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The Authority of Formality

Jack Woods

10.1. INTRODUCTION

Etiquette gets a bad rap. Theorists sometimes claim that etiquette is merely *formally* normative whereas morality is *substantively* normative: that morality is normatively special in some way which eludes requirements of mere manners.¹ Some theorists flavor these claims with the etiquette norms of our grandparents and moral norms of pressing contemporary interest. It's hard, in the face of this, to do much but nod along. Who could seriously think that wearing pants to dinner was in any way on a par with treating others with compassion?

I do. There's at least one important sense of normativity which is shared by both morality and etiquette. Both explain a distinctive kind of normative reason for action in virtue of their being standards we take seriously. I'll call these *reasons_δ* for action where δ ranges over standards such as etiquette, morality, or even the norms of pool.² *Reasons_δ* come from our normative reasons to respect δ as a *standard* governing our behavior. They are different from the "institutional reasons" which are part of systems of norms (Joyce 2001: §2.1)—etiquette might "say" that we have decisive reason to ψ , but we might only have weak reason to ψ as we only have weak reason to respect etiquette. *Reasons_δ* are also independent of instrumental reasons to obey standards—we can have instrumental reason to obey any standard of correctness, regardless of our relationship with the standard. *Reasons_δ* instead capture how our relationship with certain standards makes an important normative difference to what we ought, all things considered, to do.

Some standards, like morality, might also fully explain unsubscribed normative reasons for action. This property—which I'll call *intrinsic*

¹ For recent articulations, see Ridge (2014: 93), Parfit (2011: 144), Broome (2013: 26).

² I focus on practical standards, though my considerations also apply to epistemic standards. See Maguire and Woods (manuscript).

reason-providingness—is what I take substantiveness to be. My aim, though, isn't to investigate whether morality or etiquette are intrinsically reason-providing, but rather to explain how morality and etiquette yield structurally identical *reasons_δ* because of our intimate relation with morality and etiquette as important standards for us.

My view is that certain standards become normatively important because we treat them as guides to practical behavior. When this happens, I'll say these standards are *in force for us*. I'll argue that we then have reason to respect their norms exactly because they're in force standards for us. These reasons to respect norms in turn explain *reasons_δ* for action. Both morality and etiquette are treated by us as guides to practical behavior, so in terms of *reasons_δ*, there's no structural difference between morality and etiquette. As I'll say, both are *formally normative* standards.

I highlight this symmetry of morality and etiquette, but I don't insist that morality isn't substantive.³ My sneaky hope is that the picture I'll paint in what follows suggests that the existence of substantive obligations is unnecessary.⁴ But the primary aim is developing a detailed account of the normative character of formally normative standards. In my view, formal normativity is under-explored because of the temptation to treat most formal standards as merely arbitrary standards of correctness. But they are so much more than that.

I open by arguing that morality and etiquette share a type of normativity not possessed by all standards. I then give more details about standards and their relationship to other normative notions (in Section 10.2). Returning to formal normativity in Section 10.3, I claim our actual formal standards aren't escapable even when there are reasons to act against them, use this fact to evidence standards being in force for us, and develop an account of standards being "in force" drawing on these claims. This sets up the discussion of *reasons_δ* as the characteristic normative oomph of formal standards (in Section 10.4). I dismiss two worries for my account: one involving the genericity of reasons, the other fetishism, and close by suggesting that my account may undermine the grounds for believing in substantive normativity at all.

10.2. NORMATIVE STRUCTURE AND THE "SCH-" CHALLENGE

Why think that there's a further distinction between formal normativity and mere standards of correctness? It's tempting to just collapse these two. This

³ For compelling reasons to reject substantive obligations, see Williams (1979) and Copp (2004).

⁴ To be honest, slightly less sneaky now.

temptation is aggravated by what I've come to think of as the "sch-" challenge.⁵ Let *schmorality* be a system of norms covering the same field of actions as morality, but slightly differing on its verdicts about what to do. Intuitively, violations of the schmorality standard aren't important, but schmorality is nevertheless a standard of correctness: we can be good and bad schmoralizers. Just as intuitively, violations of morality are important—being immoral isn't merely incorrect. What explains this difference? What's so special about morality?⁶

The problem with the "sch-" challenge is that it misleadingly suggests that the only important division between standards is one that puts morality and like intuitively substantive standards on one side and the rest on the other. But this is incorrect. We can turn the "sch-" challenge into a demonstration of this conflation. Let *schmetiquette* be a system of norms covering the same territory as etiquette, but slightly differing on its verdicts about what to do. Intuitively, violations of the schmetiquette standard aren't important—schmetiquette is a mere standard of correctness. Just as clearly, violations of etiquette are a serious matter—being impolite isn't merely incorrect. What explains this difference? What's so special about etiquette?

The problem is that there are potentially three types of standards here: mere standards of correctness, like schmetiquette and schmorality, which aren't important to us and aren't intrinsically reason-providing; merely formal standards, like pool rules, the law, and etiquette, which are important but are not intrinsically reason-providing; and substantive standards, like morality perhaps, which are important and intrinsically reason-providing. I haven't yet said what it is for a standard to be important to us (more on this later) but the idea is clear enough—we take both morality and etiquette seriously.

The original "sch-" challenge runs roughshod over this three-way difference by suggesting the sole important normative difference is between substantive standards and the rest. But schmorality, schmetiquette, and etiquette shouldn't be classed together. Etiquette is a normative standard which we take seriously, schmorality and schmetiquette unimportant standards of correctness. Even if etiquette isn't *intrinsically* reason-providing, it's still a part of our normative outlook. We regard violations of etiquette as sufficient for criticizability; we regard etiquette as giving us reasons to be

⁵ The "sch-" challenge crops up in different guises, but it should be recognizable to the reader.

