The Ethics of Enmity: Partiality’s Negative Analogue

by

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Abstract
At the outset of the Republic, Polemarchus advances the bold thesis that “justice is the art which gives benefit to friends and injury to enemies”. He quickly rejects the hypothesis, and what follows is a long tradition of neglecting the ethics of enmity. The parallel issue of how friendship (and other positive relationships) affects the moral sphere has contrastingly been greatly illuminated by discussions both ancient and contemporary. My work bridges this existing work with the less explored topic of the normative significance of our negative relationships.
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Introductory Remarks

At the outset of the Republic, Polemarchus boldly advances the thesis that “justice is the art which gives benefit to friends and injury to enemies” (Plato, p. 169; 332b). The hypothesis rings strange to those familiar with contemporary ethics— the concept of enmity is almost entirely absent from philosophical discussions.¹ Socrates summarily rejects Polemarchus’ proposal on the basis that harm makes people “deteriorated in that which is the proper virtue of man”, that justice is the virtue particular to humans, and that justice cannot beget its opposite, i.e. injustice (p. 173; 335b). By contrast, there has been a serious revival and extension of the Aristotelian thought that friendship is central to morality, contemporary philosophers having argued that the partiality of friendship, family, and nationality is (justifiably) at odds with widely accepted impartial moral theories.² But just as Aristotle devoted two books of the Nicomachean Ethics to friendship while neglecting enmity, so too has contemporary ethics focused on our positive relations while ignoring the negative analogues.

Personal wronging most plausibly grounds a negative form of partiality. But while wrongdoing is discussed in the literatures on punishment and desert, they are impartial, rather than personal, phenomena. And while personal wronging plays a central role in the analyses of forgiveness and resentment, the former focuses on a positive response, and the latter is usually narrowly understood as a reactive attitude, which does not necessarily imply action. Revenge does involve action, but this response is extreme (involving harm) and does not necessarily

¹ While enemies are discussed in the context of just war theory, this relation is not the negative analogue of a personal friend. As I explain below, Kolodny briefly raises the possibility of a ‘negative image’ of partiality, but he is sceptical about the relation being justified.
parallel the ongoing structure of friendship: revenge can be understood as a discrete action that settles a debt, but the partiality of friendship is marked by an ongoing disposition to continue benefiting a person. In contrast with revenge (and Polemarchus’ related suggestion), I will argue that there are moral reasons for a negatively partial response to wronging that does not necessarily involve harming.
Chapter 1

I- Introduction

Despite proliferating discussions of partiality’s justification, the concept of partiality has had little formal treatment. Philosophical work on this topic commonly proceeds with a minimalist working definition (e.g. “favouritism”), on the implicit assumption that partiality is a relatively uncontroversial concept. Since current definitions of partiality are insufficiently developed, I will analyze the concept in greater depth as a means of defining the negative analogue. I will then develop a schema for understanding how negative partiality can change our normative relations. These possibilities range from a special permission to override the duty of beneficence to a duty to harm (with a number of moderate possibilities in between). This schema partly rebuts the sceptical argument that negative partiality is an extreme relation involving harm.

II- The Phenomena

There is relative consensus about what behaviours and relationships exhibit partiality. A friend might talk you through romantic troubles or give you a place to crash when you are down on your luck while having no disposition to confer these benefits to others. Parents invest in the education of their children, make financial sacrifices to help them develop their talents, and commit to shaping their moral character; in turn, children frequently care for their elderly parents. We prize pets but have comparatively less concern for how most other animal life

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4 For discussions of partiality between parents and children see Dixon (1995), Brighouse and Swift (2009), Kolodny (2010), and Douglas (2015).
5 For examples of discussions of partiality towards animals see Burgess-Jackson (1998), and Rollin (2005).
fares. These relationships usually involve love, but partiality does not require emotional engagement. Nations disproportionately benefit their own citizens and assign them special rights; physicians prioritize the health of their patients while lawyers and accountants favour the interests of *their* clients. These relationships have been taken to involve partiality although they do not necessarily involve loving attitudes.

The concept of partiality is also typically contrasted with fulfilling certain obligations. Fulfilling most general obligations, such as the duty of beneficence, the duty of non-malfeasance, or the duty to reward merit, is not typically thought to be partiality. Most prominently, consequentialism has been the foil of partialists: acting to maximize the good is paradigmatically not considered partiality. The other class of duties contrasted with partiality is a subset of special obligations: making reparations, fulfilling promises or contracts, expressing gratitude, and returning favours. A successful definition of partiality should explain how fulfilling these obligations is distinct from partiality.

III- Existing Proposals

The concept of partiality is sometimes problematically moralized:

There is clearly a disparity between the common practice of partiality, expressed in the inclination to favour our dearest (often nearest), and the modern moral ideal of impartiality. By impartiality is meant treating people the same in the same circumstances, such that the same credit, reward, or retribution is assigned for the same virtue, contribution or violation, irrespective of the status, wealth, race, gender or other morally irrelevant characteristics of those concerned (Smith, 1997, p. 30).

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6 For examples of discussions of national partiality see the contributions within McKim and McMahan (1997), Weinstock (1999), Miller (2005), and Brock (2008).
7 For discussions of professional partiality see Almond (2005) and Jacobs (2005).
8 See also Wolf (1992, p. 244): “The position that impartiality is a central and defining feature of a moral perspective is open to many interpretations… If we refer to the claim that all persons are equally deserving of well-being and respect as the Impartialist Insight, then we may characterize impartialism generally as the position that a moral person is one who recognizes and appreciates the Impartialist Insight and integrates it into her life.”
David Smith suggests that partiality (unlike impartiality) involves treating people differently based on “morally irrelevant characteristics,” which by definition, precludes the possibility of partiality being morally permissible. Lawrence Blum similarly states that altruistic emotions “are directed towards and occasioned by particular persons in particular circumstances. They do not have the generality or universality required by morality. Thus they involve ‘partiality’” (1980, p. 2). Those who defend special obligations to family members and friends understand them as cases of justified partiality; it is a substantive question whether these relationships are based on irrelevant characteristics, and according to partialists, whatever justifies friendship, family, or nationality is morally relevant. The moralized definitions of partiality force us to conclude that the obligations of friendship are illegitimate by definition and they are therefore nonstarters for my purposes.

Partiality typically involves distributing benefits to some person or group over others. In keeping with this observation, many philosophers define partiality in terms of “favouritism”, “bias”, or “preferential treatment”. For example, Per Nortvedt et. al. state that “to argue for the normative significance of relationships inevitably raises the question about unequal distribution of care on the basis of favouring the interests of particular persons (i.e. partiality)” (2011, p. 195). Marilyn Friedman similarly states that “intimacy and close relationships require partiality, that is, require special attentiveness, responsiveness, and favouritism...” (1991, p. 818) For partiality to be adequately captured by “favouritism”, this concept must be capable of

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9 See also Cottingham: “I define partialism as the thesis that it is (not merely psychologically understandable but) morally correct to favour one's own” (1986, p. 357-358). Cottingham only defines partiality implicitly by reference to the moral position ‘partialism’.

10 For example, Bernstein states that “we have the so-called partiality of friendship principle that all things being equal, friendships require mutual preferential consideration of interests” (2007, p. 59).
distinguishing the patterns of behaviour associated with friendship and family from promising, gratitude, reparations, and desert. However, it is not usually explained how favouritism plays this conceptual role.

Favouritism most obviously manifests the advancement of some interests over others. Maximilian de Gaynesford understands it along these lines, describing partiality as “a preference for something, a favourable disposition towards it”, which he takes to be equivalent to “the exercise of a preferential option” (2010, p. 92). However, this feature is far too inclusive: even utilitarianism requires preferences in how goods are distributed. Specifically, a utilitarian will choose to distribute goods to the recipient who stands to benefit the most. The natural utilitarian response to this suggestion is that such choices do not amount to favouritism, since the decisions that lead to them give equal weight to the everyone’s interests. The account of partiality could then be formulated in terms of the weight given to interests, an interpretation of partiality suggested by Sarah Stroud:

Let us say rather vaguely—but, I hope, uncontroversially—that according to common philosophical parlance, partiality is **special concern for the interests of certain people**. By ‘special’ I mean specifically ‘greater’: the idea is that S shows greater deference to the interests of those to whom she is partial than to the interests of those to whom she is not partial (2010, p. 134).

This definition succeeds in ruling out the consequentialist approach to friendship as partiality, which, for example, can claim that friends should benefit each other over others because they have raised each other’s expectations or are especially well-positioned to help each other.12

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11 For example, it could be argued that that Utilitarianism implies favouritism toward the Utility Monster. See Nozick (2013).

12 For discussions of this issue, see Baron (1991), Arneson (2003), Wolf (1992), and Kolodny (2010).
Since such claims do not entail that friends give greater weight to each other’s interests, Stroud’s view successfully avoids classifying the consequentialist friend as being partial.

Adding weight to someone’s interests implies that, all else being equal, it will be promoted over another person’s interests of equal value. However, special obligations also require assigning more weight to the interests of certain people. For example, a driver who picks up a hitchhiker and promises to drop them off at a certain destination is now required to give more weight to this person’s interests over others; assisting the hitchhiker on the basis of the promise, however, is not partiality. In response, one might note that someone who fulfills a promise does not do so because they take a person’s interests to weigh more, simply as such, but only because a promise has been made; the practice of promise-keeping involves assigning additional weight to interests for a particular kind of reason. Perhaps friends do not cite reasons to advance each other’s interests—they simply take the interests of the other to matter more. However, friends do assign additional weight to each other’s interests for reasons, e.g. the existence of the friendship; moreover, to deny that friends have reason for prioritizing each other’s interests is to deny that friendship is justified, which again begs the question against partiality.

One potential difference between fulfilling contracts or promises and partiality is that promising is contingently connected to the promotion of a person’s interests. Harry fulfills the promise to duel Malfoy by having the duel, even if this interaction does not promote Malfoy’s interests. Similarly, a contract could make a party worse off than if no contract existed: a city

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13 This example is somewhat contentious, since theories of well-being will disagree about what counts as the promotion of an interest. On a desire-fulfilment theory of well-being, if Harry’s rival desired to have the duel, then Harry has promoted an interest by having the duel. We might imagine, instead, that the rival has no desire for the duel, although Harry has still promised to have the duel. However, if Harry promises to have a duel and Malfoy
can contract to have garbage dumped on a particular piece of their land, even if its acting as a garbage dump is harmful.\textsuperscript{14} By contrast, partiality seems necessarily beneficial. A friend cannot be said to have acted with partiality if their action was intentionally harmful.

Against the above proposal, it could be argued that there are also necessarily beneficial promises. Suppose that someone promises to give you 20$. Isn’t fulfilling this promise now beneficial? Despite appearances, we can imagine a world in which this promise will not promote the interests of the promisee (e.g. if the money will be misused). It seems that for almost any promise, we can imagine a scenario where a (nefarious) individual keeps a promise as a means to a deleterious end. However, there \textit{is} an exceptional class of promises necessarily directed at the promotion of interests, i.e. promises having the content ‘to promote your interests’ or promises with the contingency ‘if x is to your benefit’; \textit{these} promises are difficult to distinguish from partiality. In response, it could be claimed that such exceptions do not undermine the fact that as a genus, promise-keeping does not necessarily promote interests. One could then argue that these particular promises should be evaluated in virtue of the genus they fall under.\textsuperscript{15} However, this solution seems ad hoc: why is ‘fulfilling promises’ a genus and not ‘fulfilling beneficial promises’?

There are further cases not easily captured by the above proposal. For example, there are other uncontroversially impartial duties that necessarily add weight to a person’s interests. Consider W.D. Ross’s prima facie duty to promote welfare in proportion to virtue, an obligation does not even desire the duel, then it is unclear that there is even a promise, since there is no plausible uptake condition. A promise that is not desired by the prospective promisee is no promise but a threat.\textsuperscript{14} Again, what counts as a contract is open to interpretation.\textsuperscript{15} This reply seems congenial to those who endorse Shelly Kagan’s conceptualization of special obligations to particular persons as being derived from corresponding general duties. See Chapter 1 of \textit{Normative Ethics} (1998).
that involves rewarding on the basis of merit.\textsuperscript{16} Like partiality, this activity is necessarily beneficial: one cannot apportion benefit to merit without promoting interests. Nonetheless, fulfilling this duty is not considered partiality. Similarly, prioritors believe that we ought to promote the interests of the worst off in society; while acting on this principle involves giving greater weight to the interests of certain individuals, it is still considered impartial.

Another feature of promises and contracts that might distinguish them from partiality is the specificity of these obligations. These obligations have clearly defined content: an unclear ‘promise’ does not bind. Similarly, the duties to promote happiness in proportion to virtue or prioritariatism could be represented as specific formulas that describe the extent to which virtue should be rewarded or the extent to which the interests of the worst off should be prioritized. By contrast, friends owe more to each other than strangers, but the requirements of friendship are not fixed. Even when different friendships are justified by similar background conditions, the obligations of the friends will be affected by the capacities, needs, and circumstances of members.

One response to this proposal is that the bindingness of a promise also varies with the circumstances of the promisor and promisee: an appointment for lunch with a friend can be broken for the sake of helping the victim of a car accident. However, this case differs from duties of friendship, since such promises are still prima facie binding, reflected by the fact that breaking the promise requires an apology. By contrast, friends do not usually need to apologize for lacking the capacity to further assist each other in times of need.\textsuperscript{17} Nonetheless, we can imagine an obligation that has a similar structure to that of friendship but which is still not

\textsuperscript{16} See Chapter 2 of Ross (1930).
\textsuperscript{17} One exception might be the friend is blameworthy for their lack of capacity.
partiality. For example, the duty to bring about happiness in proportion to virtue can be modified to the duty that the virtuous be rewarded in ways that are sensitive the needs of the virtuous and the capacity of those able to help, i.e. we can imagine a society that treats the virtuous as friends. Rewarding the virtuous in this way still does not seem to be partiality. Therefore, the indeterminateness of an obligation does not seem sufficient for partiality.

As argued above, both partiality and impartiality can involve assigning additional weight to interests. This activity is objective, in the sense that performance does not require any feelings about the interests or well-being of a person. An alternative strategy is to define partiality in terms of subjective psychological states of an agent acting, most plausibly in combination with some objective features already mentioned. In the example of rewarding merit, agents are plausibly motivated by a sense of justice, rather than a caring attitude for the welfare of the virtuous; rewarding virtue also does not necessarily involve caring more about the welfare of the virtuous. By contrast, we usually benefit friends and family members in part because we care about them. Nonetheless, it seems possible to separate the feelings of partiality from partial behaviour. We can imagine a person who has acquired the duties of friendship and sees themselves as having these obligations, but who also finds themselves unable to actually care about their friend. As a morally-minded person, they could act on a perceived duty to promote their friend’s welfare, assisting a friend in times of need, prioritizing their welfare over others etc. In doing so, they still seem to act with partiality. While it could be argued that this person is not really a friend or that they fail in their duties as a friend by lacking the appropriate subjective attitudes, the individual in question seems to exhibit partiality insofar as they act as a friend.

There are other difficulties with subjective feelings being a necessary condition of partiality. As I noted above, friendship and familial relationships are marked by love, but there
are core cases of partiality that seem to lack this attitude, such as the duties of national partiality. We do not think that national citizens must have caring attitudes for each other to qualify as acting with partiality (it is usually presumed that members lack such attitudes). Therefore, I do not believe that caring feelings are necessary for partiality.

IV- Emerging Patterns

There are some patterns emerging from the above discussion that help to delimit the answer to the present question. First, partiality is not simply a matter of how benefits are distributed. If four people stand to benefit from some fifth party, we cannot conclude that anyone has been treated with partiality solely by looking at who receives the benefit. Even acting to maximize happiness will involve an unequal distribution of benefits, despite the fact that acting to maximize happiness is not partiality. Similarly, reparations, promises, and gratitude will involve unequal distributions of goods, but these distributions are not typically partial. A second pattern emerging from the above analysis is that there are two kinds of cases that are difficult to distinguish from partiality. The first class of cases are those special obligations that involve preferential treatment on the basis of a relationship (e.g. gratitude, reparations, contracts, promises etc.). The second class of cases are those involving non-relational distribution of goods (e.g. acting on prioritarian motives or the promotion of interests on the basis of virtue). Definitions of partiality that rule out one class of these actions typically have difficulty addressing the other.

V- Positive Proposal

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For discussions of national partiality and the relevance of subjective attitudes, see Hurka (1997) and Miller (2005).
Soran Reader proposes a criterion of partiality that offers a promising route to ruling out the non-relational patterns of beneficence of described above:

A useful way of distinguishing impartialist from partialist views is by noting that impartialists believe (certain) intrinsic properties confer moral status and determine obligations, whereas partialists believe that (certain) relational properties do this (2003, p. 370).

It has frequently been noted that partiality involves agent-relative reasons for actions. Although this observation is important, it cannot be taken to define partiality, since there are unjustified acts of partiality, which are unsupported by reasons of any kind (e.g. the partiality of white supremacists or between the members of a criminal conspiracy). Reader’s point seems to at least track a distinctive feature of justified partiality. Family and friendship are kinds of relationships, and partiality does seem to be a matter of benefiting someone based on these relationships. By contrast, there is no relational justification of apportioning benefit on the basis of merit. An individual acting on this principle does not confer benefits because of any commitment or relationship of their own, but rather because of what someone deserves, regardless of how they are related to the individual. Analogous reasoning will distinguish partiality from consequentialism and prioritarianism.

The observation that justified partiality involves agent-relative reasons for action suggests a way to distinguish partiality from impersonal relationships that involve advantageous distribution of goods. The main difficulty is that we cannot include normative content in the concept of partiality: we cannot say that partiality involves having agent-relative reasons for action. Rather, I believe that partiality involves acting for an agent-relative reason. In other words, a person is partial when they act for a reason that essentially makes some reference to
themselves. Saving a person from drowning because ‘someone is drowning’ or ‘acting to relieve suffering’ are not cases of partiality, since these reasons for action do not essentially refer to the person who is acting. By contrast, saving Rachel from drowning because she is my friend does ineliminably refer to myself. Following Stroud’s suggestion, the act motivated by an agent-relative reason will only count as partiality if it involves granting additional weight to some particular person’s interests (as a final end).

If acting on an agent-relative reason is a necessary condition for partiality, prioritarianism and rewarding virtue will not count as partiality, since each of these activities involve promoting interests for reasons that make no reference to the agent who is acting: rather, these reasons for action are oriented toward an impersonally specified end. An objection to this proposal is that our motivating thought when rescuing someone might simply be the identity of the other person, which is not necessarily connected to ourselves. Suppose, for example, that Charlie thinks that Nora is in need of rescue. If Charlie is moved simply by the thought that ‘Nora is in trouble’, it might be unclear how this motivating reason is self-referential. Presumably, however, Charlie’s connection to Nora does figure in the urgency of the action. If she is in not moved in the same way to assist another similarly situated party with whom she has no relationship, the explanation for saving Nora depends on their relationship. Even though Charlie might be moved by the thought ‘Nora is in trouble’, this thought would not be motivating without their relationship. In

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19 The formulation is based on Nagel’s definition of an agent-relative reason (1979, p. 102).
20 It is true that part of the explanation of most acts will be that a person wanted to produce a particular result. However, their wanting to produce the result is not necessarily seen by the agent as a reason for acting (e.g. if they believe that the result should be produced, regardless of their desire to produce the result). It is also generally true that being causally related to a person is part of the explanation for why a person acted. I cannot address these controversies here.
21 If I grant additional weight to a friend’s interests, because they are my friend, but I only desire to benefit my friends because I believe it makes my life go better, I am not really partial to my friends, but to myself. This minor point will be more relevant in the discussion of negative partiality.
22 Setiya (2014) disagrees with this analysis of how our motivating thoughts operate.
other cases, when the identity of a person is the motivating thought behind an action (e.g. when a rescuer knows the name of someone who is drowning and is moved by the thought that so-and-so is in trouble), the person’s identity could still be eliminable. For example, if the rescuer is apt to save the person, independently of the relationship between them and the other, the relation would no longer be crucial to explaining the act.

The above condition captures an important feature of our concept of partiality. We help our friends because they are our friends. While this point might seem trivial, consequentialists have argued that friendship could be (partly) captured by recognizing the value of friendship, or the value of friends providing benefits to each other.23 On such views, we have reason to benefit our friends because there are reasons to promote friendship in general. However, if we see friendship as a generic value worth pursuing, we have no more reason to promote the interests of our friends than to promote other people’s promotion of the interests of their friends. The consequentialist take on friendship is not genuine partiality (as they would readily acknowledge), because it construes the reasons for promoting the interests of friends in a generic way. By contrast, promoting the interests of our friends because they are our friends should count as partiality.

There will be couplings of cases where an agent is moved by an identical thought and produces an identical result, but one case counts as partiality and the other does not. This counterintuitive (sounding) result is a consequence of the fact that for an agent to be moved by an ineliminably self-referential reason, the reason in question must be a necessary condition of the action being taken; it must be the case that were the reason absent, the agent would have

acted differently. For example, someone who saves their friend from drowning does not count as having acted with partiality if they would have saved anyone from drowning in a similar circumstance (e.g. if their friend is the only person whose life is in danger). However, if they save their friend when two other (similarly situated) people are drowning, the act does count as partiality (assuming that the person would ordinarily save the most lives). In this second case, the friend figures ineliminably in the person’s act, since they would not have acted to save their friend otherwise.

The condition that partiality involves an agent acting for an agent-relative reason permits the possibility of partiality being either justified or unjustified. The Mafioso promotes the interests of their co-conspirators (not just the interests of any conspirator). A racist inappropriately promotes the interests of their race, simply because it is their own (or by discounting the interests of other races simply because they are not their own). This condition also captures the range of relations considered candidates for justified partiality: we favour our friends, our family members, our nation, etc. The condition also implies a plausible relativity in what counts as being partial. An agent who would not save a stranger that was drowning in dangerous waters (even if they were the only person at risk), but who would save their friend, treats this friend with partiality. By contrast, a person who would save anyone who was drowning in dangerous waters, including their friend, does not treat their friend with partiality by saving them.

This condition also has some drawbacks: it will exclude some potentially appealing applications of the concept of partiality. For example, we can imagine a teacher who is grading exams, but swayed by good handwriting into giving out a better grade than what is warranted. Someone might accuse the teacher of exhibiting partiality in virtue of the paper being given an
unfair grade, even though the teacher may not have acted on an agent-relative reason. There is also a kind of racist society that could reasonably be accused of exhibiting partiality, but which is not captured by the condition I have given. A society with a racial hierarchy that favours one particular group seems to be partial to the favoured group, even if such a society does not involve a dominant group preferring their own welfare simply because it is theirs. In such a society, we can imagine that everyone favours the interests of some group and that everyone does so based on a false moral view that the group should be favoured, independently of any personal connection to it. Since this rationale does not involve acting on an agent-relative reason, my condition will exclude this case.

Although common parlance would describe the actions described in the above paragraph as cases of partiality, they seem different from the concept of partiality as applied to thick relationships, the main focus of philosophical discussions of partiality. In the case of affording a benefit based on an irrelevant characteristic, we seem to be employing a moralized concept of partiality: we are saying that a person favoured the interests of another for morally irrelevant reasons. However, if this use of the term ‘partiality’ is synonymous with moral criticism, then it will not serve as the kind of neutral description necessary for beginning an independent moral analysis. Like the definitions of partiality considered above, this sense of partiality begs the question against partiality’s justification. Imagining a society with a racial hierarchy that benefits a particular race for non-relational reasons invites us to ask why they are benefiting the group; if there is no reason, then it seems as if the society is being accused of being partial under a moralized conceptualization. Alternatively, the society might have false notions about racial superiority, but in this case, the people in the society seem to be acting for an impartial reason (merit) although are misapplying it.
Initially, I thought there might be an alternative explanation of why the above activities are considered partiality, one that does not presuppose a moralized notion of partiality. In the above examples, some person/people are being treated better than what morality requires from an impersonal standpoint—and this feature could be taken to define partiality. Some notable philosophical discussions have advocated just such a view.\textsuperscript{24} This view is appealing because it implies we should only conclude that partial actions are wrong if there is no \textit{reason} for the person being treated better than what morality impersonally requires. For example, the hierarchical society treats certain people better than what morality impersonally requires, but there is no relevant justification for the treatment, which is why it is wrong. This view also captures the idea that prioritarianism or rewarding the virtuous is not partiality, since these principles are impersonal requirements (i.e. acting on these principles does not involve treating some person better than what morality impersonally requires).

However, there are too many drawbacks to this proposal. By definition, a supererogatory act involves treating a person better than what morality requires (impersonally or otherwise), but supererogatory actions are not (necessarily) cases of partiality. We could add the stipulation that partiality involves treating a person better than what morality requires and the stipulation that the act \textit{not} be supererogatory, but even this ad hoc solution cannot help. We can be partial to a friend in ways that are \textit{still} supererogatory. For example, exposing oneself to danger by running through a burning building to save a friend is plausibly supererogatory, but such an act could still

\textsuperscript{24} Jollimore (2000) seems to operate with this concept of partiality in the background of his discussion: “we are inclined to treat our own interests as if they bore more weight than the impersonal standpoint attributes to them. And we are similarly inclined to favour our friends’ interests…Thus, consequentialism demands a sort of impartiality that seems quite incompatible with the kind of partiality manifested in personal relationships such as friendship” (p. 69). Similarly, Arneson explicitly defines partiality in these terms: “Suppose that friendship is valuable, and that no relationship could qualify as a friendship unless the putative friends are disposed to be partial to each other--- advance each other’s good beyond what impartial principles hold ought to be done” (2003, p. 395).
count as partiality (if, for example, one would run through the building in order to save a friend but not a stranger). Why should exposing oneself to danger when saving a friend count as partiality, but exposing oneself to danger when saving a stranger not count as partiality? The plausible difference is that saving a friend from danger is an act one performs on the basis of a certain self-referential fact (i.e. our relationship). This supports my original condition proposed above.

There is another reason for thinking that treating a person better than what morality impersonally requires does not amount to partiality. Consider the person who is exclusively devoted to assisting their friends. If this person could save a drowning stranger, they would do nothing, but they would save a drowning friend. Seemingly, they exhibit partiality by saving a drowning friend. Since the person who exclusively saves friends counts as being partial, but impersonal morality still requires them to save their friend, it is not necessary to perform an act that is *better* than what morality impersonally requires in order for it to count as partiality.

Rather than thinking of partiality as treating someone better than what morality impersonally requires, it might be argued that it is a matter of treating people better than what morality impersonally *permits*. The biased teacher confers an advantage to a student that is not permitted by impersonal morality; the racist society similarly confers advantages that are not permitted by impersonal morality. This view also captures the fact that prioritarianism or rewarding virtue are not cases of partiality, since these principles not only impersonally permit, but impersonally require the relevant beneficial treatment. A difficulty with this definition is that if there any general permissions within morality, none of them will count as partiality. For example, suppose that morality includes an imperfect duty of beneficence (i.e. we have a basic permission in how we distribute goods), and we always choose to benefit our friends. None of
These acts of beneficence can count as partiality on this view, since these acts were not forbidden by the requirements of impersonal morality. This implication is counter-intuitive.

The above drawbacks are not so problematic that they would, by themselves, undermine the suggestion that partiality is to treat a person better than what morality impersonally permits. There is, however, a more severe problem for this view. Partiality sometimes manifests as an obligation to perform an act that was formerly permissible. Suppose that Katie is able to save Tim or Becky from drowning. Ordinarily she would be permitted to save either, but given her relationship with Tim, she is obliged to save him. On the above view of partiality, Katie does not act with partiality by saving Tim, since she was permitted to save him from the outset. One reply to this objection is that while impersonal morality does not prohibit Katie from saving either Tim or Becky impersonally, it does impersonally prohibit attaching more weight to the interests of one over the other. Instead, suppose that Katie’s brother has become gravely ill and requires a blood transfusion. If she is obliged to give the blood (when without the relation she would not be), we would describe her as having an obligation to be partial to her brother. Nonetheless, this act is one that she could permissibly perform for anybody—regardless of her relationship to them. The view that partiality must involve treating a person better than what morality permits will therefore misclassify this act as a case of impartiality.

The above analysis leads me to conclude that partiality is not a unified concept: sometimes we use this term to refer to an immoral bias, but at other times the concept refers to a kind of self-referential favouring. Perhaps some account of partiality can unify the concept to include those cases that seem to be mere immoral biases, but I will focus on ‘partiality’ as a concept that references the promotion of interests based on a relationship.

VI- Partiality Distinguished from Other Special Obligations
This section addresses the second challenge facing the analysis of the concept of partiality: distinguishing it from special obligations, such as the duty to fulfill contracts and promises, return favours, and make reparations. I have argued that partial actions must be motivated by an ineliminably self-referential reason. However, this condition is not sufficient for partiality. Suppose that someone refrains from killing another because they do not want to kill (even if it will cause someone else to kill). Suppose a riot will invariably lead to the death of many innocent people unless an innocent person is framed and executed. Killing the innocent bystander could prevent the death of many other innocents, but someone could reasonably desire that they not be the one to kill an innocent bystander. This act involves a self-referential reason: this person is concerned that he or she not be the one who kills. However, while deontic restrictions end up prioritizing a person’s interests, they should not count as partiality.

Although acting on a deontic restriction should never count as partiality, I do believe that acting on special obligations can under certain circumstances overlap with partiality. The first difference between partiality and our special obligations is the open-endedness of partiality. When we benefit a person out of partiality, we act for a self-referential reason (e.g. because someone is my friend), but we also act from a disposition to benefit the recipient on the basis of the self-referential reason for which we act (I benefit my friends because they are my friends, but also see our friendship as a reason to continue benefiting them). Consider the case of returning a favour: Jamie crashes on Sheldon’s couch when she is visiting from out of town, and subsequently she reciprocates when he is visiting. This ordinary act of returning a favour does not necessarily involve seeing Sheldon as an ongoing reason for response—the act settles a debt such that Jamie could simply conceive of the act as ending their relationship qua favour-giving
Similarly, wrongdoing creates damages and reparations pay off this debt. An act of reparation also need not require a background disposition to advance a person’s interests.

The above feature of partiality seems to distinguish it from the debtor-creditor relation. It might be noted that in a debtor-creditor relation the person who repays a debt returns the relationship to its former standing; partiality, by contrast, involves ongoing obligations. For example, Mark Bernstein objects to a debtor-creditor analysis of friendship:

Exchanges of goods, far from ending friendships, are part and parcel of strengthening them. When friends provide each other with pleasure and utility, and a fortiori, with opportunities for self-development, their relationship tends to deepen and becomes more intimate (2007, p. 63). I agree with Bernstein’s point as a normative observation, but these ideas cannot be incorporated into partiality as a descriptive idea. After all, a Mafioso treats fellow Mafiosos with partiality, but these interactions do not strengthen the Mafioso’s normative reasons for pursuing the relationship. Insofar as the ‘debts’ owed among fellow Mafiosos are illegitimate, this concept will not be a suitable account of partiality. However, the disposition to benefit a person in an ongoing manner can descriptively explain why Mafiosos are partial, i.e. they continue to see each other as reasons for beneficence.

Partiality does sometimes describe preferential treatment or favouritism that does not involve a background disposition to benefit a person in an ongoing manner. However, the cases that come to mind here involve, again, the kind of biases described in the previous section: being swayed by nice handwriting or benefiting a person by momentarily being moved by their smile. When applied to these examples, this application of the term ‘partiality’ seems to again be a kind of moral criticism, i.e. it describes the fact that the act is motivated by a morally irrelevant factor. Such criticism is not related to the narrower concept of partiality I take as my focus.
By taking partiality to involve a background disposition to benefit a person in an ongoing fashion, many cases of promises, gratitude, and reparation are ruled out as acts of partiality. For example, consider the typical response of gratitude to a gift. A mere thanks is meant execute the obligation, and the relationship need not involve any ongoing disposition to promote a person’s interests. Nonetheless, some cases of promise-keeping, gratitude, and reparations also involve an ongoing disposition to promote a person’s interests but should not intuitively count as partiality. For example, take the promise to mow your neighbour’s lawn every Sunday. Fulfilling this promise has an ongoing structure, but it does not seem sufficiently robust to count as partiality. Consider, alternatively, reparations that include the maintenance of a memorial to the victims of an atrocity. The maintenance of the memorial might continue for years, without this act counting as partiality. Moreover, gratitude arguably requires the ongoing disposition to acknowledge the received benefit, but this ongoing relation does not by itself seem to be partiality.

To accommodate the above set of cases, I believe that partiality should be understood to involve not only an ongoing disposition to benefit a particular person, but an ongoing disposition to promote a wide range of a person’s interests. This proposal is inherently vague, but I believe this vagueness tracks a genuine feature of our concept of partiality, which is not entirely a term of art. On my definition, for example, mowing a neighbour’s lawn every week will not count as partiality, if this is the only interest one promotes for a particular person; nonetheless, insofar as the neighbour is disposed to promote a much wider range of the other’s interests, I think the relationship is accurately described as partiality. There are other murky areas. Professionals maintain a relation with their clients that can be quite narrow in scope (e.g. an accountant doing taxes on a yearly basis), but these relationships can also be much deeper. A family physician
operating within the confines of an institutional role could also assist patients in ways that go far beyond prescribing medication for illness. They could be a mediator between a hospital and family, present evidence in court about competency, and advocate for patient’s approval into a long-term care facility. Insofar as the physician’s activities encompass a sufficiently broad range of interests, is personal, and ongoing, I am inclined to think the relationship involves partiality (even if it also involves promises and contracts to a certain extent).

