

## The Nature and Value of Imperfect Rights

An influential tradition in moral philosophy holds that the value of moral claim-rights can be traced to the activity of *demanding*. On this view, the idea of rights whose content cannot be demanded might well be incoherent, and even if such rights could be conceptualized, they would lack moral significance. In this paper, I describe a special kind of non-demandable right and argue for its importance. After laying out the traditional conception of claim-rights as standing (i.e., permission) to demand, I articulate an account of *imperfect rights*—standing to *reproach* (though not demand). Imperfect rights are an important part of how we characterize the position of persons who deserve certain things they cannot demand (e.g., gratitude, praise, forgiveness), and of persons who may legitimately expect special treatment within certain social relationships (e.g., a reasonable favor requested of a close friend) that cannot be claimed. These and other cases show that recognition of imperfect rights can be morally important for many of the same reasons that recognition of perfect rights (standing to demand) are.

In his seminal paper “The Nature and Value of Rights,” Joel Feinberg (1970) sketched an account of claim-rights (e.g., one’s right not to be physically harmed by others, to have a promise kept, to have a loan repaid, etc.) and argued for their moral significance. According to him, rights are important because they can be demanded, asserted or insisted upon, and awareness of this fact allows us to “stand up like men,” to recognize ourselves as fundamentally equal to others and worthy of consideration. For this reason, “to think of oneself as the holder of rights is not to be unduly but properly proud, to have that minimal self-respect that is necessary to be worthy of the love and esteem of others.” This feature, he says, gives rights their “supreme moral importance,” and he suggests that respecting a person just is to think of that person as someone with rights that can be claimed, demanded, or asserted.

I agree with Feinberg that rights are morally significant for the reasons he suggests. I am skeptical, however, that rights, as Feinberg understands them, are *supremely* morally important, and I disagree with his suggestion that recognizing a person’s rights is all there is to respecting that person, and that recognizing one’s own rights is all that is necessary for self-respect. My

disagreement is motivated by cases like following<sup>1</sup>: imagine a person we'll call Adam, who understands and recognizes his rights. For the most part, his coworkers, friends, roommates and romantic partners recognize and respect his rights as well; but on the rare occasion they try to cheat, harm, steal from or lie to him, he is properly quick and thorough in asserting his rights. Nevertheless, his interactions with those around him are typified by vignettes like these:

*Passed over for praise:* Whenever coworkers at Adam's place of business exceed expectations with their hard work and insight, Adam praises and compliments them. Whenever Adam goes above and beyond, however, neither his colleagues nor supervisors ever praise or compliment him.

*Frugal Forgivers:* Whenever Adam's friends, coworkers or roommates wrong him in minor ways, he is quick to forgive them when they apologize sincerely and compensate him in ways that make forgiveness justified. Whenever the roles are reversed, however, Adam's acquaintances usually refuse to forgive him, even when he apologizes sincerely and compensates them adequately.

*Friendly Favor I:* Adam has a circle of friends he considers especially close. They care about each other's wellbeing and have helped each other in various ways more or less equally. One day, Adam has to move out of his apartment, and at the last minute, the moving service cancels. He reaches out to these close friends for help, but the friends decline. It is common knowledge between them that the friends on this occasion have no good reason to decline; they just really do not feel like doing it on this particular day, they tell Adam.

*Taken for granted:* Adam lives with a roommate and the two have an equitable distribution of household chores. They also each occasionally do the other favors as far as these chores go. Whenever the roommate does a favor for Adam, Adam recognizes it and thanks him; but whenever Adam does a favor for a roommate, the roommate does not thank Adam.

*Friendly Favor II:* Adam and Jack are longtime friends, and after business school, they each start businesses in the same industry in the same city. Though both work equally hard, over time Jack's business flourishes while Adam's languishes. Eventually, Adam finds himself with only a single struggling store, while Jack owns many stores and is very well off. One day, Jack's profits level off, and his accountant tells him the only way to rekindle the growth of his business is to open a new location right next to Adam's. The move will drive Adam out of business, which prompts Jack to deliberate about the move; but he ultimately decides to open the new store anyway. Adam gets wind of the situation through mutual friends, and asks Jack, as a favor between friends, not to open the new store. Jack considers the request and declines it. He has been eager to buy a Maserati for the last few months, and unless he opens the store, he will not be able to afford it.

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<sup>1</sup> The following case is inspired by Feinberg's Nowheresville. See Feinberg (1970, p. 243).