⁶ For discussion, see McPherson (2011) and works cited within. Note that McPherson analogizes chess with schmess *and* schmeasons in the misleading way I'll now suggest.

polite. These features of both etiquette and morality aren't possessed by schmorality or schmetiquette.⁷

So there are two potential differences between morality and schmorality: substantiveness and whether they're important to us. Since the latter difference is also shared between etiquette and schmetiquette, the "sch-" challenge provides little reason to think that morality is special in a way that etiquette and the rules of games are not. Rather, it gives significant reason to think that both morality and etiquette are special in a way that schmorality and schmetiquette are not. The "sch-" challenge shows that we need an explanation of the difference between both merely formal and putatively substantive standards and those standards of correctness which aren't even formal norms. We turn to this shortly after giving a more detailed picture of standards.

10.2.1. Subscribed Obligations

The standards we're interested in—morality, etiquette, correct pool playing—arise from systems of norms.⁸ For our purposes here, a system of norms is *any* collection of demands, permissions, and forbiddings of actions, as well as favorings and disfavorings of the same. Systems of norms underwrite our target standards of correctness—being in accordance with or variance with the norms. We typically lexicalize this correctness property when the standard is one we care about: *morally upstandingness*, *politeness*, *rationality*. These are gradable properties: one can be more or less morally upstanding, polite, or rational, though we sometimes use these terms to indicate being perfectly correct.

Often the exact character of a system of norms isn't always clear to those taking the corresponding property seriously. Morally upstandingness is important to us even though it's unclear to many of us—it's unclear to me—what being morally upstanding requires. It's correspondingly difficult to carve systems of norms apart precisely, but in practice we can generally distinguish them—we have little trouble distinguishing what morality requires from, say, what etiquette requires.

Systems of norms themselves may consist entirely of forbiddings and permissions with no non-trivial favoring and disfavorings, like legal systems

⁷ This point isn't novel, but its importance has been downplayed. See the discussions of rule-implying normativity in Parfit (2011) and Broome (2013) (see Section 10.2.3 for why "reason-implying" isn't the right property to explicate authoritativeness). See also Berman (forthcoming) for related discussion of the "normative isomorphism" between substantive and formal obligations.

⁸ I'll generally default to talking about standards, instead of the system of norms that underwrite them or the obligations that standards induce. This should cause no confusion.

of norms.⁹ They may consist entirely of favorings and disfavorings where we concoct forbiddings and permissions in terms of what's most favored, as we find in culinary norms. They may consist entirely of rough aims which underwrite favorings and disfavorings, forbiddings and permissions. Finally, they might be entirely particularistic, having no explicit rules or aims, but where we have a sense of which things are favored, disfavored, forbidden, and permitted. Any of these can be massaged into a standard of correctness.

Consider the rules of tic-tac-toe. One is permitted to mark any open square on one's turn. One is forbidden from making two moves at once. A *mark* is an "X" or an "O"; each player may only have one mark. Player X marks with "X," Player O marks with "O." A *win* is a configuration of the board where there are three consecutive "X"s or "O"s. A player is the winner if their mark makes a win; all other players are losers. A draw is a full configuration of the board which is not a win. The aim of play is to configure the board into a win; a move is favored insofar as it advances this goal. And so on. This is only a partial spelling out of the permissions, forbiddings, favorings, and disfavorings of a game so notoriously simple as tic-tac-toe, but it's enough to see what correct tic-tac-toe play is.

Standards of correctness play a fundamental role in the orthodox semantics for "ought." On this account, background information, such as a contextually salient standard, ranks ways things could go in terms of how well they accord with it.¹⁰ We ought_δ to do something just in case the contextually salient δ ranking places ways in which I do it above worlds in which I don't. This semantic story is fully compatible with every standard being substantive, none being substantive, and any mediate position. Since we can raise any standard to contextual salience with sufficient background, we won't find any difference in normativity between our three types of standards in terms of the semantics of "ought" or "obligation."^{11,12}

⁹ "Non-trivial" since we can cook up favorings and disfavorings given a system of forbiddings and permissions by claiming disfavor of anything we're forbidden from doing, favor of anything we're forbidden to not do, etc.

¹⁰ See (Kratzer 1977) for origins of this account and (Chrisman 2015: chs. 2–5) for an overview from a philosophical standpoint and details. We sidestep worries arising from differences in the various *flavors* of "ought" since the cases under consideration all more or less involve agentive "oughts" with different ordering sources.

¹¹ I use "substantive" and "formal" for both standards and the obligations they induce. I'll likewise not carefully distinguish between "ought" and "obligation."

¹² For the cognoscenti: I'm running roughshod over a number of important semantical differences between "ought," "must," "should," and their connection to obligations. I'm also leaving unspecified many important issues in the metasemantics of "ought." These details aren't important for my point and the details are contentious, so let it go.

Standards and induced notions of “ought” are cheap; the interesting normative questions lie elsewhere.¹³

Consider again our trivial example of tic-tac-toe. We ought_{ttt} to block any two-consecutive pattern unless we can win immediately by playing elsewhere. And the tic-tac-toe standard might be contextually salient. Yet this is insufficient for normative reason to satisfy these obligations—so what if we’re obliged_{ttt} to play a particular way? If, following Parfit (2011), we treat the issue of *genuine* normativity in terms of reasons, then we should look to connections to normative reasons in order to distinguish formal and substantive standards from mere standards of correctness.

10.2.2. Generic Reasons

In order to do this, we need to make use of something like a *generic* sense of reason or ought.¹⁴ What these notions are is, of course, a matter of substantive philosophical dispute. As is what it is to act in a way which is based on them. I’ll abstract from these worries here, intending a broadly ecumenical picture of generic normative notions and how we can base our actions on them. I’ll briefly argue in favor of the existence and non-emptiness of these notions shortly.

I’ll use reasons-talk, though I’m strictly agnostic on whether (generic) reasons or (generic) oughts are more fundamental. The reason for my agnosticism is that we can interdefine these notions. Starting with generic normative reasons, we *generically ought* to do what we have most reason to do. Starting with generic oughts, we have *generic reason* to do as we ought.¹⁵

We can flesh out these connections in different ways. Perhaps value is explanatorily fundamental in grounding our generic reasons (Maguire 2016). Then we generically ought to do the value-maximizing things.¹⁶ Perhaps desire explains generic reasons. If so, we generically ought to do those things which are maximally desire-satisfying. Even if there are multiple, equally fundamental, grounds for our reasons, then we can construct a *partial* generic ought in terms of what these reasons all agree upon.