The above analysis invites the question of how we might understand the promise to be partial. The answer on my view is that in this case, fulfilling the promise will also be an act of partiality. The promise to be partial will be a promise that will require the promisor to have an ongoing disposition to promote a sufficiently wide range of a promisee’s interests. A commonplace example of such a promise is the marriage vow, which incorporates all the elements noted above. It seems that an adequate account of partiality must allow for the possibility of partiality overlapping with this kind of promise: it is uncontroversial that spouses treat each other with partiality and that they also fulfill a promise by treating each other in this way. Therefore, my analysis (I believe appropriately) implies that there is not a necessary division between acts that fulfil promises and partiality.

As argued above, gratitude, returning a favour, and reparations typically do not involve an ongoing disposition to promote a person’s interests. For example, we can imagine a person who expresses gratitude and sees the act as terminating what is owed to the benefactor: such an act is not performed from a disposition to benefit them in an ongoing manner. However, there are also cases of gratitude that deviate from this pattern. For example, ordinary morality dictates that children owe a debt of gratitude to their parents. Suppose this view is correct and that some children benefit their parents out of gratitude (the reason for gratitude may vary—it can be a
matter of having had one’s needs met, having received supererogatory benefits, or simply having been born). A child who is grateful for such past benefits might see themselves as unable to ever fully repay the debt to their parents and view the ongoing relationship with them, at least partly, as a matter of gratitude. In the above case, we might look for some further feature to distinguish gratitude from partiality, but I believe it is more plausible to conclude that the case is an instance of partiality on the basis of gratitude. Insofar as gratitude involves an ongoing disposition to promote a sufficiently wide scope of interests, gratitude and partiality will be compatible.

VII- The Negative Analogue

As argued above there are three necessary and sufficient conditions for an act to constitute partiality:

1. A person acts on an ineliminably self-referential reason that attaches greater weight to a person’s interests.

2. The act must flow from a background disposition to promote the recipient’s interests on the basis of the self-referential reason for which the person acts.

3. The relevant disposition must concern a sufficiently wide range of a person’s interests.

The defining features of positive partiality allow us to develop the negative analogue. Insofar as negative partiality is a form of partiality, it will also involve acting for an ineliminably self-referential reason; it will be negative in that the person’s act will involve discounting the other person’s interests or acting contrary to them on the basis of this reason. For example, harming someone because I was the victim of their wrongdoing involves acting on a self-referential reason that is contrary to another’s interests. By contrast, state-sanctioned punishment involves harming a person because they have performed a wrongdoing simpliciter. The motivating reason
for harming the person is agent-neutral. Thus, both positive and negative partiality are fundamentally relational phenomena, but differ in the kind of treatment given on the basis of a relationship.

Many harmful acts will not count as negative partiality on this view. For example, imagine that a business causes a competitor to close down. Assuming that the people operating the business were motivated by their own profitability, the motivating reason causing the harm will not ineliminably reference the relationship with the competition. Seeking my own profit might result in numerous negative effects, but such effects will not be motivated by a reason to discount another person’s interests (as a final end). They will therefore not be negatively partial. Similarly, neglecting to save someone from drowning out of laziness is not negative partiality, since the self-referential reason for the act (one’s own interests) is not connected to discounting the interests of the other person as a final end. By contrast, opening a business to close down some particular person’s establishment, because the establishment belongs to a person you dislike, could count as negative partiality.

Returning a favour or fulfilling a promise typically does not count as partiality on my view since benefiting someone on the basis of these reasons will usually not involve a background disposition to benefit a person in an open-ended fashion. There is a negative analogue of this kind of treatment, which similarly does not involve an ongoing relation. Revenge often seems conceptualized in a terminal fashion: a victim ‘pays’ back the perpetrator of wronging, seeing the reaction as evening out the parties, and eliminating a kind of ‘debt’ between the parties. Jeffrie Murphy (1990) cites a great passage from the Iliad, which captures this aspect of our concept of revenge: “not if his gifts outnumbered the sea sands or all the dust grains in the world could Agamemnon ever appease me—not till he pays me back full measure, pain for pain, dishonor for
dishonor.” Unlike partiality, which involves an ongoing disposition, revenge (often) seems motivated by the attempt to even out two parties.

To completely parallel positive partiality, negative partiality must also concern a sufficiently wide range of a person’s interests. Combined with the open-endedness of the relation, this feature helps constitute the thickness of this negative relation. My enemy might only mistreat me in a limited domain, but in part what marks our relationship as negatively partial is that they are disposed to do so across a range of scenarios. There is perhaps less of a theoretical incentive to include this condition as part of the definition of negative partiality. While there are a number of ongoing positive relationships that we should distinguish from partiality (e.g. promises that continuously require the provision of some benefit), negative relationships (if only as a matter of sociological fact) are not typically confined to narrow arenas. If one believes they have a special reason to discount the well-being of another in a particular domain, it will likely translate to others.

VIII- Partiality as a Normative Phenomenon

Given the definition of partiality I have defended, there will be an uncontroversial subclass of partiality that is justified. My definition implies that partiality can be justified through general duties or permissions. For example, if one endorses utilitarianism, we will be permitted to be partial insofar as we maximize utility. The possibility of this result might be unexpected: above, I contrasted maximizing utility with partiality. However, it is only the aim of maximizing utility that is incompatible with partiality; acting from a motive of maximizing utility is not to act for a self-referential reason. However, partiality can coincide with maximizing utility when an agent’s motive does not aim at the maximizing utility but nonetheless has this effect. This implication is a strength of my definition since it explains how
two-level Utilitarian analyses of partiality are possible. Such analyses will not be mysterious on my view since the level of ordinary decision-making can involve partial motives, even if the actions produced through this decision-making are consistent with the actions required by consequentialism (as described above). By contrast, if we assume that partiality must, by definition, involve a special permission or obligation, it’s unclear how to make sense of the two-level analysis. Analogously, fulfilling the imperfect duty of beneficence is compatible with partiality. I can be permitted to benefit someone only because they are my friend in virtue of a general permission that allows me to distribute a range of goods in whatever way I choose. These practices are consistent because the imperfect duty does not impugn the motives that define partiality.

The controversial class of justified partiality is the special permissions or obligations associated with it. Most who defend the legitimacy of partiality believe that a variety of relationships can increase what we owe to someone. A historically noteworthy example of such a view is C.D. Broad’s “self-referential altruism” (1971). He presents this view as the common-sense account of how we ought to promote the good (a view specifically at odds with Utilitarianism). This account of our special relationships gives a paradigm picture of how to understand the obligations to be partial:

Each person may be regarded as a centre of a number of concentric circles. The persons and the groups to whom he has the most urgent obligations may be regarded as forming the innermost circle. Then comes a circle of persons and groups to whom his obligations are moderately urgent. Finally there is the outermost circle of persons (and animals) to whom he has only the obligation of ‘common humanity’.

Broad pictures our partiality as coming in degrees based on the requirements of different relationships. Parents owe more to children than friends, and friends owe more to each other
than mere co-nationals, etc. Strangers (i.e. people with whom we have no relationship) occupy the edge of Broad’s moral picture. But, if there are special permissions or obligations to be negatively partial, this picture is incomplete: the moral edge does not terminate at people unrelated to ourselves, but those who fall into some kind of negative relationship with us. Negatively partial relationships would then occupy rings that lie beyond those occupied by strangers. Although Broad’s picture of concentric circles is metaphorical, the image of enmity being a relation that lies ‘beyond’ strangers might be misleading; it might not convey the fact that enmity can involve a kind of intimacy. Therefore, it might be helpful to imagine instead two series of concentric circles: one to represent our positive relations and one for the negative. The inner circle of each kind of relation will represent the most intense kind of normative change with outer circles of decreasing intensity that approach strangers.

Insofar as relationships of partiality alter our baseline obligations, an account of partiality must operate with presuppositions about what we owe to people simply qua persons (i.e. Broad’s obligations of “common humanity”). For example, the claim that we have a special duty to promote the interests of our friends assumes that our baseline obligations are weaker than the duties of friendship. Similarly, Samuel Scheffler argues in *The Rejection of Consequentialism* that we have a special permission to promote the interests of our friends; here he assumes that without the permission to pursue our projects (such as friendships), there would be a standing requirement to maximize the good. This baseline gives content to the claim that there is special permission to promote the interests of our friends; if we adopted the view that there is no duty to promote the good, it would undermine Scheffler’s claim that there is a special permission to promote the interests of our friends (such acts would simply be permissible in virtue of the general permission). Like Scheffler, I operate with the assumption that there is a relatively
strong prima facie duty of beneficence (though not necessarily fully consequentialist). I will also assume that this duty can conflict with other prima facie duties, and that we can gain special permissions to override such obligations.\(^{25}\)

Given Broad’s general picture and assuming the framework of prima facie duties, we might naturally conceive of negative partiality as involving duties that are the ‘opposite’ of those generated by our positive relations. Since harm is the contrary of a benefit, this interpretation takes negative partiality to be a duty to harm. Polemarchus advances this extreme hypothesis in the Republic, i.e. that justice is benefitting our friends and harming our enemies (a common-sense conception of morality in Ancient Greece).\(^{26}\) This conceptualization of negative partiality as a duty to harm is also seemingly implied by Niko Kolodny in his contemporary discussion of partiality (this point only becomes apparent from the second quote below). His insightful principle for capturing the kinds of relationships that are legitimate candidates for positive partiality is as follows:

Resonance of histories of encounter: one has reason to respond to a history of encounter in a way that is similar to the way that one has reason to respond to the discrete encounters of which it is composed, but that reflects the distinctive importance of a history shared with another person (2010, p. 51).

Kolodny’s principle implies that partiality is justified when there is an extended series of interactions that already call for positive (yet non-partial) response: e.g. an extended relationship of mutual beneficence. One act of beneficence does not create the obligations of friendship, but many such interactions can; the extended history generates reasons for response that are over and above the reasons provided by the individual interactions. However, Kolodny denies that this

\(^{25}\) Although I take on the framework of prima facie duties/permissions, what I say here can be reframed in terms of justifying and requiring reasons.

\(^{26}\) For a discussion, see Blundell (1989).
principle entails analogous normative consequences for negative relationships on the presupposition that it involves harm:  

Internally negative relationships, such as those between master and slave, or enemy and enemy, are shared histories of encounters in which one relative wrongs the other relative... Nor do they provide reason for, as it were, partiality’s negative image... Enemy does not have reason to harm enemy... I assume, however, that [wrongdoing] does not give the victim reason for retribution, or reason of any other kind to harm the wrongdoer (2010, p. 54).

Kolodny denies that his principle has implications for negative partiality on the basis that being victimized does not generate reasons for harming. However, as I will show in the following discussion, the “negative image” of partiality does not necessarily include a duty to harm.

Returning to Broad’s picture, he believed that justified partiality manifests as the duty of beneficence becoming increasingly “urgent” relative to the baseline of individuals with whom we have no relationship (i.e. strangers). All things considered, if the duty of beneficence is strengthened with respect to a particular person, the well-being of this person ought to be promoted over that of other similar situated individuals. For example, in Bernard Williams’ scenario (1981) a husband must choose whether to save his drowning wife or a stranger: the strengthened duty of beneficence implies that he ought to save his wife. Analogously, rather than thinking of negative partiality as a duty to harm, we can think of it as a weakened duty of beneficence. A second prominent view about partiality is that it can take the shape of a special permission, allowing us to increasingly favour the well-being of people in certain relationships. In a rescue scenario that involves saving three people over one who is related to us, we might


27 Ibid. p. 54
believe that we are permitted, but not required, to save the related individual. Analogously, we can think of negative partiality as a special permission to discount a person’s well-being.

The preceding discussion reveals a complexity that Broad did not anticipate. We can represent an “inner” circle of individuals in terms of either special permissions or special obligations. These are distinct dimensions of justified partiality. Analogously, negative partiality can be conceptualized as either a weakened obligation or a special permission. All else being equal, a weakened prima facie duty implies that we ought to distribute a benefit to a person with whom we have no particular relationship over a negatively related individual. To illustrate, consider a group of apartment neighbours, one who has been inconsiderate, and particularly disturbing to another. Suppose that this disrupted individual is able to confer an un-costly benefit to one of the surrounding people: as it turns out, two people are moving out at the end of the month and each could make use of a trolley they have. Ordinarily, there would be no reason to prefer conferring this good to one person over another. As such, it would be permissible to lend the trolley to either neighbour. However, the history of wronging could be argued to change things.

Arguably, an individual well-positioned to assist an inconsiderate and noisy neighbour or someone on the block (with whom they have no relationship) ought to confer the benefit to the unknown neighbour. This intuition would be explained by a weakened duty of beneficence. Of course, if the duty of beneficence only weakens, then the inconsiderate neighbour should still be

28 For a defense of this position, see Scheffler (1984).
29 In itself, a special prima facie permission to benefit is not necessarily a ‘weaker’ form of partiality than a strengthened prima facie duty to benefit. For example, suppose that I have a special obligation to donate blood to my sibling, but I am not obliged to donate my blood to anyone else (suppose that we share an uncommon blood type). A special permission to donate blood to my sibling could represent a stronger form of partiality, since by definition it allows me to provide a benefit that would otherwise impermissible to provide.
assisted when there is no comparative good that can be brought about. If, for example, no other neighbour is in need of assistance, there would still be a duty to assist them. But, negative partiality could conceptually go further (still without involving harm). The duty of beneficence could weaken to the point of elimination, implying that even when no comparative good can be brought about, there is no obligation to assist the neighbour.

Negative partiality can also be understood as a special permission: we might think that the disrupted neighbour is permitted to override the prima facie duty of beneficence but is not required to do so. On this view, there is no requirement to prefer the lesser good of an unrelated person over the disruptive neighbour, but they are permitted to discount their well-being (when it would otherwise be impermissible to do so). Suppose again that both neighbours are in need of a trolley, but the noisy one clearly has more need for it. Without it their loading time will clearly take 2 to 3 times longer, while the other more respectful neighbour could simply stand to benefit from the minor convenience of it. An impartial principle of beneficence tells us to prefer the greater of two goods when all else is equal. It could be argued that all else is not equal in this case. Having been on the receiving end of nuisance levels of noise could alter one’s position with respect to this neighbour, allowing them to confer the lesser of two goods when it would ordinarily be impermissible to do so.

The examples of negative partiality described above have positive counterparts (the strengthened duty of beneficence or a special permission to benefit, and philosophers have defended both views). However, each conception of negative partiality does not necessarily have a positive counterpart. One such possibility is the ‘inversion’ of the prima facie duty of beneficence, according to which benefiting a particular person tends to render the act impermissible (i.e. benefiting a person counts as a reason against the act). On this view, it is not
merely the case that the well-being of an inconsiderate neighbour ought to be discounted in favour of the well-being of a stranger but that promoting their well-being counts against the act, implying that we should not help them, even when no comparative good can be brought about. This normative change differs from the case in which the duty simply weakens to the point of elimination (and is more extreme), in that providing a good when the duty is inverted makes the act worse than not helping. At this stage, my point is only conceptual: negative partiality need not involve a special permission or duty to harm. Nonetheless, this point guards against prematurely dismissing negative partiality for involving an extreme normative change.

Other duties can be analyzed analogously to the schema I have applied to beneficence. Consider the duty to avoid harming others. If negative partiality manifests as a prima facie duty to harm, it will have inverted the original duty; harming ordinarily counts against an act, but the duty to harm has the opposite effect, i.e. harm counts in favour of the act. However, negative versions of the original duty can be conceptualized in several weaker forms. The duty to refrain from harming could simply become weaker, in which case there would be less reason to avoid harming a particular person than others with whom there is no relationship. To illustrate, consider three neighbours with houses perched atop a hill overseeing the cityscape. Neighbour B resides between A and C and is planning an addition to their home that will extend to the end of the property line. Suppose that the house can be extended towards the left or right, that building in either direction makes no difference to B, and that it will result in either A’s or C’s view being blocked. If the duty to avoid harm weakens with respect to C (suppose for example, that C’s compost constantly overflows into B’s lot), then B will have some reason to prefer constructing the addition in such a way that blocks C’s lot.
Of course, if the prima facie duty only weakens, then B will still have an all-things-considered duty to avoid harming C when it can be avoided. For example, B would be obliged to avoid obstructing the view of both neighbours if there is a way of doing so that comes at no cost. If the duty to avoid harm weakens to the point of elimination, this aforementioned course of action would no longer be prohibited. If the duty becomes inverted, it would require this negative course of action. Finally, there could be a prima facie special permission to override the duty to not harm. Such a permission would allow a person to discount the duty to avoid harm when it would otherwise not be permissible to do so. Suppose, for example, that building to the left of the property will obstruct A’s view, but only slightly, while building to the right of the property will substantially impede C’s line of sight. While ordinarily there would be an overriding reason to build to the left, the permission not to avoid harm could allow (but not require) B to treat the duty to avoid harming C as less significant.\footnote{We can, analogously, imagine positive partiality manifesting as a strengthened duty to avoid harming a particular person or a strengthened permission to avoid harming someone.} The special permission to discount the duty to avoid harm differs from the elimination of the duty in that the special permission only makes it easier for other factors to outweigh the duty, while the elimination of the duty makes harming permissible even when no other morally relevant factor is present.

The above examples do not exhaust the ways in which partiality can make a normative difference. Rather, they illustrate a general schema. Positive partiality can manifest in a duty done for the sake of a person becoming stronger or becoming increasingly able to override a competing duty owed to others (i.e. become more permissible). Negative partiality can manifest in our duties becoming weaker, increasingly permissible to ignore, or inverted. For any other obligations done for the sake of a person, we can use this pattern to describe how negative

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30 \footnote{We can, analogously, imagine positive partiality manifesting as a strengthened duty to avoid harming a particular person or a strengthened permission to avoid harming someone.}
partiality manifests as a normative change. Partiality might involve other duties, such as the duty to keep promises or be grateful becoming stronger; negative partiality could involve them becoming weaker, permissible to ignore, or obligatory to ignore.

IX- Conclusion

The concept of partiality has not previously been investigated in detail. This chapter has aimed to advance the understanding of this concept as well as its negative analogue through my proposed three necessary conditions for an act to count as partiality and three parallel conditions for an act to count as negative partiality. This analysis suggests that there is an unproblematic concept lying at the core of philosophical discussions of partiality. Furthermore, I have developed a scheme for understanding how partiality can make a moral difference. These analyses set stage for the arguments that follow.
I- Introduction

This chapter introduces my approach to positive and negative partiality via a discussion of gratitude and resentment. Negative emotions are often the forerunners of negative actions, such as withholding a benefit, but I also believe they should be seen as normative forerunners: the conditions that justify negative partiality are similar to the conditions that justify personalized emotional responses. Furthermore, on my preferred view of the grounds of positive partiality, histories of interaction involving reasons for gratitude partly ground our reasons for friendship. The best account of negative partiality involves a similar structure, i.e. it can be justified in part by interactions that call for resentment. For these reasons, I employ a discussion of the emotions as a precursor to the arguments in subsequent chapters.

I aim to establish that there is an important parallel between the grounds of our emotional responses, which I believe also applies to positive and negative partiality. Gratitude is not rendered appropriate merely as response to benefit, but must to respond to actions (or intentions) that can be endorsed from the moral point of view; resentment, similarly is rendered appropriate as a response to morally unacceptable attitudes and actions. I also defend the general idea of a parallel between gratitude and resentment in the face of potential disagreement about the details: insofar as we are inclined to extend the range of actions that can call for gratitude, we will similarly be inclined to broaden the kinds of responses that warrant resentment.

II- Narrowing the Phenomenon

The previous chapter contrasted two ways in which partiality can be justified. The first, normatively less significant, kind of justification of partiality is in virtue of a general permission
that reflects how we can impersonally treat others. These permissions do not alter the moral status of an act and require no special justification—we can explain why the act is permitted by citing agent-neutral reasons for action. For example, if I am disrespectful towards everyone except my friends, there is a sense in which I am partial to my friends, and a sense in which this partiality is justified, but the partiality begs for no deep explanation. In this example, it is only superficially true that I should treat my friends better than how I treat others—it is true because I should not have treated others poorly in the first place, i.e. I should have treated everyone in the ‘better’ way. A general permission to be partial can also manifest as part of an all-things-considered permissible practice, e.g. a permission to choose how to distribute benefits. If there is a morally fundamental choice in how we are permitted to distribute goods (e.g. we have an imperfect duty of beneficence), we will sometimes be justified in distributing goods with partiality. Again, this partiality requires no special explanation and is not the focus of this chapter.

Although my focus is on the analogy between the special reasons for gratitude and resentment and our reasons for positive and negative partiality, there might be nonetheless be interesting connections between the area of partiality and that of emotions that require no special justification. For example, we can prefer to distribute benefits to certain persons when the distribution requires no special justification, and analogously, we can blamelessly express gratitude for a large range of activities that do not provide a requiring reason for such gratitude. I could express gratitude to a person whose smile brightened my day, even if they bore me no good will and did not intend to benefit me. No gratitude is owed for such a benefit, but the

31 The act of partiality is justified in that being respectful to my friends is justified, but the overall practice of disrespecting others will not be justified.
gratitude is not inappropriate. While there seems to be some flexibility in our expressions of gratitude, there does not seem to be a similar general area of permissibility that applies to resentment. I presume that there are reasons for resentment, but when these reasons are not present, resentment is inappropriate. If my unfriendly disposition causes me to incorrectly interpret a smile as a smirk, I would be wrong to harbour resentment for another on this basis.

While we have some latitude over our expressions of appreciation and positive regard, morality seems to more strictly regulate our negative emotions. I believe there is a parallel between this emotional phenomenon and partiality. In the formation of friendship, we can act with partiality, despite there being no special reason for this partiality. In this case, we may benefit a person as a means of forming a friendship. However, I do not believe that we are permitted to form negative relationships by treating people with negative partiality prior to there being any special reasons for this treatment. Unlike friendship, in circumstances of ideal moral behaviour, there is no choice in the formation of enmity.

III- The Duty to be Grateful: Supererogation, Sacrifice, Benefit, and Intentions

The remainder of this chapter is devoted to the reasons for gratitude and resentment, which alter the baseline of appropriate sentiments. Insofar as partiality makes a normative difference, it involves particularized requirements and claims; each parent has obligations to their children, and children have particular claims against their parents. Any more general obligations that are owed ‘to children’ or ‘to parents’ are not cases of partiality, but another kind obligation that does not have as its basis a self-referential reason for action. Being a bad friend might entitle anyone to criticize a person, but the mistreated friend stands in a special position of
criticism. Similarly, insofar as we have reasons to be grateful to\textsuperscript{32} a person, we are also subject to a corresponding legitimate claim from another party; when resentment is justified, we take the person who resents to have a particularized complaint against the person who committed a wrong. Having narrowed the kind of resentment and gratitude under consideration, I move to the specific conditions that justify these responses.

The literature on gratitude proposes an expansive list of conditions that preclude or require gratitude. Terrance McConnell (1993) has raised difficulties with many of these proposals, and he generates a substantially compressed list of the necessary and sufficient conditions for the duty of gratitude. In this section and those that follow, I largely follow his analysis, but subsequently further reduce the list of necessary conditions. To begin, it has been argued that obligatory acts do not warrant gratitude,\textsuperscript{33} but McConnell points to a plausible counter-example: an on-duty lifeguard is obligated to save drowning people,\textsuperscript{34} yet someone saved by a lifeguard still owes gratitude for being rescued (p. 16); it can also thereby be inferred that an act need not be supererogatory to warrant gratitude. It has also been argued that benefactors must incur a significant cost or sacrifice in order for their actions to give rise to the duty to be grateful. But as McConnell points out, we can also imagine cases of rescue that involve little cost or sacrifice to the benefactor: someone in the midst of drowning could be

\textsuperscript{32}We might have reasons to be grateful ‘that’ something is the case (e.g. grateful that we were born, grateful that we have good health), without being grate ‘to’ anybody. For a discussion of the contrast between these senses of the concept gratitude, see Card (1988, p. 177), and McAleer (2012). Amy Mullin (2011, p. 112) usefully employs this distinction as a way of rejecting Fitzgerald’s proposal (1998) that we might have a duty to be grateful for harms others have wrongfully imposed on us.

\textsuperscript{33}McConnell cites Heyd and Callahan as people who have held this view.

\textsuperscript{34}It could be argued that even a lifeguard in this scenario does not act solely from duty. Such a person would seem strange: it would be a lifeguard who is not moved by the harm of a person will suffer by drowning, but is only motivated by the fact that they are obliged to save the person. It might be useful to separate two distinct issues here: acts motivated by the fulfillment of a duty and acts that happen to fulfill a duty. It seems clear that acts that fulfill duties can still warrant gratitude.
saved by another person who merely need toss a life-preserver, yet the rescuee is still plausibly obligated to be grateful (p. 17).

Each of the above cases involves someone receiving a benefit, which might itself be thought a necessary condition for gratitude. Dudley Knowles writes that “of course the receipt of benefits is a necessary condition on appropriate feelings of gratitude – if no benefits are received, what is one to feel gratitude for” (2002, p. 5)? David Carr stipulates the similar condition that “gratitude should properly be conceived as some kind of response – psychological or practical – to a perceived benefit” (Carr, 2013, p. 18). But the idea that there must be a real or perceived benefit in order for an act to warrant gratitude has been rightly questioned by others. Contrary views go back at least as far as Fred Berger’s paper “Gratitude”, wherein he states 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” (Italics added) (1975). The suggestion first made by Berger is also endorsed by McConnell, who provides a convincing thought-experiment to support the view:

Suppose you are drowning and Brown, at a risk to his own life, tries to save you but fails. Fortunately, however, a much better swimmer, Black, is nearby, and she comes to your rescue. While your debt of gratitude to Black may be greater, you owe Brown gratitude too, even though Brown provided you with no benefit.

In McConnell’s case, a would-be benefactor fails to perform an act that would have been beneficial, yet still a debt of gratitude arises. Liz Gulliford et. al. (2013) propose a different kind of case to support the view that there need be no beneficiary for the duty of gratitude to arise. In their case, a would-be benefactor successfully performs an action that is mistakenly believed to be beneficial: someone gives a gift that, as it turns out, is of no value to the recipient. Assuming that the benefactor was well-intentioned and did not know the gift was not valued, it seems like the recipient should still express gratitude for the attempted benefit. These cases suggest a reply
to the sceptical question raised by Knowles (“if no benefits are received, what is one to feel gratitude for”): we can (and sometimes should) be grateful for the attempts that others make to benefit us, especially when such attempts come at significant cost or sacrifice.

Since providing an actual benefit is not necessary for an act to warrant gratitude, it seems that we should retreat to the weaker claim that an act must at least attempt to provide a benefit in order for it to warrant gratitude. This suggestion has the advantage of capturing another principle, which has near universal endorsement: a benefit warrants gratitude only if it is provided intentionally. Since we necessarily intend the actions we attempt, the intentionality criterion can be captured by the principle that gratitude is only warranted for attempts to benefit. The intentionality condition is itself independently motivated by intuitive cases. If my actions accidentally produce unforeseen and unknown benefits to another, the beneficiary does not seem to owe me gratitude (1975, p. 299). For example, a taxi driver who is delayed en route to the airport, thereby forcing me to miss a flight that ends up crashing, does not seem to be owed gratitude (McConnell, p. 26).

IV- Voluntariness

Voluntariness is another condition widely thought to be necessary for an act to warrant gratitude. Berger writes that if someone is “forced by threats” to provide a benefit to a third party, no debt of gratitude arises because the act was involuntary (p. 299), and McConnell similarly endorses this condition. While the benefactor in Berger’s case does not act under conditions of maximal voluntariness, providing a benefit under force of threat is also not completely involuntary; for instance, this action is more voluntary than the actions someone performs while asleep or as a matter of reflex.
The thesis that acts must be fully voluntary in order to warrant gratitude seems liable to counter-example. For example, there is a socially acknowledged debt of gratitude to people who have performed military service during WWI and WWII, a debt that makes no significant distinction between people who were drafted and people who volunteered. But, since failing to perform military service under these conditions could result in imprisonment, the benefits conferred by service members cannot be considered entirely voluntary. Even if a person signed up for the draft merely to escape prison, and performed the minimum requirements as a soldier, they are still owed gratitude.

A potential objection to the above example is that it involves collective beneficiaries and benefactors, making it unlike ordinary cases of gratitude; a sceptic might argue that we acknowledge military debts in a collective manner for the sake of simplicity. To put aside this complicating feature of the scenario, suppose instead that someone sentenced to mandatory community service is given a position working for Habitat for Humanity. Are the beneficiaries of the prisoner’s work permitted to be ungrateful for the efforts of inmates, given that they are performing it under threat of further punishment? I think we would be apt to criticize someone who displayed such ingratitude.

There is more credibility to the idea that an act completely devoid of voluntariness does not warrant gratitude. As mentioned, actions performed while asleep or by reflex do not generate the duty to be grateful, but there is a potentially confounding feature of these cases in that they also are not intentional, which I have already endorsed as a necessary condition for gratitude. I contend, to the contrary, that acts can be significantly deficient in voluntariness, while still being candidates of gratitude. Taxation is a method of involuntarily generating
income, which is used to benefit others. Nonetheless, it seems plausible that the beneficiaries of social programs or foreign assistance still owe gratitude to the citizens who contribute.

V- Motives

Berger’s proposal for when gratitude is warranted focused on the motive of the benefactor, his position being that only acts performed from benevolence (i.e. the desire to benefit another) generate the obligation to be grateful. This view received endorsement soon after its publication,\(^\text{35}\) and continues to be influential. But Berger’s view seems overly restrictive. It might imply that people who benefit others solely from the motive of duty are never owed gratitude.\(^\text{36}\) But, when medical professionals, firefighters, police officers, or others who occupy role obligations act from a sense of duty, they do not thereby seem to preclude the duty of gratitude from arising. On the basis of these kinds of cases, I think we should reject the principle that benevolence is a necessary condition for an act to warrant gratitude.

It has also been argued that acting from certain specific motives precludes gratitude. For example, Patricia White states that gratitude is not owed “if the benefactor knew that he was benefiting the recipient but undertook the act only because it brought him benefits” (1999, p. 44). A range of other authors have endorsed the position that acting from selfish motives precludes gratitude. But despite the popularity of this position, I believe McConnell provides a convincing case that casts doubt on this idea. He imagines a rescue case similar to those described above, but where the rescuer saves someone from the desire for personal glory. Since one still plausibly

\(^{35}\) For example, Card (1988) and Carr (2013) also take benevolence to be a necessary condition of gratitude.

\(^{36}\) This conclusion will partly depend on how we conceive of acting from duty. On some views, acting from duty necessarily shows respect to persons. Berger also suggests that benevolence involves showing respect, so it possible these views are not incompatible.
should be grateful for having been saved by someone who acts in this manner, the selfish motive does not necessarily undermine the duty to be grateful.

A similar motive that has been argued to undermine the duty to be grateful is the motive to indebted another (this motive overlaps with the selfish motive in cases where indebteding another is sought for a selfish purpose). Despite the similarity between these conditions, McConnell endorses the idea that acting to put others into debt precludes the debt of gratitude from arising. He explains it as an implication of the more general principle that a benefit must be given “gratuitously”, meaning that “the benefit was given freely with no strings attached and no demand that a return be made” (p. 23). Interestingly, he also considers a case that might be a counter-example to this principle. In his example, a person returns a lost wallet, but then strongly suggests they are owed a reward (p.19). Ultimately, McConnell does not take the case to refute his principle, noting that the person who returns the wallet has unclear and potentially mixed motives (some of which seem benevolent, since they could have stolen the wallet).

There are several elements in McConnell’s case that might explain why no, or little, gratitude seems owed to the person. First, returning lost items ought to be done as a matter of duty, rather than merely as a means of seeking reward (even if such a reward is appropriate); the person who returns a wallet and makes such a demand is potentially blameworthy and this fact might explain the scepticism about gratitude being owed. Second, while the value of the lost wallet is significant, it is nowhere near the size of some of the benefits considered in cases where gratitude is more clearly owed (e.g. the rescue cases discussed above). To isolate out the first factor and include the second, consider a different case. A family’s cat has gone missing for a week; they decide to advertise a reward for the returned pet. Some neighborhood kids inquire about the reward, it being the obvious reason why they are interested in searching, and they
subsequently find and return the cat. Given that the owners made the reward available as a means of incentivizing this kind of response, it seems that gratitude is owed for the successful return of the pet. Therefore, I reject the idea that acting to put others into debt necessarily precludes gratitude from being owed.37

Contracts are a commonplace phenomenon that involve people indebting each other. Unsurprisingly then, contracts have also been argued to be a paradigmatic interaction that is beneficial, but which does not give rise to debts of gratitude. However, there seem to be standard scenarios where a debt of gratitude arises when people act under contractual obligations. Firefighters, police officers, and lifeguards occupy contractually defined roles and at least sometimes are owed gratitude for services they render. It might be noted that these interactions are different from typical economic transactions insofar as the beneficiaries have not entered into a formal agreement with the beneficiary. However, it is not difficult to construct a case where this factor is isolated out. Consider the following: a person suffering from major depression enters into an agreement with a psychiatrist for 10 sessions of treatment. They meet weekly, and after several months of therapy, the patient makes a significant recovery. Despite the contractual arrangement, the patient should be grateful for being assisted in this way. Alternatively, we can modify a rescue case to involve a lifeguard contracted to work for people who own a private pool. Such a modification also does not seem to undermine the possibility of a debt of gratitude arising among owners of the pool.