*Anniversary expectations:*<sup>2</sup> Adam and John have been in a monogamous romantic relationship for ten years. Each year, Adam clearly (but unassertively) lets John know what he'd like as an anniversary present, and each year, John falls short, giving Adam a token gift that is objectively inadequate for the occasion.

These are all cases in which one party objectively ought to give something to or do something for Adam, though Adam has no right to to it—no standing to demand it, the way he might demand, say, the performance of a promise. And yet, while it seems wrong for Adam to claim or demand any of these things, there would seem to be something troubling if Adam were to shrug complacently and remain silent in all these cases. This intuition is especially clear if we imagine that John, with whom Adam winds up in a relationship in the final vignette, is also one of the parties in each of the earlier vignettes. In this case, we would say Adam is in an unhealthy relationship, even if it were true that John cared about Adam's wellbeing and meticulously respected Adam's rights (e.g., never cheated on him, lied to him, broke promises, assaulted him, verbally abused him, etc.).

Why does it seem wrong for Adam to remain silent in these cases, even if Adam ordinarily does press his rights by demanding? Why can't Adam demand the praise, gratitude, forgiveness and help and consideration of those close to him when he deserves them? And what else is there for Adam to do other than remain silent or demand when these things, though warranted, are not forthcoming?

My goal in this paper is to answer these questions. I begin by sketching an account of rights as standing to demand, where demanding is understood as a kind of coercive influence. I then describe another form of influence that I call *reproach*, and distinguish it from coercion and two other forms of influence: epistemic influences and exercising normative authority. I show

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<sup>2</sup> This vignette is inspired by Shoemaker (2011, p. 621).

that reproaching is governed by norms very similar to those governing demanding, and so just as we speak of standing to demand, we can speak meaningfully of standing to reproach. The latter standing I label an *imperfect* right. I conclude by briefly describing several ways in which recognizing imperfect rights can be morally important.

## 1. Rights as Standing to Demand

According to Feinberg, claim-rights derive their importance from the fact that they can be “claimed, demanded, affirmed, insisted upon.” Despite the subtle differences between these verbs, I will proceed on the assumption they all essentially refer to the same activity in the context of moral claim-rights, which I will call *demanding*.<sup>3,4</sup> I will also proceed on the assumption that the activity of demanding in the sense relevant to our discussion is a form of interpersonal influence (as opposed to the more metaphorical senses we use when we talk about what “morality demands” or the way in which a silent attitude toward someone, like resentment, can be said to be a sort of demand on them<sup>5</sup>). The first thing to note about demanding as a form of influence is that it is not a kind of *epistemic influence*—that is, it is more than an attempt to influence someone’s behavior by informing, reminding or rationally persuading them of something, as one might do when one informs a stranger on a crowded bus that he is standing on one’s foot. It is true that we sometimes inform and demand in the same breath; but demanding is often (perhaps even

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<sup>3</sup> In his article, Feinberg actually dedicates considerably more attention to the activity of *claiming* than the activity of demanding. He describes three different senses of claiming, the first of which, “making a claim to something,” he equates with demanding, at least in the moral (as opposed to legal) sphere. (Feinberg 251) It is this sense of claiming that I have in mind and will use in the remainder of this paper, unless otherwise specified. For others who read Feinberg here as seeing claiming and demanding as the same category of activity, see Wellman (1985, pp. 204 - 205). For others who see claiming as essentially the same sort of activity as demanding, see Gilbert (2012).

<sup>4</sup> Other accounts of claim-rights that give demanding pride of place include Darwall (2006), Wellman (1985), Gilbert (2012).

<sup>5</sup> For a discussion of these different senses, see Macnamara (2013).

paradigmatically) called for after we have informed and our informing has proven insufficient to motivate someone to behave as we would like.

Demands are also not *an exercise of normative authority*—that is, demands do not paradigmatically influence the demandee by creating new normative reasons for the demandee that he did not already have.<sup>6</sup> It might be tempting to believe this. Consider, for example, the case of a sergeant who demands of the private that he perform ten pushups. In doing so, it seems the sergeant’s demand gives the private a reason to do the pushups that he did not have before the demand. Examples like this, however, do not demonstrate that demands are *essentially* exercises of normative authority. When the sergeant demands that the private do twenty pushups, it is not the demand qua demand that creates the private’s normative reason to do so, but the demand qua order or command. Orders and commands create new reasons; and we can order or command through the speech-act of demanding. But this does not show that demands essentially create new normative reasons. (Wallace 2007, p. 26) And indeed, there are times when demands do not seem to be exercises of normative powers at all. Imagine, for example, that you borrow ten dollars from me and promise to repay me today at noon. Noon comes and goes and you have not repaid me. At 12:01, it becomes true that you have a reason to give me ten dollars. It is not clear what additional normative reason I add when, at 12:02, I demand that you give me ten dollars. I do not, by demanding, make it any more wrong that you haven’t yet paid me my