¹³ I think it’s natural to typically treat the obligations true in a context as plentitudinous so that right now I ought_{skippedy-do} ψ , etc. If more restrictive accounts are wanted, I trust the reader can make the obvious adjustments.

¹⁴ See Baker (this volume) for worries about the existence of these kinds of flat notions. The position I construct in what follows concedes many of his worries while avoiding his charge of “changing the subject.” See Finlay (forthcoming) for discussion of exactly what the subject is.

¹⁵ This latter reduction requires complications involving weighing reasons. As I prefer generic reasons, I won’t worry about this.

¹⁶ Maximization is a simplification; substitute your favored weaker notion if you like.

I don't care which underlying story we tell about generic reasons and oughts. I only care that there are recognizable and suitably related generic notions of *reason* and *ought* which, if they existed, would serve to "close deliberation" (Schroeder 2011) and structure our ordinary practical deliberations.¹⁷ My task is not to defend the existence of such notions, but a few remarks might help to see where I'm coming from.¹⁸

Our practical deliberation typically proceeds by means of subscripted normative notions (Tiffany 2007). Starting with reasons, we talk about what prudence favors, what morality favors, and the like. It seems, though, that no matter which norms we invoke, we can always ask whether we should do what they jointly favor. In other words, constructions like the following always seem reasonable, no matter which named systems of norms we stack before "but":

- (OQR₁) Morality favors doing it, but should I do it?
- (OQR₂) Morality and prudence favor doing it, but should I do it?
- (OQR₃) Morality, prudence, and etiquette favor doing it, but should I do it?
- ...

In each case, I'm asking what I have most reason to do given the listed facts preceding the "but." I take the generic notion of a reason to be the limit of "should" in the OQR sequence. If that's right, then it's extremely plausible we recognize a coherent generic normative notion, like generic reasons, in making sense of instances of the OQR schema.

In further defense, note that many normative conflicts seem easily resolvable.¹⁹ If all my subscripted reasons, except for my mild penchant for elegance, direct me to do something, it seems clear that I should. This is easily explained with the existence of generic reasons or oughts; it seems nearly impossible to explain otherwise, especially as we complicate the case to get deep systematic conflicts between systems of norms. Our taking many of these questions to have determinate answers is significant evidence that there really are generic normative notions.²⁰

One could claim that ways of making sense of conflict resolution differ between contexts and between sets of subscripted norms (Baker, personal

¹⁷ Baker (this volume) claims that the notion of generic obligation is too vague and metaphorical to do its characteristic work. I disagree; there may be no such oughts (Copp 2004; Tiffany 2007), but it's manifest that we presume there are such in our practical deliberations.

¹⁸ McPherson (this volume) takes steps towards a plausible defense. Steve Finlay (2014) offers an interpretation of all-things-considered ought judgments that fits nicely with the sort of picture I'm sketching here.

¹⁹ Dorsey (2013) makes a compelling case for this theoretical virtue of generic reasons.

²⁰ Generic reasons shouldn't arbitrate all conflicts between systems of norms as sometimes our reasons really are just on a par (Chang 2002).

correspondence, this volume). This, however, itself demands an explanation; such explanations can typically be massaged into an explanation of generic reasons. For example, suppose the *value* of resolving the conflict a particular way breaks ties. This suggests grounding generic reasons in value. Such explanations are far more elegant and theoretically satisfying than explanations denying any systematic understanding of the “should” in each instance of OQR.

Does presuming generic reasons concede that there are substantive formal obligations? Not exactly. The *ought* constructed out of generic reasons is distinct from a subscribed ought. To see this, consider taking what we’ve generic reason to do as a *particular* system of norms: call the resulting standard *practicality*. We could then sensibly ask questions about what we ought_{practical} do that seem incoherent when we don’t “standardize” generic reasons, like “why should I do what I have most reason to do?” So to play their characteristic role generic reasons shouldn’t be treated as just one standard among others. That is, they are plausibly not a subscribed bit of normativity in the relevant sense. Anyways, if I’m mistaken and we can and should treat generic reason and oughts as the sole substantive standard, that isn’t a large cost to my view as my target is the normativity of non-generic oughts like morality and etiquette.

10.2.3. Summary: Norms—Substantive and Formal

Summing up, I’ve said that systems of norms give rise to gradable standards of correctness. Each standard δ yields a notion of what we ought _{δ} to do—act as δ demands. What then would it be for δ to be substantive?

I view the best explication of substantiveness as holding that a standard δ is *substantive* insofar as ought _{δ} facts totally explain *generic reason* to do as δ demands. Then, according to (my cashing out of) myth and legend, that I ought_{morality} to do something totally explains the generic reason to do it; that I ought_{etiquette} not so much.²¹ I believe, but won’t insist, that there are no substantive obligations in this sense—myth and legend is just that.

Why “explains” as oppose to “implies”? After all, Parfit (2011) treats the question of substantiveness in terms of a distinction between a *rule-implying*

²¹ A referee worries that it’s more natural to say morality is substantive because our obligation to be moral is totally explained by our generic reasons. Presumably the idea is that we necessarily have non-instrumental generic reason to be moral. This view strikes me as strange—presumably we don’t cordon off morality by what we have necessary generic reason to do. Especially since we may have intuitively non-moral, yet necessary, generic reason to act toward each other in various ways. Perhaps prudence or politics furnishes such reasons. This suggests that any non-foot-stampy explanation of how morality is substantive will make use of features of the moral standard itself. But, given that explanation is transitive, this means that our generic reasons are in turn explained by morality.

sense of obligation (etiquette and rules of games) and a *reason-implying* sense (morality and prudence). This, however, does a serious disservice to the idea that various normative domains are special. Let Γ be a set of norms defined so that if we have non-instrumental reason to do something, we ought $_{\Gamma}$ to do it. On the common presumption that non-instrumental reasons are necessary, that we ought $_{\Gamma}$ to do something will imply that we have reason to do it. Yet Γ is intuitively not substantive.