37 It seems like disagreement over this point will ultimately rest on the disagreement about what constitutes a blameworthy motive. One who accepts that putting people in debt precludes the act from warranting gratitude likely believes that such an act is blameworthy.
I have argued against the idea that a selfish motive or the motive to indebt others precludes gratitude. Additionally, I have rejected the idea that benevolence must be present in order for an act to warrant gratitude. McConnell provides a more convincing argument that at least one kind of motive precludes gratitude from being owed, i.e. blameworthy motives. He gives the example of someone who saves the life of their enemy, only because they want to give them a more torturous death (p. 22). Even if they fail in inflicting the torture and succeed in saving the life, it seems like the would-be victim in this case has no debt of gratitude. The case is compelling, since it includes (or can be easily modified to include) other conditions that would otherwise generate a clear and strong duty of gratitude. For example, in the given scenario, a great benefit is conferred (i.e. having one’s life saved) and great sacrifice might be required (i.e. it might be risky or costly to undertake the effort to save the person in question). But, despite any risks or sacrifice taken by the benefactor and even their failure to successfully inflict any harm, there is intuitively no debt of gratitude owed for this act.

In general, the plausibility of the condition that a motive cannot be blameworthy in order for an act to warrant gratitude will depend on what kinds of motives count as blameworthy. For example, McConnell gives the case where a person saves someone out of personal glory: if this is the sole motivation for a person saving another, then it seems like the motive could be blameworthy. Other cases shed doubt on the blameworthiness condition. Imagine a physician who has a baseless grudge against a colleague. Suppose, motivated solely by the desire to have this colleague fired, that the physician closely scrutinizes their work, looking for errors that could be cause for termination. Without provocation or reasonable suspicion, the actions of this

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38 Simmons (see 1993) endorses a similar condition that malicious motives do not warrant gratitude (malicious motives being a subset of blameworthy motives).
physician would be blameworthy. But, suppose they discover a life-threatening error in the work of the other physician—should the patient’s life who is saved by their action be grateful? I believe so.

VI- Wrongfulness

I believe that wrongness undermines the duty to be grateful. To support this principle, consider an ordinary interaction that would generate the duty to be grateful: a friend brings over a bottle of wine as a gift for dinner. Further suppose that over the course of the evening, it is revealed that the wine had been stolen. Under these circumstances, there does not seem to be any duty of gratitude, and gratitude even seems inappropriate. However, there is a confounding factor in the situation: in stealing the wine to give it as a gift, the friend seems to act from a blameworthy motive (they may also have some benevolent motives, since they plausibly want to provide a gift). Since actions produced by blameworthy motives might seem to undermine gratitude, this factor should be isolated out of the scenario. In order to do so, consider an altered case. Your ingenuous and empathetic friend has heard about a bad bout of the flu you have been having. In search of a cure, they research alternative therapies and purchase a product for you to try out. Not thinking much of it at the time, and not wanting to offend your friend, you give it a try. To your surprise, the product works. However, it later comes to light that (unbeknownst to your friend), the salve was made from illegally imported Rhino horn.

39 In a brief discussion, Knowles comes close to endorsing the idea that wrong actions do not generate the duty to be grateful (though the brevity of the discussion makes his considered view unclear). He is more explicit about affirming the related view that we should only be grateful to the just state, and he gives the following explanation for this view: “we should be grateful to regimes which respect our independent moral status and we should acknowledge benefits which neither compromise our self-respect in the way of special favours nor demean that demanded status by treating us as dependent creatures” (p. 19).
I do not think there is any duty to be grateful for the salve. Instead of expressing gratitude, were you to explain the reasons for thinking that it should not have been purchased, your friend should understand. It is also not merely the fact that you do not want the Rhino horn that makes gratitude inappropriate in this situation. We would criticize someone who wanted such goods, and implore them to reform their values. The wrongfulness of the act seems to explain this analysis. Gratitude is a form of appreciation, one that implies an endorsement of how another has acted. But, we should not endorse wrong actions. Therefore, even if one desired the illegal product, there cannot be a duty to be grateful for it being purchased. It is nonetheless appropriate to be grateful for the admirable elements in the way the friend behaved. For example, they have attempted to do something good, so it is perhaps obligatory to thank them for their intentions and efforts, if separated from the act itself.

The analysis of wrongness given above also seems to be capable of capturing two distinct principles proposed by McConnell that he believes are necessary for an act to warrant gratitude. The first is that a “benefit must not be forced (unjustifiably) on the beneficiary against his will” (p. 13). He motivates this condition with a thought experiment that involves a Jehovah’s Witness who is forcibly given a blood transfusion. I agree with the intuition that the Jehovah’s Witness does not have a duty to be grateful for the transfusion. As McConnell notes, an objector might raise doubts about the transfusion being a genuine benefit, the success of this objection resting on one’s theory of the good: someone with a desire-satisfaction theory of well-being might hold that the transfusion is not beneficial, since it is unwanted. I agree that the transfusion is beneficial, though forcibly providing it violates the Jehovah’s Witness’ rights. Even though I

40 Knowles also endorses this condition (p. 5)
do not object to McConnell’s set up of the case and agree that no gratitude is owed in it, I believe this intuition is explained by the general principle that wrong acts do not warrant gratitude: it is because forcing the benefit on the Jehovah’s Witness is wrong that they do not owe gratitude.

Moreover, when forced benefits are justified, it does seem that gratitude can be owed. For example, pushing a stranger out of the way of incoming traffic forces a benefit, yet plausibly still gives rise to a duty to be grateful. The same might be said of someone who acts so as prevent someone from doing something wrong and harmful to themselves (e.g. taking the keys away from a drunk driver). Since wrongful force is what undermines gratitude, the wrongness condition seems to capture the forced benefit condition that McConnell proposes.

Another principle proposed by McConnell that is captured by the wrongness condition is that “the beneficiary must accept the benefit (or would accept the benefit if certain impairing conditions were corrected)” (p. 44). He motivates this principle with a modified version of the previous case, wherein the Jehovah’s Witness is unconscious and unable to refuse a life-saving treatment. The implicit assumption of the scenario (which explains why the case is not captured by his previous principle) is that treatment given to an unconscious person is not “forced against their will”, but is merely “not accepted”. Despite the fact that the benefit is not forced, McConnell seems correct that no gratitude is owed by the person who receives this treatment.

The principle that wrong acts do not warrant gratitude, where wrongness is conceived objectively, can also plausibly capture this principle that McConnell advances. In considering the case of the unconscious Jehovah’s Witness, a fully informed observer would know that the treatment should not be given because it is contrary to the beliefs of the Jehovah’s Witness and would violate their rights in a manner similar to the case of forced treatment. But, since the medical worker is presumably unaware of the beliefs of the patient, and can reasonably act on
the assumption that treatment would not have been refused, their actions are not blameworthy. More generally, the moral principle governing the case might take the form of the principle that ‘if we know that a person would refuse a benefit (had they the ability to do so), it is wrong to provide the benefit’. Plausibly, then, the wrongness principle captures the case at hand. There are other independent reasons to reject the principle that one must accept a benefit in order for the duty to be grateful to arise. As described above, the duty of gratitude can arise in cases where an action merely attempts to provide a benefit. In such cases, it makes no sense to say that the benefit is accepted by the beneficiary, since there is no benefit to accept. Therefore, acceptance of a benefit cannot be a necessary condition for gratitude.

VII- Wrongness II

There is another role that wrongness plays in determining whether a debt of gratitude is owed. Above, I concurred with McConnell that providing obligatory benefits sometimes gives rise to a duty of gratitude; however, compensatory special obligations that result from performing a wrong action seem different. Benefits conferred as a means of satisfying these obligations do not seem to warrant gratitude. To motivate this position, consider the following thought experiment modified from Derek Parfit’s *Reasons and Persons*. Suppose that a mad scientist injects someone with a drug that will cause unpleasant symptoms if a special pill is not taken once a day. Since without the pill, the victim of the mad scientist will painfully suffer, the pill is beneficial. Additionally, suppose that the scientist provides the victim with a pill each day. Each individual pill provides a genuine benefit, yet it is not the case that the person who receives them has any obligation to be grateful to the scientist. It might be noted that the scientist is under an obligation to provide the pills, but this feature of the scenario cannot explain why no duty to be grateful arises, since as already argued above, gratitude can be owed in cases
of obligation. We know that obligation does not necessarily undermine the duty to be grateful, but there is a more specific feature of this case that seems to explain the lack of a duty to be grateful: the scientist has acquired the obligation to provide a particular benefit in virtue of doing something that is wrong to them.

There are at least several ways that someone might push back against this thought experiment. First, it could be denied that the pills are truly benefits. After all, the injection combined with the series of pills does not add up to make someone’s life better: this was in a sense the point of Parfit’s experiment. I admit that having received the injection (event W) and the pills (events, X,Y,Z…) do not as a whole add up to be a benefit, but this does not show that after having received the injection, events X,Y,Z are not beneficial. The claim necessary for my purposes is that the pills are beneficial relative to the post-injection state.

Supporting evidence for the claim that the pills are beneficial is that if the scientist refused to provide them, and they were provided instead by a helpful friend or stranger, the pills would undoubtedly be considered beneficial. Nonetheless, an interlocutor might reply that there is a difference between the mad scientist providing the pills and a random stranger providing them. One could argue that while the stranger makes the victim straightforwardly better off, the mad scientist only prevents a harm that would have been caused had no treatment been given. This intuition might be driven by a certain conception of action: if I stop myself from swinging a bat (mid swing) at someone, I have not benefited them, even if someone else having interrupted me would count as a benefit. However, this case is not analogous with that of the mad scientist since the act of providing the injection is distinct from those of providing the pills.

A Berger-esque reply to the previous case might be to point out that the mad scientist acts in such a way as to exhibit a disposition that is incompatible with a person motivated by
benevolence. Since injecting the drug is harmful (in virtue of creating a dependency), we have good reasons to question the motives of the scientist. However, this line of argument relies on a contingent claim about the psychological link between the motive to inject and the motive to provide the pills. Nothing prevents us from hypothesizing that the mad scientist has a mistaken theory about well-being and believes that, by generating the sequence of desires for the pills and satisfying them, an overall benefit is provided. On this basis, we can suppose that the scientist could provide the injections and pills from a benevolent motive. Nonetheless, the victim is under no obligation to be grateful for having received such pills.

The case of the mad scientist resembles more realistic cases involving reparations. Reparations are beneficent, and potentially benevolent, acts that do not as a rule generate the duty to be grateful. It might be tempting to think that cases involving reparations do not call for gratitude because reparations are not given from a desire to benefit; and, this analysis plausibly applies to reparations obtained by threats of force (e.g. reparations obtained via the legal system), but it does not necessarily apply to all cases of reparations. Someone who is involved in a fender bender and who immediately compensates the victim without a protracted legal battle still cannot complain if the victim fails to demonstrate gratitude. It might not be inappropriate for the victim to express gratitude, but because the person at fault has no legitimate complaint in the face of a lack of such expressions, I do not think an obligation is present.

There are many cases having the structure of the above examples. Someone negligently communicates a piece of misinformation that endangers a work-site, but then corrects the error. A contractor doing repairs damages someone’s property, but then repairs it. These cases all involve obligatory benefits that are caused by past wrongdoing that require compensation, so it seems that such wrongs undercut the duty to be grateful.
VIII- Resentment

Receipt of benefit is neither necessary nor sufficient for the duty of gratitude to arise. Benefit is not sufficient since beneficial wrongdoing does not generate the duty. Benefit is not necessary since we should sometimes be grateful for attempted beneficence. Analogously, harm is neither necessary nor sufficient for resentment’s justification. Harm is not necessary because resentment can be justified by harmless wrongdoing. To illustrate, consider a case of harmless trespass: someone breaks into a vehicle, takes it for a joyride at 4 AM, and carefully returns it with the gas tank filled to previous levels. Surely, the owner of the vehicle can resent the person who took it without their permission, even if no damage was caused and the owner was never deprived of the use of their vehicle. Or, consider cases of informed consent. If a surgeon failed to notify a patient of a relevant risk factor for a particular surgery, which never happened to materialize, and the patient subsequently discovers the omission, surely they still have cause to resent the surgeon.

Harm is also clearly not sufficient for resentment’s justification. The perpetrator of a robbery harmed by a victim acting in self-defense cannot justifiably resent these injuries. I believe this analysis holds for all permissibly imposed harms. British citizens drafted during World War 2, and harmed during the conflict, do not have reasons for resenting the government; even if a particular soldier voted against implementing the draft and would have chosen not to fight, they do not have reasons for resentment if the draft was justified. However, incorporating wrongdoing into these examples can change our assessment of resentment’s justification. Someone who used excessive force in self-defense is more plausibly an appropriate object of resentment. Similarly, if one believes that World War 2 veterans have reason to resent being drafted, I suspect it is because of the further belief that the draft was unjustified.
Some philosophers have argued that resentment is a response to a perceived wrongdoing (or harm) by definition. Marguerite la Caze writes that “resentment concerns things considered to be wrongs which have been done, or are perceived as having been done, to us and others” (2001, p. 32). Jeffrie Murphy writes that “resentment is a response not to general wrongs but to wrongs against oneself” (1990, p. 16), and Kelly Hamilton concurs, writing that “resentment is a negative feeling that one has towards a moral agent for a culpable wrongdoing that one takes to have been done against oneself” (2009, p. 115). Paul Hughes writes that “resentment involves the belief that you have been wrongfully harmed” (1993, p. 331), although this view faces an immediate difficulty based on the analysis given above. Though I endorse the idea that resentment (like gratitude) is best understood as a personalized response (i.e. it responds to something taken to be relevant to ourselves), harm is not necessary for justifying resentment, and it also does not seem necessary for resenting. Unless one adopts the view that all wrongdoing is a kind of a harm, it seems that harmless, or even beneficial, wrongs can be resented.

Defining resentment along the above lines suggests a natural route to the conclusion that that resentment is only rendered appropriate by wrongdoing. If resentment involves the belief that one has been wronged, it could be argued that the attitude is only appropriate when the belief is true. The Stoics seem to have followed this reasoning (i.e. that attitudes involving beliefs are only appropriate when the beliefs are true) in reaching the conclusion that we should eliminate the emotions. On their view, for example, fear involves the belief that something bad might happen, but since the only bad thing (for a Stoic) is vice, fear will not fit its object (Baltzly, 2014). Although I endorse the idea that appropriate resentment must be in response to wrongdoing, this conclusion should not be reached through the aforementioned reasoning. This argument is not available, because resentment does not necessarily involve the belief that
wrongdoing has occurred. Margaret Walker provides a clear counter-example to this conception of resentment, i.e. that she can “resent the fact that it rained on my picnic, or that you are taller than I am, or that my neighbor drives a nicer car than I can afford” (2006, p. 110). Her conception of resentment is that it “responds to perceived threats to expectations based on norms that are presumed to be shared in, or justly authoritative for, common life” (p. 114). These norms need not be exclusively moral—for this reason we can resent a range of actions that are not wrongdoing. Following Walker, resentment should not be defined by the belief that we have been wronged; nonetheless, the above examples can help confirm the principle that wrongdoing is necessary to justify resentment. Resenting someone on the basis of their height is unfair to that person being resented. Bad manners might be wrong under some circumstances, but when blameless, e.g. when directed at someone unfamiliar with local customs, there is no basis for resenting them.

With the basic picture of resentment in place, the initial evidence for a parallel between reasons for gratitude and resentment emerges. For an act to warrant gratitude, it must be morally permissible, while resentment can only be justified by wrongdoing. I will now defend this parallel in detail. As discussed above, some people have thought that a benevolent motive must figure in acts that deserve gratitude, and a parallel motivational requirement could be argued for resentment. If gratitude requires a person to benefit another for their own sake, resentment might be thought to require acting contrary to a person’s interests for its own sake. However, like gratitude, justified resentment is compatible with a much wider range of motives. We can reasonably resent a person who selfishly pursues their ends in a way that negligently causes

41 MacLachlan similarly defends this point (2010).
harm. Similarly, gratitude will sometimes be justified by an agent who acts on selfish motives (or the motive to indebted another). Selfishness does not necessarily undermine the requirement to be grateful, nor the possibility of resentment being justified.

The limiting case of a motive that seems incompatible with reasonable resentment is the benevolent motive. Some cases seem to support this intuition. For example, a physician acting under the best known evidence could prescribe an accidentally harmful treatment, and I think most people would judge resentment to be an inappropriate response to such treatment. The goodwill of the physician seems to render the ultimately wrong act unworthy of resentment. However, I do not believe that there is a principled incompatibility between benevolence and resentment. A counter-example can be derived from the case of a physician who wrongs a Jehovah’s witness by overriding their expressed wish not to be treated. The physician intends to advance the interests of the patient for their own sake, but the patient still has grounds for resenting the physician since their rights were intentionally violated. The difference between these cases is that in the first, the physician aims at a permissible action (they are attempting to provide the most appropriate treatment, but fail to do so due to circumstances outside of their control), but in the second case the physician is not aiming at the permissible (they are prioritizing well-being over rights).

Someone might disagree with my construal of the above case: perhaps benevolence requires more than merely aiming to promote a person’s well-being—perhaps it also includes aiming at respecting a person’s rights. On this view, we always fail to exhibit this motive when we knowingly perform an act that violates a person’s rights. Even under this view, there is a case where I think resentment is an appropriate response to an act that contains goodwill. Under the present conceptualization of benevolence, someone can act on this motive while committing
a wrongdoing to others. Consider the child of person whose livelihood depends on defrauding the elderly. While the ill-gotten-gains do not directly wrong the child, the child benefits from the wrongdoing. Such a child also seems to have grounds to resent their parent, since they have become implicated in the wrongdoing of their parent. This case illustrates the following parallel: gratitude for a beneficial act (motivated by benevolence) is not justified when the act wrongs another, while reasons for resentment can be grounded by an act that has a benevolent motive but wrongs another.

Although resentment is compatible with a range of motives, it could nonetheless be argued that at least something about an agent’s motives must be worthy of criticism in order for an agent to warrant resentment. The physician who overrides a patient’s rights still fails to be motivationally sensitive to the rights of their patients, while the benevolent parent is indifferent to the rights of people who are not their children. It is a controversial question whether these omissions in the physician’s thinking count as part of their motive, but assume for the sake of argument that we understand motives in this broad fashion. I believe that resentment holds a person to account for their actions; a person must knowingly or negligently do something wrong to warrant resentment. If what we knowingly or negligently do always figures in our motives, then resentment will to this extent require a vicious motive. However, an analogous point about motivation applies to gratitude. Insofar as a person’s action warrants gratitude, they must also at least not be acting from the motive of doing what is impermissible (even if the act is, in fact, permissible): a surgeon who attempts to murder a patient by removing their kidney, but accidentally saves their life because it was cancerous, does not warrant gratitude.

Although a benevolent or malevolent motive is not necessary for an act to warrant gratitude or resentment, motive does affect the strength of existing reasons for these responses.
A lifeguard who abandons their post to go surfing with their friends for the day warrants resentment by the people put at risk; however, they deserve a weaker response than a lifeguard who intentionally abandons their post out of disdain for humanity, hoping that harm will befall the beachgoers. While the first lifeguard commits a wrong from the motive of self-interest, the second abandons post with a malevolent motive—they desire the suffering of beachgoers for its own sake. These motivational observations parallel the case of gratitude; while gratitude is owed to the person who returns a lost pet (as described above) for the sake of a posted reward, more gratitude is owed to someone who returns the pet, but does not do so merely as the means of being rewarded.

I have assumed that the attempt to benefit is a minimally necessary condition of gratitude, and this condition generates a potential asymmetry between the justificatory conditions of resentment and gratitude. For an act to warrant gratitude it must not only be permissible, but directed at the advancement of a person’s well-being. By contrast, an impermissible act need not aim at harming an agent in order for the act to warrant resentment. For example, a case of harmless trespass plausibly warrants resentment, despite there being no harm or attempted harming.

Insofar as harmless wrongdoing can ground resentment, there will be parallel non-beneficial acts that warrant gratitude. For example, if harmless wrongdoing is worthy of resentment, preventing a harmless transgression also plausibly deserves gratitude. Otherwise put, the protection of someone’s rights can generate the duty to be grateful. If your friend thwarts a cigarette thief, and you care about the wrongdoing, it seems that you should be grateful for the assistance. Even though preventing the robbery foreseeably produces a net harm (i.e. the toxic effects of the cigarettes), the friend is owed gratitude. Similarly, the friend of a Jehovah’s
Witness who advocates for their right to make decisions about health-care is owed gratitude, even if securing this right foreseeably produces a harm.

In reflecting on a potential asymmetry between gratitude and resentment, I believe that we are led to revise the original conditions of gratitude. As originally described, gratitude requires an attempt to provide a (permissible) benefit. However, I believe this original condition should be expanded. Gratitude requires either the attempt to benefit or the attempt to protect a person’s rights. Just as harmless wrongdoing can generate reasons for resentment, acts that preserve rights can warrant gratitude. This expansion of the conditions of gratitude is in keeping with the more fundamental point being defended in this chapter that gratitude responds to actions that receive approval from the moral point of view.

I also endorse the view that we can justifiably resent mere expressions of ill-will. This view produces another apparent asymmetry between gratitude and resentment. While resentment can be justified as a response to an inappropriately malicious attitude, gratitude requires a person to act. However, I believe this asymmetry can also be dissolved. Suppose, for example, that an Olympian showed contempt for their well-wishers at home. While the fans do not materially benefit the athlete, they could legitimately complain that the athlete was ungrateful for their goodwill. In this case, gratitude does not require personalized expressions of appreciation on the part of the Olympian, but it does require abstaining from explicit displays of indifference or dismissal. Gratitude can seemingly also be owed for mere expressions of goodwill.

While I have emphasized that neither benefit nor harm is necessary for gratitude or resentment, these conditions also seem capable of affecting the strength of existing reasons for gratitude and resentment. To assess the idea that benefit increases the duty to be grateful, consider again the case of Brown and Black. Brown attempts to assist a drowning individual, but
does not succeed, and plausibly the rescuee owes more gratitude to Black than Brown. The fact that the benefit plays this role seems fairly straightforward. This case raises a question about what the ‘strengthened’ duty of gratitude involves. For example, suppose the rescuee offers sincere thanks to both Brown and Black; what extra show of gratitude is owed to Black? Perhaps Black ought to be thanked with more enthusiasm than Brown, but this factor is subtle and does not obviously demarcate a distinct duty.

A clearer method to measure the strength of the duty is in terms of how bad its violation would be—a stronger duty is worse to violate than a weak duty. Suppose instead that in the scenario involving Black and Brown, the rescuee is ungrateful to both, displaying indifference at their efforts. While Brown plausibly has the right to be critical of this response, Black has a greater cause for complaint and more reason to be offended. The strengthened duty of gratitude also seems apparent if we contrast the following two cases. Suppose the rescuee displays ingratitude to Brown, and instead thanks Black. Brown may reasonably feel that his efforts were underappreciated, but also be somewhat understanding of the response, given that Black actually performed the life-saving act. Contrast this case with one in which the rescuee emphatically thanks Brown for his failed attempt to rescue, but acts indifferently toward Black. Unlike the former scenario, we are likely to see the actions of the rescuee in the second situation as obviously inappropriate. These cases suggest that the duty to be grateful can be strengthened by the size of the benefit.

Of two similar acts of wrongdoing, the one producing a greater harm will also tend to justify more resentment. Suppose, for example, that a biker regularly crosses an intersection where taxis park and obstruct the bike path. The obstruction is irritating, but avoidable with minor maneuvering. However, one day, the drowsy rider is less vigilant about avoiding the
obstruction and they are seriously injured as a result. The taxis who block the pathway commit a similar wrong in each case, but in the latter case, the wrong is responsible for a much greater harm. In this case, greater resentment also seems justifiable.

A principle at odds with my view of this case is that a wrong should not be assessed in terms of accidental features of the resulting action, i.e. moral luck. According to this line of thought, a drunk driver who avoids an accident has performed an act that is no better or worse than a drunk driver who does cause an accident; similarly, certain cases of attempted murder should not be criticized any less than corresponding completed acts of murder. Holding this view might affect the assessment of the aforementioned cases in a few ways: one might endorse the idea that substantial resentment is rendered appropriate by negligent actions that do not cause any harm or endorse the idea that significant harms sometimes warrant less resentment than we ordinarily think. My primary goal is not to refute this view in favour of what I think is the more commonsense reading of how harm figures in our assessment of wrongdoing. Someone who adopts this alternative view will, I believe, still accept the central thesis that reasons for resentment are amplified by the seriousness of a wrongdoing. What they reject is that accidental harms figure in the seriousness of the wrong. Likewise, they should accept that when beneficence is frustrated by factors outside the control of agent, the duty to be grateful is as strong as if they had succeeded in their action. They should endorse the idea that Brown warrants the same gratitude as Black.

Another potential asymmetry between gratitude and resentment results from how the deontic status of an act affects our reasons for these emotions. Although I rejected the idea that obligation undermines the duty of gratitude, obligatoriness can at least sometimes weaken the requirement to be grateful. A vacationer at the beach who saves a fellow vacationer from
drowning is plausibly owed more gratitude than a lifeguard who performs this same act. The duty of gratitude is also plausibly impacted by the supererogatory status of an act. For example, a person who throws a life preserver to someone drowning is plausibly owed gratitude, but they are owed less than a person who saves someone by diving through dangerous waters. To assess whether parallel factors affect resentment’s justification, the natural approach would be to consider analogues of the aforementioned deontic categories. For example, some have argued that there is a negative parallel of the supererogatory: non-obligatory acts can be permissible and praiseworthy, and non-obligatory acts can also be permissible and blameworthy (e.g. failing to give up one’s seat on the subway to a needier person).\(^42\) However, this parallel phenomenon (if it exists) is problematic as a route to identifying the relevant kind of symmetry between gratitude and resentment. Since I take it that resentment is only justified by impermissible acts, the relevant parallel of the supererogatory must pertain to wrongdoing.

On the aforementioned view, the inverse of the supererogatory is defined as a blameworthy, but permitted action, just as the supererogatory is a praiseworthy permitted action. Instead, we might understand a negative version of the supererogatory exclusively by emphasizing the inversion of praiseworthiness, in which case the mirrored phenomena that pertains to wrongdoing would be a distinct class of wrongdoing that is worthy of blame or criticism. But, all wrongdoing is worthy of criticism—we cannot distinguish two classes of wrongdoing, one that should be criticized and one that should not. Rather, we are left with one class of action, i.e. wrongdoing, which can simply be conceptualized in terms of increasing degrees of seriousness.

\(^{42}\) This category has been termed the ‘suberogatory’, which has been defined as “acts [that] are bad to do, but not forbidden” (Driver, 1992)
Although there is no impermissible deontic analogue of the supererogatory, I think there are still ways to mirror the relevant sense in which this classification strengthens the duty of gratitude. To generate a parallel, note that the supererogatory supervenes on other features of an action. Acts are typically rendered supererogatory by coming at a cost to an agent: they might involve sacrifice, a risk of harm, or effort to achieve. Moreover, supererogatory acts having a cost to the agent typically would be obligatory, but for the cost; diving into dangerous waters to save someone is supererogatory, but if there was no danger, the act would be obligatory. Described otherwise, supererogatory acts result from two competing forces: the prima facie obligatoriness of an act and the prima permission of an agent to pursue their own interests: when the prima facie permission exceeds the prima facie obligation, the act is supererogatory.

Just as the prima facie permissibility of a supererogatory act strengthens the duty of gratitude, the prima facie permissibility of an all-things-considered impermissible act will reduce reasons for resentment. Suppose, for example, that you are lost in a foreign city and a local is able to help you; they have nothing better to do, but helping will require guiding you for 5 minutes. Contrast this case where you are lost and require a passerby to merely point you to the correct direction on a map. Assuming that it would be wrong to fail to assist both individuals, it seems to me that the first case warrants less resentment than the latter. This judgment is explained by the fact that while both acts are wrong, the inconvenienced local has slightly more of a prima facie permission to neglect to do the impermissible act.

Factors that tend to render an act supererogatory will tend to diminish the seriousness of a wrong. The analogue of this phenomenon is the inverse of a personal permission, which tends to make wrongdoing more seriously wrong. The violation of a special obligation is the clearest example of this relation. For example, a lifeguard who is derelict in their duty commits a more
serious wrongdoing than a bystander who neglects to make reasonable efforts to save a drowning stranger; incorrect legal information given by one’s legal counsel is worse than similar misinformation provided by a legal expert in casual conversation. Similarly, a judge who uses their position to defraud citizens warrants special criticism over a similar fraud conducted by a Wall-Street executive. In each of these cases, more resentment seems warranted when the comparatively stronger duty is violated.

Special obligations decrease the permissibility of performing an act, i.e. the act inconsistent with the obligation. Insofar as one fulfills these obligations, one will warrant less gratitude: as noted above, a lifeguard who saves a drowning person while on duty is owed less gratitude than one who does so while off duty. Analogously, violating a special obligation will warrant more resentment than a similar wrong where no special obligation gave an agent special reason for avoiding the act. These phenomena parallel the supererogatory as outlined above. Since supererogatory acts involve a special permission to refrain from performing an otherwise obligatory act, performing such acts warrants more gratitude. Analogously, when the conditions that tend to render these acts permissible are present in a wrong, the act will warrant less resentment. This analysis demonstrates the moralized parallel between gratitude and resentment, even though there is no precise analogue of the supererogatory that pertains to wrongdoing.

In summary, the duty to be grateful is primarily impacted by moralized features of an agent’s actions. The duty arises from permissible acts or admirable motives, and the reasons for gratitude can be strengthened by a person fulfilling a more important duty (e.g. when greater benefit is at stake), by the praiseworthiness of a person’s motive, or by the supererogatory status of the act (i.e. when a person has a special reason that allows them not to perform the act). Our reasons for resentment require an agent to have performed an impermissible act, and the reasons
for resentment are strengthened to the extent to which a motive should be criticized and the seriousness of a person’s wrongdoing.

IX- The Justification of Resentment: Self-Respect?

Although I believe wrongdoing is the fundamental reason that explains resentment’s justification, other in-depth treatments of this emotion have proposed more fundamental reasons. Murphy claims that reasons for resentment are connected to our general duty to respect moral value:

If I count morally as much as anyone else (as surely I do), a failure to resent moral injuries done to me is a failure to care about the moral value incarnate in my moral personality (that I am, in Kantian language, an end-in-myself) and a failure to care about the very rules of morality (1982, p. 505).

While a failure to resent wrongdoing could represent a failure to care about the rules of morality, resentment is commonsensically an optional response to wrongdoing; we can choose to resent wrongdoing, but we are not typically required to do so. Consider the victim of a cigarette theft who, instead of resenting the perpetrator, decides that this theft is the final ‘sign’ they need to kick the habit; the interaction is seen as an impetus to quit smoking and nothing is held against the perpetrator. Intuitively, the victim of this theft has not done something wrong by failing to resent their own victimization. The significance of caring about the rules of morality or our intrinsic worth seems like the wrong bases for explaining resentment, since these grounds would give rise to obligations, not permissions.

A variant on the above argument justifies resentment through its connection to self-respect. Murphy also advances a version of this argument:

A person who never resented any injuries done to him might be a saint. It is equally likely, however that his lack of resentment reveals a servile personality—a personality lacking in respect for himself and respect for his rights and status as a free and equal moral being...Just as indignation or guilt over the mistreatment of others stands as
emotional testimony that we care about them and their rights, so does resentment as emotional testimony that we care about ourselves and our rights. (2003, p. 19)

Murphy cites an analogy between resentment and indignation, intending to lend weight to resentment’s justification. We show that we care about rights by being indignant at wrongdoing and since resenting wrongdoing is similar to indignation, we can also show that we care about rights through resentment. However, granting Murphy’s claim that each person counts equally, common-sense morality affords an agent-centered prerogative to discount one’s own interests; it is in keeping with this general principle that we are sometimes permitted to take violations of our rights less seriously than the violation of the rights of others. Given this permission, it seems unintuitive that we must always be required to have a stronger response to wrongs against ourselves, i.e. resent rather than be indignant. Moreover, self-respect is also typically thought to be a duty, which raises the same difficulty described in the previous paragraph: we are usually all-things-considered permitted to not resent, so self-respect will not always be able to explain why resentment is appropriate. Murphy might be correct that there are some wrongs that we are required to resent and that failing to do so exhibits servility, but this connection does not generalize as an explanation of the ground of resentment.

According to Murphy’s argument, since we have a duty of a self-respect, resentment will be justified as a means of fulfilling this duty. However, if meeting the requirements of self-respect is sufficient for resentment’s justification, I believe resentment will be over-permitted. This over-permissiveness results from the fact that self-respect can be affirmed through extremely reactive responses to minor rights-violations. Even if over-reactiveness is consistent with an adequate sense of self-respect, there are times when resenting has run its course and no longer constitutes a proportional response to having been wronged. Imagine, for example, Marvin, an extremely servile person who has never stood up for his rights—a person who
always graciously accepted whatever mistreatment befell him, and as a result, has had many mistreatments. Such a person could demonstrate that they care about their rights being violated by over-reacting to minor wrongdoing, e.g. by becoming acrimonious as a response to their parking spot being stolen by a complete stranger (not involved in any kind of history of wrongdoing). Friends of Marvin might applaud his newfound sense of self-worth; he could be developing the right kind of character. Nonetheless, there is still a relevant sense in which the person on the receiving end of a vitriolic attitude can complain: the resentment should fit the wrongdoing. Moreover, it’s not even clear that one must have been wronged, at all, for a person to develop or demonstrate proper self-respect. Marvin could show that he cares about his rights by resenting what he falsely believes are rights violations, and similarly, come to actually care about his rights being violated. Although we might acknowledge that these attitudes are subjectively justified, Murphy’s view would have it that they are also objectively justified.

