in social, communal bonds—social ties allow us to rely on one another in times of need. They can also have immense significance in our personal lives: when we lose especially close personal relationships or otherwise feel their absence, we often feel as though a part of our lives with great importance is missing. Duties of good will protect our interest in living in community with others through sharing social ties by ensuring that the individuals in such social ties are able to maintain a kind of equality of agency while also helping one another when in need. Social ties, ranging from close personal relationships to shared membership in wider communities, are partially constituted by shared expectations concerning when and how to help one another, and when failing to help would be letting someone down. When we take part in communal life, we gain an ability to rely on others to help us achieve our ends when we are in need. But by the same token, when we

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place duties of good will on one or the other side of the distinction. Further, the distinction between the juridical and the ethical might best be seen as a non-exhaustive distinction, and duties of good will fall somewhere in between. My point here is merely that duties of good will provide an important problem case for some common ways of thinking about this distinction.

regulate our conduct due to shared expectations of these kinds, we allow our own ends and activities to become other people's business. They come to have claims on our aid when they are in need, our gratitude when they help us, and our apologies when we let them down. This is the problem that duties of good will aim to solve. They prevent the inevitable agential dependence that occurs in the course of navigating and acting in light of these shared expectations from being unilateral. They ensure that the individuals in social ties depend on one another in mutually beneficial ways, so that the forms of dependence involved in being in a state of need and in allowing others to have claims on our aid do not make us unilaterally dependent on others.<sup>32</sup>

Let's briefly consider a few duties of good will to see this aim in action. As finite agents with limited abilities to achieve our ends, we all from time to time need help in order to achieve our ends. And it is partially constitutive of the kinds of social ties under discussion that those in them are disposed to help one another in ways specified by shared expectations. Suppose that X and Y share a close personal relationship, and X is in need of Y's help in achieving a relatively important end. If Y had no duty of good will to help X achieve this end, then X's ability to achieve the end would be dependent on Y's willingness to help. (Granted, given that X and Y share a close personal relationship, Y is disposed to help anyway. But this doesn't undermine the fact that X is dependent on Y—it shows only that this dependence would likely not have the negative consequences that dependence on a complete stranger might.) But if Y owes it to X to help, then X's need doesn't make X unilaterally dependent on Y. Suppose then that Y does help X achieve their end. In helping X achieve their end, Y then makes their ability to

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<sup>32</sup> I owe much of this way of thinking about the dynamics of agential equality and dependence in the context of duties of aid and gratitude to Herman's excellent discussion in her (2012).

achieve their ends dependent on X. Y spends their personal resources and efforts on the achievement of another agent's ends, and if these efforts are not appreciated and reciprocated, Y would thereby be giving up on their own ability to achieve their ends for the sake of X's ability to do the same. But if X owes Y gratitude for helping, then Y's help involves no such tradeoff, since X's gratitude would involve exactly this kind of acknowledgement and reciprocation. The system of duties of good will that operates in the context of social ties constituted by shared expectations serves to ensure that, while the individuals in such relationships are dependent on one another in myriad ways, the agential dependence at issue is not unilateral from one to another, and instead operates in mutually supporting ways.

We are now in a position to see why the fact that duties of good will aim at enabling individuals to share mutually beneficial social ties explains both why duties of good will are directed and require us to adopt particular ends. They are directed because it is only by owing certain types of conduct to those with whom we share social ties that one individual's help is prevented from making them unilaterally dependent on the other. If such help (and the other's corresponding gratitude in response) were not owed, then duties of good will would protect the individuals in these social ties only against certain forms of treatment, not against the unilateral dependence that they in fact protect against. And they require us to adopt particular ends because only by conveying to one another that each has the end of the other's good can the individuals in these social ties show one another that they intend to continue the relationship on equal agential footing, or on terms that allow their relationship to be mutually supportive and beneficial.

We have ended up at a point somewhat different from where we started. The primary question addressed in this paper is whether we ever owe others gratitude for their treating us in ways that we are

owed. It is commonly thought that we do not, and I argued that examples of duties of good will demonstrate that we sometimes do. But the view of the place of duties of good will in moral life that we have arrived at—one according to which they are centrally connected with our ability to share mutually beneficial social ties with one another, and thus our ability to live in community with one another—provides some potential insight into why the Orthodox Thesis with which we started has been so widely thought to be true. This is perhaps because moral theory has focused largely on the kinds of duties that we owe to one another merely as fellow humans, without assuming any particular type of social relation between them. It is a further question what we owe to one another in virtue of our social ties. Many of the moral problems that we confront in our lives are located in such social ties—and especially in close personal relationships more specifically—and I hope to have made some progress toward understanding the kinds of duties that shape our interactions within this socially embedded context.

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