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<sup>6</sup> For those who argue that demanding is an exercise of normative authority, see, for instance, Little and Macnamara (2010). There is a sense of the verb “to claim” on which claiming might count as an exercise of normative authority. When I, for example, file a claim with my insurance company after an accident, I thereby create for my insurance company certain obligations it did not have before. While this sense of claiming may be characteristic of claim-rights in institutional settings (e.g., under a system of laws), it does not seem to characterize moral claim-rights outside institutional contexts (e.g., in a state of nature). If I were to demand my ten dollars back from you at 12:02 and do so outside institutional contexts, it’s not clear that I make anything happen at all when I demand, at least not the way I do when I file a claim with my insurance company.

money.<sup>7</sup> And yet it is often at precisely this point—the point at which the addressee reveals that he is not sufficiently motivated by his normative reasons—that demanding seems appropriate.

The case of the borrowed money might suggest that demands influence by *conveying resentment*. But even this is something that demands do not essentially do, because there are times when people demand without expressing any resentment. Imagine that pirates kidnap my parents, contact me, and demand that I pay them a hundred thousand dollars. I doing so, they clearly do not exercise any normative authority, nor do they necessarily express resentment. What the pirates do in demanding—and this I believe is universal, true of all demanders—is *imply threats of sanctions of some kind*. To see this, consider the sorts of conversational responses demands prompt. Let's say a pirate contacts me, informs me she is holding my parents hostage, and demands a hundred thousand dollars in ransom. I might respond immediately with my full cooperation; but I might get indignant and flatly refuse to pay the ransom, or I might ask what will happen if I do not pay. The natural way for the pirate to reply to the last two possible responses would be to make an explicit threat: "If you don't pay the ransom, I will  $\phi$ ," where  $\phi$  is some action with unpleasant consequences for me—in this case, killing or torturing my parents. Their demand is what we might call a *proto-threat*, which we can think of as vague, amorphous or as-yet-unspecified threats.<sup>8</sup>

The threats implicit in demands can be more or less obvious, more or less specific. In the pirate case, the threat is quite obvious and specific. So too in the case of the sergeant's order. In other cases, demands might leave more to the imagination of the demandee. Consider again the case of the borrowed money, or a case in which I demand that you return a penny you have

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<sup>7</sup> It does seem true, though, that you show me more disrespect when you refuse to give me the money at 12:02, after I've demanded it, than at 12:01, before I've demanded it but after it's become due. For a reply to this point, see fn. 19 below.

<sup>8</sup> Others who see demands as a sort of threat include Skorupski (2010, p. 310).

taken from me. In these cases, my demand, qua proto-threat, invites you, the demandee, to imagine a range of unpleasant things I might be willing to do (e.g., refuse to return something I am borrowing from you, walk into your office and take a penny from your desk), and implies that I would be willing to do some of them, should opportunities present themselves. Insofar as the demandee finds even these mere possibilities discomfiting, even these demands are threatening or coercive. It seems all demands, then, whether those of a pirate or those of someone rightfully desiring his penny back, imply a threat. Indeed, it seems confused—almost contradictory—for any demander to say, sincerely, “I *demand* that you  $\phi$ , but if you still decide not to, I swear that I will not resort to any unpleasant means to try to make you.” In demands the implication of a threat, it seems, is not cancellable without contradiction.

Demands, then, are proto-threats, and in virtue of that, influence by *coercing*.<sup>9,10</sup> To have standing to demand, I take it, is something like to have special permission to engage in this kind of coercion—permission that one ordinarily lacks.<sup>11</sup> This permission arises from the satisfaction of certain norms surrounding demanding. One kind of norm has to do with whether the demand has any *basis*. Usually, it is thought, it is only permissible to coerce X to  $\phi$  if X has an obligation to  $\phi$ , or something like this. If you’ve stolen a penny of mine, you have an obligation to return it,

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<sup>9</sup> Those who classify demanding as a (maximally weak) form of coercion or enforcement include Hutcheson (1726/2008, p. II.VII.VI), Rutherford (1832, p. I.I.V), Hart (1955, p. 177 fn 176), Gilbert (2012, p. 308).