Murphy’s argument also leaves it unclear why resentment contributes to self-respect or why resentment is an indispensable means to this value. More needs to be said about the nature of self-respect in order to establish such a connection, but on at least one interpretation, I think the connection is dubious. Thomas Hill argues that we lack self-respect by “a failure to understand and acknowledge one's own moral rights” (1973, p. 93). While resentment might be one way of exhibiting that we understand our rights, it is not necessary for such understanding. Understanding is a matter of having the correct beliefs about our rights, as opposed to a matter of feeling a certain way about those rights. Being correctly informed about our rights is compatible with any number of emotional responses to rights-violations.

Hill also argues that self-respect can be a matter of placing “comparatively low value on” our rights (p. 97). There is more plausibility to the claim that if we value our rights, we must be
disposed to respond to their violation in certain negative ways. Nonetheless, more is needed to show why resenting wrongdoing is part of what it is to value a right. Suppose that indifference to rights’ violation shows that we do not value our rights. Even so, a lack of resentment is not indifference; we can show that we care about the violation of our rights by other means. First, we can attempt to prevent our rights from being violated. Someone who takes all reasonable and permissible means of protecting their rights does seem to value their rights. Second, a person whose rights have been violated can seek to punish the person who violates them. Neither a commitment to protect one’s rights nor a commitment to punish wrongdoers requires that we resent those who have wronged us. Moreover, given the Kantian-inspired claims that motivate self-respect’s significance, we are left with an unexplained gap between the impartial and negatively partial responses to wrongdoing. If we matter just as much as anyone else, we should respond as strongly to our own rights violations as to anyone else’s, not more strongly.

Although resenting does not seem necessary for self-respect, I have not refuted the idea that resenting wrongdoing shows self-respect. The conceptual connection between resenting wrongdoing and exhibiting self-respect might be airtight. However, I am still sceptical that this relationship plays a role in justifying the resentment. As noted, resentment can contribute to self-respect without it being justified. However, it could be argued that self-respect is still necessary for resentment’s justification. On this view, without resentment contributing to the valuing of our rights, it is not justified. Since resentment does always seem to show the right kind of attitude towards our own rights (i.e. there is a conceptual connection between valuing rights and resenting these rights being violated), this view is difficult to evaluate; it will not be possible to create a test case where someone resents a wrongdoing but fails to exhibit self-respect.
One way around the above difficulty is to disentangle resentment and self-respect from a theoretical standpoint. Consider the following question: does a person have self-respect because they resent when it is appropriate, or does a person resent appropriately because it contributes to self-respect? I think it is more intuitive that a person of self-respect is one who resents appropriately, which implies that there are conditions that make the resentment appropriate in the first place. We already have such a condition, i.e. wrongdoing. On this picture, we come to have self-respect by responding to reasons we have for acting; self-respect should be understood primarily as a virtue, a view that seems intuitively correct. The alternative picture is that resenting a wrong would not be appropriate, but for the fact that it highlights a person caring about their rights. This view seems less plausible, because we can pre-theoretically assess how much resentment seems fitting to a wrong, just by thinking about the nature of the wrong: the fact that it shows us caring about our rights seems like an effect, not a justification. Moreover, this approach to justifying resentment seems liable to a standard objection to the consequentialization of intuitively deontic duties. If I know that resenting some particular wrongdoing will, in the future, cause me to become a person (through some mediated causal chain) who will have less self-respect, it is not as if resenting the particular wrongdoing at hand is less appropriate.

X- The Consequentialist Justification of Resentment

In closing, I will discuss the consequentialist style of justifying resentment. My goal here is to raise a variety of objections to this approach primarily as a means of showing that the alternative is well-motivated. As a representation of the consequentialist approach to justifying resentment, I cite Bishop Butler’s historical discussion of this emotion, as interpreted by Garcia. He describes Butler’s position as being that “resentment constitutes a beneficial response to
wrongful treatment whose main end is ‘to protect us against future injury’” (2011, p. 3). Therefore, Butler’s defense rests partly on the idea that resentment promotes good states of affairs. This view competes with my claim that wrongdoing is a basic part of resentment’s justification.

Resentment is protective because it prompts us to anticipate and prevent the harm others may cause us. While prevention of injury might be a useful function of resentment, this power does not seem sufficient for its justification. In the various cases described above, I cite examples of people who resent innocent people in ways that seems problematic. For example, we can resent a person simply for being taller than ourselves. Such resentment might generate a kind of suspicion that puts a person constantly on guard against injury from the group in question; however, the resentment will not thereby be justified. A general contempt for humanity might also protect a person from injury, but the attitude still does not intuitively fit its object.

The problem with this view is that the defensive functions of resentment are only contingently tied to intuitively appropriate cases of resentment. Relatively disenfranchised individuals may be more easily threatened by resentment than the powerful, but it seems incorrect to say that resentment is less reasonable when directed at the powerful. Moreover, the fact that resentment might further encourage wrongdoing should also not militate against the appropriateness of this attitude; the victim of an oppressive regime might have no chance of successfully rebelling, and resentment might only further encourage retaliation from the regime. The attitude does not thereby seem unfitting. To see resentment as aiming at some further good will distort the internal norms of this practice in ways that parallel an instrumentalized account of gratitude. Gratitude has many notably beneficent functions. But, these benefits are contingently connected to the appropriateness of gratitude. Consider, for example, the idea that ingratitude
makes it less likely for a benefactor to treat a beneficiary well in the future. Even if there is this instrumental function of gratitude, it has no bearing on the duty to be grateful; the prima facie duty to be grateful is present, independently of these positive effects, and it would distort our understanding of this relation to see it as grounded in such effects.

Apart from preventing harm to ourselves, Butler believed that resentment promoted other valuable states of affairs: “on a public level, it furthers the ‘administration of justice’ by demanding the punishment of wrongdoers and regulates our own conduct by discouraging us from wrongfully injuring others out of fear of their future resentment towards us” (p. 7). Presumably, the punishment of people who do wrong is a good thing, and resentment plausibly does contribute to people pursuing justice. However, as argued above, resentment hardly seems to be an indispensable means to this end—indignation or other impersonal emotional responses to wrongdoing seem apt to perform this function. Putting this consideration aside, the fact that some attitude has the effect of producing just punishment is not a sufficient condition for the attitude’s justification. Take The Minutemen Project, a racist vigilante border-patrol agency operating between the United States and Mexico. While this group’s racist attitudes might have the consequence of various just laws being enforced, it is incorrect to see the attitudes of these groups as being justified. One response here is that the racist attitudes of the National Alliance will also be directed at people who have not committed any wrong. But this reply is unconvincing. Even when directed at the people who do engage in wrongdoing, the racist motive involved in the pursuit of justice is inappropriate.

Another natural reply to the above objection is that a racist motive will have many consequences: some of them might be positive, such as the pursuit of justice, but others will be negative. According to the consequentialist line of thinking, we must calculate the net-value of a racist attitude in order determine its permissibility. This view is also implausible. We can easily imagine a racist border crusader who is not positioned to be able to harm people other than those crossing the border; we can further suppose that they do not harm those crossing the border out of proportion to what is legally permitted. The racist attitude is nonetheless unjustified. This line of response is also vulnerable to other standard lines of objection to consequentialism. For example, consequentialism implausibly implies that the promotion of our own well-being is as much of a duty as the promotion of the well-being of others. Therefore, consequentialists will see actions as less justified insofar as they have negative psychological effects on ourselves. Moreover, resentment is a famously self-destructive emotion: there are countless pieces of common-sense advice recommending against it for one’s own sake. In itself, resentment is unpleasant; in itself, resentment accomplishes nothing. These facts are meant to show that resentment is irrational. But even granting this view of resentment as an emotion, the principle underlying the criticism does not do justice to the norms that regulate our emotions. If we adhered to this reasoning in the case of gratitude, we should have less reason to be grateful if we happened to find gratitude unpleasant—an implausible position. Analogously, mourning is an intrinsically unpleasant emotional state, yet we judge mourning to be an appropriate response to a significant loss. When we reason about the appropriateness of mourning, we do not make the assessment in terms of how pleasurable the mourning will be; mourning might be a useful means to moving past a loss, but it would be strange to approve of someone mourning solely on this basis. It would imply that when mourning has no useful function it is inappropriate. All of this
is not to say that mourning or resentment is required, but only that their appropriateness is not a function of their usefulness.

As the above analysis suggests, I believe that tallying the positive and negative effects of resentment is not the correct way to measure its appropriateness. Rather, I believe this attitude is simply a fitting response to wrongdoing. The position defended about resentment here anticipates my position that negative partiality is also fundamentally grounded by wronging.
Chapter 3

I- Introduction

As discussed in Chapter 1, justified negative partiality encompasses a broad range of possible normative changes. In its weaker forms, it manifests as a special permission to override the prima facie duty of beneficence or a weakened prima facie duty of beneficence (potentially to the point of elimination). In a stronger variant, the prima facie duty of beneficence becomes ‘inversed’, which entails that the promotion of a person’s well-being tends to render an act impermissible. There are also more extreme incarnations of negative partiality: a special permission or obligation to harm. In what follows, I argue that a history of victimization and enmity are capable of justifying a special permission to override the prima facie duty of beneficence. The arguments draw a parallel between positive partiality and its negative analogue by arguing that there are, in both cases, ‘discrete’ kinds of justified responses that play a role in justifying full-blown partiality. I also support the idea that the duty of beneficence can become inverted, requiring that a particular individual not benefit some other person. To defend my interpretation of the cases, I eliminate competing impartial factors from explaining the intuitions, especially considerations of desert. Along the way, I also highlight some of the asymmetries between positive and negative partiality that result from my analysis.

II- Reductionism

Some moral theories do not attach direct significance to our relational obligations. These revisionary views must pursue one of several strategies to account for what we seem to owe to family members, friends, colleagues, etc. For example, it could be argued that intuitions about relational obligations are systematically the result of an evolutionary bias implanted in us or that
these intuitions can only be supported by principles that make arbitrary distinctions among persons. My present goal is not to respond to these kind of eliminativist strategies, which do not pertain to the question of partiality’s justification in particular. Rather, my present interest is, I believe, the more focused threat that partiality is a mediated implication of a revisionist moral theory. Classically, Utilitarianism might seem to require that we direct our efforts at promoting the interests of society over those intimately related to us, but J.S. Mill responds to this objectionable implication by stating that most of us will maximize utility by focusing on small-scale beneficence:

The occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words, to be a public benefactor, are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to (1963, p. 220).

Mill exhibits the reductionist approach to partiality: he grants that we can have a preference for benefiting our family and friends over others, but only because he believes focusing beneficence in this way maximizes utility. The viability of the reductionist strategy is at the heart of the debate between ‘partialists’ and ‘impartialists’, the former believing that we must modify existing moral theories to accommodate intuitions about partiality, the later believing that no such alteration is required.

The final sections of my previous chapter explored the possibility of a consequentialist account of resentment, a view that largely mirrors the consequentialist approach to reducing duties among friends and family. It is argued, for example, that resentment is useful in motivating individuals to act against those who would cause us harm; similarly, the bond

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44 This discussion draws from Kolodny (2010). For similar discussions of reductionism see Jollimore (2000, pp. 74-75).
between close relations might seem to be a way of motivating individuals to advance the welfare of humanity as whole. In each case, a personalized connection is seen as being directed toward promoting the good. Although there is an intuitive sense in which Mill’s account of partiality is reductionist, formalizing the concept of reductionism has not been straightforward. Given that partiality, or its negative analogue, is significant for moral theory insofar as it is irreducible I begin by considering some existing discussions of the nature of non-reductionism.

Scheffler characterizes non-reductionism in terms of a distinction between discrete duties and relational duties:

Although it is clear that we do in fact cite our relationships to other people in explaining why we have special responsibilities to them, many philosophers have been reluctant to take these citations at face value. Instead, they have supposed that the responsibilities we perceive as arising out of special relationships actually arise out of discrete interactions that occur in the context of those relationships. Thus, for example, some special responsibilities, like the mutual responsibilities of spouses, may be said to arise out of promises or commitments that the participants have made to each other (1997, p. 190).

Reductionism is then defined as the view that “duties arising out special relationships can always be reduced to duties arising out of discrete interactions” (p. 191). In other words, what we think of as “relationship” obligations are really obligations of another sort, i.e. obligations of “discrete” interactions. While Scheffler does not define discrete interactions or its contrast class, a relational obligation, he seems to have a holistic picture of a relationship in mind: e.g. it is the friendship taken in its entirety that justifies the duties of friendship (for a non-reductionist); conversely, discrete interactions would be the isolated interactions that compose a relationship. To be a non-reductionist about partiality, on this view, we must think of the duties of partiality as arising out the relationship as a whole: any given isolated part of the relationship cannot explain our obligations of partiality. This interpretation of Scheffler’s distinction captures the difference between promising or returning favours and partiality, but counter-examples to his proposal
remain. As Kolodny argues, Scheffler’s distinction will not rule out consequentialism as a non-reductionist account of partiality since it does not justify partiality in virtue of discrete interactions (2010, pp. 40-41). This implication is clearly problematic because consequentialism is the paradigmatic reductionist view of partiality.

To escape Kolodny’s objection, Scheffler’s account of reductionism could be limited to those relationships that involve a history of past interactions. While the non-reductionist takes the entire history of relationship to justify partiality, the reductionist takes part of the history to justify these duties. This view of non-reductionism still faces difficulty. Consider a paradigm reductionist account of friendship that claims that friends have obligations to each other because they have raised each other’s expectations; since (it is argued), we have a duty to fulfill the expectations that we have intentionally or voluntarily raised, friends have special duties of partiality to each other. Scheffler can typically explain why this account of friendships would be reductionist. If the entire basis of ‘partiality’ between two individuals is that they have raised the others’ expectations in certain circumstances (X,Y,Z) to provide benefits (A,B,C), then their obligations are completely explained by discrete interactions.

While Scheffler’s account succeeds in explaining this case of reductionism, consider a modified scenario. Suppose that two individuals are not related by a friendship, but merely a lengthy history of creating and fulfilling expectations, and these interactions constitute the relationship. Over many interactions, the individuals gain each other’s trust and continue to fulfill reciprocally created expectations. However, no single part of this history explains why they should fulfill the expectations future interactions create—each part of the history has contributed to raising the probability that future expectations will be fulfilled. Even if this entire relationship explains why a particular future expectation ought to be fulfilled, such a relationship
should not plausibly be considered a case of unreduced partiality. But Scheffler’s view would classify it as such since the duties in this relationship are explained by the interactions taken as a whole.

Scheffler’s account of non-reductionism also relies on a distinction between obligations that arise out of discrete interactions and relationships, the discrete duties being the materials of reductionism. However, if we think of discrete interactions as being isolated actions, there are further difficulties with Scheffler’s definition. There is nothing conceptually incoherent about a non-reductionist account of partiality that takes a single act to be the ground of partiality. Consider the following such principle:

**True Love’s First Kiss**: The duties of love arise when two lovers first kiss.

While TLFK is an implausible account of how partiality is justified, it does not seem to be a reductionist view. The duties of love amount to partiality—the fact that a kiss could ground them does not reduce the duties to some other *kind* of obligation. It does not, for example, reduce the reasons for partiality to reasons for keeping our promises, fulfilling expectations, or maximizing the good (the standard reductionist obligations). If this principle is true, it allows for partiality to be grounded by a single interaction. Therefore, there is seemingly nothing about the concept of unreduced partiality that precludes it from being grounded by one action.

Kolodny offers a promising alternative to Scheffler’s concept: he defines reductionism as the view “that no partiality principle is *basic*: that every partiality principle can be explained via deduction or facilitation from normative principles none of which is itself a partiality principle” (p. 40). In an explanation by facilitation, adhering to a partiality principle is shown to be the instrumental means of following the requirements of a principle that makes no reference to partiality. He mentions Mill’s approach to justifying partiality as exemplifying this latter
strategy: partiality to one’s children will be justified, but only because it is a means of maximizing utility.

If we adopt Kolodny’s definition of reductionism, we avoid mischaracterizing TLFK as a case of reductionism. Moreover, it is compatible with this definition that a subset of the interactions in a relationship count as justifying partiality. Slightly more detail is required to explain what it takes for a principle to count as a “partiality principle” since Kolodny does not define what it takes for a principle to qualify. A straightforward answer is that any moral principle containing the term ‘partiality’ is a partiality principle, and any principle without reference to this concept is a non-partiality principle. It is important on this analysis that a view only counts as being reduced if there is an actual (i.e. true) moral principle that implies the partiality principle; to illustrate this point consider the following two principles:

1) We are permitted to maximize the good.

2) We are permitted to be partial, insofar as we are maximizing the good.

Principle 2 is an implication of principle 1 and for this reason principle 2 might not seem to be “basic”. However, acceptance of principle 2 does not imply acceptance of principle 1: we might think that partiality is permitted when we are maximizing the good, but that we are not generally permitted to maximize the good. But, if it turned out to be false that we should maximize the good, then principle 2 would turn out to be a normatively “basic” justification of partiality.

To illustrate this distinction, consider the view that the value of a relationship justifies partiality. On its surface, this principle might seem ripe for the consequentialist-reductionist taking since valuable relationships are part of the good. However, it could plausibly be argued that there is no obligation to bring about valuable relationships in general (even if there is a prima facie duty to bring about many other goods). On this picture, there is a legitimate sense in
which a view can be claimed to be non-reductionist, even though it appeals to the value of a relationship as its ground (i.e. each person will have reason to promote their own relationships). If we are not consequentialists, we do not need to cede the point that consequentialist principles explain or reduce this area of partiality.

Kolodny’s analysis of non-reductionism dispenses with the distinction between discrete duties and partiality proper as a way of explaining non-reductionism. However, the concept of discrete obligations as a unique class of obligations (described in Chapter 1) can still be employed, without understanding it to define non-reductionism. Analogously, there are discrete negative responses to wrongdoing that can be distinguished from pure cases of negative partiality. Suppose that a landlord improperly retains the deposit on a rental unit, and the tenant responds by leaving the property in disarray. Putting aside the question of justification, this act is plausibly thought of as a discrete form of requital: the negligence is intended to make the parties ‘even’ by exacting damage in proportion to the debt owed to the victim. As with returning a favour, what counts as evening out the parties will not necessarily be identical to the amount unfairly withheld, but cannot vastly exceed it without generating a debt owed to the opposing party. This discrete negative response can be contrasted with a negative relationship that has an ongoing structure.

The obligations and permissions associated with partiality share features in common with both natural obligations and special obligations. Our general obligations, such as the duty to rescue an individual from drowning, do not weaken in virtue of having been fulfilled (e.g. after saving a person). Partiality shares this feature: the duties of friendship also do not weaken in virtue of having been fulfilled. It also shares the agent-relativity of special obligations. A shift in a prima facie duty retains the idea that partiality represents an ongoing relation, rather than a
specific debt that must be repaid; since a natural duty can only change by special circumstances that pertain to a particular individual, there will be agent-relative reasons for them.

III- The Intuitive Justification of Negative Partiality

There are two significant interpersonal relationships in which wrongdoing can take place. In a ‘victim-perpetrator’ relationship, one person wrongs another, while ‘enmity’ is a relationship where two individuals have wronged each other. We can expect that enmity begins as a case of victimhood (i.e. one individual is first to wrong the other), and transitions once the other individual commits a wrongdoing in response. Since victimhood is an asymmetrical relationship, there are three distinct relations to consider that could arise from the above types of relationship: how a perpetrator ought to relate to a victim, how a victim ought to relate to a perpetrator, and how enemies ought to relate. I begin my case for negative partiality’s justification with a case of victimhood, which I believe can at least justify a special permission to discount a person’s well-being:

**Interpersonal Conflict**: Jerry’s colleague, Larry, undermines him in the workplace, being quick to bring attention to Jerry’s mistakes and consistently neglecting his contribution to their collaborative projects. Jerry always seems to be the butt of Larry’s jokes, and Larry is unresponsive to the struggles that Jerry faces as a colleague or simply an individual. After a prolonged period of being victimized, Jerry diminishes his collegial disposition. One day he is well-positioned to help his co-workers overcome a frustrating problem (a virus has infected their work computers), although he is restricted in how he can apportion his time. He decides to prioritize helping everyone else over Larry.

Intuitively, Jerry is permitted to discount Larry’s well-being in the way described. This permission mirrors the view that friendship sometimes allows (but does not necessarily require) us to prefer a friend’s well-being over that of others. Jerry’s permission to discount Larry’s well-being is also plausibly broader than simply breaking ties when it comes to the duty to promote well-being. To add detail to the example, suppose that the Jerry knows the problem will cause
Larry to be required to stay an extra two hours after work, while it will only delay their colleagues 15 minutes. Jerry still seems permitted to prioritize the lesser good of George, with whom he has had no particular relationship, over the greater good of Larry. Alternatively, suppose that Jerry can choose a partner for a project and Larry stands to benefit especially from the experience, which will help position him for a promotion within the company. Were Jerry to work with another colleague simply to deprive Larry of the opportunity, he would do no wrong. Finally, imagine that Jerry can simply inform Larry about an internal promotion, one that would be well-suited to his interests and ability, but he refrains from doing so. Each of these responses are of increasing extremeness, but I take them all to be justified.

The intuition that Jerry can permissibly treat Larry worse than others is prima facie evidence of negative partiality’s justification, but it cannot so easily settle the question. An objection to interpreting the above case as evidence for negative partiality’s justification is that there are non-partial explanations of Jerry’s permission. In particular, Jerry might seem to owe less to Larry, because he is owed less from anybody: if Larry is a jerk, he does not deserve to be treated as well as others. In contrast with partiality, desert provides impartial reasons for negative treatment. Partly what distinguishes these phenomena is that everyone has reasons for bringing about deserved states of affairs while reasons for partiality are agent-relative.

If Jerry treats Larry worse on the basis of desert, his internal deliberation might proceed as follows: he would consider how Larry has acted, but in a way that abstracts from thinking of himself as being affected. He would think that Larry should not be helped because he has committed a wrong, rather than the fact that he has committed a wrong to me. Like reasons for positive partiality, for a relationship to generate a special reason for Jerry’s response there must be some ineliminable reference to Jerry in the account of how he ought to respond; such a
reference is absent in the impartial decision-making procedure described. At least from the deliberative standpoint, Jerry’s reasoning seems appropriately partial. The deliberative standpoint then suggests that desert does not exhaust Jerry’s reasons for response.  

To more clearly isolate the significance of desert, suppose that Larry generally performs other commendable acts of beneficence to members of the office: he regularly goes out of his way to help other colleagues in ways that most do not. Suppose, also, that Larry is an upstanding citizen in his personal life: he volunteers in his community and is caring and generous with his family and friends. In other words, his mistreatment of Jerry is confined to a small aspect of his life. If we impartially assess Larry’s character, suppose his predominantly good conduct outweighs the bad, making him at least close to deserving as much help as any other person in the office. This knowledge of Larry’s character does not alter my all-things-considered judgment about the original case: Jerry still seems to be justified in discounting Larry’s well-being on the basis of his past victimization. It does not help that Larry is only a jerk to him. This fact merely personalizes the misconduct and gives Jerry a special reason for resentment: it is one thing for someone to be a jerk in general and another for them to be so only to you.

Even if we grant the assumption that desert makes a difference in what treatment is warranted, the following modified example further reinforces the claim that distinct partial reasons for response remain. Suppose that Brittany and Tina work in the same office as Jerry and Larry and that Brittany has mistreated Tina in ways that are on par with Larry’s treatment of Jerry. Suppose further that Jerry and Tina are both positioned so as to be able to help their colleagues and are constrained in terms of whom they are able to help. Since both Brittany and

45 The strategy of appealing to the deliberative point of view was suggested to me by Keller’s work (2013).
Larry have been jerks in the past, their well-being could justifiably be discounted over everyone else’s. However, it does not follow that Jerry and Tina must then be impartial in their treatment of the people who fall at the bottom of the list of people to be assisted. Jerry, for example, need not flip a coin in deciding whether to work with Larry over Brittany: it seems that he can choose either but that he can also purposefully continue to discount Larry’s well-being.

More could be said in defense of the argument that desert conflicts with an explanation based on negative partiality. It might not seem correct to say that Larry can make up for being a jerk to Jerry by performing commendable acts towards others in other areas of his life—picking on Jerry might still warrant a generally negative response. After all, doing good acts does not obviously completely ‘neutralize’ impartial punishments that we warrant in virtue of committing wrongdoing. While I wish to acknowledge this point, its significance could be over-stated. A similar kind of scepticism can face the analysis of friendship as a ground of partiality. Friendship is sometimes taken as a paradigmatic model of justified partiality that can be used for understanding the ground of partiality in other relationships. Friends will also typically have done much for each other over the course of their lives, and these acts partly render partiality appropriate.\(^46\) It could then be argued that in justified friendship members have proven themselves to be good people and therefore simply warrant what ‘good’ people deserve.\(^47\) We should be no more willing to reduce our reasons for enmity to reasons of desert than our reasons of friendship to reasons of desert. We can simultaneously think of our friends as especially good

\(^{46}\) Hurka (1997) and Kolodny (2010) defend this view.

\(^{47}\) “Friendships tend to be based on personal qualities and attributes for which people \textit{deserve} to be loved and well regarded” (p. 81). Jollimore defends partiality, yet acknowledges straightforwardly that our friends are the kinds of people that deserve to be well-regarded etc.).
people (and perhaps must), while also thinking that we, in virtue of a special relationship, have reasons to prefer their well-being over others.

For Jerry’s act to be interpreted as a justified form of negative partiality, it must also be distinguished from the “discrete” kinds of response that simply even out the parties. Unlike the case of a tenant who neglects a property, Jerry’s act is not aimed at withdrawing some specific amount of aid strictly in proportion to a particular harm that he received. Given the extended history of wrongdoing, Jerry’s response seems to reflect the fact that their relationship has altered in an ongoing way. I believe he can continue to discount Larry’s well-being in the way described in the original scenario—if similar situations arose in the future, he could maintain a disposition to prioritize other people’s well-being. That is not to say that certain developments in their relationship could not alter our judgement of Jerry’s disposition. Were Jerry to find himself repeatedly positioned in such a way as to help Larry, and consistently discounted his well-being, there is a point at which the response would be disproportionate to the wrong he has experienced. However, this assessment will depend on a number of factors, especially how the relationship has evolved. For example, our judgement of the situation will depend on whether Larry has discontinued his negative behaviour or made explicit efforts to re-establish the relationship through acts of contrition or the expression of remorse.

The fact that our judgement of Jerry’s actions will differ based on the course of their relationship supports the original intuition that the wrongdoing made a normative difference. If the history of wrongdoing was insignificant, our assessment of Jerry’s act should have no bearing on his future actions: we would condemn the act in precisely the same way, regardless of the way in which their relationship progressed. In fact, however, I believe we are inclined to
assess Jerry’s actions in light of the way Larry acts: his response seems to be more or less justified to the extent the Larry remains unrepentant and maintains a pattern of hostility.

IV- Compounding Reasons

In describing the above case, I incorporated the fact that there had been an ongoing history of interactions between Larry and Jerry. I believe this fact to be normatively significant, but further explanation is required to show how. As argued by Kolodny, many of the core cases of justified partiality seem to bear an important relationship to discrete histories of interaction in that such histories, taken as a whole, constitute the reasons for partiality. What distinguishes these cases from the mere discrete duties themselves is that the series of interactions taken as a whole is able to provide reasons that are not given by the discrete interactions counted separately and added up.48

He provides the following example to illustrate how partiality arises in this manner:

Imagine a lone traveler, of a bygone age, making his way west. Along the way, he helps and is helped by the people dwelling in the places he passes through, creating and incurring various debts. Contrast him with a different traveler who helps and is helped in the same ways, but by one and the same companion throughout. The companioned traveler has reason for responses that are not simply the sum of the responses for which the companionless traveler has reason, but just refocused, as it were, on a single person. The companionless traveler has accumulated a series of debts that he might repay and then move on. But things are not like that for the companioned traveler. He has reason for a concern for his friend’s interests that is open-ended: that keeps no ledger and that asks only that like concern be reciprocated (2010, p. 50).

Kolodny convincingly shows how partiality can arise: a series of interactions that would otherwise create and fulfill debts sums to an obligation that stands independently of them.

48 As a matter of fact, we cannot know that partiality has developed out of discrete interactions merely because a new duty arises out of the fulfillment of such obligations. For example, a discrete duty might arise out of a compounded history of interactions involving discrete duties.
Interpersonal Conflict allows for the possibility of reasons compounding in this way, since it involves an ongoing history of negative interaction. However, in order to establish the parallel, it is necessary to isolate the specific debts that arise in a negative relationship and then show how they contribute to an ongoing shift in a relationship. Consider the following case:

**The Repeat Apologizer:** Joan and Jane live along the same street where parking is frequently congested. One day Joan blocks Jane’s spot, preventing her car from being able to leave and causing her to take a taxi to work. After raising the issue, Joan tries to make it up to Jane: she apologizes and repays her for the expense. Nonetheless, the same sequence of events repeatedly takes place over the course of a few months. Joan seemingly shows no sign of giving up the practice, even while compensating Jane for her costs and apologizing.

Joan repeatedly accepts compensation, but there is intuitively a difference between the normative effect of the compensation after an isolated wrongdoing and after an iterated series of wrongdoings. In a single interaction of the kind between Joan and Jane, an apology would plausibly achieve the desired result of equalizing the parties, assuming that forgiveness is granted. However, Jane could hardly be expected to maintain the same degree of tolerance in the face of repeated transgressions. If their relationship was successfully captured by the debt-repayment model, an iterated series of wrongdoing and reparations would produce no distinctive reasons for response: it would be no different than if a single such interaction had occurred.

However, there is a difference between a one-off encounter that involves wrongdoing followed by an apology and an extended history of such encounters. In the extended case, Jane seems reasonable in developing a negative disposition, despite having been repeatedly compensated for her losses.

Seemingly, reasons that arise out of negative interactions compound in ways that are analogous to the positive case provided by Kolodny. I believe this compounding is a part of the story between Larry and Jerry; part of what explains why Jerry is justified in being negatively partial is that there had been an ongoing history of wrongdoing. Following a single, relatively
minor transgression, most people would be less willing to endorse requital. But, after repeated wrongdoing, and despite having been made whole through compensation, resentment and other negative responses seem appropriate. Larry’s history of wrongdoing similarly does not seem to merely generate a series of discrete obligations to make reparations, but rather adds up to alter the status of relationship in an ongoing and personalized way.49

V- Differing Intuitions

I believe that negative partiality has commonsensical support, but there will presumably be disagreement about the strength of our reasons for this response. Nonetheless, an intuitive case for negative partiality’s justification need not rely on any particular judgement about the all-things-considered permissible responses to wrongdoing. Consider, for example, the case where Jerry is positioned to help Larry at no cost to himself or others: he is simply able to inform Larry about an internal promotion or add him to an e-mail thread with a solution to a computer glitch. Let us assume that Jerry now acts impermissibly: while he may owe less to Larry, he does not owe him nothing. Granting the all-things-considered impermissibility of this act, we can still consider whether it admits of justification. Upon discovery of the fact that Jerry has failed to share the information with some unspecified individual, suppose that another colleague is taken aback and asks in a moralizing manner why Jerry refrained from sharing the information. Upon

49 One objection to this analysis of the repeated wronging is that there is a disanalogy between cases of wronging and beneficence. It could be argued that someone who commits a wrongdoing already has a special reason to refrain from further similar acts of wrongdoing, since wrongdoing generates an imperative to reform oneself, which is itself a distinct duty. Under this interpretation, there is less compounding, since the act of wrongdoing taken in isolation has generated a new duty to refrain from further wrongdoing. However, even if this is an objection to compounding, we can still contrast the case where several people are wronged with a case where similar one person in particular is the focus of all the wronging. If Joan blocks Jane’s spot exclusively, she has plausibly given Jane more reason for a negative response than if Joan were to block 3 people’s spots separately.
finding out that it was Larry, I believe their response would be different. An initial response of surprise would be replaced with one of some understanding.

‘Understanding’ in this context is not simply the psychological state of knowing the explanation of the act. It also reflects a normative judgement about the case. For example, substitute Larry with Julie, a co-worker that Jerry dislikes for her taste in music. If Jerry were to refrain from helping her on this basis, a morally minded co-worker would not similarly be ‘understanding’ of his behaviour. Likely, they would react with overt criticism. What I believe these intuitions reflect is that Jerry’s act of retribution is less seriously wrong than it would otherwise have been—a normative difference effected by his particular history of being victimized.

VI- Cases Interpreted in Light of the Spectrum

I have argued that being wronged justifies negative partiality, although I have not explicitly defended the kind of normative change that explains this judgment. In the above cases, victimization allows someone to discount the well-being of a perpetrator. This normative change is captured by both the view that Jerry’s prima facie duty of beneficence with respect to Larry weakens and by the idea that he has special permission to discount his well-being. A similar question arises, even if one endorses the weaker position that Jerry’s act of retribution is not permissible. For example, even supposing that Jerry’s retribution against Larry is wrong, we must still explain the intuition that his act is not as seriously wrong as if it were performed to some third party who had never been victimized.