The problem is that entailment is cheap.²² A domain like Γ can entail that we have reasons even though Γ plays no role in explaining *why* we have reasons. It might merely necessarily *track* our generic reasons.²³ But theorists should want morality to be substantive in a stronger sense; they should want the fact that morality says “ $\psi!$ ” to explain, by itself, reason to ψ . This would be a type of substantiveness worth its salt.

We can have many types of generic reason to act as δ demands: instrumental reason—I’d rather not act incorrectly for various reasons—as well as independent reason to ψ regardless of what δ says. And, of course, the distinctive class of *reasons $_{\delta}$* I’ll explain shortly. None of these are sufficient for substantiveness since (a) they aren’t explained totally by ought $_{\delta}$ facts and (b) we have such reasons for etiquette as well as morality.

If morality is substantive, then there will be generic reasons to ψ which are totally explained by the fact that I ought $_{\text{morality}}$ ψ . But there will *also* be reasons $_{\text{moral}}$ to act morally; the explanation of these reasons is entirely analogous to our reasons to act politely. Morality, that is, is also formally normative. Distinguishing mere standards of correctness from formal norms giving rise to these distinctive reasons will occupy Section 10.3.

10.3. FORMAL OBLIGATIONS: WHAT’S WRONG WITH SCHMETIQUETTE?

I’ve characterized substantive standards as those standards which are intrinsically (generic) reason-providing. But we can’t characterize formal standards nearly as neatly. I agree with philosophical consensus that obligations of etiquette don’t totally explain generic reasons to act as etiquette directs. It’s

²² No ought claim *logically* entails a reason claim unless “ought,” “reason,” and the bridge-principles connecting them are themselves of logical character. Inspection of the standard semantics for “ought” mentioned earlier bears out that this is implausible and unnecessary. At best, the connection between substantive obligations and reasons is conceptual or metaphysical.

²³ McPherson (2011: 236) makes a complementary point against Scanlon’s metanormative quietism. The problem is that we might have necessary coincidence between what a substantive normative standard demands and what Hades currently wants; yet intuitively the Hades standard isn’t “robustly normative.”

only in tandem with reason to do as I ought_{etiquette} that the fact that I ought_{etiquette} ψ explains why I've generic reason to ψ . Of course, that I ought_{schmetiquette} would likewise explain that I've generic reason to be schmolite with appropriate background factors.

It's tempting to distinguish formal standards from mere standards of correctness by whether there are *any* reasons obey them, but we shouldn't. There can be reasons, instrumental or intrinsic, to do as a mere correctness condition demands. Perhaps we've reason to obey schmetiquette because of its nose-snubbing charm. Nevertheless, schmetiquette is not a standard that's important to us. Etiquette, in contrast, is the way that we do things; it's an important standard for us. It's this contrast that we need to zoom in on to distinguish formal standards from mere standards of correctness.

10.3.1. The Inescapability of Formal Obligation

The key to distinguishing formally normative standards from mere standards of correctness is the fact that formal obligations aren't escapable *even when* we have decisive reason to disobey them. In particular, others are in a position to criticize and upbraid us for breaking our formal obligations, no matter why we broke them; whereas, when we have no reason—instrumental, intrinsic, or whatever—to obey a mere standard of correctness, then it plays no role in our practical behavior. We'll evidence this by looking closer at some of our formal systems of norms: promissory, legal, and etiquette norms.

Plausible accounts of promises allow us to promise to do things which we pretty clearly ought not all-things-considered do. We might promise to do away with the person who cut in line, we might promise to pursue our mother's campaign of total world domination. Are these promises obligatory in the promissory sense? Intuitively, and as I've argued elsewhere, yes (Woods 2016). We seem promissorily obliged to keep immoral promises—that's how the promise game is played. If we fail to do so, some criticism on the behalf of the promisee is licensed by our acceptance of promissory norms even when, on balance, our reasons favor breaking our promise.

Similarly, consider perjury. Suppose I'm in a position to perjure myself to put a horrible criminal away for a crime they obviously and clearly did. Suppose the risks of being caught are low, it would be a real service to society, etc. It seems plausible that I have all-things-considered reason to perjure myself.²⁴ Nevertheless, if I'm punished for perjury, I can't complain

²⁴ For a good case of this, consider Omar Little's testimony against Bird in *The Wire*.

that I did nothing wrong. After all, I broke the law. I can, of course, complain that the law stinks, that it should be changed, and that it shouldn't be enforced. These, though, are quite different complaints.²⁵

Finally and famously, our etiquette obligations likewise don't lapse even when we are indifferent to or should break them. As Foot put it, both morality and etiquette "are inescapable in that behavior does not cease to offend against either morality or etiquette because the agent is indifferent to their purposes and to the disapproval he will incur by flouting them" (Foot 1972: 311). For example, though it's laudable and maybe even morally required that we cease using gendered norms of polite address, we are currently formally criticizable for so doing.

People are within their rights to criticize someone for violating these norms. Rudeness is rudeness, even when warranted, and we can't respond to a charge of particular rudeness except by giving reasons to violate the norm in this context; even then, the critic has legitimate grounds for complaint, even if it's overly pedantic, obnoxious, or even immoral to actually criticize someone for doing so. That's what it is for us to treat a standard as our standard.²⁶

Contrast the cases just described with standards not in force for us. Suppose we see people moving chess pieces around on a board and we correct a seemingly illicit play. The players can respond that they're playing checkers with chess pieces. This would be a complete defense against our criticism. Likewise, suppose our bizarre uncle upbraids us for wearing pants to dinner. Again, pointing out that that it's customary to wear pants to dinner is a complete defense.