<sup>10</sup> It is an interesting question whether claiming in the strict sense I have taken to be synonymous with demanding (see fn. 4 above) actually counts as a proto-threat. Imagine in a state of nature, someone finds property that belongs to me, and I approach him and make claim to my property. It seems possible that I might do this in an unthreatening way, and that, if the finder of my property refuses to give it back, I subsequently choose not to demand. On the other hand, it would seem strange, almost self-contradictory, if I showed up to claim my property and, in one and the same breath, uttered: “I am here to claim that piece of property; but if you do not give it to me, I will not demand it or resort to any unpleasant means to try to get you to give it back to me.” To make a claim to something while forswearing one’s standing to demand or coerce seems to take the teeth out of the claim—to make it a different sort of beast entirely, more akin to requesting or informing. Insofar as claiming is to be an activity distinct from requesting or informing (and I believe it is), the implication of at least a demand cannot be cancellable.

<sup>11</sup> Others who conceive of standing as (at least sometimes) synonymous with permission include Darwall (2006), Gilbert (2012, p. 309), Wellman (1985, pp. 137 - 139), Manela (2015).

and so I may demand that you do so; but if you simply have a penny that I want, I may not demand it. If I did demand a penny of yours when you had no obligation to give it to me, I might permissibly be rebuked by being told that I've got "no right" to make such demands. A second kind of norm governing the permissibility of demanding concerns whether it is the demander's business whether the demandee  $\phi$ . If you've taken a penny from the person sitting next to me, you may have an obligation to give it back. But if it is not my penny, I may not have standing to demand that you give it back. The person sitting next to me may, though, and she may also tell me to mind my own business, in which case it no longer seems permissible for me to demand. We might call these *norms of minding one's own business*.<sup>12</sup> A final kind of norm concerns whether the act of demanding is in fact the sort of thing likely to be effective in bringing about what the demander wants. I might demand that you give me back the penny you stole from me, because this might very well induce you to do it; but demanding that you be grateful to me seems pointless, insofar as you cannot make yourself grateful out of fear or anxiety, the way you can make yourself give a penny back. We can think of this last kind of norm as a *norm of effectiveness*. These norms, then, govern the permissibility (or perhaps more broadly, the appropriateness) of demanding. Only when all of them are satisfied do we say someone has standing to demand.<sup>13</sup>

This account of rights as standing to demand helps us see the connection between moral rights and self-respect that Feinberg mentions. For X to recognize that he has a right against Y that Y  $\phi$  is for X to recognize that it is not entirely up to Y whether Y  $\phi$ 's. If Y doesn't realize that he ought to  $\phi$ , or if Y realizes it but is not sufficiently motivated despite the balance of normative

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<sup>12</sup> Those who mention such norms in the context of standing to demand include Wellman (1985, p. 145). For those who deny that norms of minding one's own business differentiate the permissibility of demanding in circumstances like this, see (Raz 2010).

<sup>13</sup> Of course, just because one has standing to demand does not mean one always should. There are times when even though one would be entitled to press a right, say, by demanding that his debtor return the ten dollars he is owed, it would be morally better, all things considered, to pass up the chance to do so.

reasons, this does not settle the question of whether Y will  $\phi$ , for there is still (at least a little) more that X can permissibly do to *make* him  $\phi$ —namely, demanding. X retains some degree of legitimate control over Y’s behavior. This realization, even if it is not (or practically cannot be) acted upon, is still empowering, and the feeling of helplessness entailed by the absence of this recognition is inconsistent with self-respect.

This account of rights also suggests why we do not attribute rights to Adam in the vignettes I began with. There is a sense in which it is Adam’s business (as opposed to anyone else’s) whether his friends help him move, whether he receives gratitude or praise or forgiveness when he deserves it, etc. But Adam seems to lack a basis on which to demand these things, since forgiveness, praise, and (arguably) gratitude are not the sorts of things anyone can be obligated to give. Furthermore, none of these things are the sorts of things that can be brought about by coercion.<sup>14</sup> For example, if Adam wants genuine gratitude and recognition for doing a roommate a favor, demanding thanks is more likely to generate a feeling like hostility or indignation than genuine gratitude. The same would seem to hold true for forgiveness, praise, and the special consideration one hopes to have from a friend or romantic partner.