The first possible explanation of the above cases is that Jerry’s duty of beneficence has weakened with respect to Larry. This explanation accounts for the fact that Jerry’s neglect of Larry would not be as seriously wrong as the mistreatment of Julie based on her taste in music.
(supposing that both acts are in fact wrong). Since it is not as seriously wrong to violate a weaker duty, Jerry warrants less criticism for neglecting Larry’s well-being than Julie’s. A weakened prima facie duty also explains why Jerry would be permitted to avoid benefitting Larry, since helping someone else would fulfill a more important duty. There is, however, a difficulty with analyzing the case in terms of a weakened obligation. If Jerry has a weakened duty of beneficence with respect to Larry, then not only is it permissible for Jerry to avoid benefiting him, but it would be all-things-considered mandatory that he not do so. This implication follows from the fact that our all-things-considered duty is our strongest prima facie duty. Given their particular history, this judgement does not seem correct: Jerry would not act impermissibly by helping Larry or using an impartial procedure for deciding who to help. This judgement also holds of the case where Jerry must decide whether to bring about the greater good of Larry or the lesser good of a colleague with whom he has no relationship. It is plausible that Jerry is permitted to choose to bring about the lesser good of a random colleague. However, it seems too strong to say that Jerry is required not to help Larry and must prefer to benefit another.

A more plausible interpretation of the case is that Jerry has gained a prima facie permission to neglect the well-being of Larry. This view can accommodate the intuition that Jerry is not required to use an impartial decision-making procedure when deciding who to help and that he is permitted to discount Larry’s well-being in favour of the lesser good of a random colleague. It can also account for the intuition that performing a wrong against Julie by neglecting her well-being would be worse than a similar act of neglecting Larry’s well-being. Performing an act that is all-things-considered wrong is less seriously wrong to the extent that
the act is prima facie permissible. If there is a prima facie permission to discount Larry’s well-being, it is less seriously wrong to violate the duty to promote his well-being.

Relationships that become extremely one-sided can undermine reasons for positive partiality. For example, a friend who is capable of reciprocating emotional support in a time of need, yet fails to do so, gives the other friend some reason to distance themselves from the relationship. A single failure of this sort does not plausibly dismantle the normative significance of the relationship, but after repeated instances can make the relationship so one-sided that the friend has sufficient reason to terminate it, thereby weakening the strengthened duties that previously existed. Similarly, the special permissions that a victim of wrongdoing gains against the perpetrator will be affected by the way in which a relationship progresses. Depending on the significance of the wrongdoing in question, and the perpetrator’s behaviour, there is a point at which the victim’s actions will seem unfairly retaliatory. They could then be accused of inappropriately holding a grudge.

Jerry and Larry’s relationship began as one between a victim and a perpetrator. Having victimized Jerry, Larry’s moral standing is lowered. It is natural to see how a sequence of wrongdoing can ensue from such interactions. If Jerry responds by himself committing acts of wrongdoing, they will develop into enemies, each having performed acts of wrongdoing against the other. This kind of mutual ongoing history also seems to be a relevant piece of normative information. A past history of committing wrong calls for attempts at compensation and reconciliation. On the other hand, being victimized provides reasons for negative partiality. In a relationship of enmity, both factors are present, raising the following question: do the

50 This may not hold in circumstances where there is a special justification. One example of justifying condition for one-sidedness would be the incapacity to reciprocate.
participants in a relationship of enmity return to their original standing (does mutual wrongdoing somehow ‘cancel’ the normative effects of each other out), or do they still owe each other less? It seems possible that under certain circumstances, mutual wrongdoing is capable of restoring a relationship to its previous standing, although a further analysis is required to show how and when this occurs. In what follows, I will shed light on this possibility, as well as the idea that enmity can generate ongoing reasons for negative responses.

Return to the case of Jerry and Larry and imagine that their relationship has been further degraded by Jerry’s attempt to seek retribution. Larry engages in wrongdoing and Jerry responds with wrongdoing in kind, e.g. by disproportionally retaliating. After some time, it becomes evident that they are each partly to blame for the poor relationship. Once again, we can suppose that Larry and Jerry are positioned to help each other, as described in the original scenario, and compare any resulting negative treatment with a similar act to the innocent bystander Julie. At minimum, it seems that an impartial observer would be more critical of Julie’s poor treatment than of Jerry’s mistreatment of Larry or vice versa. Jerry and Larry are no longer in the kind of relationship where they are required to provide benefits that would otherwise be obligatory to provide. Especially if they understand and treat each other equally in this regard, it does not seem problematic, or nearly as problematic, as the treatment of an uninvolved third party.

Enmity also seems analyzable in terms of the idea that reasons for negative partiality are constructed out of iterated series of discrete interactions (analogous to Kolodny’s case of the travelers who engage in an ongoing beneficent relationship). Consider two neighbours who live on different schedules: Old mows their lawn at 6AM every Sunday, while Young plays loud music every Saturday night. Assuming that neither acts appropriately, it seems like a negative relationship between these individuals would progress through stages that originally could be
understood as discrete responses. Young plays loud music at night and disturbs Old, while Old wakes up Young early in the morning in retaliation. The original succession of these events could reasonably be thought to balance out. Neither should continue disturbing the other or has a special claim against the other, since both have committed a similar wrongdoing. Perhaps the ideal resolution to this conflict is a compromise on the part of both individuals, but we can easily imagine that the mutual wrongdoing leads to a cycle of negative responses. After the relationship progresses in this way, it seems that reasons of the sort previously described arise. Each individual is no longer required, in the same way, to promote the well-being of the other.

VII- Positive and Negative Partiality: Parallels?

Negative relationships can be grounded by one-directional wrongdoing (in the victim-perpetrator relation) or cases of mutual wrongdoing (e.g. enmity). In my preferred view of justified positive partiality (discussed further in Chapter 4), partiality is grounded by histories of interaction that involve the production of good. Since histories that produce good can also be one-directional (between a benefactor and beneficiary) or mutual (e.g. friendship), we can compare whether the two kinds of positive and negatively partial relations parallel each other. In this section, I argue that there are several ways in which these relations fail to do so.

It is commonly accepted that one-way beneficence calls for a response of gratitude, and it seems plausible that an extended series of beneficence could give rise to reasons for partiality. After an extended history between benefactor and beneficiary has developed, we can imagine that that gratitude no longer takes the form of a debt, but instead involves ongoing reasons for response. A distinct question is how the moral status of a benefactor is affected by an ongoing history of providing benefit to another. Several options present themselves: the benefactor might have some additional duty to continue their pattern of beneficence. They might, on this basis,
have some additional duties, e.g. the responsibility of fulfilling expectations they have voluntarily or negligently created; but notably, this obligation is usually subsumed under the class of special, but non-partial, obligations; such an obligation is not owed in virtue of providing benefits per se, but through some derivative feature of benefitting (e.g. preventing a harm one could reasonably be held accountable for). I can also imagine the opposing case being made: that someone who has provided extensive benefits to a single individual faces the opposing pressure of a general distributive requirement to benefit others. However, this duty is also owed to all others, regardless of one’s relationships, so it is also not a duty that alters in virtue of having been a benefactor. More simply, being a benefactor, in and of itself, does not seem to alter the moral obligations or permissions with regard to a beneficiary.

There are several possible challenges to my view about the nature of being a benefactor. Most plausibly, the relationships between a parent and child or between a caregiver and patient have the apparent effect of strengthening the duties of the benefactor. However, other factors seem to rebut these ostensible counter-examples. For example, the obligations owed from parents to children seem to be grounded by parents having created vulnerability or voluntarily acquired parental obligations, rather than by having performed beneficial actions. The fact that parents have historically provided benefits does not seem necessary to account for parental obligations. It is also worth noting that a relationship between parent and child is seldom purely one-directional since parents will also typically benefit from the relationship with their children.

Regardless of whether one accepts my understanding of the significance of being a benefactor, there seem to be two plausible views about how the relationship between a benefactor and a beneficiary generates reasons for action. Either only the beneficiary has new reasons for gratitude after a history of beneficence, or both the beneficiary and the benefactor
have reasons for positive responses. Since a benefactor can choose to continue beneficence, or
redirect their beneficence, being a benefactor does not seem to alter in a significant way the
obligations or permissions of a benefactor. In sum, a one-way relationship involving
beneficence alters the status of the beneficiary, and at most, alters in a weaker, but similar way,
the status of the benefactor.

Both of the above possibilities do not parallel with the negative case. The negative
parallel of one-way beneficence is victimhood, which involves one-way wronging. As argued
above, this kind of negative relationship (as opposed to enmity) justifies the strongest form of
negative partiality. Moreover, the perpetrator seems to gain new responsibilities as the result of
this interaction. A perpetrator ought to make amends for wronging, i.e. the requirement to make
reparations. On either reading of the positive case, there is an asymmetry. When positive
partiality arises in the case of one-way beneficence, the benefactor ought to remain neutral, or
perhaps become increasingly partial. The beneficiary and benefactor stand in either a neutral-
positive relationship or a positive-positive relationship; this kind of relation does not parallel
one-way wronging, since such cases involve both a positive response (reparations) from the
perpetrator and a negative response (from the victim).

Given that one-way beneficence involves only a positive response (or perhaps also a
neutral response), but one-way wronging involves both a positive and a negative response, the
positive and the negative cases are incomplete reflections of each other. A person who is
wronged mirrors a beneficiary in the following sense. The positive interactions that lead to the
beneficiary receiving some good call for a response that is also good, while in the negative case a
wrongdoing permits a negative response. By contrast, while a malefactor ought to make
reparations (a positive response), a benefactor’s status is neutral (or also positive).
Cases of mutual wronging and beneficence also involve an asymmetry. The paradigmatic case of a mutual relationship that involves beneficence is friendship. In part, friendship differs from less paradigmatic examples of mutually beneficial relationships in that friendship has constraints about equality. This mutuality is plausibly part of what justifies a friendship. On either interpretation, the mutuality condition seems to alter and strengthen the kinds of positive response that are called for in comparison to one-way cases of beneficence.

Here is a sketchy defense of this claim. Firstly, most beneficiaries need only respond with gratitude, and the duty of gratitude (even for significant benefits) is typically much weaker than the kinds of duties associated with friendship. Friendship involves a duty to be loyal and a continuing obligation of beneficence in a much wider range of circumstances.

Friendship is the paradigmatic case of justified partiality. As the mutuality of friends’ beneficence increases, the extent to which they ought to be partial also increases. But, the negative case does not mirror this pattern. As argued above, the strongest reasons for negative responses are present in the relationship between victim and perpetrator, i.e. one-way cases of wrongdoing. The original scenario where only Jerry has been wronged by Larry is the clearest case where being wronged generates a special permission to neglect Larry’s well-being. Once a negative relationship becomes mutual, there might still be reasons for negative responses, but such reasons are not as strong as in the case a relationship between victim and perpetrator. In sum, the strongest reasons for negative response arise in one-way cases, while the strongest reasons for positive partiality are present in two-way cases.

This second asymmetry can be explained in terms of the above observations about one-way cases of wronging. In a case of enmity, each perpetrator is also a victim of wrongdoing. Insofar as each member of this relationship is a perpetrator of a wrongdoing, they have the duty
to make reparations; insofar as each member is a victim, they have reason for negative partiality. Therefore, they each have reasons for positive and negative responses, the reasons for reparations competing with the reasons for negative partiality. This conclusion results from combining the normative effects of being the perpetrator of a one-way wronging and the effects of being the victim of one-way wronging. Similarly, if we analyze friendship along these lines, the result will reflect the effects of combining one-way beneficence. A benefactor has no reasons for a negative or positive response, but a beneficiary has reasons for positive responses. In a case of two-way beneficence, each member gains reasons for partiality, but there are no countervailing reasons that would undermine this partiality.

Since enmity is composed of interactions that call for both negative partiality and reparations, this relationship will not contain the strongest reasons for net negative responses. Rather, holding the extent of wronging constant, a case of victimhood will call for a stronger negative response than a case of enmity. Since being a benefactor does not weaken existing duties, friendship will similarly not contain any forces that push against the tendency of beneficence to ground partiality.

VIII- Extreme Wrongdoing and Convergence

Another apparent asymmetry between positive and negative partiality is that while the former generates duties, the latter generates permissions, at least in the cases considered above. It seems like being a victim of wrongdoing allows, but does not require, an agent to override the existing duty of beneficence. Nonetheless, altering the nature of the cases described might also be able to make room for duties of negative partiality. Since wrongdoing is what grounds the special permissions described, varying the degree of this factor is, on its surface, the route to justifying a duty of negative partiality. However, there are difficulties with straightforwardly
pursuing this strategy. As the extent of a wrongdoing increases, reasons for negative treatment
given by impartial considerations tend to overlap with the reasons for negative partiality: more
serious wrongdoing causes personal and impersonal reasons for negative responses to converge.

Convergence arises in cases that involve extreme forms of wrongdoing, e.g. severe
violence. To illustrate, consider a philosophical defense of the permissibility of revenge, which
has drawn commonsensical support from literary works. Murphy offers the following example:

I recently resaw (with some equally civilized and equally liberal friends) the movie
Silverado. In this classy Western, we are presented with four honest and decent men
(and their friends and families) being subjected to unspeakable injuries by thugs of
unspeakable evil. When, in the closing moments of the movie, these men take - and,
indeed, gleefully take - their violent revenge on those who have wronged them, all who
watched cheered them on and found this outcome not only aesthetically pleasing but
morally satisfying. (1990, p. 211)

I think Murphy correctly acknowledges that we naturally take ‘moral satisfaction’ in certain acts
of vigilantism. At the same time, I do not think this sense of satisfaction is ipso facto an
endorsement of the act of vigilantism. Even putting aside the effects that fictionalization in this
kind of context might be having on our intuitions, we could endorse the outcome that people who
commit “unspeakable injuries” suffer, while not believing that anybody has the all-things-
considered permission to inflict these injuries. Taking pleasure in deserved suffering is not
equivalent to a pleasure in the infliction of this suffering. I believe this distinction explains the
common literary theme of antagonists causing their own downfall (e.g. Voldemort fires the
killing curse that ultimately leads to his own death). We sometimes, for example, express the
wish that someone get what’s coming to them, while not pretending to have the right to impose
this suffering ourselves. This form of poetic justice simultaneously allows us to take pleasure in
a deserved state of affairs, while sparing the protagonist from having to take a forbidden means
to this end.
My own sense of Murphy-style examples is that they do not directly support the intuition that vigilantism is all-things-considered justified, even when carried out in response to unspeakable evils. Moreover, there is an important distinction between vigilantism and extreme forms of negative partiality. Partiality is fundamentally concerned with agent-relative reasons for response. An act of justified vigilantism could be explained by either agent-neutral or agent-relative reasons for action. Suppose, for example, that the original victims in Silverado were unable to carry out their vengeance; would we respond any differently to some third party carrying out a similar act on their behalf? Were the victims unable to carry out the punishment, and, instead, a third-party observer to the situation did so, I do not believe that we would shift from an endorsement of the action to serious reproach. Consider a more realistic parallel: we might think that there is something particularly satisfying about Eichmann being ultimately undone by holocaust survivors, who played a role in his capture, which led to his hanging. We might also have endorsed the extra-legal revenge-killing of Eichmann. However, these intuitions in and of themselves do not show that negative partiality takes the shape of permissible violence. Satisfaction in Eichmann being killed is primarily explained by the independent judgement that he deserves this punishment. That is not to say that reasons for negative partiality are necessarily absent in these scenarios, but rather that desert can independently account for much of the existing intuitions in these cases.

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51 I do not mean to deny that, as Nozick (1981, p. 3b66) argues, there is a distinction between retributive punishment and revenge. Among other differences, Nozick points out that revenge can be a response to harm (rather than wrongdoing), while retributive punishment is exclusively a response to a wrong; that revenge is not necessarily a proportional response (unlike retribution); that revenge is personal (unlike retribution); that revenge involves pleasure at another’s suffering and so on. My point here is that if there is an agent-neutral justification for a retributive punishment, and a similar harm is instead doled out through vengeance, our intuitive acceptance of the vengeance is plausibly explained by the existing agent-neutral justification for retributive punishment. While perhaps not every aspect of our endorsement of vengeance can be explained in this fashion (e.g. it will not explain certain motivational features of the vengeful person), it can explain some aspects (e.g. the fact that the wrongdoer is suffering).
Extreme wrongdoing gives rise to reasons for strongest impartial retributive responses. There is therefore, less logical space for negatively partial actions to constitute a moral change in what is permitted. Nazis who facilitated the holocaust deserve either the death penalty or life imprisonment, and while it’s possible to imagine more torturous punishments, if we reject the idea that these latter punishments are permissible elements of legal system, I doubt that we would endorse the idea that victims exclusively gain a personalized right to impose them. We all draw a line that limits what people can permissibly impose as punishment on another—humanity sets some boundaries on justifiable harming. Since what impartial punishment is warranted already approaches this boundary, our personalized histories cannot plausibly generate a duty to harm that extends beyond what is impartially permitted.

If the above analysis of extreme wrongdoing is accurate, then it illustrates convergence, the idea being that personal and impersonal permissions are similar as wrongdoings become more serious. While the permissible impersonal and personal responses to wrongdoing tend to converge in cases of extreme wrongdoings, there is still some room for negative partiality to make a kind of moral difference in these cases. Since humanity sets a boundary that limits the all-things-considered permissible harms that can be imposed, the difference will not be in terms of what all-things-considered harm can be imposed. Rather, a personalized history seems to affect the seriousness of wrongdoing that crosses the boundary. Intuitions might differ about the permissibility of the actions described in the above cases. Extra-legal revenge killing of concentration camp guards is wrong, but less seriously wrong when committed by a victim of the wrongdoing.

52 It is an open question whether this pattern reproduces itself in the positive case, an idea that I do not explore here.
Again, these cases must be interpreted in light of the spectrum of negative partiality I have originally described. I am, again, inclined to think of there being a prima facie permission to harm the perpetrator of a wrongdoing that competes with the existing duty not to harm anyone. Since the existing duty to refrain from harming exceeds the prima facie permission, the act is all-things-considered impermissible. However, since there is some permission to perform the act (not possessed by others), the act is less seriously wrong than if performed by others.

IX - Duties of Negative Partiality

The above examples concern cases of extreme wrongdoing, giving rise to the problem of convergence. There is little room for a special permission to discount a person’s well-being when there are already compelling agent-neutral reasons for such discounting. The above cases also concern scenarios where individuals impose harms, which is an extreme kind of negative response to wrongdoing. Rather than trying to defend the duty to harm, I believe that the duty of negative partiality can most plausibly be supported as a duty to refrain from benefiting. This relation is still relatively extreme. If the duty of beneficence weakens with respect to a particular person, we will be required to provide a comparable good to someone else (when forced to choose between the two individuals); however, providing the benefit to the original person will still be required when it comes at no cost to oneself. If the duty of beneficence is eliminated, providing some benefit becomes permissible but is no longer required. The inverted duty of beneficence says something stronger, namely that providing some benefit is worse than either providing it to someone else or not providing it at all.

The duty of negative partiality has a puzzling ring to it, so I will offer some further elaboration about how it fits into the general schema of moral principles. Unlike our general obligations, the duty of negative partiality is owed by a particular person to a particular person.
However, obligations owed \textit{to} particular people are typically understood to involve certain corresponding rights. For example, the promisee can complain if a promise is not kept, seek reparations as compensation if the promise is violated, and in some cases employ coercion as a means of ensuring performance. Even the duty of gratitude, which is owed to a particular person at least entitles the benefactor to complain and uniquely criticize the person who fails in this obligation (though it does not plausibly permit coercion or seeking reparations). Insofar as duties owed \textit{to} a particular person are taken to involve corresponding rights, they can also sometimes (though not always) be waived by the right-holder.

If understood in light of the above interpretations of what it is to \textit{owe to}, the duty of negative partiality does not seem to be a sensible normative relation. If the duty of negative partiality involves a corresponding right to be treated poorly, then the right would presumably always be waived. Any rationally self-interested person with such a right would not want the corresponding duty to exist in the first place. Other interpretations of ‘owing to’ also seem incompatible with negative partiality. The perpetrator of a wronging does not seem to have any special ground to complain if they are not mistreated, or a right to seek reparations for such a failure, and so on. While punishment also involves treating a particular person negatively, punishment is never taken to be owed by a particular person to the perpetrator of a wronging: the duty to punish is taken to be a general obligation.

The duty of negative partiality can expand the idea that duties straightforwardly divide into general obligations, which are owed by everyone to everyone and do not presuppose rights (or other special relations), and obligations owed by particular persons to other persons, which do presuppose rights. A duty of negative partiality is held by a particular person, but does not necessarily involve a corresponding right-holder. It thus combines features of general duties and
duties owed to particular persons, although I believe there is nothing in and of itself incoherent about such a composition. Putting aside this possibility, there is also a second way to make room for a duty of negative partiality that is less revisionary. In order to be consistent with the idea that duties of negative partiality involve corresponding rights, we could see them as being owed to the victim of wrongdoing. On this view, for example, the duties of negative partiality are either owed to ourselves (if we are the victim of the wrongdoing) or to some other victim of the wrongdoing.

Since varying the seriousness of wrongdoing gives rise to impartial reasons for punishment, this route does not give us the clearest case of a duty of negative partiality. Rather, there are two other kinds of cases that I think are more promising examples of the duty. I have less confidence in the first kind of case, but nonetheless put it forth as a consideration:

**Former Friends:** Loretta and Leon were friends from a time long-since past—they roomed together in college and subsequently moved on in their respective careers, having had little contact since. While Loretta successfully transitioned into a high-power position as the manager of software development team, Leon had no similar luck. Recently, they have reconnected, but the recent relationship seems to have developed in a one-sided fashion—Loretta frequently finds herself lending Leon assistance, though he is downright ungrateful about the forthcoming beneficence. Perhaps from jealousy, the progression of the relationship only seems to exacerbate Leon’s disrespect. Moreover, this one-sided relationship is apparent to outside observers and even to Loretta, but her fond nostalgic feelings get the better of her. Leon is now asking to spend a week with her in between housing arrangements. What should she do?

Leon is either not much of a friend, or no friend at all. Several features of this interaction seem to involve wrongdoing and speak against Loretta continuing a beneficent disposition. Leon seems to be using the pretense of friendship to extract benefit. Moreover, unlike the scenario that involves Jerry and Larry, a marked difference in this relationship is the intimate setting in which these wrongdoings occur—these individuals know each other and have previously had a valuable history.
Loretta’s real friends would recommend that she distance herself from the relationship and curtail any further sacrifices on her part. The inversion of the duty of beneficence can be illustrated most clearly by considering the fact that the act under consideration would ordinarily be supererogatory: allowing Leon to crash on her couch would normally be beyond the call of duty. However, from a moral standpoint, I do not believe this situation is improved by Loretta further benefiting Leon. One question that arises here is how to interpret the potential advice given by a friend. They might be hoping that if Loretta avoids the beneficent activity, Leon will turn himself around and stop the mistreatment. They might hope that Leon will stop using the pretense of friendship, or come to value the relationship and become a genuine friend, or that he will at least stop the disrespectful exchanges. In various ways, we can see her refusal to help as the assertion of a right. Each of these hopes, however, is only contingently connected to Loretta refraining from a supererogatory act of beneficence. If we stipulate that none of these positive effects will result from refraining to help, I do not think it would change the friend’s counsel. Even if she has no chance of changing Leon, she should not go out of her way to help him.

The Utilitarian strategy for explaining why Loretta should extricate herself from the relationship with Leon would most likely appeal to the idea that the relationship is straightforwardly unpleasant; there are likely better ways that each member could spend their time. However, I doubt this unpleasantness is central to the explanation of advising Loretta to not make further sacrifices for Leon. Moreover, I doubt this kind of consideration bears on our evaluation of the permissibility of the relationship continuing. For example, I believe it is misguided to weigh the benefits of the favour against the unpleasantness of being used. Increasing Leon’s benefit does not make the situation better. Thomas Hill argues that there is something morally unsettling about a person deriving pleasure from having all their rights
denied: we would criticize a person who acted to bring about this state of affairs in another. Analogously, I believe there is something deeply unattractive about a person deriving their pleasure from a one-sided relationship.\textsuperscript{53}

In the previous Chapter I raised a number of arguments against the Hill-inspired idea of grounding the justification of resentment in terms of self-respect. The primary issue with this strategy is that we typically have a prerogative to feel resentment, while self-respect is a duty. I acknowledge that resenting wrongdoing typically contributes to self-respect, but I believe that these effects can be separated from what justifies the resentment most fundamentally. It is the wrongdoing that justifies the emotional response, while these positive effects on self-respect happen to be connected to it. This same line of argument can generally be applied to the interpretations of justified negative partiality defended above. Since Larry is permitted to discount Jerry’s well-being but is not required to do so, self-respect does not seem to explain our intuitions about this case. However, this line of argument cannot clearly be extended to the current case under consideration. Insofar as we are concerned with the narrower question of duties of negative partiality, self-respect regains the possibility of becoming a candidate ground of this kind of negative partiality.

In order to evaluate whether considerations of self-respect can explain Loretta’s duty to refrain from assisting, we must have a clearer sense of the kinds of problematic attitudes and behaviours that a servile individual embodies. For example, Uncle Tom internalizes the racist ideology of the society he inhabits. Let us grant that Tom should be criticized for his beliefs and thereby fails to live up to the ideal of a moral agent. Similarly, we may attribute a lack of self-  

\textsuperscript{53} The consequentialist could accommodate this intuition by taking such pleasures to be bad in themselves.
respect to Loretta because she does not understand her rights, or perhaps does not understand friendship. However, we can stipulate in the scenario that she does have this understanding. She knows that Leon is mistreating her, that friendship should be reciprocal, and that Leon is acting wrongly. This knowledge does not entail that she will cease going out of her way to do a favour, so we cannot conclude that she lacks this knowledge.

Having self-respect is not only a matter of understanding our rights and recognizing when they are being violated, but also requires attempting to secure our rights and preventing others from violating them. This idea offers another interpretation of the claim that Loretta should refrain from benefiting Leon out of self-respect. It could be argued that by going out of her way to perform a nicety, an act that would typically be supererogatory, she encourages Leon to violate her rights. To the extent that Leon continues to profit from this one-sided relationship, he has motivation to continue the behaviour. On the other hand, by failing to take an opportunity to deprive Leon of a benefit, Loretta fails to use an opportunity to show him that she does not accept his behaviour. She fails to ‘stand up’ for herself and assert her rights.

All of the above might be true in an ordinary case of being used in friendship, but we can in principle isolate out these possible effects of Loretta’s behaviour from the moral significance of these actions in and of themselves. Empirically, it might be true that refraining from helping will prevent disrespectful behaviour, but we can stipulate that in this case it will not. We can assume that Leon is hardened in his attitude to such an extent that he will not be convinced to alter his attitude, and that Loretta is aware of these facts. If withholding the benefit will not help Loretta to secure her rights, and we would nonetheless encourage her to refrain from providing the benefit, then self-respect understood as a duty to secure and protect our rights does not explain why she should refrain from giving the benefit.
There is another interpretation on which having self-respect compels Loretta to cease the beneficent disposition toward Leon. Hill states that part of what it is to have self-respect is to take violations of our rights “seriously”. Unlike the requirement to secure our rights or resist the violation of our rights, taking the violation of our rights “seriously” seems to be a potentially backward-looking consideration. It is therefore more difficult to isolate out intuitions about taking our rights violations seriously from the intuition that there is a basic duty to avoid benefiting individuals who have wronged us. To attempt such an isolation, it is useful to distinguish a few ways in which we can take a rights violation seriously. One way to show that we take a rights violation seriously is to resist it, and by stipulation, we can assume that Loretta’s acts of beneficence have no effect on Leon’s disposition to wrong her. Another way to show that we take a rights violation seriously is to condemn it or resent it. However, each of these activities (supposing that she undertakes them) is compatible with her continuing to have a beneficent disposition towards him.

It might be argued that even if Loretta condemns Leon’s wrongdoing and appropriately resents it, it is still incompatible with taking the rights violation seriously to benefit the wrongdoer. To return to an earlier idea, this person might not really understand their rights. However, Loretta seems to understand her rights—she is simply moved by nostalgia and empathy to continue beneficence. We could also imagine her actions reflecting a deeper belief system that even wrongdoers should be killed with kindness. She might not see the act as turning the other cheek, so much as failing to stoop to the level of a wrongdoer. Perhaps these additional stipulations will alter another person’s intuitions about the moral value of continuing to be beneficent, given the history of wrongdoing. For my own part, I think there is something
still at odds with our moral ideals for the victim of wrongdoing to fail to distance themselves from the perpetrator.

It could be claimed that, by conceptual necessity, taking rights violations seriously will involve withdrawing a beneficent disposition towards a perpetrator of wrongdoing. It could then be claimed that there is a conceptual connection between negative partiality and self-respect. To have self-respect is to act with negative partiality under conditions of wrongdoing. However, tightly identifying the value of self-respect with negative partiality in this fashion causes me to lose hold of the sense in which self-respect grounds the duty to be negatively partial, as opposed to simply the wrongdoing itself. As an analogy, consider the claim that there is a duty of gratitude, which is owed as a response to benevolence. Such a duty does not obviously reduce to any other obligation, i.e. it is among the basic duties we have. However, it could be claimed that this duty is really reducible to some other value that resides in an individual, i.e. the value of ‘moral regard’. If we take the value of ‘moral regard’ to be fundamental, and then stipulate that a person fails to display this value when they fail to show gratitude, it could be argued that the duty of gratitude has really been reduced to something more fundamental. However, this grounding claim does not really add anything new—we have simply created a value by fiat, and then linked it by definition with an otherwise basic duty.

I do not intend to claim that self-respect is a value without any concrete meaning. To the contrary, I believe that we have an independent sense of what it is for a person to have self-respect. They afford the appropriate weight to their rights and do take violations of their rights seriously. However, if the arguments I have offered above are correct, there are ways of embodying this value without avoiding acts of beneficence against a person who has wronged us. To put the case otherwise, if we thought that self-respect grounded Loretta’s reasons to distance
herself from Leon, our objection to this activity would focus on the way in which Loretta worsens her own situation. However, I believe that what is problematic about the situation lies in Leon, i.e. he is unfairly gaining from a person he has wronged—it is Leon’s advantage and not Loretta’s disadvantage that is objectionable.

If self-respect is not the fundamental reason for Loretta to withdraw beneficence from Leon, there is a presumptive case to be made that there is a duty to be negatively partial. One final part of this picture needs to be in place: the agent-relativity of her obligation. In other words, we must determine whether it follows from the fact that Loretta should not be beneficent towards Leon that nobody should. To anticipate an argument discussed further in the next chapter, such a conclusion would overly dramatize the wrongdoing. A general requirement is overly punitive: it would imply that every stranger is under a prima facie duty to avoid helping Leon, and perhaps even avoid being in a friendship with him. While I believe that Loretta has reasons to refrain from continuing this relationship, others can reasonably recognize this relationship’s inappropriateness, while pursuing a relationship of a more reciprocal nature.

By varying the nature of the relationship involving victimhood and varying the kinds of benefits involved, I believe there is a prima facie case to be made for the duty of beneficence becoming inverted. Nonetheless, I can imagine that some people will not share intuitions about this case really giving rise to a duty for the same kind of reason that a duty of self-respect sounds suspect. Insofar as this duty is self-regarding, the obligation can only be owed to ourselves (or nobody at all). But if we owe it only to ourselves to be negatively partial to another, we could simply waive the duty. I am sympathetic to this kind of concern, and conclude this chapter with a kind of case that avoids this worry.
In the original cases considered above, there is an asymmetry between positive and negative partiality: being victimized seems to give an individual reason to discount the well-being of another person, while in a case of beneficence the recipient has a duty of gratitude. A distinction that captures this asymmetry is between the significance of self-regarding duties and other-regarding duties. We have a prerogative to especially advance our own welfare, but we also have a prerogative to discount our own well-being. Similarly, it seems that in cases of victimization, there are grounds for thinking that the case involves a duty, but for the fact that the person whose interests are affected is also the person who would be the duty-bearer (this fact is what I assume leads some to reject the intuitions about a duty arising in the case of Loretta/Leon). The kind of case that avoids this factor is one in which an individual is connected with the victim of a wrongdoing, but is not themselves the victim of the wrongdoing.

Consider the example of the criminal Uncle Leo who terrorizes a local town with arson. The members of the community affected by his wrongdoing have a prerogative to avoid benefiting Leo, but also plausibly have certain other-regarding duties. For example, suppose that Leo was an arsonist who set fire to Emily’s holiday home in our small town. Doug, a local restaurateur and Emily’s best friend, is now in the position of being able to reintegrate the recently released Leo by offering him a part-time job in his local establishment, an act that would ordinarily seem supererogatory. However, given that Emily was the victim of Leo’s crime, it seems like Doug has a special duty—one that is owed to Emily—to refrain from performing this particular act of beneficence.

A Concluding Remark

Negative partiality is a controversial way of expanding the moral domain. En route to defending the justification of this relation, I have attempted to accommodate a wide range of
intuitions that are compatible with my conclusion. However, a theoretical difficulty must be confronted at this point. To make the case for negative partiality, we must argue that some kind of relationship changes what we owe to someone (e.g. enmity or victimization). A ‘change’ in what we owe presupposes some view about what we owe in the first place, but there is no uncontroversial view about our general duties of beneficence (this issue replicates itself with respect to considerations of desert). In fact, there are starkly contrasting positions on this topic in the literature: some argue that we have no duty of beneficence, while others argue that the duty of beneficence is so strong that successfully carrying it out is almost psychologically impossible.

