SPECIAL ISSUE OF *GRAZER PHILOSOPHISCHE STUDIEN* 90, 2014.

THE SECOND-PERSON STANDPOINT IN LAW AND MORALITY

EDITORIAL

Christoph Hanisch and Herlinde Pauer-Studer

The papers of this special issue are the outcome of a two-day conference entitled "The Second-Person Standpoint in Law and Morality," that took place at the University of Vienna in March 2013 and was organized by the ERC Advanced Research Grant "Distortions of Normativity."

The aim of the conference was to explore and discuss Stephen Darwall's innovative and influential second-personal account of foundational moral concepts such as „obligation", „responsibility", and „rights", as developed in his book *The Second-Person Standpoint: Morality, Respect, and Accountability* (Harvard University Press 2006) and further elaborated in *Morality, Authority and Law: Essays in Second-Personal Ethics I* and *Honor, History, and Relationships: Essays in Second-Personal Ethics II* (both Oxford University Press 2013).

With the second-person standpoint Darwall refers to the unique *conceptual normative space* that practical deliberators and agents occupy when they *address claims and demands* to one another (and to themselves). The very first sentence of Darwall's examination of the second-personal conceptual paradigm summarizes the gist of the argument succinctly when he claims that "*the second-person standpoint* [is] the perspective that you and I take up when we make and acknowledge claims on one another's conduct and will." (Darwall 2006, 3) *The Second-Person Standpoint* reminds us

that this perspective has been ignored for much too long and that it better take centre stage in any philosophical analysis of moral phenomena, in order to yield a satisfying account of morality as a social institution. The negative part of Darwall's strategy is to show that neither a purely first-personal approach (represented by Kant and contemporary Kantians), nor a third-personal state-of-affairs-perspective (represented by most varieties of contemporary consequentialism) are capable of accounting for the categorical bindingness characteristic of moral obligation. The latter feat can only be accomplished, and this is the positive part of Darwall's argument, when those second-personal normative "felicity conditions" and conceptual presuppositions are acknowledged and spelled out that are already presupposed in *every* instance of issuing (putatively valid) claims and demands. It is especially second-personal competence and second-personal authority that are the bedrock of these normative conceptual presuppositions, without which engaging in any meaningful address would be impossible. Kantians and utilitarians alike have neglected this critical dimension of the normative landscape.

In addition to working out an original conception of moral obligation, the first eight chapters of *The Second-Person Standpoint* articulate this fundamental insight with respect to a variety of traditional projects in ethical theory such as developing accounts of moral responsibility, rights, dignity, and autonomy. In this context, special emphasis is to be awarded, on the one hand, to Darwall's refreshing second-personal interpretation of Strawson's influential account of reactive attitudes and moral responsibility and, on the other, to his historically well-informed reconstruction of Samuel Pufendorf's often neglected version of an enlightened theistic voluntarism concerning moral authority.

Darwall dedicates the second part of *The Second-Person Standpoint* to the urgent question: how should one respond to the sceptical challenge that expresses utter indifference to the second-person standpoint, including all its multifarious normative presuppositions and implications? What commits us to all this? It is at this point that Darwall, firstly, refines his criticisms of the Kantian, first-personal, paradigm of normativity and emphasizes that only if one already incorporates the second-personal conceptual apparatus into a Kantian analysis of moral obligation is the latter going to yield a convincing account. Secondly, and this certainly is one of the highlights of Darwall's theory, the *Second-Person Standpoint* employs themes from Fichte's philosophy of right in order to strengthen the case for the inescapability of taking up the second-person standpoint of moral obligation. In his contribution for this special issue Darwall further develops his diagnosis that Fichte's thought offers in many respects a more promising, since more second-personal, foundation of morality than, for example, Kant's.

By now, the impact of Darwall's second-person standpoint theory has far transcended the confines of contemporary debates on moral obligation. Darwall has put to use the second-personal apparatus to critical engagements with Joseph Raz's theory of legal authority and Derek Parfit's convergence arguments for his recent Triple Theory of moral wrongness. The constant theme that unifies all these diverse applications remains the one so impressively presented in *The Second-Person Standpoint*: without paying attention to the "interdefinable" and "irreducible" circle of (four) foundational second-personal concepts (valid demand, practical authority, second-personal reason, and accountability), neither superior epistemic status (Raz) nor the identification of optimific states of affairs (Parfit) are potent enough sources to generate anything close

to the authority relationships that underlie the idea involved in obligating ourselves and one another. Given all of the above, it comes as no surprise that Darwall reserves his strongest sympathies for a specific ethical theory, namely contractualism. Our commitment to equal basic second-personal authority, that Darwall arrives at through his Fichtean rectification of the Kantian project, leads him to the endorsement of a contractualist paradigm in the spirit of broadly Rawls and Scanlon.