## 2. Imperfect Rights as Standing to Reproach

So what may Adam do in the vignettes above? He might try to inform, remind or persuade those around him of the facts relevant to each case; but in each case, they might be too thickheaded to come to believe all the relevant facts. Alternatively, they might come to believe them, but simply be unmotivated by the reasons those facts constitute. Regardless, it seems clear that Adam lacks

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<sup>14</sup> There are, of course, other reasons why such things as gratitude, praise and forgiveness cannot be demanded. To do so, for instance, might imply that whatever was done to warrant these attitudes was done only to warrant them, which might undermine their appropriateness. For a response to such complications in the context of gratitude, see Manela (2015).

the kind of normative authority whose exercise might motivate those around him to act as they should. Whatever reason his coworkers have to forgive him in *Frugal Forgivers*, and whatever reason his roommate has to thank him in *Taken for Granted*, it's not clear what Adam could say to give them *more* normative reason to do those things.<sup>15</sup> It might seem that if epistemic forms of influence fail, then given Adam's lack of normative authority and lack of standing to demand, all Adam may do is silently abide the situation.<sup>16</sup> But to infer this would be to ignore a particular form of influence that is neither coercive nor informative nor authoritative. Adam, it seems to me, may *reproach* his counterparty in each case. Consider, for instance, *Friendly Favor II*. It seems to me that while Adam may not demand that Jack help him, it would not be inappropriate for him to *reproach* Jack in the face of his refusal.<sup>17</sup> Imagine Adam visits Jack at his office. "Come on, Jack—I'm desperate!" he might say. "What kind of friend are you, that you'd leave me out in the cold like this?" Or, "I can't believe you're going to drive me into bankruptcy just so you can buy yet another fancy car!"

In reproaching Jack in this way, Adam engages in a form of influence distinct from the three other pure forms of influence I have highlighted above. Reproaching differs from epistemic influences, like informing and persuading, in that it directly engages the addressee's emotions, not just his beliefs. When Adam reproaches Jack, he doesn't seek to get him to believe anything new. Indeed, we might imagine that Jack already believed that all things considered, the right thing to

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<sup>15</sup> Adam might of course do things to take away his counterparties' reasons to thank or forgive in these cases, but it is not clear that Adam has the authority to add more weight to that reason, or to add new reason to thank or forgive that his counterparties did not already have.

<sup>16</sup> It might be suggested that Adam could, and perhaps sometimes should, withdraw from relationships in which he is systematically treated as he is in the vignettes I gave above. While withdrawal from a relationship is often an option, though, it is not always an easy or feasible one. One cannot simply stop being siblings with someone, for instance, and thereby renounce the familial obligations and expectations that characterize such a relationship. And even if spontaneous renouncement were possible for any single relationship, withdrawing from *all* one's social relationships (as Adam would have to do) is often practically impossible.

<sup>17</sup> I introduce a similar form of influence, which I call *remonstration*, in <removed to preserve anonymity>.

do is to pursue option 1). He nonetheless fails to do this, though, because he believes that nobody has a right to claim this of him, and that doing it would be inconsistent with something else he wants to do.

Reproaching also differs from exercising normative authority, in that it does not seek to create new normative reasons for the addressee, the way issuing an order or command does. Rather, reproaching seeks to take the normative reasons he already has (but isn't sufficiently motivated by) and make those reasons more motivationally salient. Reproaching does this by evoking certain emotional reactions in the addressee—namely, shame and guilt. In reproaching the way I described in my example earlier in this section, Adam subjects the Jack to the visual and auditory experience of his anger and disappointment—the sight of these emotions in his eyes, the sound of his voice cracking in desperation, etc. Such experiences can leave a deep impression on the addressee, often in a way he finds unpleasant and unwelcome. And this is exactly the sort of experience, to greater or lesser degrees, that reproaching seeks to create in an addressee. Reproaching succeeds insofar as it creates a degree of guilt or shame in the addressee sufficient for him to comply with the normative reasons he has.

In paradigmatically creating an unpleasant experience for the addressee, reproach is like coercion. Despite this similarity, however, reproach is distinct from coercion in that the latter is concerned only with the addressee's actions, and not with their motivational connection to his normative reasons. The goal of coercion is simply conformity—simply getting the addressee to do something. The pirate's demand for ransom is successful so long as it gets the demandee to pay the ransom, regardless of why he ends up doing it. Reproach, on the other hand, does not simply aim to bring about certain behavior. In order to succeed, it must get the addressee to be motivated *by a certain normative reason*. This cannot be done by instilling fear in the addressee, the way demands and threats do. When Adam reproaches Jack, he identifies a normative reason his

addressee has but is not sufficiently sensitive to, and, as it were, throws his weight behind it. He subjects Jack to the experience of his resentment in order to get Jack to feel sufficient pain, in the form of guilt, at the thought of not helping, to change his mind about pursuing option 1).<sup>18</sup>