To the extent that the former position is correct, the arguments articulated in this chapter might not seem to establish a new relation. My own view is that there is a demanding general principle of beneficence, but also a competing personal prerogative to disregard this duty for our own interests. On this picture, negative partiality enters the picture because it affords us new permissions to discount a person’s well-being, even when our own interests are not at stake. Hopefully, the cases I cite in support of duties of negative partiality will be able to convince even those who deny the existence of a duty of beneficence.
Chapter 4

I- Introduction

Chapter 3 presented intuitive evidence for negative partiality’s justification based on histories of wronging. This chapter considers whether there are deeper explanations of this evidence by developing negative analogues of existing accounts of the grounds of positive partiality. This investigation will show that the disadvantages of existing accounts of positive partiality tend to give rise to analogous difficulties in their analogues of the grounds of negative partiality. After exploring a range of prominent views concerning the grounds of positive partiality (and their negative analogues), I reject the idea that there is a more fundamental ground of negative partiality than wronging itself.

II- Subjective Accounts of Partiality

A broad approach to justifying partiality is by appeal to properties possessed by the agent who has the permission or obligation to be partial. On the subjective account of partiality, an individual’s psychological states are taken to justify partiality to some other person. Such states could include a desire for shared activities, a desire for another’s well-being, a desire for friendship, or simply liking or caring about a person. A subjective account of friendship accords with everyday explanations about how friendships commonly form: a desire for shared activities and an appreciation of a person’s qualities are plausibly part of the story of how two people become friends. Moreover, a common philosophical position is that mutual caring is a constitutive feature of friendship; the subjective view will, then, unsurprisingly capture the idea that ordinary friendships are justified. Consequently, the subjective view avoids elitism, i.e. the problem of restricting the range of justified friendships to a limited class of individuals.
Consider, by contrast, the traditional Aristotelian model of friendship, which grounds partiality in terms of virtue. This view risks setting an unrealistically high moral bar for friendship that excludes what we commonly accept as justified friendships.\(^{54}\) Another advantage of the subjective account of partiality is that it unifies our reasons for partiality with what seems to be the appropriate motive for partial treatment. It is admirable to benefit our friends because we care about them, which is also the reason why we *ought* to benefit them on the subjective view.\(^{55}\)

While there are some appealing features of the subjective account of partiality, it also faces a number of important objections. Several philosophers have rejected the view that subjective views justify partiality, because such attitudes fail to rule out inappropriate cases of partiality, such as racists who care about others based on skin colour.\(^{56}\) To avoid such objectionable cases of partiality, we might suppose that so long as caring is not based on a morally vicious attitude, it can provide reasons for partiality. However, this modified position is still overly broad. For example, we might be moved by the image of a suffering person depicted on the news, but it seems strange to conclude that caring about the stranger ipso facto generates the duty of partiality; some further connection must be present for such obligations to arise.

Thomas Hurka also argues that caring is a contingent psychological state of the members of nations, rendering this property unable to account for the apparent necessity of duties to fellow

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\(^{54}\) The risk of the Aristotelian model of friendship corresponds to the extent that a view holds virtue is rare or difficult to obtain.

\(^{55}\) For a discussion of the theoretical virtue of unifying our account of appropriate motives with our reasons for action, see Michael Stocker (1976). Simon Keller similarly argues that it is a theoretical virtue for our reasons to be unified with our motives: “If a theory says that certain considerations stand as reasons of partiality, even though such considerations do not move us as we act partially and even though someone who was motivated by such reasons would not be acting well, then that is a (defeasible) reason to reject the theory” (2013, p. 43).

\(^{56}\) For example, John Cottingham argues that “bald preferences” cannot ground partiality, since they fail to rule out cases of racist preferences (1986, p. 362). Thomas Hurka argues that caring alone cannot justify by partiality because it fails to rule out caring based on race (1997).
nationals. This point naturally extends to the case of friendship\(^57\) and other special relationships. Whether or not we care about someone is changeable and contingent in ways that the obligations of friendship are not. Consider two individuals with a paradigmatically good friendship: they have persevered through difficulties with mutual assistance, frequently shared in each other’s company, expressed concern for the other, and have a detailed understanding of the other’s personality.\(^58\) Imagine that one of these friends becomes jealous of the other’s professional success, or suddenly takes a disliking to their manner of dress, or simply becomes apathetic toward humanity. If, on the basis of any of these reasons, they stopped caring about the other’s well-being, we would not immediately conclude that the reasons for friendship have dissipated. Rather, we would implore the friend to revise their feelings.

I agree that psychological states do not have the constancy of the duties of friendship. For example, it is logically possible that we stop caring about someone as a matter of uncontrollable physiological fact. Conceivably, a person could be struck by lightning and jolted out of caring or desiring friendship; I take it that an electrical shock should not cause us to lose the duties of friendship even if it causes us to lose our psychological attitudes. The fact that caring attitudes can change in ways that intuitively do not track our reasons for partiality suggests that caring is not required for having reasons of partiality. The difficulties with the subjective account of partiality are therefore twofold: we can have caring attitudes, yet fail to be justified in being

\(^{57}\) Technically an individual who does not care about another might not count as a friend (as noted, many philosophers take caring to be constitutive of friendship). However, a friend* (i.e. a person who is like a genuine friend but lacks a caring attitude) still could still have the duties of a genuine friend.

\(^{58}\) Jeske argues that friendship comes into existence through expressions of concern, self-revelation, and shared activities (1998, p. 537).
partial (e.g. caring on the basis of race), and we can fail to care and still have reason for partiality.

If subjective attitudes are the appropriate motive for benefiting our friends but these attitudes do not justify partiality, then the correct account of partiality will not unify our reasons for partiality with the appropriate motive for partiality. Given the failings of the subjective account of partiality, I believe that we must acknowledge the permissibility (or even virtuousness) of benefiting a friend out of caring, while denying that the caring is the sole reason for benefiting our friends. Similarly, a parent might be duty-bound to provide for the necessities of life for their children because they have voluntarily and intentionally created a vulnerability. Nonetheless, the parent is not required to be motivated by this fact: they can simply be motivated by love. In this case, I do not think it is problematic for the motive to come apart from the actual reason for the duty; likewise, I do not believe that it is problematic for motive and reason to come apart in friendship.

III- Projects

Another view that justifies partiality by appeal to the properties of the agent is the projects view of partiality. Williams defines a project as follows: “an individual person has a set of desires, concerns or, as I shall often call them, projects, which help to constitute a character” (Williams, 1981, p. 5). Projects are therefore a subset of desires that are part of the identity of an individual. A further subset of our projects are even more significant “ground” projects, which play an important role in giving our life meaning: “a man may have, for a lot of his life or even just for some part of it, a ground project or set of projects which are closely related to his existence and which to a significant degree give a meaning to his life” (p. 12). Given that projects and ground projects are connected to having a meaningful life, a moral system that asks
a person to abandon these projects will be very demanding. The demands of morality will not simply be asking a lot of people in terms of effort, but in terms of a kind of personal sacrifice: impartial morality could unreasonably ask people to abandon what makes their lives meaningful.

The essence of Williams’ demandingness objection is contained in the following two passages:

A [person] who has such a ground project will be required by Utilitarianism to give up what it requires in a given case just if that conflicts with what…[he] is required to do as an impersonality utility-maximizer when all the causally relevant considerations are in. That is a quite absurd requirement.

There can come a point at which it is quite unreasonable for a man to give up, in the name of the impartial good ordering of the world of moral agents, something which is a condition of his having any interest in being around in the world at all (p. 14)

Williams does not criticize the impartial picture of morality because of the mere possibility that it will ask a person to abandon their projects; rather, his critique is that conflicts between impartial morality and projects should not be automatically be resolved in favour of the impartial principles. On this interpretation of his argument, Williams believes that our projects can sometimes defeat the demands of impartial morality. Insofar as our projects include the partiality of our relationships (as more explicitly defended by Stroud in the arguments below), this view will justify a permission to be partial. Nonetheless, Williams’ position is vague in that it is not totally clear when impartial morality improperly demands that we abandon a project.

Sarah Stroud further develops the view that impartial morality can be excessively demanding, specifically with respect to overriding our interest in being partial, and she advocates
the solution that morality should accommodate a permission to pursue our projects.  

She sets up the conflict between partiality and the excess demands of impartial morality as follows:

A thoroughgoing act-consequentialist morality that demands that each of us maximize agent-neutral value in all our actions… clearly threatens partial practices: not by forbidding them de jure, as it were, but by presenting us with untempered demands to improve the universe, which will probably occupy all our time de facto (Stroud, 2010, p. 134)

Stroud observes that there are no impartial moral rules of the form ‘do not make friends’ or ‘devote resources equally among friends and strangers’. Rather, the problem with consequentialism accommodating partiality is that, given certain empirical facts about the world, we will not be permitted to form or maintain our special relationships. For example, we know that everyone could devote their spare energy to alleviating the endless needs generated by poverty and disease around the world. Given this fact about our world, devoting time and effort to friendships is unlikely to be the most efficient way to promote value. In this contingent sense, consequentialism is incompatible with partiality.

Stroud believes that the permission to be partial can be captured through a more general permission to pursue our projects. Insofar as we have projects that involve promoting the interests of a particular person, we will be permitted to be partial to them; we might also directly pursue the project of advancing a particular person’s welfare. Stroud further suggests a reason why a morality must make room for our projects. She argues that agency is partly defined by having projects, and that morality must make room for the nature of agency. By denying us the permission to pursue our projects, morality denies us our agency. The connection between

59 For another version of the view that partiality is grounded by our projects see Cottingham (1986).
projects and agency on Stroud’s view is analogous to the connection between meaningfulness and projects on Williams’ view. By threatening our projects, morality either asks individuals to give up on the meaningfulness of their life (Williams) or threatens their agency (Stroud). Each of these requirements is taken to be overly demanding.

The projects view faces a number of objections that have already been identified with the subjective account of partiality. Sara Goering poses the following question: “can one for instance, rightly claim moral legitimacy for building a life project around racism and sexism…” Surely we want to find some limit for the range of acceptable partiality” (2003, p. 400). Elizabeth Ashford raises a similar objection to the significance of our projects: “any plausible account of moral obligations must hold that slave owners should have questioned and opposed their way of life and the norms to which they subscribed, even at the cost of alienation from what were previously deeply held commitments and moral self-conceptions” (2000, p. 424) Even if slave-owning gives a person their life’s meaning or is the central project upon which a person builds their life, there is no special permission to pursue this project.

As noted above, on Williams’ approach, ground projects should not automatically be defeated by the demands of impartial morality, but he also does not claim that we should uncritically allow every project to defeat the demands of impartial morality. Unfortunately, his position does not offer a principled proposal to rule out the problematic cases of partiality. On Stroud’s view, the demands of morality should be tempered by our projects, because agency requires us to be able to pursue our personal projects, and morality must make room for agency. However, there are several ways to interpret the claim that impartial morality must make room for projects. It could be read as the claim that impartial morality must make room for the possibility of pursuing at least some personal project. However, this restricted interpretation of
the argument does not seem to support her conclusion about partiality being justified, since
impartial morality does make room for at least one potential project, i.e. the pursuit of the aims
of impersonal morality. A broader reading of the claim is that impersonal morality cannot ask an
agent to give up on any particular project they happen to have. However, this reading of the
argument is too broad, since it will allow for us to pursue the evil projects noted above.

A solution to the above dilemma would take the shape of a moderate position that suitably
restricts what projects a person may pursue but does not simply limit an individual to pursuing
the project of impartial morality. Such a position is not straightforward to formulate. The most
natural approach to developing the moderate position is by appealing to features of morality
itself, i.e. appealing to conduct that we believe is wrong. However, the prerogative to pursue our
projects is specifically designed to permit us to do what would otherwise be morally
impermissible. Without a project that involves promoting a person’s interests, for example, we
would be required to maximize the good (this is basis for saying that projects ground a special
permission). Since the projects view is meant to be an account of how to override the impartial
principles of morality, the view cannot simply appeal to features of morality: it would need to
provide an account why projects can defeat some aspects of morality but not others.

Furthermore, if Stroud’s view places objective constraints on what projects a person may
pursue, it will come at the expense of guaranteeing that morality respects agency. Insofar as
one’s projects happen to conflict with the objective constraints that one places on project-
formation, morality will be unable to guarantee that a person’s agency will be respected. If we
adopt the view that morality is not required to guarantee that a person’s projects are respected, it
becomes unclear why we should reject the narrow view that people are only permitted to pursue
the project of respecting impartial morality. The moderate position seems to lead us back to the narrow view that we should simply be required to pursue the project of impartial morality.

There is another kind of problem with appealing to projects as the ground of partiality. It seems to me that our prerogative to be partial should become stronger as a relationship progresses. To borrow Stroud’s example, the permissibility of preferring the interests of a student that a professor has been mentoring for years plausibly exceeds the permission that should be afforded to another student in a new relationship. It is difficult to see how a mere commitment could capture this phenomenon; the degree of a commitment does not necessarily track the length of a relationship. A professor supervising several PhD students might be equally committed to seeing each of their students through, but nonetheless be permitted to favour a student they have been working with for 5 years over one they have only begun to work with.

IV-Agent-Centered Accounts: The Negative Analogue

The subjective view and the projects view are both agent-centered accounts of the justification of partiality. They attempt to explain the permissions or obligations to be partial in virtue of the properties of the agent who has the relevant permission or obligation. The drawbacks of these views can help draw attention to similar difficulties that arise with the negative analogue. To examine such a parallel, an agent-centered account of negative partiality should be constructed. If caring for a person’s well-being generates a reason to promote their interests, then indifference or disregard for them could be taken as a reason to neglect their interests. Similarly, if the project of friendship is itself a reason for pursuing the friendship, which permits the partiality of friendship, then a project of enmity would provide reasons for pursuing this relation, along with the associated forms of negative partiality. There are obvious problems with this account of negative partiality. The mere fact that one is indifferent to the
well-being of another cannot entitle us to treat them worse than others, nor could a desire for a negative relationship permit us to harm them.

There are good and bad reasons for disliking someone or being indifferent to their well-being, and any reasonable theory of morality cannot allow that a bad reason for disliking a person be capable of weakening a moral obligation that would otherwise exist. As described in the previous chapter, someone can be disliked for a morally neutral preference (e.g. preferring Bach over Beethoven), but a person’s well-being should not be discounted on this basis. Analogous to the concerns raised about the subjective account of positive partiality, disliking a person based on their skin colour is no justification for negative partiality. The projects view faces the same difficulty, as projects can easily involve discounting a particular person’s well-being on the basis of their race.

A weaker way to employ subjective states or projects as the ground of partiality is by taking them to be a necessary, but insufficient, condition of its justification. However, it strikes me as perfectly coherent that a bullied individual can care about the person who mistreats them and nonetheless have the same permission to discount the interests of the victimizer. In the previous chapter, I considered the example of a person who is mistreated in the context of friendship—such a person plausibly has the project of being friends with the person who mistreats them. While this project is antithetical to being an enemy, I believe they still have reasons to discount the well-being of the person who mistreats them. This analysis is consistent with how we analyze the normative significance of wronging in other contexts: someone might be unaware of or fail to acknowledge that they are owed an apology or compensation for wrongdoing. But a failure to acknowledge such entitlements does in no way undermine the fact that they are owed something.
While I believe that psychological states and projects are neither necessary or sufficient for justifying partiality, my arguments do not rule out narrower versions of these views that take such projects or attitudes to give us more reason to be partial when that is otherwise justified. In support of this weaker view, consider two formerly paradigmatically good friends who become distant, each having lost the previously caring attitude about the other. Suppose further that there is not a bad reason for the shift in attitude: they have grown apart and their changing interests have led to the psychological parting or the abandonment of the friendship project. Given the constraint that both individuals share the same attitude, we might be inclined to accept that the lack of caring attitude weakens existing reasons for partiality. Conversely, if they cared more about each other, they seem to have more reason for partiality. This example speaks in favour of the more limited view that projects and subjective attitudes can strengthen existing reasons for partiality.

The parallel negative view would be that when someone is justified in being negatively partial, having a positive disregard for a person’s well-being provides additional reason for negative treatment. To evaluate the view, we can compare two scenarios where negative partiality seems justified, but differ from each other in terms of the presence of the relevant subjective state or project. For example, suppose that Celeste discovers that her best friend Sam has repeatedly failed to be faithful to a promise to keep an embarrassing story in confidence. However, Celeste harbours no ill-will and merely distances herself from Sam. Compare this scenario with one in which the same wrongdoing has transpired, but where Celeste is extremely resentful of Sam, harbouring a strong dislike. Intuitively, I do not think the strong subjective sense of dislike affects what Celeste owes to Sam. Whatever special permission Celeste may have to discount Sam’s well-being, I do not see a compelling reason to think of it as weaker,
simply in virtue of the fact that she still cares about Sam or lacks a project to discount Sam’s well-being.\textsuperscript{60}

There is therefore a potential asymmetry between our intuitions about the subjective account of positive and negative partiality: caring seemed to make difference in the partiality of our positive relations, but not our negative relations. However, I believe this asymmetry should be dissolved, rather than explained. There are other explanations of the intuition that reasons for partiality strengthen in virtue of friends caring about each other. First, in a relationship where there are reasons for each individual to care for the other, yet the members fail to do so, the lack of caring can itself be understood as a wrong to each member of the relationship. If the members of a friendship wrong each other, they undermine the reasons for the friendship. Second, there are impartial reasons to terminate a friendship when individuals no longer care for each other. Disliking a person is likely to make for an unhappy relationship, even if there are existing reasons for partiality. Moreover, there are theoretical reasons for rejecting this view that parallel the difficulties raised with the original agent-centered accounts of partiality. If I have two very good friendships, equal in objective justification, but randomly become slightly less caring for one, I do not think they are owed any less as a friend. There are good and bad reasons for caring, and when we stop caring for a bad reason or no reason, the reasons for friendship are not plausibly weakened.

V- Intrinsic Properties and Partiality

\textsuperscript{60} In general, resentment provides an epistemic basis for thinking that a greater harm has been caused, so it could plausibly reflect the significance of wrongdoing.
Another broad approach to justifying our special relationships is by appeal to intrinsic properties of the beloved to whom we are permitted or obliged to be partial. Before assessing this view, there is a guiding theoretical assumption to the approach I follow that should be stated. I believe that love and friendship involve partiality as a matter of conceptual fact; we cannot truly love someone or really be their friend if we are not inclined to attach weight to their interests on the basis of our relationship. For this reason, I assess accounts of the justification of friendship and love for their ability to capture partiality, even if these views are not explicitly taken to capture these phenomena. This assumption is not necessarily shared by my interlocutors, so the fact their view does not capture partiality should not necessarily reflect a failure internal to their own framework.

On the quality view, friendship and love is justified by the basis of a person’s admirable or desirable qualities. For example, intellect or moral fiber could be taken to provide reasons for friendship. The appeal of this view, like the subjective view, is that it seems to capture facts that are commonly cited as part of our reason for friendships and love. When pressed to cite what we are looking for in a romantic partner, humour, trustworthiness, and attractiveness come to mind. While qualities answer the question “what do you love about me”, they seem less apt to answer the related question that pertains to partiality, i.e. “why do you love me in particular”. A number of philosophers have leveled critiques against this view. Thomas Donaldson provides a version of the problem of “replaceability”:

Offered a similar diamond of identical cut, quality, and weight, a person may make the exchange. But asked to trade our old friend in for a new one of equal (slightly greater) charm and affection, and we will, so long as our friendship is genuine, refuse (1990, p. 6).

Hurka (1997) similarly argues that a cloned version of our spouse would not justify the same degree of love that we have for our actual spouse, even though the clone presumably has all the
same intrinsic properties. Seemingly then, intrinsic properties alone cannot be what gives justification for our love. A second, closely related problem is *trading up*. If qualities provide our reasons for love, then Hurka argues that he “would abandon [his] wife the moment someone else came along with the same properties to a higher degree” (p. 150). Intuitively, however, we should not abandon our loving relationships so easily. Nor should we abandon our friends simply because another person happens to be more intelligent, attractive, or virtuous than them.

There is a more sophisticated version of the view that intrinsic properties can ground love. David Velleman argues that love and respect for persons are both grounded by rational agency. These responses differ in that love’s “primary motivational force is to suspend our emotional self-protection from the person rather than our self-interested designs on him” (1999, p. 362). While love and respect differ as responses to a person on Velleman’s picture, each person is worthy of love in virtue of the same feature that they are worthy of respect, i.e. in virtue of rational agency. The primary normative difference between these responses is that respect is “the required minimum” response to rational agency and love is the “optional maximum” response (p. 366).

Velleman acknowledges that, unlike respect, love is not universally directed: we expect to be loved in particular and in a special way, even though we expect everyone to be respected (i.e. love is an emotionally partial response to individuals). To explain how love can involve this kind of partiality while still being grounded by a feature that everyone shares, Velleman appeals to the Kantian notion of dignity:

A self-existent end… is not an alternative to other producibles. Its value doesn’t serve as grounds for comparing it with alternatives; it serves as grounds for revering or respecting the end as it already is. What Kant means in calling this value incomparable is that it calls for a response to the object in itself, not in
comparison with others…. What makes something truly irreplaceable is a value that commands appreciation for it as it is in itself, without comparison to anything else, and hence without substitutions (p. 364).

Although each of us has the same value, it is the kind of value that does not allow us to be compared to others and therefore does not allow us to replace an individual or “trade up”. The appeal to dignity is meant to explain why we cannot replace a person we love, but the move does not really seem like an explanation, so much as a stipulation of the fact that substitution and comparison is not permissible when it comes to rational agency. People are just not the kind of thing that should be compared to each other or substituted for another, even though they are fundamentally of equal value. Kolodny challenges this view with the following question: “what kind of ‘appreciation’ of one’s beloved as ‘special and irreplaceable’ could be compatible with the ‘judgment’ that one has just as much reason to appreciate anyone in that way” (2003, p. 179)? I think Velleman’s account enables him to say the following. Although each person is equally worthy of being loved, it is inappropriate to weigh the quality in virtue of which each is loveable against the quality of another person and then decide who to love. It is inappropriate to value a person in the manner that involves weighing some person’s instantiation of rational agency against another’s and, on this basis, choosing to love one person over the other. Why personhood prohibits these activities is not explained (it seems normatively fundamental), but they are nonetheless meaningful interpretations of the claim that personhood does not permit substitution or comparison even though everyone is equally valuable. Moreover, since each person is equally valuable on Velleman’s view, he can avoid the problem of “trading up”: no person can have a better version of rational agency on his view.

Although I believe Velleman’s position can do better on the issue of substitution and trading up than the version of the quality view that appeals to properties such as intelligence,
virtue, or beauty, it still has difficulty accounting for the fact that we sometimes have compelling reasons to love. On his view, although we must love without comparison when we decide to love, it is not the case that we must love anybody; rather, we are permitted to love anybody. Kolodny convincingly challenges this assumption: “what are we to say about a parent who just happens—it is a contingent matter, after all—to see an expression of rational nature in his child’s classmates, but not in his own child? Ought we to say that this is inappropriate” (p. 177)?

Velleman’s view offer no grounds for criticizing a person who does not love their own child if they simply happen not be moved by the empirical features that give psychological access to reasons for love. Velleman’s view tells us that everyone is equally worthy of the value of love, and there is some truth to that: we could justifiably begin to love (almost) anyone. However, it is not the case that all love is merely permissible: we sometimes have moral reason to love in that we can be criticized for failing to do so.

At this stage, I want to draw out some of the relevant consequences of Velleman’s picture for negative partiality. As described by Velleman, rational agency commands a minimum response, i.e. respect, and permits a maximum response, i.e. love. Although he is not explicit about the details of what kind of minimum treatment is permitted, the idea that a universally and necessarily shared property sets the bar for the minimum permitted treatment does not seem compatible with negative partiality. As argued in the previous chapter, we should see our general obligations as applying to individuals with whom we have no relationship; strangers that bear no relation to us establish the baseline of moral treatment while a history of wrongdoing allows us to treat a particular person worse than the baseline. However, Velleman’s view does not allow the bar to go lower than strangers: the intrinsic property of rational agency sets the bar for the worst way in which we can treat a person.
If an intrinsic property sets the bar for how badly we can treat a person, one of two phenomena will be distorted. If the baseline is sufficiently low to explain how we are permitted to treat our enemies, the permitted treatment for strangers who have not wronged us will be too low—such a view would allow us to treat anyone as badly as our enemies. Alternatively, our humanity could set a minimum treatment that is higher than how enemies treat each other, but in this case (as noted above), we will never be permitted to be negatively partial. If we acknowledge that being wronged affords us a special permission to discount a person’s well-being, the permission must allow us to do something that would otherwise be impermissible. Therefore, morality cannot coherently afford us this permission based on an intrinsic property that everyone necessarily possesses.

A more specific variant of the quality view is that virtue is the reason for our special relationships. This view still faces the difficulty of explaining “substitution” and “trading up”. Intuitively, we cannot replace our friends with people who happen to be as virtuous. Nor do we have sufficient reason to abandon a friend, simply because another person is more virtuous. Virtue might still play a more limited role in our reasons for friendship, if it is incorporated only as part of our reasons for entering into a relationship. This possibility is best motivated through Jennifer Whiting’s contemporary defense of the character view of friendship. She summarizes the Aristotelian view of friendship as follows: “concern for our friends is initially justified by certain features of the persons about whom we come to care. We may approve of someone’s character, projects and commitments and so come to think her worthy of our concern” (1991, p. 7). As with Velleman’s view, the main difficulty with the Aristotelian account is that a great number of people will generate sufficient reasons for friendship, rendering it unclear why any two particular people have reason to be friends with each other. Whiting acknowledges this
difficulty, stating that the justificatory “features may of course underdetermine the distribution of concern in the sense that many more people than I can possibly befriend may have the same or similar features rendering them more or less equally worthy of my concern” (p. 7). Her solution is to account for specific friendships through “contingent and non-justifying factors [which] may enter into determining (and hence explaining) which of the many deserving candidates I in fact befriend” (p. 7).

Contingent non-justifying factors cannot explain why substitution and trading up are prohibited.\(^6^1\) This view is therefore most plausible as an account of our reasons to enter into friendship. Prior to entering into a particular friendship, it does seem that our reasons are underdetermined: we can justifiably choose to befriend and become partial to a large number of decent people. Among the reasons we can plausibly cite as the basis for befriending one person over another is that they are a good person. Vice either prohibits us from friendship-formation or at least gives us a compelling reason to prefer befriending someone else. Can we conclude on this basis that virtue justifies partiality? Insofar as virtue is a non-relational property, it gives every person the same reasons for action with respect to the individual. Such agent-neutral reasons are not themselves reasons of partiality. Rather, virtue could be a necessary condition of

\(^6^1\) Whiting does, at one point, assert that the friendship relation is itself also justificatory, presuming it is with a virtuous person (p. 7). Insofar as she takes friendship to be justificatory, her view seems to have the resources to reject these objections. However, she later suggests that these historical factors are epistemic and practical reasons: “increased investment in a person or a relationship may (like increased investment in an activity) increase my sense of reward, thus strengthening my commitment and preventing me from forming other attachments and commitments I may still regard as in some sense equally worthy. We may or may not say that the resulting relationships give rise to special reasons to care for ourselves and our significant others. But if we countenance such special reasons, we should acknowledge that their specialness is a function of these epistemological and practical factors, which do not themselves require us to take the actual objects of our concern to be intrinsically more worthy of that concern than other possible objects” (p. 23-24).
partiality being permissible, a possibility that I explore in more depth with the discussion of Hurka’s dual view below.

VI- Intrinsic Qualities: The Negative Analogue

To parallel the view that friendship and love are grounded by intrinsic properties, we could analogously take intrinsic properties to ground negative partiality. But taking the contraries of intelligence, beauty, or wit to justify negative partiality is absurd. Stupidity and ugliness are not the kinds of qualities that should allow us to discount a person’s well-being. In fact, reflection on the negative variant of the intrinsic quality view makes it even clearer that such qualities are implausible explanations of the partial treatment associated with friendship. While someone’s good sense of humour can explain why I might choose to enter into a friendship with them, it cannot explain why I owe them more than individuals unrelated to myself. The point can also be established by comparing what we owe to different friends: I should not treat some of my funnier or smarter friends better than the ones who possess these qualities to a lesser extent.

To parallel Whiting’s take on the Aristotelian view of friendship, we might also try to understand the justification of enmity based on impersonal features of an individual’s character. There are at least two distinct ways in which character could figure in an impersonal justification of enmity. First, a deficiency in virtue, or the presence of vice, could be taken to provide the basis for becoming a person’s enemy. Second, we could take the presence of virtue to be incompatible with the justification of negative partiality. However, as with the case of friendship, our ordinary understanding of an enemy seems distorted by such an impersonal treatment of the relationship. The victim of a wronging gains a special permission to discount the well-being of someone who wrongs them, but if vice explains how we ought to respond to
wrongdoing, then everyone would be permitted to discount the well-being of an offender. Consequently, there would be no special permission.

Construing enmity or friendship as impersonal mischaracterizes both of these relationships, but it is perhaps less clear why there is any normative difficulty with understanding the reasons for enmity in impersonal terms. What is offensive about the impersonal treatment of friendship is that it permits substitution or allows trading up, but what similar difficulty pertains to enmity? I believe there is a parallel. If vice allows a person to respond to a person with negative partiality, then we deprive the victim of a wronging the *empowerment* to respond to their own victimization. Larry could be a good person—the fact that he wrongs a particular person could be confined to a narrow arena of his life. However, his upstanding behaviour should not deprive Jerry for being able to respond to his own wronging. Even if Larry is a very good person, Jerry should still be empowered to respond because of how *he* has been treated.

To accommodate these intuitions for negative treatment, the impersonal characterization of enmity might try to give an agent-neutral interpretation of Jerry’s reasons for response (e.g. by allowing everyone to have Jerry’s reasons for response). However, the agent-neutral reading of these permissions for response seems to inappropriately extend moral claims that are of a relational nature. Most of us find ourselves with histories of friendship or love gone wrong, and these degraded relations are often intertwined with wronging that explains why former members treat each without the beneficent disposition that would be taken toward strangers. While I believe we want to make room for these relations worsening in the aforementioned manner, an agent-neutral interpretation of the reasons is too broad. Consider acts of infidelity in a romantic relationship. While the victim should be permitted to drastically diminish beneficence, acts of
infidelity do not warrant the same response from all people outside of the relationship: this interpretation glorifies the moral significance of infidelity beyond reason.

A corollary of the above argument is that impersonal explanations of our reasons for negative treatment have difficulty making sense of the idea that a perpetrator of a wrongdoing can make a ‘new start’ with people by leaving behind their negative relationships. Imagine, for example, a notorious small-town criminal, Uncle Leo, who has victimized the local community for years with armed robberies. The town is sufficiently tight-knit that many have been affected by this perpetrator, and unsurprisingly most people will not even greet Leo on the street. However, imagine that Leo has truly reformed himself and is ready to integrate into the community—a laudable result. The victims of his past misdeeds can reasonably resist participation in this process, and Leo’s most prudent course of action would be to leave this town to begin anew with others. On a reading of this scenario that appeals to negative partiality, the decision to leave the city is normatively well-founded—Leo has a negative relationship with the particular people he victimized in the past and he has the ability to move beyond his past by developing new relationships with others. By contrast, the most plausible agent-neutral reading of this scenario is epistemic—Leo’s past is sufficient for him to be excluded from the opportunity to re-integrate, but moving elsewhere would allow him to disguise this fact. I find this vision of how someone can move beyond their past wrongdoings unappealing. An analogous reading of the case of infidelity is similarly so.

There are several desiderata that have come to define a normatively adequate account of friendship based on objectionable feature of other accounts. A similar set of desiderata concerning enmity can be formed on the basis of the examples I have used to support justified cases of negative partiality. At the root of the objection to the impersonal account of friendship
and enmity is the idea that the justification of these relationships must be agent-relative. Although impersonal considerations might play a normative role in friendship formation, it distorts our intuitions about partiality to see such considerations as exhaustive. Similarly, if enmity is characterized impersonally, we either cannot capture the intuition that victims have reasons for negatively responding to people who have wronged them, or we risk endorsing the overly punitive position that everyone has such reasons.

VII- Dual Accounts of Partiality

While intrinsic qualities cannot provide a sufficient condition for friendship or enmity, I have not ruled out the idea that they justify partiality when combined with some other factor. Hurka adopts this position in his defense of national partiality though analogy to the justification of partiality. To avoid the problems of substitution and trading up discussed above, Hurka argues that histories of interaction are necessary for partiality. Since a history of interaction takes place with a particular person, he argues that people we love cannot be substituted for others merely because they possess better intrinsic qualities. He further specifies two kinds of histories that justify partiality: shared histories of beneficence and shared histories where members experience suffering imposed by others. The degree of partiality justified by these relationships can also be strengthened insofar as such relationships involve more intimacy of interaction (1997, p. 153). Employing this framework, he argues that while co-nationals tend to lack the intimacy of interactions that characterize loving relationships, they are still justified in being partial in virtue of the shared histories of mutual beneficence; loving relationships, by contrast, contain both histories of mutual beneficence and intimacy, which explains why more partiality is typically owed in such relationships.
While our histories of interaction explain why we should love and be partial to a particular person, Hurka argues that intrinsic qualities figure in the justification of partiality: “consider my relation to my wife. If I love her specially, it is partly for certain qualities that she has…if those qualities changed enough, our history would not be a sufficient basis to maintain …love or to continue to demand partiality” (p. 150). His list of relevant intrinsically valuable qualities includes intelligence, trustworthiness and benevolence. As an account of our reasons for love abstracted from considerations of partiality, I agree that intrinsic qualities matter. We have sufficient reason to stop loving someone who becomes vicious, presuming that their caring nature is what initially attracted us to them. There might also be a compelling reason to not love someone who is thoroughly vicious. However, neither of these considerations entails that virtue is a necessary condition of partiality being justified, or even that virtue affects our reasons for partiality.