For standards like legality, etiquette, and promising, it's typically odd to respond to this kind of criticism with the claim that you are not subject to these norms. We can say "I don't care about being polite" or "I reject your bourgeois lifestyle," of course, but there is a strong residue of strangeness. Criticism of us for violating politeness norms is licensed by our acceptance of politeness norms as our norms. Whether we have *reason* to be polite is

²⁵ A referee complains that this suggests Rosa Parks was obliged, in some scripted sense, to sit in the back of the bus (and that she was criticizable for not doing so). This, again, is a feature, not a bug. Rosa Parks is liable to criticism for violating a norm presumably in force then (see discussion of liability in Section 10.3.2). She also had overwhelming reason to break this obligation and anyone actually leveling criticism at her for doing so would be doing something seriously immoral. She's not criticism-worthy, in other words.

²⁶ Details vary, of course. In some contexts, I should sanction someone indirectly for being rude, perhaps by complaining about their behavior to someone else. Elsewhere, I should tell them to their face.

another matter; we might not. Still, we've acted rudely.²⁷ We *can* object when someone points out that we have violated some mere standard of correctness; "what's schmetiquette to us" is a complete defense.²⁸

The distinction between formal norms and mere standards of correctness has to do with whether and when they are in force for us, as evidenced by their inescapability: when they are in force, we are bound by them. When they are not, we are not. Our next task will be to characterize what it is for a standard to be in force.

10.3.2. When Norms Are in Force: The Internal Point of View

There are two obvious ways that standards can fail to be in force. First, they might not be part of our normative outlook. Schmetiquette, for instance, plays no part in structuring our practical behavior. Second, they might structure our practical behavior, but only somehow, somewhere, somewhen. Rules of games are like this, as are legal norms, bits of etiquette, and possibly morality (many of us think morality takes no stand on the color of my shoelaces).

Chess norms apply when playing chess. We needn't comply with such norms unless we're engaged in the activity they govern and we need not so engage. This shouldn't obscure the sense in which we *are* bound by formal norms when we are engaged in their target activity. We don't get out of our obligation to move our bishop only diagonally because we didn't want to play chess in the first place. We're playing chess and when playing chess, chess norms are in force. When we break these norms, we are criticizable on this basis.

Legal norms, in contrast, apply more broadly, but only in particular contexts. I am bound to obey British law given my UK residency, but not once I move back to the US. Similarly with etiquette: I am permitted, but not required, to tip in a pub. I am required, when tipping, to say something like "get one for yourself," not just leave money on the bar. When I violate these norms, fellow members of my British community have the right to snigger at me. When in the US, I ought to tip. Not doing so legitimates significantly stronger sanctions than just sniggers.

These considerations about applicability and inescapability limn what it is for a standard to be in force, but they don't yet explain it. So we need to

²⁷ We can, of course, object to someone invoking norms we're subject to for other reasons. Actually invoking certain rights we have can be immoral, pedantic, cruel, and politically dangerous. This is yet another reason that criticism of Rosa Parks was awful, even if licensed by in force norms.

²⁸ This doesn't mean that we're immune to criticism for being imschmolite. Such criticism needs, though, to be grounded in independent reason to avoid imschmoliteness.

explain how formal standards yield “real” obligations. To do so, I’ll draw on Hart’s idea of an internal point of view:

[F]or it is possible to be concerned with the rules, either merely as an observer who does not himself accept them, or as a member of the group which accepts and uses them as guides to conduct. We may call these respectively the “external” and the “internal points of view.” (Hart 1961: 89)

The internal point of view involves at least taking a system of rules to guide our practical deliberations.²⁹ In his postscript, Hart explains “accepts”:

[Acceptance of rules] consists in the standing disposition of individuals to take such patterns of conduct both as guides to their own future conduct and as standards of criticism which may legitimate demands and various forms of pressure for conformity. (Hart 1961: 255)

These quotations, in combination, suggest that the internal point of view involves taking a system of norms as generating “live” obligations in the sense described above.

We’ll say that norms are in force for *us* when *we*—*qua* social group—take the *internal point of view* toward them.³⁰ The pluralized pronoun is important; being in force is a relationship between a social group *qua* social group and the norms it accepts, though exploring the details of this must wait for another occasion.³¹ Even if I’ve reason to violate legal norms, I’m open to being punished for so doing because *we* (a *we* of which I’m a part) view the pronouncements of judges as legitimate on the matter. I may disagree with us, but no matter. Even though I’m part of the legitimators, I need not agree

²⁹ An anonymous reviewer worries that it only need be legal officials who take the internal point of view for Hart. This is correct, but unworrisome as I’m only drawing inspiration from Hart. Hart’s position is that legal officials *must* take the internal point of view and that this is enough to undermine Austinian pictures of legal validity. Nevertheless, it’s clear that Hart allows that we non-officials can also use the law to guide our practical deliberations in the relevant sense—these are well-functioning legal systems (and ones I’d take to be clearly formally normative). Moreover, even when we don’t take the internal point of view to the law, in my view we need to treat certain folks—the “officials”—as in a position to set the law in order for it to be formally normative for us. This complication—vindication of the internal point of view from one remove—isn’t crucial for my picture, so I’ll bracket it for now.

³⁰ See Shapiro (2006; 2011: 95–8) for useful discussion. See Dorsey (2013) for critical discussion of the analogy between legality and other normative domains. My (2016) goes into detail on the legal analogy; in particular, I there discuss how to use something akin to rules of recognition and adjudication to determinately fix the extension of conventional normative standards.

³¹ I’ll stick with intentionally generic language like “us taking δ seriously” and cognates in what follows, but it would be vastly preferable to give an account in terms of collective agency and group action since it might be that a majority of society are “bad [people]” in Hart’s sense (1961: 91). I hope to revisit this issue elsewhere.

entirely with them in order for *our view* to be that the judge fixes my liability to punishment.