Reproach, then, is essentially evocative of aversive emotion; but unlike coercion, reproach aims to induce *guilt* (or its forward-looking analog), as opposed to fear or anxiety, in the addressee.<sup>19</sup>

Reproach as a category of interpersonal influence can be as varied as the emotions a sincere reproacher might feel and express. At the milder end of the spectrum, a person might be said to *complain* when he expresses disappointment with the goal of inducing guilt in order to motivate his addressee. Complaining might be the most appropriate course of action in *Anniversary Expectations*, *Passed over for Praise*, and *Taken for Granted*. At the more severe end of the spectrum, a reproacher might express anger—as in the case of *Friendly Favor II*. Here, reproach takes the form of what we could call *remonstration*. Other emotions on the spectrum that a reproacher might express include resentment, indignation, and sadness. What all forms of reproach have in common, however, is the goal of motivating the addressee by making normative reasons he already has, but is not (yet) sufficiently motivated by, more motivationally salient.

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<sup>18</sup> For a more detailed account of how this happens, see Duff (1986, p. 59).

<sup>19</sup> These features of reproaching help explain why, when the addressee is not moved by the reproach, the reproacher typically feels even more disrespected than he did before reproaching. Imagine Adam goes to Jack's home and reproaches him—subjecting him to the mix of sadness and disappointment and resentment in his eyes, to the sound of his voice cracking in anger and desperation, etc. Most morally sensitive human beings would find such an experience quite moving in itself, independent of any normative reason whose pull they may already feel to comply with Adam's request. For Jack to remain unmoved or unmotivated literally in the face of such an experience is for him to reveal a lack of sensitivity to Adam that Adam would be reasonable to take personally. Indeed, it would be surprising if he left Jack's home feeling no more wronged or ignored than he did before he reproached Jack. If this is true, it gives us another explanation for why, in cases like the ten-dollar loan case, a demander might feel disrespected when his demand is not heeded, even if his demand is not an attempt to exercise normative authority; for though demands are not always attempts to exercise normative authority, they are often vehicles for reproach. In the ten-dollar loan case, it is the ineffective reproach carried out by the demand that leaves the demander feeling disrespected.

Whether expressing anger or disappointment, reproach is an especially intrusive form of influence, in virtue of the fact that it induces unpleasant experiences in the addressee. In light of this, it's no surprise that reproaching seems to be governed by certain norms, as demanding (and coercing more generally) is. Indeed, many of these norms are the same kinds of norms as those that govern demanding. One, it seems, needs a *basis* for reproach—usually a state of affairs in which the addressee is normatively *expected* (though not necessarily obligated) to do something he has not done. Adam would lack standing, for instance, if he reproached a total stranger who did not want to help him move, or if he reproached a person who did not owe him anything in the way of gratitude or forgiveness. Reproach also seems governed by a norm of *minding one's own business*. An observer in *Frugal Forgiver* might try to reproach Adam's unforgiving friend; but it seems this observer could be rebuked (perhaps by the friend and certainly by Adam) for not minding his own business, regardless of whether the complaint has a basis.<sup>20</sup> Finally, reproach may be ineffective in getting the addressee to “do” certain things, like form beliefs. In such cases, reproach might cause pointless emotional upset, and thereby render the reproacher liable to rebuke on those grounds.

As with the parallel norms in the case of demanding, these norms govern the permissibility or minimal appropriateness of reproaching. Someone who conforms to all these norms might be said to have *standing* to reproach, just as someone who conforms to the norms governing demanding might be said to have standing to demand. When X has standing to reproach Y for failing to  $\phi$  (though not standing to demand that Y  $\phi$ ), I will say that X has an

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<sup>20</sup> For a more extensive defense of the claim that norms of minding one's own business govern the appropriateness of reproaching, see Manela (2015, p. 164 fn 138).

*imperfect right* against Y that Y  $\phi$ . I will use the term *perfect right* to refer to standing to demand (or compel or coerce in other ways).<sup>21</sup>