Virtue is already plausibly an impersonal ground for giving greater weight to a person’s interests: a scholarship fund for criminals who refuse to acknowledge responsibility for their crimes is clearly an unworthy cause. This conclusion warrants an impersonal explanation: virtue is a non-relational fact about a person, so if it provides a reason for giving less weight to a person’s interests, it provides such a reason to everyone. Similarly, if someone’s spouse were formerly virtuous and became vicious, it might be true that they should be treated worse and no longer be loved. However, this judgement is prima facie explained by impersonal considerations. The fact that we have reason to stop loving a person because they have become vicious does not in and of itself establish that vice undermines our reasons of partiality; rather, our reasons for not loving might simply follow from the fact that vice gives reasons for negative treatment that are incompatible with love.
I believe that vice is not incompatible with partiality being justified. To establish this conclusion, consider the following scenario:

**Vice:** Kathy is a poor colleague to the vast majority of her fellow co-workers, arrogant and insulting in her approach to working relations and never willing to help when it is not evidently to her advantage. Despite her poor general demeanor, she happens to have had a particularly pleasant relationship with one co-worker, Julia. Julia disapproves of Kathy’s behaviour towards their colleagues and were it not for their positive shared history, she would never commence a friendship with her. However, she finds herself disposed to treat Kathy well based on their past history and, at the same time, believes that Kathy’s poor demeanor implies that her interests matter less than what they would otherwise. These conflicting factors lead Julia to have a distanced, but not unfriendly disposition to Kathy: she is guarded but is willing to help her as much as a stranger.

We can assume that Kathy’s viciousness is grounds for treating her worse than more virtuous people. Nonetheless, Julia seems to have a legitimate basis for treating Kathy better than a vicious person, with whom she shares no particular relation. Suppose, for example, that on the basis on her poor character, everyone in the office (affected or not) by Kathy’s behaviour has an agent-neutral reason to prefer collaborating with other colleagues on mutually advantageous work projects. Julia seems at least permitted to discount Kathy’s well-being to a lesser extent. This assessment suggests that the case involves two competing normative factors: Kathy’s viciousness implies that her well-being should be impersonally discounted, but her positive history with Julia gives her a special permission to promote Kathy’s well-being.

Julia is plausibly permitted to grant additional weight to Kathy’s interests, but there are also cases where duties of partiality seem compatible with vice. Imagine, for example, the parent of a repentant child, formerly devoted to a career of fraud. Even supposing the parent knows the child is guilty, they plausibly have some obligation to be supportive of their child as they moved through legal proceedings. This act is a departure from the requirements of impartial morality that is not undermined by vice. Perhaps it could be argued that these reasons derive from special
obligations that parents have toward their children, but my intuitions about the case do not change if we substitute a best friend for the parents in these scenarios.

The above cases illustrate the general principles that our special relationships strengthen the duty of beneficence while vice weakens it. The resulting relationship might allow us to treat a person better than what they impersonally deserve, but still only as well as a person who bears no relation to us. Such cases still can amount to partiality if the relationship allows a person’s interests to be afforded more weight. In fact, even if Julia should afford Kathy worse treatment than a virtuous stranger, we cannot conclude that Julia has no reasons to be partial. After all, Julia might still be permitted to assign more weight to Kathy’s interests (based on their relationships) than others would be.

We might conclude from the fact that we ought to treat a vicious person worse than a stranger that we are not justified in being partial to them. However, this conclusion does not follow: the measure of partiality’s normative significance is the extent to which a relationship strengthens the permissions or obligations to act for the sake of another person; the fact that impartial considerations might require us to discount a person’s interests does not ipso facto undermine these relational reasons. There is therefore, a prima facie reason to reject the idea that our reasons for partiality strengthen as virtue increases.

While I am sceptical about the idea that increases in virtue strengthen our reasons for partiality, there is plausibility to Hurka’s claim that extreme vice is incompatible with partiality. One reason why we cannot generate the permissions or obligations of friendship with a person who is vicious is that we have a duty to avoid benefiting people who are evil, so we will be unable to develop the kinds of histories that give rise to the obligations of partiality. It is more difficult to assess the view that becoming vicious undermines our existing reasons for partiality.
The analysis I have given above, in which vice provides impartial reasons for negative treatment, also seems to explain the idea that we should not afford positive treatment to people who are completely vicious. In such cases, we can understand the reasons for partiality as being outweighed by the much stronger reasons for responding negatively to vice. Both the view that vice undermines our reasons for partiality and the view that it provides impartial reasons that compete with and outweigh reasons for partiality can explain a variety of cases involving extreme vice. For example, they can equally explain the intuition that parents should disown children who commit atrocities, or that we should drop a friendship with someone who joins the KKK.

To decide between the above views, we would need to compare whether we owe more to a thoroughly vicious person with whom we have had a positive relation than a thoroughly vicious person that shares no history with us. For example, suppose that one has a former (paradigmatically good) friend who joined the KKK and they are drowning along with other members of the KKK. Assuming that it is obligatory to save at least one of the drowning people, is it also obligatory, or perhaps permissible, to save the former friend over a stranger? I can imagine there being some residual duty to the former friend, although I also think the intuitions about such a scenario are plausibly mixed and weakly felt, in part because it might seem like we owe nothing to sufficiently evil persons. If vice affects our reasons for partiality, it does so only at the very extreme end of the spectrum of evil. In these cases, viciousness already calls for such a strong impersonal response that it is difficult measuring the difference it makes in terms of partiality.

To construct a negative parallel of the dual view, we might think that vice is a necessary condition of negative partiality being justified, i.e. that virtue is inconsistent with negative
partiality. As discussed above, I implicitly rejected this idea in the previous chapter. If we assume that virtue is only a matter of past good conduct, or the disposition of a person’s character, it is still possible for the virtuous to seriously wrong a particular person. I built this possibility into the case of Larry and Jerry: if we suppose that Larry is good person, it does not undermine the fact that that Jerry in particular has reasons for discounting Larry’s well-being. Moreover, I think that ‘extreme virtue’, or sainthood, only brings intuitions about negative partiality into clearer focus. Therefore, endorsing the idea that vice is a necessary condition of partiality leads to an asymmetry between positive and negative partiality: while extreme viciousness would undermine our reasons for positive partiality, virtue does not undermine our reasons for negative partiality.

VIII- Valuable Relationships

Another broad approach to justifying partiality appeals to the value of our relationships. The most prominent version of this strategy is pursued by Samuel Scheffler with his argument that having reason to (non-instrumentally) value a relationship entails that we have special obligations.62 The first step in his argument is the principle that non-instrumentally valuing a relationship with a person necessarily involves seeing the other person as a special source of reasons for action; as he describes, to value a relationship is “in contexts which vary depending

62 David Miller offers an argument with a very similar structure to Scheffler: “ground-level special duties… arise only from relationships that are intrinsically valuable. Furthermore, the duties in question must be integral to the relationship, in the sense that the relationship could not exist in the form that it does unless the duties were generally acknowledged... A final condition for the existence of ground-level special duties is that the attachments that ground them should not inherently involve injustice” (p. 65-66). Miller frames his conditions as being both necessary and sufficient, while Scheffler frames his argument as being a sufficient basis for partiality arising. There are further differences and similarities that I will not explore here. Similarly, Joseph Raz (1989) argues that “the justification of the duties of friendship is that they make, or are part of, a relationship which is intrinsically valuable. This is an internal justification since it justifies the duty by reference to a good which is itself made in part by that duty” (p. 20)
on the nature of the relationship, to see that person’s needs, interests, and desires as, in themselves, providing me with presumptively decisive reasons for action” (1997, p. 196).

Special obligations are therefore conceptually connected to valuing a relationship intrinsically. He acknowledges that while intrinsically valuing a relationship is connected to acting as though we have special obligations, we do not necessarily have good reason to value a relationship. For example, the members of an abusive relationship do not have reason to value it and therefore intuitively do not have reason to see themselves as having reason to be partial. By contrast, he asserts that when we do have reason to value a relationship (e.g. in paradigmatically good friendships) we thereby have the special obligations that are connected with valuing it.

Scheffler’s argument is schematic. He says relatively little about what counts as a relationship, and he does not defend the claim that relationships have intrinsic value or the connection between valuing and seeing ourselves as having special obligations. One difficulty facing his argument is this latter claim he asserts between valuing a relationship and seeing it as a source of special obligations. As noted above, this connection is taken to be an analytical truth: “if there are no circumstances in which I would see a person’s needs or interests as giving me such reasons, then according to the nonreductionist, it makes no sense to assert that I attach (noninstrumental) value to my relationship with that person” (p. 196). While he does not explain when a relationship is reasonably valued, the most straightforward case is someone who values a relationship because it is, in fact, intrinsically valuable. Once we assume that a relationship is intrinsically valuable, we can ask how the relationship is valued. Various options present themselves: we can value a relationship for the sake of ourselves, for the sake of another, for the sake of both members, or simply for the sake of the relationship.
Having described various senses in which a relationship could be valued, we can ask whether some particular relationship, e.g. a friendship, can be intrinsically valued for the sake of oneself. Is it intelligible that I value a friendship solely for its contribution to my own good? If I can see a particular friendship as valuable to me (because friendship contributes to the good life) and value it for myself, I do not thereby seem committed to seeing the other person’s interests as mattering more for their own sake. However, there is an incoherence with this selfish attitude. In order for a genuine friendship to exist, it seems like patterns of partiality must exist, i.e. if I am not disposed to be partial to a person (i.e. to promote their interests as a final end), then it seems that I cannot be a friend. It seems then that even if I value a friendship for my own sake, I must also value interests of my friend for his or her own sake.

If the above analysis is correct, when we have reason to value a relationship that involves partiality, we will have reason to be partial. However, while valuing certain relationships ends up committing us to being partial, the partiality can still be entirely conceptualized in self-regarding terms. Consider further the person who values a friendship for its contribution to the good life. Being a prudent person, they recognize that they must be partial in order to have friends. However, valuing the relationship intrinsically can still only give them a prudential basis for being partial. While it is true that achieving this valuable relation requires certain selfless acts, the reason for such selfless acts ends up being the agent’s ultimate goal of attaining intrinsic value for themselves. So while reasonasbly valuing certain relationships might require partiality, the reasons for partiality will be grounded by reasons of prudence.

Scheffler might be correct that we have reason to be partial insofar as we have net non-instrumental reason to value our relationship. However, we are typically permitted to neglect what we have net reason to value. I have net-reason to value my own pleasure, but I can forsake
my pleasure to pursue worthless projects. I can be accused of being irrational for such pursuits, but not of failing to live up to obligations. Similarly, I may have net-reason to value my friendships, but if I only have prudential reason for this valuing, I can give up the relationship and its consequent obligations. This is at odds with how we actually perceive the requirements of partiality. Moreover, reasons of prudence are not the right kind of reason to fulfil a duty of partiality.

Scheffler’s argument gives the appearance of explaining the many varied relationships that have an internal structure requiring partiality. Loving relationships would not be the same without partiality, nor would the relationship between colleagues or siblings, or between parents and children. Sustaining these relationships (as they in exist in practice), will require an ongoing disposition to be partial, so it will happen to be the case that valuing such relationships commits us to being partial. However, a structurally analogous claim can be made about almost any kind of obligation. Insofar as I have reason to value being a promise-keeper, I commit to seeing my promises as having the force of obligation. However, it is false that the reasons for valuing being a promise-keeper explains why promises are obligatory. Again, I can value being a promise-keeper for entirely prudential reasons (because being a good person makes my life go well), but these reasons do not fundamentally explain why I should keep a promise. Similarly, the reasons of prudence that ground being partial give us reasons of the wrong sort for partiality: my own interests are not the fundamental basis on which I benefit a friend.

Various philosophers have also offered examples of relationships that are intrinsically valuable, but which do not seem to involve members seeing each other as a source of special obligations. Richard Arneson, for example, argues that productive collegial relationships can, in the right circumstances, be “a thing of beauty” (2003, p. 390). While the members of such
relationships see them as worthwhile, the value of these relations need not require preferential
treatment from members. Arneson goes so far as to claim that the nature of this commitment can
be explicit, i.e. colleagues can explicitly acknowledge that their obligations are limited to
voluntarily acquired work-related duties and those owed to all individuals, but still think the
relationship is intrinsically valuable. His second case is that between two individuals who
engage in series of casual sexual encounters. He claims that while such a relationship can be
valued over and above the pleasure it involves, to the point that it can be valued for its own sake,
the thin structure of the relation suggests that members owe nothing more to each other beyond
natural duties.

I generally agree with the line of argument developed by Arneson. However, these
arguments depend on eliciting intuitions about relationships that are weaker versions of the
paradigms of intrinsically valuable relationships. Strong collegial relationships approximate
friendships, while casual sexual encounters are similar to long-term romantic relations but
reduced in significance. To the extent that these relationships involve the relevantly significant
features of friendship (e.g. shared activities, mutual beneficence, etc.), they will support the
intuition that the relationship is intrinsically valuable. The problem is that as these relationships
become thicker, they also elicit the intuition that members owe more to each other. Valuable
collagial relationships often become friendships, or approximations of friendship, and in these
cases it hard to imagine how members do not owe more to each other than unrelated individuals.
However, as these relationships become weaker and are not thought to involve obligations, we
will also tend to think of them as having less intrinsic value.

The above observations engender a kind of scepticism about the significance of
Arneson’s objection. There are two ways to avoid such scepticism. First, we might seek non-
instrumental value in extremely thin relationships—even thinner than the kind proposed by Arneson. Consider a one-off sexual encounter. One might be inclined to deny that the relationship has non-instrumental value because the entire value of the interaction can be explained by the pleasure derived from it. Since the value of such an encounter is ostensibly derived from the pleasure of the interaction, it seems that there is no further reason to stipulate any intrinsic value in the relationship itself. Simon Keller advances a generalized version of this objection, arguing that “when [relationships] lack extrinsic value, they lack value completely” (2013, p. 57). He defends this principle as part of his argument that relationships never have intrinsic value, but it most plausibly applies to weaker relationships.

Contrary to intuitions elicited by the one-off sexual encounter and any inherent plausibility of Keller’s principle, there is a classic thought-experiment to support the view that almost any relationship has intrinsic value: Robert Nozick’s Experience Machine (2013). Nozick asks whether we would choose to plug into a machine for the remainder of our life that could generate any experiences of our choosing. While the machine could replicate any experience, plugging in would come at the cost of achieving things in the real world, having contact with reality, having certain kinds of knowledge (e.g. the machine will deceive us about the nature of the world), and most importantly for my purposes, having any real relationships. While the machine could replicate the experience of having the best possible friend in the world, it cannot actually give us a friendship, since there is nobody else connected with us in the machine. Most people would choose not to plug into the experience machine for life, and plausibly part of the explanation is that we would be losing out on these varied goods. If Nozick’s argument is convincing, there is something to the idea that even extremely thin relationships have intrinsic value. Would life be missing out on something if all of our least
significant sexual encounters turned out to be mental projections generated by an experience machine? Plausibly. Keller makes a forceful rhetorical point against the view that relationships have intrinsic value, pointing out that when a relationship lacks extrinsic value, we do not say “at least it’s a relationship” (p. 56). However, the above analysis suggests a response: there is something to the idea that “at least something is a relationship”. If we prefer a casual sexual encounter with a person over a simulated experience, the mere fact of the relationship seems to matter.

The above analysis supports Arneson’s point that relationships can be intrinsically valuable, even when they do not involve any requirements of partiality. The principle that valuing a relationship commits us to partiality can also be falsified through thicker cases that involve patterns of beneficence. Consider the history of interactions that are involved between a benefactor and a beneficiary. The benefactor might, for example, have a history of volunteering at a local homeless shelter and thereby have developed relationships with the people who make use of these services. These relationships seem like candidates for valuable relationships, and we can stipulate that the benefactor desires the well-being of the people who frequent the shelter for their own sake. However, it does not stand to reason that they must see the well-being of those who use the services as more important than the well-being of anyone else; the volunteer might simply see this relationship as a way of executing their impartial obligations. It is implausible that the person who volunteers in this fashion should thereby increase their obligations to the people they have historically assisted—even if the relationships are valuable.

Having critiqued Scheffler’s explanation of the grounds of our partial relationships, I will now show how similar difficulties arise out of the negative analogue of this view. If reasonably intrinsically valuing a relationship implies that we have partial duties, then reasonably attaching
negative intrinsic value to relationship might similarly be thought to imply that we have duties of negative partiality. What counts as an intrinsically disvaluable relationship will, of course, be as controversial, if not more so, than determining what count as intrinsically valuable positive relationships. However, among the reasonable contenders for this kind of relationship are those of enemies and that between a victim and perpetrator of a wrongdoing.

It would be a substantial undertaking to establish that a relationship has intrinsic negative value, so I will only give a cursory motivation for this view by analogy to the positive case. Friendship seems to be an intrinsic good because of the nature of this relationship: friendships are histories of interaction where members come to gain knowledge of each other, share pleasant experiences, express affection, rely on each other, shape each other’s character, and perform acts of benevolence. The list of the potentially valuable features of friendship could go on. A plausible story about friendship’s intrinsic value is as a result of the combination of these extrinsically valuable properties within a single relationship over time. When combined in the context of a relationship, extrinsic goods ground a new intrinsic good, that of friendship. Even if we are able to similarly experience these extrinsic goods diffused across many different interactions with different people, we would be losing out on the intrinsic good of friendship. Hurka argued that we would not see ourselves as having the duties of partiality with respect to a cloned spouse; it also seems plausible that we would not view a cloned version of our spouse to be as good for ourselves, despite the fact that the clone will presumably produce just as much extrinsic good as one’s actual spouse.

If a relationship gains intrinsic significance in virtue of the relationship containing a history of extrinsically valuable interactions, then enmity and victimization seem to be prima facie disvaluable in virtue of containing histories of negative interactions. Enemies who wrong
each other typically make each other’s lives go worse and have violated the trust between each other; they might also parallel friendship by refraining from self-disclosure, avoiding interactions that are character-forming, and so on. The question is whether reasonably disvaluing a relationship is a sufficient condition for treating a person with negative partiality. Such a view seems to be a decent analysis of cases of mutual wronging. Enemies have wronged each other and presumably should not value their relationship in virtue of the wronging they have performed against each other. As I have argued, enemies who have wronged each other also seem to have reason to discount each other’s well-being.

Scheffler’s view seems most plausible in terms of how it analyzes friendship and analogously enmity. However, one-way interactions that involve wronging are no less plausible candidates for intrinsically unvaluable relationships. As in one-way cases of beneficence, I think that both members of a history of one-way wronging have reason not to value the relationship. The perpetrator of the wronging should not value the relationship because it is an inappropriate response to their own poor conduct. Rather, they should feel shame or regret for the relationship, which at least implies a desire for it to not exist. The victim also straightforwardly should not value the relationship because, as argued above, the relationship contains a history of extrinsic ills concentrated within a particular history.63

The analogue of Scheffler’s view of positive partiality seems to capture half of the story about the relationship between a victim and perpetrator. The victim of such a relationship has reason to intrinsically disvalue the relationship and reasons for negative partiality. However, the

63 Analogous to our positive relationships, we can imagine that the parties to a relationship of one of one-way wronging is replaced with a cloned of the individual who wronged us. While developing a relationship with the clone might be instrumentally bad, because the clone will have the same qualities that generally lead to conflict, the victim does not seem to have the same intrinsic reasons to disvalue the relationship with the clone.
other half of the story concerns the perpetrator of the wrongdoing. While it seems plausible that the perpetrator of a wrong should not value the relationship with the person they have victimized, the perpetrator of a wronging clearly does not gain reasons for negative partiality in virtue of wronging. This difficulty parallels the objection I noted above about the positive case. A benefactor has reason to value their relationship with a beneficiary, yet in these one-way interactions, the benefactor is not necessarily under any duty to continue the promote the interests of the beneficiary.

A complete analogue of Scheffler’s view would take there to be a connection between disvaluing a relationship and seeing it as involving negative partiality. There are also reasons to doubt this connection, which parallel concerns about the connection between valuing a relationship and positive partiality. What we take to be disvaluable is something we wish to avoid, eliminate, or stifle, and negative partiality might be thought to be a means to this avoidance. However, disvaluing does not seem to imply negative partiality, and such an attitude sometimes seems at odds with negative partiality. For example, take the idea that the victim of a wrong has reason to discount the well-being of the perpetrator of a wrong. A person who acts in this fashion is not necessarily avoiding the relationship. In fact, cases of enmity plausibly continue in virtue of acts of negative partiality. Insofar as we have reason not to value our negative relationships, it seems that we will be justified in ending these relationships, but this kind of response seems more akin to forgiveness or simply distancing responses than negative partiality proper.

IX- The Basic View

I have considered a range of views about the grounds of partiality. Taking the above arguments as whole, I am left with the initial claim defended in the previous chapter that
wronging is a fundamental ground of negative partiality. The parallel positive view is the historical position defended by Hurka and Kolodny that takes certain kinds of histories to be the basic justification of positive partiality. On Hurka’s view, it is especially benevolent histories that matter, although we cannot take the promotion of any valuable state to ground partiality: the provision of goods must at least be permissible to provide. Hurka implies this factor in the principled statement of his view:

Some activities and states of people, most notably their doing good or suffering evil, call for a positive, caring, or associative response. Others, such as their doing evil, call for a negative or dissociative response. Partiality between people is appropriate when they have shared in the past in the first kind of activity or state (p. 152).

The kinds of case that Hurka is explicitly concerned with eliminating are relationships where members wrong others. He uses the example of former concentration guards who do not gain reasons for partiality in virtue of their history of wrongdoing. It stands to reason that even when individuals produce goods for each other, if the goods are not permissible to provide, they do not gain reasons for partiality. Since individual interactions involving the production of wrongful goods do not give reason for gratitude or association, extended histories of such interactions will also not provide reasons for partiality. Kolodny’s resonance principle described in the previous chapter is essentially in line with the principle articulated by Hurka:

Resonance of histories of encounter: one has reason to respond to a history of encounter in a way that is similar to the way that one has reason to respond to the discrete encounters of which it is composed, but that reflects the distinctive importance of a history shared with another person (2010, p. 51).

The view I have been defending is a natural analogue of these principles that concern our negative interactions. Everyone ought to respond negatively to wrongdoing, but personal histories of wronging involve greater reason for response in virtue of the personal history. While individual interactions of interpersonal wronging may call for a dissociative response, in some
cases merely resentment, prolonged histories of wronging or significant wronging call for negative partiality. The most significant parallel between negative and positive partiality is that the essential grounding conditions are moral contraries. Partiality requires histories that can be approved of from the moral point of view, while negative partiality requires histories that should be morally criticized.

The view I advocate is that there is no more fundamental basis for negative partiality than a relationship of wronging. The defense is indirect. Attempts to reduce negative relationships to a more basic factor, such as projects, attitudes, qualities, or value seem to distort the relevant phenomenon. The main problem with the subjective view and the projects view is that they have difficulty restricting the range of appropriate cases of partiality. The ‘basic’ histories view solves this problem, albeit by brute stipulation: wrongdoing is simply taken to preclude positive partiality from arising. The analogous problem with the subjective view grounding negative partiality is also solved by taking wronging to be necessary condition of its justification. There are many morally irrelevant bases for disliking someone, and such grounds seem incompatible with negative partiality being justified. This condition rules out cases of negative partiality based on race or other morally irrelevant interactions. Furthermore, while caring and projects might come in degrees, these agential states do not seem to track our reasons for negative partiality. By contrast, the degree to which an interaction involves wronging does seem to track the strength of our reasons for negative partiality.

While I have argued that there are drawbacks to agent-centered accounts of partiality and patient-centered accounts of partiality, there also seem to be some important features of these views that I endorse. For example, the subjective account of partiality offers what seems to be a good account of appropriate motives. It is virtuous to benefit someone because we care about
them. The appropriateness of subjective motives does not clearly parallel the case of negative partiality. Even if we are justified in being negatively partial, it does not seem better to discount a person’s well-being because we dislike them than from the motive that they have wronged us. It might be permissible to discount a person’s well-being because we dislike them (so long as we are only disposed to treat the people we dislike worse when there is independent justification for doing so), but it does seem worse to act from this motive than from the motive that we have been wronged.

The fundamental difficulty with the view of friendship and love that appealed to intrinsic properties was that such properties provide agent-neutral reasons for response. Agent-neutral reasons unreasonably reproduce reasons for love, making no sense of the claim that we ought to love people in relationships with us over strangers who happen to possess such properties. However, the historical view of partiality is specifically designed to avoid particular manifestations of this issue, i.e. “trading up” and “substitution.” Histories are relational and specific to individual persons. Therefore, our reasons for friendship will not be inordinately replicated with people who bear no relation to us. I cited several negative parallels of this difficulty. Appealing to desert as the basis of our reasons for responding to wronging deprives the victim of special reason for response (e.g. especially when a good person does something wrong). Taking personal histories of wronging to itself justify a negative response will not. On the other hand, generalizing how the victim is permitted to respond to a wronging to everyone seems to be overly punitive. Again, taking the victim to especially and exclusively have reasons for responding to their own victimization does not.

The closest position to the basic view is that our relationships provide reasons for partiality because reasonably valuing a relationship commits us to being partial. However, as
argued above, this principle seems false: there are valuable relationships that do not commit us to being partial. Moreover, our reasons for valuing can be the wrong the kind of reason for being partial. If I am partial solely because it is a means to realizing the intrinsic value of friendship for myself, I am not partial for moral reasons, which do seem to ground our partiality. The basic view, I believe, avoids these pitfalls. Our reasons for partiality are grounded by objective facts about our histories, which stand independently of any prudential basis for being partial. It is incumbent on the objector to show that morally appropriate histories of benevolence do not track our reasons for partiality (the defense of which I will not take up here). Analogously, our relationships that lack value do not necessarily track our reasons for negative partiality. The perpetrator of a wrong ought not to value their relationship with a victim, but they have the contrary of reasons for negative partiality.

Given the that intuitions about negative partiality resist alternative explanations, I tentatively conclude that our reasons for negative partiality are fundamentally explained by personal histories of wrongdoing.
Chapter 5

I- Introduction

Forgiveness and negative partiality are importantly related. Just as our understanding of forgiveness would be impoverished without considering its relationship to apologies or reparations, I contend that forgiveness cannot be fully understood without seeing its connection to negative partiality. In particular, I will show that by reflecting on the relationship between negative partiality and forgiveness, we will be led to endorse the view that forgiveness involves giving up certain rights. Acknowledging this feature of forgiveness should also lead us to reject the idea that forgiveness is merely an emotional overcoming.

II- What Forgiveness and Negative Partiality Share in Common

In order to show how negative partiality can illuminate our concept of forgiveness, I will first explain some important ways in which these phenomena are related. First, forgiveness and negative partiality are both actions that can only be rendered appropriate by a history of wrongdoing. A homeowner might forgive the neighbourhood children for breaking his or her window, but the forgiveness will be misplaced if the window was, in fact, broken by a stick carried by a gust of wind.64 It could be further insisted that when no wrongdoing has taken place, forgiveness is not merely mistaken (i.e. inappropriate) but incoherent. For example, upon learning of the facts in the aforementioned scenario, someone who thought they had forgiven might realize that there had been nothing to forgive. On either view, forgiveness is never appropriate when directed toward a state of affairs that does not involve wrongdoing. To forgive

64 The view that forgiveness must respond to a wrongdoing is widely accepted in the literature. For an early articulation and defense of this view, see Kolnai (1973).
is to simultaneously construe an act as wrong and to, in some sense, extinguish the wrongdoing (the nature of “extinguishing” a wrong is a substantive question that will be explored further below). Insofar as the aim of forgiveness is to extinguish a wrong, forgiveness is misdirected when an act of forgiveness responds to something that is not wrong. Analogously, gratitude expresses our acknowledgment of an act done for our sake. Gratitude construes a state of affairs as good for ourselves, and is therefore inappropriate insofar as it is directed at a state of affairs that was malicious or harmful.65

As I have argued in previous chapters, negative responses, either in the form of resentment or partiality, are also only appropriate as responses to wrongdoing. In its appropriate form, negative partiality therefore shares the background feature that makes forgiveness possible. However, it is not merely the fact that forgiveness responds to wrongdoing that makes this concept a salient contrast class to negative partiality. Punishment (when appropriate) also takes place against the background condition of wrongdoing; but unlike forgiveness, punishment is not a personal response to a wrongdoing. The judicial system will punish a person for a crime, even with the backdrop of forgiveness by the victim. Most people do not think that it is incorrect for the judicial system to operate in this manner. This judgement is based on the view that punishment is warranted by a wrong having taken place, regardless of any particular claims by the person who was wronged: the state is taken to have the right to punish. Forgiveness and punishment are therefore not parallel, or contrary, responses to wrongdoing. However, negative partiality is a personalized response to wrongdoing, one that seems at odds with forgiveness.

65 See Mullin (2011).
When I give a special discount to a person’s well-being because they have wronged me, I am responding in a personalized way that seems at odds with forgiving them.

Punishment as we normally understand it, i.e. state-sanctioned punishment, is the impersonal analogue of negative partiality. There is also an impersonal phenomenon that is distinct from forgiveness, but related to it, i.e. the institutional pardoning of an offense. Just as someone might be punished for impersonal reasons, someone can be pardoned for impersonal reasons. Forgiveness and negatively partial responses are opposing personalized responses to wrongdoing, each with a corresponding impartial counterpart.

Insofar as forgiveness is a personal response, a wrong can only be forgiven by the particular party who has been wronged; James cannot ordinarily forgive John for being inconsiderate to Jim (an exception will be discussed below). By contrast, it is possible to treat a person with partiality without there being a significant relationship between two people, although there will not be any moral reason for such treatment. Suppose, for example, that there are reasons to assist anyone who is in need of rescue, and Beatrice decides that she will only ever help Hannah, a random stranger. By consistently preferring to rescue Hannah, Beatrice acts with partiality, but it is clear that she has no reason to do so—rather any reasons to assist flow from generic impartial considerations (and there is no particular reason to prefer Hannah). There is, therefore, a minor way in which forgiveness and negative partiality do not parallel each other: forgiveness is not even possible without a personal relationship, but partiality is. Given that my discussion centers on the justified cases of these phenomena, I do not think this asymmetry undermines the analysis that follows.

The claim that forgiveness is a personalized response to being wronged could be disputed. Famously, some people believe that Jesus forgave all of humanity for their future sins.
However, acknowledging the possibility of such an act of forgiveness is likely accompanied with several other beliefs about the nature of this act that do not undermine a personalized analysis of forgiveness. One might think that Jesus is capable of forgiving the sins of all humanity because when humans act wrongly, they are really committing an act of wrongdoing against God and not merely other people. Secondly, one might believe that when Jesus forgives, he is acting on a very special power reserved for an omnipotent being. On this latter interpretation, this case is an exception to the rule that forgiveness results from a personal act by a victim. It remains that, between ordinary people, our powers to forgive are limited to those people who have personally wronged us. Of course, Jim might utter the words ‘I forgive you for having stolen from Jane Doe’, but these words are normatively ineffective. Moreover, a person might overcome resentment and re-establish normal relations with a person, but these responses will not count as forgiveness if they do not occur against the backdrop of a personalized history of wrongdoing.

Another case challenging the idea that forgiveness is necessarily a personalized response is the phenomenon of family and friends of a victim forgiving the perpetrator of a wrong. It is not uncommon for the surviving relations of murdered individual to forgive the perpetrator. Consider the following passage from the Toronto star:

In her statement, Yolande Korkie chose not to blame anyone for her husband’s death. ‘Will we win anything if we hate and accuse? Will this return Pierre to us? No’” she said. ‘So today we choose to forgive. We choose to love. We choose to rejoice in the memories of Pierre and keep him alive in our hearts,’ she added (Chutel, 2014).

The above example of forgiveness seems like a coherent case of forgiveness being offered by a third-party. There are several existing ways of interpreting such acts of forgiveness that I wish to reject, despite the fact that they could preserve a personalized understanding of forgiveness. First, wrongs that seriously harm an individual might be seen as a mediated wrong against people
who are close to the victim. For example, the intimates of a victim could also be victims because they are distressed by the suffering of their loved ones. In the extreme case, where someone has been the victim of murder, friends and close family members are deprived of the individual with whom they had a valuable connection. There is a second, more direct way in which we can think of intimates as being wronged. On some views of well-being, the way in which people closely connected with us fare can impact our own well-being. It could be argued, for example, that the lives of parents go well in part to the extent that their children are happy. Individuals closely related to people who have been harmed could be understood to be wronged in a more immediate sense. These two views are not incompatible: it might be that people are both wronged indirectly when their intimates are harmed and harmed directly in virtue of a connection between their well-beings.

A downside of the view that friends and family members can forgive because they are causally impacted by the harm to an intimate is that the scope of people positioned to potentially forgive becomes very broad. Anyone who is somehow harmed by another person’s wrongdoing could conceivably be understood to be a victim of a crime. A person who listens to the news and becomes upset about a person being victimized would be in a position to forgive the offender for the wrongdoing. Even though an uninvolved party could become as distressed about the wrong as a family member, we ordinary think that family and friends of victims occupy a more central position with respect to forgiving the offender. There is also a difficulty with the second explanation for why family and friends are in a position to forgive. On this view, they can forgive the perpetrator because their well-being is in part constituted by the well-being of their intimates. But this view misconstrues the full-range of reasons that intimates in fact cite for their forgiveness, a point that has been made by Glen Pettigrove (2009, p. 588-589). When family
members forgive a perpetrator for the wrong act that they committed, they do not exclusively focus on forgiving the perpetrator for the suffering that they have personally suffered as the result of being an intimate of the original victim. When people refuse to forgive others for having wronged an intimate, they say things like “I cannot forgive you for what you have done to so-and-so”, rather than merely that “I cannot forgive you for what you have done to me”. Since intimates seem to be citing the fact that they cannot forgive them for what has been done to another, the ability of intimates to forgive does not seem to rest only on themselves having been harmed.