Connecting up our earlier discussion with the internal point of view, we'll say standards get their status as formal standards when violations are taken to license criticism and where we take this criticism seriously in the sense of being a sanction. Criticism need not involve putting someone in the stocks. Hart recognized this early on:

rules are conceived and spoken of as imposing obligations when the general demand for conformity is insistent and the social pressure brought to bear upon those who deviate or threaten to deviate is great. (Hart 1961: 84)

As suggested by Hart, in many cases, explicit recognition of violations is sanction enough. Consider someone pointing out failure to vote, rudeness, or unsporting behavior. It's embarrassing for the gross majority of us to be pulled up on such charges.³²

When we are part of a social group that takes these norms seriously—which is, again, to take them as licensing sanction like blame and criticism—then they are in force for us. It's important to be clear about what this exactly means. First, taking the internal point of view toward a standard doesn't require most individuals taking an internal point of view toward particular norms that underwrite that standard. We might not know what they are, after all, as is often the case in the law. Second, taking the internal point of view toward legal norms isn't treating violation of legal standards—failure to meet our subscribed legal obligations—as domain-independent justification for punishing the offender. Justification for applying punishment involves additional materials such as the usefulness, morality, and reasonableness of punishment. Not every case of sanction-liability is a case of sanction-worthiness—just consider jaywalking and minor drug offenses.

It's easy to confuse sanction-liability with sanction-worthiness, but we should avoid doing so. Blameworthiness tends to be read as “being all-things-considered worthy of blame.” It's rather implausible that every violation of social norms is sanction-worthy in this sense. It's plausible that someone is sanction-liable for doing so. Compare the intuitive distinction between

³² A reviewer complains that telling a gangster they're a lawbreaker isn't criticism. I don't think that's right—gangsters are typically part of our community and we take lawbreaking seriously as a criticism of them, even if they don't seem to (obviously, it's not obvious that gangsters don't care about the law at all; normative psychology isn't behaviorally transparent). If they're appropriately related to legality being in force for us (on which, see below), they'll also have reasons_{legality} to obey the law. Alternatively, if there were enough socially independent gangsters such that they aren't part of our community, then presumably they wouldn't take our laws as important for them.

prosecution-liability and prosecution-worthiness.³³ If, say, I wander over a do-not-cross line unmaliciously, then intuitively I am liable for, but not worthy of, prosecution.³⁴

It's thus better to say that a social group takes the internal point of view to systems of norms when they treat offenders as being *liable* for sanction on that basis and view liability to sanction as a serious matter.³⁵ If this is right, then norms governing a particular activity ψ are in force when we are ψ -ing if a social group we are members of are disposed to regard the subscribed obligations grounded by this standard to be serious. That is, when they are disposed to treat us as liable to sanction because of our behavior with regard to these obligations and treat sanction-liability as to be avoided.

Again, this needn't require having detailed knowledge of when and how to apply these sanctions. Even etiquette, a clearly conventional standard, requires advice columnists. Whether a system of norms licenses sanction for particular actions is often only loosely grasped at. The degree of clarity varies from standard to standard. It's often roughly clear what's required to be legally upstanding—since we accept the *rule of law* as a constraint on acceptable legal systems—but this seems a somewhat special case.³⁶

There might not be any corresponding rule of morality or rule of etiquette. Moral and etiquette norms may only be loosely accessible to us. Again, we often focus on the lexicalized unspecific properties they ground like *moral upstandingness*. Don't confuse our account of in-force-ness and use of games and legality as examples with commitment to treating morality as conventional. The only conventional feature of formal obligations that I'm committing to is that our view of certain standards is what gives them formal normativity. This is entirely consistent with these standards themselves being fixed by mind-independent properties.³⁷ Likewise, regardless of

³³ Daniel Wodak suggests (personal correspondence) that legality is special in this regard, pointing out that it might be rude to point out rudeness. This strikes me as an unfortunate feature of Commonwealth etiquette; we can be licensed to do something, the doing of which licenses comparable sanction against us.

³⁴ This is complicated by cases where the hands of the judges and police are tied, such as three strike laws and the like. See (Woods 2016: §2).

³⁵ Hart (1960) distinguishes between the justification of instances of punishment (in terms of a social good being realized by the practice) and the justification from within the practice of punishing someone (in terms of retributive considerations). This means we can hang someone out to dry even though it's known to the authorities that they're innocent. It's more plausible, in my view, that there's generic reason punish them, but they're neither punishment-liable nor punishment-worthy.

³⁶ Of course, this constraint is violated often in practice. Thanks to Daniel Wodak for discussion.

³⁷ How to fix the content of morality is a notoriously difficult matter; I favor fixing it conventionally, but I recognize that I haven't argued for that here. Stay tuned for future work on this.

our treatment of reasons_δ, there will likely be non-conventional reasons as well as instrumental reasons to do as morality directs.

It's undeniable that many putatively substantive systems of norms, like morality and prudence, have sanctions built into them which we take seriously. We regard moral blame as serious and take claims about imprudence to guide our behavior. Clearly we also take etiquette, rules of games, and many other merely formal standards seriously. So, at least in my defined sense of a standard being in force, it seems that both putatively substantive and merely formal standards can be and often are in force for us.

10.4. THE DISTINCTIVE REASONS OF FORMAL OBLIGATION: RESPECT-BASED REASONS

Recapping briefly, I've argued that norms are in force when we take the obligations they support to be real obligations for us, in the sense of licensing sanction for violating these obligations. This might range from something like social sanction (etiquette), actual punishment (criminal behavior), or mere recognition of being a rule-breaker. I distinguished this sanction-liability from sanction-worthiness since license to sanction isn't justification for so sanctioning. So, formal norms are in force when (a) we are engaged in the activity they govern and (b) members of a social group who are disposed to treat us as liable to sanction when we act as we shouldn't (by its lights) and who are disposed to take the sanctions so licensed seriously.

We still need one more piece before we can tie this all together into a neat picture of the distinctive reasons that come from formal obligations. Consider again that mere standards of correctness can, with appropriate background conditions, explain reasons. Schmetiquette can explain instrumentally—because it would further an end of ours to be schmolite—or indirectly—because schmetiquette tracks some other source of reasons. But these aren't the distinctive reasons we're after.