### 3. The value of imperfect rights

Imperfect rights play several important roles in the good life and in morally healthy relationships with others. In the first place, recognition of imperfect rights is important because it highlights an often-overlooked kind of influence whose exercise might be the best or only permissible way to avoid morally tragic outcomes. *Friendly Favor II* is an example of this, but the stakes can be even higher. To take a hackneyed example, imagine that Adam is diagnosed with a potentially fatal medical condition, the only cure for which is a bone marrow transplant. Imagine further that only his brother, Bart, is a suitable match. Bart and Adam are not estranged, and the bone marrow donation procedure, while uncomfortable and painful, carries no risk of death or permanent impairment. Now imagine that Bart, despite knowing these facts, chooses not to donate marrow because he dreads the discomfort of the process. We might even imagine he believes he should donate the marrow, all things considered, but is not sufficiently motivated to. It seems to me that Adam does not have a right to Bart's marrow, to Bart's donating it. Adam, that is, may not demand that Bart do so, and it would be wrong for Adam to try to coerce Bart in any way into donating it. It is not so clear to me, though, that Adam must remain silent in this situation, given that it is objectively the right thing for Bart to do to donate the marrow, and that

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<sup>21</sup> My definitions of and distinction between perfect and imperfect rights conform to the definitions and distinctions originally put forward by various modern rights theorists. See, for instance, Hutcheson (1726/2008, pp. 184 - 186), Vattel (1758/2008, pp. Preliminaries, §17), Paley (1799/2002, p. 53), Rutherford (1832, p. 402). My conception of imperfect rights here should not be confused with *in rem* rights—rights (standings to demand) that are held against no one in particular.

the stakes are so high. If Adam is able to induce Bart to donate the marrow by reproaching him, then this may well be the only permissible way to bring it about that Adam doesn't die.

Reproach may also play an important role in less dire circumstances. In particular, it may be an important way to save relationships that, though not perfect, are nonetheless valuable. People occasionally find themselves disappointed in their romantic partners over matters in which informing, exercising normative authority and demanding are either inappropriate or ineffective. In these cases, the disappointee may often be inclined to remain silent and stomach his disappointment. Silence in such cases, however, can be worse for relationships than complaining.<sup>22</sup> If Adam remains silent month after month in *Taken for Granted*, or year after year in *Anniversary Expectations*, the indignation or disappointment he holds in all that time might erupt in a way quite damaging to the relationship. Such an eruption might be avoided if an early complaint corrects the source of Adam's disappointment. It might be suggested that any relationship with someone who needs to be reproached in order to do what he knows (or should know) is the right thing to do is not a healthy relationship—and that the point at which reproach is called for is always a point beyond which reproach is worthwhile as a means of saving the relationship. This does not seem to be true, however, in cases like *Anniversary Expectations*—especially if anniversary gifts are the only arena in which complaint might be necessary. Even in more extreme cases, like *Friendly Favor II*, remonstrance might preserve a worthwhile relationship. We might imagine that Jack, in that case, was temporarily overwhelmed by his desire for a Maserati, and that Adam's remonstrance was effective not only in bringing Jack back down to earth, but also in getting him to apologize, admit he was wrong, recognize his vulnerability to being swept away by desires for cars and guard against this vulnerability in the

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<sup>22</sup> For empirical research supporting this claim, see, for instance, Fry (2015, p. 107), Gottman et al. (1999).

future. If this lapse in his friendship to Adam turned out to be a one-time event, then Adam's remonstrance would have saved a worthwhile relationship.<sup>23</sup>

Imperfect rights are also valuable insofar as recognition and awareness of them plays an integral (though overlooked) role in what it means to respect oneself and others.<sup>24</sup> Recall that in §1, I suggested that perfect rights were essential to self-respect because to recognize that one has perfect rights is to recognize that one has a certain degree of legitimate control over others' behavior in certain situations, and this recognition can be empowering. For X to recognize that he has a perfect right against Y that Y  $\phi$  is to recognize that it is not entirely up to Y whether Y  $\phi$ 's, because even if Y doesn't realize that he ought to  $\phi$ , or if Y realizes it but is not sufficiently motivated despite the balance of normative reasons, X can resort to something beyond informing or begging to get him to  $\phi$ . X retains some degree of legitimate control over Y's behavior. The same realization, however, should attend recognition of one's imperfect rights. If X realizes that he has an imperfect right against Y that Y  $\phi$ , then even if informing, persuading and requesting have failed, and even if X realizes he has no standing to demand or coerce, there is still more he may (legitimately) do, in the form of reproaching, to get Y to  $\phi$ . As with recognition of perfect rights, to recognize an imperfect right against someone is to recognize that whether he understands his normative reasons and is prima facie sufficiently motivated by them does not settle whether he will  $\phi$ . This realization, even if it is not (or practically cannot be) acted upon, is still empowering, and the sense of helplessness entailed by the absence of this recognition seems inconsistent with being a fully self-respecting person. Indeed, I believe it is this sense of

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<sup>23</sup> Of course, if Adam finds himself having to reproach Jack for decisions like this on a regular basis, then the relationship may not be worth preserving. There is a parallel here with perfect rights and demanding. A person in a (supposedly) monogamous relationship who needs to constantly demand that his spouse not sleep with other people may not be doing himself any favors by prolonging the relationship in this way.