I do not think third-party forgiveness among close relations is made possible in virtue of the intimate being harmed. Rather, intimates seem to be in a position to forgive the perpetrator of wrongdoing, simply in virtue of being an intimate of the primary victim. There is a basic sense in which the ability to forgive attaches to those closely related to the victim of a wrongdoing. This feature of the practice of forgiveness requires that we broaden the concept of the ‘personal’ nature of forgiveness. Forgiveness is still not impersonal, in that it is not up to anyone to forgive a person who has committed an act of wrongdoing—it is only people who are closely related to a wrongdoing are in a position to forgive. I take this kind of forgiveness to be a datum, one that a theory of forgiveness should ideally be able to accommodate.

Although acts of wrongdoing might give rise to the possibility of forgiveness in people other than the immediate victim of an act of wrongdoing, I do not think this creates a problem for thinking of forgiveness as personalized. Those who forgive must still in some important sense be connected to the original wrongdoing. This analysis exhibits a further commonality between forgiveness and partiality in general. Consider, first, the case of positive partiality. We plausibly can gain reasons to express gratitude or otherwise respond positively to third-parties who benefit
a person who is intimately related to us. A parent, for example, can act appropriately by thanking someone who rescues their child from danger (they might even be required to be grateful). We might also thank a stranger for coming to the aid of our friend at the scene of an accident. In both of these cases, personalized appreciation is expressed, not for the way in which someone has personally benefited from these acts, but for the fact that someone closely connected to us has benefited. We should not conclude that gratitude is an impersonal response to beneficence; in both cases, it would not be sensible for an unrelated party to express gratitude for these acts of beneficence. Instead, what seems appropriate for third-parties is to commend an individual for performing such acts or express admiration.

There is also a parallel of forgiveness by intimates that applies to cases of negative partiality. As argued in Chapter 3, the friends and family members of a victimized individual can plausibly acquire reasons to be negatively partial—the parents of a murdered child plausibly even have a duty to avoid benefiting the perpetrator of the murder. Reasons for forgiveness and negative partiality arise within the concentric circles of parties closely connected with the original victim. Notably, the halo effect of negative partiality and forgiveness preserves the contrariness of these responses in a given situation. To put the point less abstractly, consider the following scenario. Suppose that your spouse is betrayed by a former business partner, causing a lasting and significant impediment to their career progress. After some time, they manage to recover from the setback that was caused by the betrayal, and they subsequently find themselves feeling ready to forgive what transpired. Before the primary victim forgives their former colleague, it is prima facie insensitive and inappropriate for the partner to immediately declare their own forgiveness for the act. At least one factor that counts against the forgiveness is that an intimate primary victim has not forgiven. The spouse or friend of the primary victim can
permissibly refuse to forgive, even if the victim has forgiven; however, the friend or spouse should refrain from prematurely forgiving, prior to the primary victim forgiving. Additionally, it seems like a spouse or friend can complain that their partner fails to be appropriately supportive when these relations forgive an act the primary victim has not themselves forgiven. These observations suggest that we intuitively gain reasons for forgiveness in virtue of the primary victim forgiving. Nonetheless, there are plausibly also some constraints on the primary victim’s forgiveness counting as a reason for another to forgive: most importantly, the original victim must have permissibly forgiven, i.e. not forgiven an act that was inappropriate to forgive. Therefore, while the primary victim might complain that their relative has forgiven a person who wronged them, they generally do not have a right to complain if they have themselves forgiven the perpetrator of the wrong.

The permissibility of secondary forgiveness (i.e. by a person intimately related to the victim of wronging) increases in virtue of the primary victim forgiving. Similarly, when the relation of a primary victim gains reasons for negative partiality in virtue of the victim being wronged, and the wrong is subsequently forgiven, the relation has less reason to exercise their rights to negative partiality. Again, assuming that forgiveness is not inappropriate, the attempt for a victim to re-establish normal relations with a perpetrator of wrongdoing seems to give similar reasons to the secondary victims. This factor is prima facie, but evident from the fact that intimates can cite the fact that their family member or friend has normalized relations with the perpetrator as a reason for them resuming such relations. These observations link forgiveness and negative partiality as responses to wrongdoing. In the same way that wrongdoing causes those in our inner concentric circle of relations to respond with negative partiality, forgiveness similarly diminishes the reasons for such responses.
The tendency of forgiveness to undermine one’s reasons for negative partiality reflects a more general trend in the relationship between forgiveness and negative partiality. Forgiveness can seemingly be an appropriate response to wrongdoing, and so can negative partiality, yet these responses are at odds with each other. Suppose that someone has been victimized by wrongdoing and we now recognize that they have a special permission to discount the well-being of the victimizer. Is this special permission completely undermined by an act of forgiveness? If so, then forgiveness and negative partiality are incompatible with each other: we cannot simultaneously forgive a person and treat them as having a lower moral standing. To answer this question, it is necessary to further investigate the nature of the concept of forgiveness and show how it is connected to negative partiality.

III- What is Forgiveness?

There is no agreement about the nature of forgiveness. There is, however, relative consensus about how it can be distinguished from some related concepts. Murphy distinguishes forgiveness from taking mercy, ‘justifying’ or excusing (1982, p. 506). Like forgiveness, excusing\(^{66}\) responds to an act that is understood to be wrong; unlike forgiveness, to excuse is to view a person as being neither blameworthy nor accountable for their action (1982, p. 506); Hallich, similarly describes excusing as an emotional overcoming, which construes the perpetrator of a wrongdoing as not being culpable for their action (2013, p. 1001). Murphy describes “justifying” an act as viewing it as all-things-considered permissible, though prima facie wrong (p. 506). It is similar to forgiveness (on Murphy’s conception of forgiveness), in that the process of justification can involve overcoming our resentment towards another person;

\(^{66}\) See also Kolnai (p. 94)
unlike acts that can be forgiven, acts we justify are not all-things-considered wrong and so are not appropriately resented. He finally distinguishes forgiveness from “mercy”, the former pertaining to our emotions, and the latter to our actions: “to be merciful is to treat a person less harshly than, given certain rules, one has a right to treat that person” (p. 506). Mercy, unlike forgiveness, also does not necessarily take place against the backdrop of any wrong having occurred: a group of soldiers surrounded on the battlefield might beg for mercy from their captors, despite being entirely justified in their combat role. Murphy believes that forgiveness differs from mercy in that the former pertains primarily to an emotional overcoming while the latter pertains to action. Though I accept the distinction between mercy and forgiveness, the discussion that follows will critique this construal of it.

Forgiveness is also commonly distinguished from forgetting. While forgetting and forgiving might have a similar restorative effect on a relationship, forgetting is not necessarily an intentional process (Hallich, p. 1000; Murphy, p. 507). We do not forgive through a mental lapse or accident, and ‘forgetting’ is not reason-responsive, unlike forgiveness (Hallich, p.1000). Hieronymi (2001) emphasizes this latter point: “an articulate account must make use of the fact that emotions are subject to rational revision by articulating the revision in judgment or change in view that allows us to revise our resentment” (p. 535). A desideratum that emerges from the above discussion is that forgiveness is not simply a matter of how someone treats another. Taken in isolation, patterns of beneficence will not be capable of distinguishing forgiveness from forgetting, showing mercy, or justifying an act.

Contemporary accounts of forgiveness have largely responded to the background set of distinctions in developing what could be termed ‘affective’ concepts of forgiveness. These views take forgiveness to primarily be an emotional process, which is distinguished from the
other activities, such as justifying, forgetting, etc. The main source for this view is Bishop Butler’s conceptualization of forgiveness as requiring the overcoming of resentment (1982, p. 507). Espen Gamlund endorses this idea: “here I accept and rely on the standard understanding of forgiveness going back to Bishop Butler as the forswearing or overcoming of resentment” (Gamlund, p. 549). Murphy agrees with Butler’s condition as being necessary for forgiveness, but adds that the resentment must be overcome for a moral reason in order to qualify as forgiveness (p. 508). Allais adds further details about the process in which we must overcome resentment in order to have forgiven:

I agree with the dominant account that forgiveness involves a change in the way you feel towards the perpetrator… Forgiveness constitutively involves the victim making some kind of separation between the wrongdoer and his wrong act in the way she feels about him, such that the wrong act does not play a role in the way the victim affectively sees the wrongdoer. (2008, p. 50)

Similarly, Hampton’s view takes it that “forgiveness involves, in addition to overcoming retributive emotions for moral reasons, coming to see the perpetrator ‘as still decent, not rotten as a person’” (2008, p. 45). Hieronymi falls roughly within this school of thought, adding further constraints to the kind of emotional overcoming that could count as forgiveness. Firstly, she argues that forgiveness must be “articulate”, i.e. “an account of genuine forgiveness must…articulate [a] revision in judgment or change in view” (2001, p. 530). Secondly, a successful account of forgiveness will show how it involves giving up resentment in an ‘uncompromising’ fashion, i.e. in a way that maintains there was a genuine wrong for which the perpetrator can be held accountable and for which the forgiver has a legitimate personal complaint (p. 530).67

67 See also Bennett: “forgiveness involves wiping the slate clean, adopting a new, non-condemnatory attitude to the offender” (2003, p. 130).
If forgiveness is, in its essence, an emotional overcoming I think that little can be said of the relationship between negative partiality and forgiveness. As I have characterized it, negative partiality is essentially a way of treating people and not merely a way of feeling about them (although the two will often go together). However, I believe that there are serious drawbacks to the affective account of forgiveness. Once these drawbacks are addressed with a modification to our concept of forgiveness, I believe the connection between forgiveness and negative partiality will become more apparent.

The various accounts of forgiveness described above take it to be an emotional-overcoming, perhaps coupled potentially with altered judgements about the character of the perpetrator. I believe that such views face a problem: they each cannot explain the full normative significance of forgiveness. To begin to get a sense of the normative point I have in mind, consider the following assertion by Jeremy Watkins:

Most of us would no doubt wish to say that both the victim and the wrongdoer continue to have a fundamental moral status which protects them from certain forms of treatment and which requires their interests to be accorded some consideration by others. But I think that we would also want to say that, in certain respects, the status of the wrongdoer is inferior to that of the victim insofar as he is both tainted by guilt and in some way indebted to the victim. (2005, p. 61)

Prior to forgiveness, the wrongdoer has an ‘inferior’ status to the victim. To see how the affective account handles this fact, suppose that a victim forsweares resentment because the perpetrator has repented (a ‘moral ground’ on Murphy’s account). This act must somehow be able to explain why the inferiority of the perpetrator has diminished; for example, it could explain how forgiveness works toward ‘undoing’ the past wrongdoing or re-establishing a relationship where the perpetrator formerly had a ‘lower’ status. But it is unclear how the fact that a victim overcomes resentment accomplishes this result. After all, the mere fact that one is being resented does not make a person have ‘lower moral standing' with respect to another a
person. One can resent a person, even if they have done nothing wrong; a person who later gives up their negative emotions towards another person never stood in a different normative position with respect to such a person.

The natural defense available to the account of forgiveness in terms of an emotional overcoming is that forgiveness is only possible as a response to wrongdoing. Since forgiveness only applies to circumstances where wrongdoing has taken place, we need not think that resentment, in general, lowers a person’s moral standing. Instead, we need only adopt the position that resentment lowers a person’s moral standing when the person is resented on the basis of wrongdoing. On this view, resentment does not have the power to alter a person’s moral standing when there is no reason for the resentment; but when there is reason for resentment, it does have the power to lower a person’s moral standing.

I do not believe the above addendum can save the view that altering one’s emotions with respect to another person is what lowers their moral standing. In order to bring out this difficulty, imagine the following case:

Wavering Wally: Wavering Wally is wronged by an individual, Sally, but has long since forgiven her for the past misdeeds. Some time passes and Wally finds himself wavering in his feelings about the past: he begins feelings of resentment followed by the dissolution of such feelings. After some time, this back and forth process shows no sign of letting up: currently, he resents her.

What should the account of forgiveness that is understood in terms of emotions say about the case of Wavering Wally? Two possibilities suggest themselves, each having unattractive consequences. The first way of analysing this case is to say that Wally really has forgiven Sally for the wrongdoing of the past. This analysis is consistent with the fact that a long period of time has passed where Wally had given up his resentful feelings toward Sally. However, this analysis of the case also has a drawback: while we can maintain the initial judgement that Wally forgave
Sally, Wally still resents Sally and presumably, he still resents her on the basis of a former wrongdoing. On this analysis, it seems that Wally’s wavering emotional state has caused Sally to be lowered once again. However, it seems problematic that Sally, who previously occupied a higher moral status, has now been lowered in virtue of a potentially whimsical change in Wally’s emotional state. Moreover, it now seems that forgiveness on this view does not necessarily improve the inferior status of the perpetrator.

On the other hand, one might argue that Wally never forgave Sally, and it is for this reason that her status is lowered when he subsequently begins to resent her. However, this interpretation of the case seems implausible: if Wally has not forgiven Sally, it explains his current resentment, but it leaves the large gap of time when it seemed as if Wally had forgiven her incorrectly described. On this view, while it seemed like he had forgiven her, all of this was undermined by the fact that he later came to resent her. Moreover, on this view, we will never know whether a person has forgiven another until the person who had been wronged is dead. We might also say that he had forgiven her, but no longer forgives her. But on this reading Wally’s emotional wavering seems to again be capable of altering the moral status of Sally. In the past, when Wally had forgiven Sally her status became higher, but now that he no longer forgives her, her status has become lower.

The affective account of forgiveness also has trouble explaining an important reason why Wally ought not to resent Sally. A natural explanation for why she ought not to be resented is that he forgave her. However, if all forgiveness amounts to is having altered one’s affective attitudes towards another person, then forgiveness could not plausibly provide such a reason. It would amount to saying that since one has stopped feeling a certain way about the past misdeed (one has forgiven), there is now a reason not to feel that way about the misdeed any more (one
ought to have forgiven): this analysis of the justification for one’s reasons for resentment clearly commits the view to implausible bootstrapping (there are reasons for not resenting, simply because one has stopped resenting). Intuitively, having forgiven a person should count as a reason to no longer resent them, but on the affective view of forgiveness, this cannot be so.

The above bootstrapping argument applies to a range of views about the nature of forgiveness. If we think that forgiveness involves overcoming resentment, anger, and other emotions, but also a re-evaluation of the character of a person who has committed a wrongdoing, the issue still applies. The person who holds this view might say that they can avoid bootstrapping because a person who has forgiven a person has not merely overcome resentment: they have overcome resentment and re-evaluated a person’s character. They might contend that there is no bootstrapping because when we re-evaluate a person’s character, there is an independent reason that provides justification for no longer resenting them. However, this response does not succeed. If we ask why a person ought not to be resented on this view, part of the answer will be that the agent re-evaluated their character; nonetheless, there is still always the following reason to stop resenting someone: the fact that you have forgiven them. Therefore, the person who defends this view of forgiveness will have to say the following: a victim has reason to stop resenting a perpetrator on the basis of re-evaluating their character, but also because they have forgiven the perpetrator. However, forgiveness on this view amounts to having stopped resenting a person because their character has been re-evaluated. Therefore, on this view, the fact that the person’s character has been re-evaluated will provide reason for the character being re-evaluated. This view does not avoid bootstrapping, since you have a reason to have overcome resentment on the basis of re-evaluating someone’s character, simply because you have done so.
It seems clear that forgiveness concerns a much wider range of behaviours than the mere forswoering of resentment. Take the case of someone who responds to a wrongdoing by seeking revenge against the person who wronged them but then claims to have forgiven the person since they do not feel any resentment toward the other person. Such an individual might seem, on some level, to be incoherent (their emotions do not match their actions), but such a person is possible. At minimum, forgiveness seems to demand that we act in certain ways and that we feel certain ways. However, for reasons described above, forgiveness also cannot be simply a matter of how a person, in fact, treats another. If ‘wavering Wally’ were to genuinely feel no resentment towards the person who wronged him, yet waver in his positive and negative treatment, we would still have no coherent answer to the question “has Wally forgiven?”. For analogous reasons given above, we should not think that Wavering Wally has, as a matter of fact, forgiven the person who wronged him and then ‘unforgiven’ them. If Wally expresses forgiveness, and then takes revenge against Sally, we would criticize him on the grounds that he has forgiven.

Another objection against the idea that forgiveness should be understood in emotional terms arises from considering the following kind of case. Come what may, ‘Stalwart’ does not feel negative reactive attitudes, such as anger, resentment, or vengefulness. If forgiveness involves the overcoming of emotions for moral reasons, then Stalwart is incapable of forgiving, since there are no emotions to overcome. If someone understands Stalwart’s character, then they would have no duty to seek forgiveness from Stalwart. Suppose further that Stalwart is incapable of taking any form of retribution or revenge against a person who he has been wronged by. Again, it does not stand to reason that such a person has no duty to seek forgiveness from Stalwart, or that Stalwart is unable to forgive.
If the above analysis is correct, forgiveness does not merely track the way in which we feel towards a person or the way in which act towards them. The alternative view I endorse is that forgiveness involves giving up certain rights. Rights also connect forgiveness to negative partiality. To arrive at this conclusion, I will defend the more general view that forgiveness concerns rights and then connect these claims to the rights that pertain to negative partiality. One reason to think that forgiveness involves giving up a right is that a person who has been forgiven can intuitively complain if someone has expressed forgiveness to them, yet failed to treat them in ways consistent with such forgiveness. Suppose that Mark and James were best friends, but Mark left James high and dry when James got drunk, and James was left stranded in the middle of the night. Mark offers a sincere apology to James, which he accepts; James forgives Mark. Suppose that Mark is now stranded, and asks James for help, but he refuses on the basis that he still finds himself resenting Mark. It seems that Mark has a complaint: James claimed to have forgiven him but is not acting in ways that are consistent with forgiveness.

Forgiveness is sensitive to similar kinds of normative considerations that apply to consent, promising, and other performative aspects of morality that involve a change in our rights. For example, if you forgive someone under conditions of coercion or misinformation, the forgiveness does not take normative effect. This analysis of forgiveness is consistent with the way in which other rights work. By contrast, it seems like the affective account of forgiveness

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68 The view I defend here is most similar to a position articulated by Luc Bovens (2009). He takes the view that “an unredeemed offender is no longer worthy of certain types of respect proper to a community of moral equals” and that the victim restores the perpetrator’s moral status through forgiveness by committing “herself to treating him as a moral equal with the concomitant claims to respect” (p. 231). The central difference between Bovens’ view and mine is that he sees forgiveness as restoring a person’s moral status within the community as a whole, while my view focuses on the interpersonal claims (i.e. those that regard negative partiality) that are held against a person.
cannot accommodate these plausible normative features of forgiveness. Suppose, for example, that a perpetrator of a wrongdoing was interested in being forgiven because they do not want to be resented by another person. If this was the correct interpretation of ‘moral standing’, then they could potentially achieve equal moral standing by deceiving another into overcoming resentment. Since this process of overcoming resentment is what constitutes forgiveness on these views, the deceptive individual would have succeeded in obtaining a higher moral standing, which seems false.

While the idea that forgiveness involves giving up rights can capture the idea that forgiveness alters the moral standing of individuals, there are number of candidate rights that might be involved in such an account of forgiveness. Consider the following analysis:

If one person wrongs another there is a sense in which, as wrongdoer, he owes something to the person wronged. One might say that he is morally indebted to the victim, or that he is obliged to make amends to her. In the wake of wrong doing, there is an onus on the perpetrator to offer some kind of repayment, whether through an apology or other forms of restitution or compensation. A victim is entitled to some constructive response by the person who wronged her. If she forgives him, she is relinquishing this claim on him, in effect releasing him from this moral debt. This kind of release allows relief and a fresh start for the wrongdoer.

As a result of their altered moral status, the wrongdoer acquires a new set of moral reasons enjoining them to remove the stain… The way in which he does this is by distancing himself from the values and beliefs which originally prompted it, apologising to the victim and offering compensation, and doing some kind of penance (Watkins, 2005, p. 64)

If we think that moral standing can be understood in terms of what people owe each other, then owing reparations to a victim could plausibly lower a person’s standing. Reparations require the perpetrator to assign relative priority to the benefit of the victim, and in this sense helps to make sense of how the victim has a ‘higher’ standing than the perpetrator; additionally, the victim is entitled to make unique claims regarding the benefits that they are owed. This is a sensible interpretation of the difference in moral status that holds between victim and perpetrator.
The above authors also suggest that part of what could constitute the lower standing of a perpetrator of a wrong is that they owe an apology to the victim of the wrong. We could say that the victim initially has a right to an apology, but that in forgiving they give up this right. There is plausibility to this view: it certainly seems to be the case that the victim cannot demand an apology after they have forgiven, so forgiveness does seem to in part involve this kind of right. On the other hand, forgiveness does not make it inappropriate for the perpetrator of a wrong to apologize, especially if they had not done so prior to having been forgiven. But, even granting the sense in which this account makes reference to rights, the rights associated with forgiveness do not reduce to the right to an apology and reparations. This is evident from the fact that apologizing and giving reparations are not sufficient to undermine the possibility of a victim forgiving. Even after receiving an apology and reparations, some victims are still in a position to forgive and refuse to do so for legitimate reasons.

Watkins suggests the alternative account of how the moral situation is altered when a person goes through the process of forgiveness:

This becomes clear when we reflect upon the precise effect that the words ‘I forgive you’ have on the moral landscape when they are directed towards an offender who has acknowledged his offence and repented but who has yet to do any penance. These words, insofar as they entitle the wrongdoer to forego the remaining stages of atonement, entitle him to omit the self-punishment that would otherwise be needed. They allow him to disregard the requirement to do penance. (2005, p. 72).

This view of the significance of forgiveness can also be described in terms of rights. Initially, we might think that the perpetrator of a wrong has certain obligations to repent and feel guilt for their wrong—these obligations can be understood as being owed to the victim of the wrong. A perpetrator who fails to feel such emotions could, on this view, be said to twice wrong the victim. But, by forgiving the victim gives up any demand that they have against the perpetrator
to go through the process of atoning. However, a similar objection faces this view of forgiveness as those described above. A person who has provided reparations, apologized, and self-punished has not thereby been forgiven. Even if forgiveness gives up a right held against the perpetrator to repent, it cannot be reduced to this right. Another theoretical issue facing this conception of forgiveness is that it cannot capture the sense in which forgiveness is ‘up to’ the victim of a wrongdoing. If forgiveness merely involves giving up the rights associated with repentance, reparations, and apologies, then the perpetrator of a wrong seems able to achieve the ends of forgiveness without the victim deciding to forgive. The problem is that once a person has ‘earned’ forgiveness, it will be pointless or impossible.

I have considered a range of rights that might be involved in forgiveness and shown that these rights are insufficient to account for this concept. These deficiencies with other rights-based accounts of the concept of forgiveness can be remedied by expanding the scope of rights to include those that pertain to various forms of negative treatment and feelings. On my view, the fact that one person resents another is neither necessary nor sufficient for thinking that there is a difference in moral status. It is only when there is a right to maintain these negative emotions that standing can be lower. When expressed under the right kind of circumstances (e.g. voluntarily and freely), the act of forgiveness, like a promise, results in foregoing the right to certain kinds of responses, both with respect to our affective responses and our actions. If someone has the right to resent another person, or feel other similar negative emotions towards them, there is a plausible sense in which this other has lower moral standing. If in forgiving a person, we give up the right to resent another, there is a plausible sense in which their moral standing has improved.
I argued above (in ‘Stalwart’) that a person might not feel any negative emotions toward another, yet still be in a position to forgive another; this case is extremely puzzling for the view that forgiveness amounts to overcoming resentment (or for the variants of this view). On the other hand, this case is easily explained by the view that forgiveness involves giving up a right. It is possible to hold a right against another, while being unable to exercise the right. Therefore, this account of forgiveness has no trouble in accommodating such a case. A person can choose to never resent another, or even be unable to resent another, yet still have a right to resent. A stalwart individual who does not react to wrongdoing with resentment nonetheless retains the right to resent. This view preserves the possibility of people who fail to inwardly or outwardly express negative responses to be capable of forgiving.  

The above reasoning should be extended to the claims that pertain to our actions. A person might never be in a position to act in negative ways toward another, yet still be in a position to forgive them: forgiveness in such cases will involve giving up the claim to such negative actions, were a situation to arise in which they could act in this way. Again, it does not follow from the fact that a person has not acted vengefully, or withdrawn a beneficent disposition to a person, that they have given up the right to such actions (assuming that they have such rights). However, it seems clear that after having forgiven, the perpetrator of wrongdoing can complain if the victim acts in ways consistent with negative partiality—at least when it is clear that they are foregoing the rights that pertain to such patterns of negative treatment.  

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69 Of course, the defender of the affective view of forgiveness could say that these people have not been deprived of the capacity to forgive, since they might begin to exhibit negative responses and insofar as they do, they can forgive. However, it seems to me that such people can still forgive, even when in a position of not experiencing such emotional states.
Above, I discussed Murphy’s view that forgiveness should be distinguished from a series of related concepts. For example, he argued that forgiveness should be distinguished from mercy, since mercy is about how we treat others, but forgiveness pertains to our emotions. However, I have argued that forgiveness involves both our actions and our emotions. This leaves my view with the burden of explaining how mercy can be distinguished from forgiveness. I think there is an available explanation. While mercy involves treating a person better than they have a right to be treated, it does not involve giving up on the right to treat a person in such a way. For example, suppose that a person has an enduring right to treat a person worse than others, yet they continue to treat them in an impartial fashion. As I have argued above, I do not think such treatment constitutes forgiveness, though it might very well could constitute mercy. Instead, forgiveness will involve giving up the right to such treatment.

V- Negative Partiality and the Restoration of Relationships

There is more than one sense in which forgiveness might involve giving up the right to treat a person in a negative way. As discussed in the previous chapter, some wrongs do not give rise to negative partiality, but give rise to discrete ‘negative debts’ that are analogues of discrete positive duties. For example, a colleague who provides an off-hand scathing and un-thoughtful dismissal of another’s work plausibly entitles the individual being critiqued to be similarly dismissive of the other’s work (though not much more). It entitles neither to continuously mistreat the other. If the dismissal is instead met with forgiveness, the victim gives up the right to seek out this kind of retribution.

Conceiving of forgiveness as involving the forgoing of negative debts is, I believe, an important part of this concept. However, what is distinctive of negative partiality is that it gives rise to an ongoing reason for response (e.g. a lasting permission to override the well-being of a
person), and as argued in the previous chapter, can arise out of an iterated series of wrongs that can be understood in terms of debts. These features of negative partiality help to explain why forgiveness does not necessarily *entirely* restore a relationship to its previous standing. An act of forgiveness can be addressed to a particular act of wrongdoing and eliminate some specific debt; in a series of wrongs, numerous acts of forgiveness might be provided for numerous wrongdoings. However, in the extended case, these acts of forgiveness only accomplish the goal of restoring the relationship to its previous standing if a history of wrongdoing ‘reduces’ to this history of interactions. As with cases of positive partiality, where a series of beneficent acts gives rise to obligations that are over and above the individual interactions that compose the relationship, I have argued that a history of negative interactions can give rise to a series of wrongs that is more significant than these acts added together. Forgiving some particular act of wrongdoing, or even all the acts of wronging that compose the relationship will, therefore, not necessarily give up the rights associated with negative partiality.

To defend the idea that wrongs can compound, I introduced the case of a person who inconsiderately blocks the driveway of their neighbour. Supposing that the neighbour forgives, it seems that the relationship has (in an important sense) returned to its former standing, i.e. the victim no longer has any special claims against the neighbour. However, we can imagine that the cycle of wrongdoing and forgiveness continues: the neighbour commits a wrong and they are subsequently forgiven. Each wronging gives rise to reasons for a negative response, and each act of forgiveness gives up the right to such responses. However, if forgiveness completely restores a relationship to its former standing, then compounded wrongs would be mysterious. If wrongdoing only creates debts, then a person who has been wronged 6 times, but forgiven 5 instances of the wronging, only has reasons for negatively responding to the 6th wrongdoing.
Intuitively, however, a person who decides not to forgive after the 6th time has reason to respond negatively to the history of interaction taken as whole, where this justification does not reduce to the negative debts that compose the history. Therefore, while forgiveness can involve giving up all the rights to treat someone negatively, it does not (as some authors claim) ‘wipe the slate clean’. The past history of wrongdoing will always figure in the moral situation between two individuals in that it can affect how the victim has reason to respond to future wronging.

VI- Other Features of Forgiveness Explained

A commonly held view about forgiveness is that it is permissible, but not obligatory (e.g. “Forgiveness is a gift, not the paying of a debt or the remission of a debt whose collection would prove too costly”). A related thought is that forgiveness is supererogatory, a non-obligatory, commendable act. The fact that forgiveness is almost always permissible is explained by the fact that negative partiality seems primarily to grant permissions and not obligations. If negative partiality was required in a given scenario, then forgiveness would not be permissible, but forbidden. The account given thus far helps to explain part of the sense in which forgiveness is supererogatory: by forgiving a person is forgoing the right held against another person. Insofar as a person is not required to give up the rights to negative treatment, they are providing a benefit to another person, but clearly not a benefit that is morally required. Of course, a further analysis would be needed to show that such acts are also commendable.

The above account of forgiveness also provides insight into the restorative effects of forgiveness. One virtue of the account of forgiveness I have given is that it explains why forgiveness facilitates the restoration of a relationship, without requiring the forgiveness be fully restorative (as some views of forgiveness imply). In order to make sense of the idea that forgiveness does not fully restore a relationship to previous standing, yet does make an important
difference, the moral and non-moral elements of a negative relationship should be contrasted. One way in which a relationship is not restored when an individual is forgiven is that they might refuse to co-operate with an individual or spend time with them, as when they were former friends or so on. It seems incorrect to say that forgiveness has not resulted, simply because they are no longer in the exact kind of relationship that occurred prior to the wrongdoing. This is explained by the fact that a decision to co-operate with a person is a non-moral feature of a relationship (each person is neither required nor prohibited from co-operating under many circumstances). At the same time, forgiveness is morally restorative. If there are outstanding rights to discount a particular person’s interests, then there is a moral discrepancy between the parties: this discrepancy can plausibly affect the ability of people to reconcile in the non-moral sense.

One objection to my proposal is that the reconciliatory aspects of forgiveness are not really a general desideratum of forgiveness. For example, Pettigrove claims the following contrary claim:

> It is often suggested that forgiving involves restoring or repairing relationships. As a general account of forgiveness, this characterization would be inadequate. For, as is frequently noted, we can forgive wrongdoers with whom we did not have a relationship prior to the wrong and with whom we do not anticipate having a relationship with in the future. (2009, p. 591)

Understanding forgiveness in terms of rights can in fact preserve the intuitions about the restorative effects of forgiveness, while accommodating Pettigrove’s concerns. There is a very thin, but important, sense in which all persons stand in a relationship to each other: we all have the general obligations of humanity to each other. Even if we do not intend to become friends with a person who has wronged us, this status quo can change on my view in virtue of a personal wronging taking place. Contrary to Pettigrove’s claim, we do not need to have been in a thick
relationship (e.g. a friendship) with a person for our moral relationship as people to be altered, and thus we can restore a relationship without any thick relationship having existed.

At the heart of my case for conceptualizing forgiveness in terms of rights is that forgiveness is a normatively important transaction. Without this condition as part of the concept of forgiveness, it is less clear why anyone should take it seriously when a victim forgives the perpetrator of a wrongdoing. Against this view, it can be argued that there is important sense in which our language surrounding forgiveness suggests otherwise. Consider the following case:

If A forgives B for missing the meeting that B promised to attend, and A then mentions this failure every time they come together, or uses this absence to disparage B publicly, then B can probably call into question whether A had actually forgiven him. If A had truly forgiven B, then he would treat B as he had prior to the wrong (Digeser, 1998, p. 704).

Peter Digeser could be taken to have set up a dichotomy surrounding the expression ‘I forgive’: either these words constitute forgiveness, in which case forgiveness is performative, or these words do not constitute forgiveness, in which case the words ‘I forgive you’ do not enact any normative change. However, the fact that forgiveness involves giving up our rights does not necessarily commit us to the view that the right is given up by a simple performative act. Uttering the phrase “I forgive you” might not entirely constitute forgiveness. In this sense, forgiveness might be unlike a promise, which is can typically be made by uttering the phrase “I promise”. Nonetheless, many morally binding commitments are not made via uttering the phrase ‘I promise’: we can commit via a range of assertions and actions, which are typically open to a range of caveats, exceptions, and modifications. Uttering the phrase “I forgive” is certainly not meaningless, but it could also be understood as only one step in the process of letting go of our claims against another.
It is also worth bearing in mind that our linguistic intuitions are liable to inconsistency. On the one hand, we are inclined to say that a person has not really forgiven when they seem resentful, and on the other hand, I believe that we criticize the resentful person who has outwardly expressed forgiveness in a performative fashion. Insofar as we have these conflicting linguistic intuitions, there might simply not be a unified concept of forgiveness. However, I believe that forgiveness as a concept that pertains to rights is still a normatively important concept (for the reasons discussed above). My account might not be able to capture everything we have to say about forgiveness, but it seems to capture an important sense of the term, one that should be understood with reference to relationships that involve negative partiality.
Bibliography