10.4.1. The Distinctive Reasons of Formal Obligation: Respect-Based Reasons

To isolate reasons_δ, we need there to be something special about taking standards as giving us reasons *in their role* as our standards. The idea is that we've reason to obey δ *because* δ is in force for us. There's something significant about *taking* standards to be standards. When we do so, we'll get a particular type of reasons (which I'll call *respect-based reasons*) to act out

of the fact that these norms are in force for us. That's what's special about in-force standards; they are literally guides to behavior in that there are reasons to comply with them in virtue of them being our standards.

Any account of reasons where that the fact that I desire something yields *pro tanto* reason to do it implies that we have respect-based reasons. This is because what it is for δ to be in force for us is, partially, for us *qua* community to regard liability to δ -sanctions as undesirable.³⁸ So we, *qua* community, want (*pro tanto*) to avoid liability to δ -sanctions. So we've reason to obey δ in order to avoid δ -sanction-liability (this assumes the instrumental principle adumbrated in Section 10.4.2). This particular explanation turns on desire-based reasons, but this isn't essential—I hazard that on all plausible pictures of generic reasons, we'll have reason to be both morally upstanding and polite *because* both morality and etiquette are in force for us.

Strictly speaking, I've only so far explained why we, *qua* social group, have respect-based reason to obey norms. Since individuals don't have to agree with their community about realness of δ -obligations in order for δ to be in force, these individuals might not have reason to obey δ . Nevertheless, as a community, we've reasons fully explained by the fact that δ is in force for us.

Drawing this together, *we* have respect-based reason to obey δ when the fact that we have reasons to obey δ is fully explained by δ 's being in force for us. Derivatively, an individual will have respect-based reason to obey δ when they're appropriately related to the fact that δ is in force for their community such that this latter fact, in tandem with their relationship to it, fully explains their reasons for to obey δ .

Being appropriately related will differ with particular accounts of generic reasons. On a value-based picture, my membership in the community for which δ is in force might make obeying δ valuable, thereby giving me reason to obey δ .³⁹ Perhaps my observance of δ reinforces our acceptance of δ as our norms. On desire-based pictures, my respect-based reasons might come from my attitudes partially constituting δ being in force for us—that is, from my desire to avoid δ -sanction.⁴⁰

³⁸ Undesirable in a general sense. Individuals will often have more particular desires to avoid liability to particular folks for particular infractions. See (Woods 2016: 93) for discussion.

³⁹ For a useful example of how to spell out “appropriately related” on a value-based picture, see (Scheffler forthcoming). Scheffler's account denies reason to act on immoral demands from non-moral standards, but this restriction can be removed without additional cost to the view.

⁴⁰ See my (2016) for extended discussion of desire-based pictures of this type for promissory obligations. Desire-based pictures need to avoid Schroeder's “elusive reasons” cases (2007), but this can be finessed by a proper account of what it is to act on a reason (Sinclair 2016).

10.4.2. The Distinctive Reasons of Formal Obligation: *Reasons_δ*

For our full account of *reasons_δ*, we need a minimal instrumental constraint on generic reasons:

INSTRUMENTALISM: If I've reason to ψ and φ is a necessary means of ψ -ing, then I've correspondingly strong reason to φ .⁴¹

Now, suppose δ is in force for us. We'll then have respect-based reasons to obey δ which are totally explained by δ being in force for us. The combination of these reasons and the actual contours of δ explain why we have reason to ψ —because ψ -ing is how to obey δ and we have respect-based reason to obey δ . Individuals, in turn, will have analogous reason to ψ when they're appropriately related to δ being in force for their community and thereby have derivative respect-based reason to obey δ . We now can define the distinctive reasons arising from formal obligations, our *reasons_δ*:

REASONS_δ: A *reasons_δ* to ψ is a reason to ψ whose weight derives from our respect-based reason to obey δ .

For example, *reason_{prudence}* to sleep derives from my respect-based reason to have prudent behavior; its weight is a function of the strength of my respect-based reason to be prudent and how imprudent staying awake would be. Staying awake is strongly imprudent so, by instrumentalism, insofar as I've strong respect-based reason to be prudent, I've strong *reason_{prudence}* to sleep.

Again, *reasons_δ* differ from so-called “institutional” reasons—a “reason” from “inside” of δ (Joyce 2001: §2.1).⁴² For example, etiquette might say decisively that we shouldn't play practical jokes on friend Fulya. But, given a lack of strong respect-based reason to be polite, we might have significantly weaker *reason_{etiquette}* to refrain. Poor Fulya. Institutional reasons are not real reasons though they approach such when they are backed by appropriately strong respect-based reasons.

⁴¹ Be careful here not to confuse sanctionable—in the sense that someone might actually sanction us—with liability to sanction. The central application of this principle, in constructing *reasons_δ* is obtaining reasons to avoid liability to sanction, not avoiding the possibility of someone being in a position to sanction. The latter requires something like knowledge that I've violated δ . But even if everyone thinks I'm being polite, I might be rude, and thereby liable to criticism. Systems of norms δ where there's a referee with fancy illocutionary powers complicate matters, but our *reasons_δ* are likewise complicated there. I'm open to complicating this principle for the usual reasons, but simplicity suffices here.

⁴² See Schafer (2016) for useful discussion of how institutional reasons of, say, morality can privilege prudence over itself. The topography of normative reasons becomes complicated once we take seriously the plurality of normative domains.

For formal systems of norms δ and γ , our reasons $_{\delta}$ and reasons $_{\gamma}$ will be commensurable, on standard pictures of generic reasons, as they and their weight come from a single source. On the other hand, our respect-based reasons to obey δ and obey γ might be on a par. We shouldn't expect all formal dilemmas to be resolvable, but we'll only face the dualism of (formal) reasons worried about by Dorsey (2013) and Copp (2004) when we really do face a generically normative dilemma. Of course, if some formal systems of norms are also substantive, we may still face a dualism involving the generic reasons so explained.⁴³ We now turn to some closing objections to our view of formal normativity.