<sup>24</sup> In the next two paragraphs, I elaborate on and defend a suggestion I make in <removed to preserve anonymity>.

helplessness that characterizes Adam when, in all the vignettes I described, he simply shrugs complacently and remains silent. Insofar as Adam in this case suffers from a morally problematic lack of self-respect, or servility, and this lack of self-respect stems from a failure to recognize his imperfect rights, we can say he manifests *imperfect servility*.

Recognition of one's own imperfect rights also has important implications for one's ability and tendency to respect others. Imagine that Adam, in the vignettes I described earlier, never believed that it would be appropriate for him to remonstrate or complain in light of such treatment—or that he always refrains from remonstrating or complaining in such circumstances out of laziness or timidity or fear. This would seem to imply that Adam doesn't properly appreciate the value in the work he did to become worthy of praise, gratitude, forgiveness, favors from friends, consideration from romantic partners, etc. Appreciating this kind of work, and the character of the person who accomplished it, is a form of respect.<sup>25</sup> It is in this sense that a person like Adam who never presses his imperfect rights by reproaching, and thereby demonstrates a failure to recognize them, may be guilty of a lack of self-respect—what I've called imperfect servility. But he may also be incapable of recognizing or understanding the imperfect rights of others. Thomas Hill (1995) famously made the analogous case with perfect rights: A person who never presses his own perfect rights may fail to take those rights seriously, and even if he often seems to heed the perfect rights of others, his failure to recognize his own rights indicates that he likely does not understand or appreciate or recognize rights generally. This in turn raises questions about whether he treats others the right ways for the right reasons. It raises the possibility that he is liable to infringe or fail to defend the rights of others in the future. The same sort of reasoning might be applied to imperfect rights. A person who never presses his imperfect

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<sup>25</sup> Specifically, it is a form of what Hudson (1980) calls evaluative respect.

rights by reproaching those who ignore them may well fail to understand what it means to deserve gratitude, forgiveness or praise, or to legitimately expect special consideration from a good friend or romantic partner, because if he did understand these things, he would be disappointed or indignant or resentful to some degree when he did not receive these things (when earned), and if that were the case, he would occasionally remonstrate or complain. And a person who fails to understand what it means to deserve gratitude, forgiveness, praise, etc. is liable to withhold these things from others when others deserve them. If this is true, then imperfect servility must be avoided if we are to fully and properly respect ourselves and others, and avoiding servility entails at least a tendency to complain or remonstrate in circumstances like the vignettes from Adam's life.

#### 4. Conclusion

In this paper, I articulated a kind of interpersonal influence I call reproach, which involves inducing shame or guilt in an addressee in order to get him to be motivated by normative reasons he already has. When a person has standing to engage in this form of influence to bring about some state of affairs, I say he has an imperfect right to that state of affairs. Imperfect rights are an important (and perhaps even essential) part of how we characterize the position of persons who deserve certain things they cannot demand (like gratitude, praise or forgiveness), and of persons who legitimately expect special consideration within certain social relationships (e.g., friendship and romantic relationships) that cannot be claimed. Recognizing one's imperfect rights, and occasionally pressing them by remonstrating or complaining, can be an important way to influence people away from tragic decisions, to improve or salvage important relationships, and to preserve a kind of self-respect.

Ultimately, I leave open many questions about reproach and imperfect rights. Regarding different forms of reproach, for instance, is there a morally significant distinction between complaining and remonstrating? What are the differences in the norms governing each? Do these norms tell us anything about the norms governing other forms of influence, like encouragement or inducement, or about the difference between them? I also leave open questions involving the relationship between perfect rights and imperfect rights. For instance, do imperfect rights always entail certain perfect rights?—e.g., a perfect right to be listened to as one reproaches?<sup>26</sup> Can imperfect rights be transferred to agents who can be empowered to reproach on one's behalf, as is often the case with perfect rights? Are imperfect rights the sort of thing that can be had only by individual agents, or can collectives, like states, have (and sometimes) exercise standing to reproach, just as they can have standing to demand? If so, how does this happen? My hope is that I have said enough about the nature and value of imperfect rights to show these questions worth pursuing.

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<sup>26</sup> This is suggested by Vattel (1758/2008, pp. Préliminaires, §17), Rutherford (1832, p. 402).

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