10.4.2.1. Objection: The Generality of Reasons $_{\delta}$

Reasons $_{\text{morality}}$ are derived from our respect-based reasons to be moral. This raises questions about *individuation* and *extension-fixing* conditions of moral correctness. After all, substantive norms like morality are purportedly universal, unlike context-sensitive properties like legality. If we fix moral correctness by local moral conventions, we'll have to explain away this intuition.⁴⁴

Luckily, this isn't a worry for the general picture I've painted. I've said nothing about how to fix the extension of moral correctness. If we do so via conventions, then our reasons $_{\text{morality}}$ will vary from context to context just as our reasons $_{\text{etiquette}}$ clearly do. If not, then many of us make mistakes about morality, just as we might do with etiquette and legality when we're not careful. My account is consistent by design with any number of ways of fixing the extension of moral correctness. My claim is that our behavior toward the property of being morally upstanding makes morality in force for us. If, then, we didn't take morality seriously we wouldn't have reasons $_{\text{morality}}$ to act. There might still be generic reasons explained by morality, but there wouldn't be the distinctive reasons of the sort I'm investigating.

I don't worry much about this. We are moralizers, we thereby have distinctively moral reasons, and it's unclear whether we could fail to be moralizers. The possible lack of reasons $_{\text{morality}}$ shouldn't be terrifying since it's difficult to understand what a non-moralizing community would even look like (Street 2009). Moreover, we'll typically have other generic reasons to do recognizably moral actions. Being unconcerned with morality doesn't eradicate our sympathy toward other beings, the social benefits of

⁴³ The worry isn't that substantive reasons are of different types; the worry is that the status of morality and prudence as both substantive does nothing to explain the *weight* of the reasons explained by each.

⁴⁴ This can be done. See my (in press).

behavior coordination, or the value of treating each other fairly. It's a good result if the distinctively moral character of our reasons is bound up with our treatment of morality as a formal normative standard; that's how moralizing feels to many of us. I've addressed these issues in detail elsewhere (2016, in press), so I won't pursue them further here.

A more significant problem is how to individuate morality from etiquette and honor codes. I cannot address this difficult project here. It's presumed by the theory I'm offering that there's a way to do this, but, admittedly, it's not a presumption I've made good on. We should, though, be optimistic. Even though the borders of etiquette and morality bleed together, we're typically capable of distinguishing paradigmatic cases of each.⁴⁵

10.4.2.2. *Norm-Fetishism*

Another worry is that my account fetishizes norms (Smith 1994).⁴⁶ As I used respect-based reasons to explain reasons _{δ} , I've built on bare concern for being morally upstanding or polite, not responsiveness to underlying features of actions that explain why doing such and so is moral or not. I shouldn't want to care to save my partner from dying because it's *morally right*; rather, I should be responsive to the moral-making features of saving my partner. Saving my partner because (*de dicto*) it's the *right* thing to do is somehow objectionable.

This objection misunderstands my account. I took no stand on moral motivation. Correctly acting on morality might involve responsiveness to underlying features which make it moral. All I've claimed is that reasons_{morality} are explained by morality being in force for us and that *this* involves *us* taking morality seriously as a system of rules governing practical behavior.

Moreover, the explanation of *why* we take morality seriously may itself be explained by the properties which fix the moral standard. For example, some of us take morality seriously as a system of rules governing practical behavior because we take immorality as indicative of a lack of empathy for others. This doesn't imply any sort of objectionable fetishism.

On the other hand, it would be costly if my account ruled out δ -fetishism entirely. Fetishistic concern with obeying a standard is possible, actual, and even sometimes desirable. Our distinctively bureaucratic reasons are a bit like this; spending time in bureaucratic anarchy long ago convinced me

⁴⁵ A natural suggestion uses types of sanction to distinguish them. If there's a distinctive moralized form of blame, for instance, then we can treat morality as that which licenses morally blame-liability. Another attempt uses platitude-first accounts of normativity familiar from Jackson (1998) and Wright (1992) to divide up standards.

⁴⁶ See Svavarsdóttir (1999: §6) for a useful overview and trenchant criticism.

that fetishistic concern with bureaucratic procedure can be good for a community.⁴⁷

10.5. CONCLUSION

Our distinctive reasons to do as we ought _{δ} are totally explained by δ being one of *our* normative standards. We have such distinctive reasons to be polite, moral, prudent, and even to play pool correctly. The structure of our explanation of reasons _{δ} , for each standard δ , is the same, whether δ is traditionally substantive or merely formal.

Importantly, my account explains how both morality and etiquette play their actual role in guiding behavior, informing our practices of kudos and sanction, and regulating normative deliberation. It shows how clear conflict between different normative systems is sometimes resolvable, avoiding some worrisome normative dualisms. So long as we've enough respect for morality, etiquette, and prudence—as I hope and believe we do—this account looks tidy, informative, and accurate to Foot's point about the seriousness of formal obligation, moral or otherwise. If morality is also substantive, the major difference between it and etiquette is that I'll have generic reason to ψ just because I ought_{morality} ψ . But there will also be reasons_{morality} to ψ . So regardless of what else you believe about morality and other putatively substantive standards, we should all recognize formally normative standards and their corresponding reasons _{δ} .

But, given all this, why should we continue to believe that some standards are substantive? Why aren't reasons _{δ} enough? After all, we already accept instrumental generic reasons to ψ and generic reasons to ψ . Since we take morality seriously, we also have reasons_{morality} to do as morality commands. So we'll often have reasons_{morality}, on top of generic and instrumental reasons, to do as morality directs. Given the tidy package these three kinds of reasons comprise, why ask for more?

My account raises a serious challenge for any theorist who accepts that some systems of norms are substantive: find some role for the generic reasons of substantive domains which can't be subsumed under a plausible account of generic reasons to take morality seriously as a normative standard. I bet any remaining interesting distinctions between putatively substantive obligations and merely formal obligations can be reduced to a

⁴⁷ Thanks to Jamie Dreier and Geoffrey Sayre-McCord for discussion of this worry for my account.

distinction between our reasons_δ or our generic reasons to take δ seriously. But I'll leave selling that wager to another occasion.⁴⁸

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