TO WHOM: THE REORGANIZATION OF THE COMMON CONDITION AS THE GROUND OF DIRECTED DUTY

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ABSTRACT

A directed duty is owed to someone in particular. The leading contemporary accounts — justifiability to those affected, practical-reason constructivism, and irreducible-duty realism — all presuppose, in order to operate, a delimitation of addressees they do not themselves produce. This paper offers a positive route to the direction problem: the addressee of a duty is the one whose participation was sustained by the condition upon which the action bore. It argues, first, that dependence on the unproduced does not decrease as means increase; second, that the constitutive condition of a form of participation can be distinguished non-arbitrarily from what merely suits it, provided the form is described before the candidate condition is examined; third, that once description is complete in a case built to exclude harm, promise, office, rule and informational utility, a remainder persists which description does not dissolve. That remainder is not deduced into a duty: a reason is openly assumed — whoever reorganizes a condition in which others participate cannot treat it as an exclusively private matter. The ensuing adjudication claims not refutation of rivals but explanatory priority over the first moment of the normative demand. Two consequences follow: a floor defined by the persistence of the identity of goods, and assertive suspension of judgement where equally defensible descriptions diverge.

Keywords: directed duties; participation; constitutive condition; normativity; future generations.

1. THE PROBLEM

There is a difference between saying that an action is wrong and saying that it is wrong before someone. The second statement adds a direction to the first: duty does not float above the world but points to determinate addressees, and to these, and not to others, a response is owed. This directionality is so constant a feature of ordinary moral judgement that one rarely asks what produces it.

When the question is asked, it proves difficult. It has been called the direction problem: if a duty is owed to someone, something must ground its being owed to this person and not to that one. Three families of answer occupy the field — one that grounds direction in the control the addressee exercises over the duty, one that grounds it in the addressee's standing to demand performance, and one that grounds it in the promotion of the addressee's interests — and the same

suspicion weighs on all of them: that they invert the explanation, making use of a direction they ought to produce.[2]

This article accepts the suspicion and proposes the positive route it leaves open. The thesis is this: the addressee of the duty is the one whose participation was sustained by the condition upon which the action bore. The delimitation is not chosen by a theory and then applied to the case; it is drawn by the very reorganization of a shared reality, and the theory merely recognizes it.

Sustaining this requires four movements, and it is well to say at once that they are not all of the same kind. Section 2 describes a phenomenon: dependence on what we do not produce, and the counterintuitive result that it does not recede as means increase. Section 3 demonstrates a distinction: between the condition that constitutes a form of participation and the one that merely suits it, together with the procedure that prevents the distinction from becoming a projection of the interpreter. Section 4 delimits a remainder that description, carried to its end, cannot dissolve. Section 5 introduces, openly and without feigning deduction, the reason that makes it intelligible. Section 6 compares that reason with its strongest rivals, and the victory it claims is one of explanatory economy, not of logical necessity. Sections 7 and 8 draw consequences and set limits.

To confuse these registers would be to ask a description to do the work of a demonstration, or to demand of a comparison the certainty it never promised. The honesty of the route depends on keeping them apart — and, above all, on marking precisely the single point at which something is asked of the reader.

2. DEPENDENCE ON THE UNPRODUCED

None of us begins by producing what we live on. Air, water, the language in which we think, the places we inhabit, the knowledge from which we start: all of this precedes us. We enter a world already under way and remain in it sustained by conditions we did not lay down. The fact is so common that it rarely becomes an object of attention.

What makes it philosophically interesting is a property that runs against current expectation. We suppose that progress replaces dependence with autonomy. The cases suggest the opposite. A people that learns to irrigate enormously enlarges its capacity to act; but the pump that carries water to the field does not produce the water it moves, and the more efficient the system, the greater the extraction, the deeper the well, and the more decisive the persistence of an aquifer that irrigation does not replenish. Refrigeration preserves what used to rot; but cold does not arise from the refrigerator, and a society that organizes its life around this capacity comes closer to, not further from, losing everything through the interruption of a system it does not govern. Medicine overcomes illnesses that were once a death sentence; but it does so resting on long chains whose stability it does not control and which the very exercise of the capacity may weaken.

The immediate objection is that this is a matter of insufficiency, not of structure: it would be enough to enlarge the means. The cases, however, point elsewhere. In none of them did

dependence increase because means were scarce. In all of them, it increased because the means became more powerful. The farmer did not come to depend more on the aquifer by irrigating little, but by irrigating much. Where we can do more, we depend more — and what grows with capacity is precisely the importance of what capacity does not produce.

This feature does not belong to the human alone. In the form of a living being there is a norm prior to any command: an organism can grow or become deformed, maintain itself or be lost, and the difference between the one and the other is not a matter of indifference. To fail is not merely to change. This starting point is recorded here with a restriction that matters: it does not follow from it that a response is owed to the living being. Between being able to fail and being the addressee of a duty there is a distance that section 5 will have to cross explicitly. What the starting point gives is something else, and it is sufficient: it shows that participation is not a social category added to the world, but the prolongation of a dependence already found in the living, before there is anyone who answers.

3. PARTICIPATION AND CONSTITUTIVE CONDITION

There are strange losses. An institution may grow in all the indicators by which success is usually measured — more students, more teaching staff, a larger budget, renovated buildings, recognized degrees — and still cease to be what it was. If we describe it by enumerating its components, we will find no gaps. The list is complete; the reality it purported to describe is no longer there.

The phenomenon indicates that certain realities do not have their identity in their parts, but in the way they turn towards what they do not produce. Let us call a reality so constituted a form of participation, recognizable by four features that are described together and support one another: a determinate term that is received and not produced; the places occupied within it; the proper mode of that occupying; and the weave that preserves and transmits it.

The decisive question is then: what does such a form live on? The immediate answer — on what many people use — fails in both directions. It includes too much: a road through which a whole town passes is common, and its loss would be costly, but if another road replaces it, commerce goes on being commerce and friendship goes on being friendship. It also covers too little: a friendship depends on this particular friend, and an inquiry may depend on a tradition in which few participate.

The distinction being sought is another, and the case of the university makes it visible. Remove the building: the university changes premises and remains the same. Keep the building, the professors, the students, the laboratories, the name, and the regulations, and remove the investigative turning towards the real, replaced by the fabrication of results and the distribution of titles: all the enumerable components remain, and what is there is no longer a university. The first necessity admits of substitution; the second does not admit of it without another reality taking the place of the first.[3]

A reservation is in order. Not everything that constitutes a form is of the same kind. The investigative turning is not something the university receives: it is what the university does. Trust among strangers is something else — no merchant produces it, and all receive it. We reserve the name constitutive condition for the latter: for what constitutes a form and what the form does not produce. The reservation is not too fine to be made: what a form does cannot be used up by the exercise of another form; a received condition can. We call it, from here on, the common condition.

The decisive difficulty remains: how are such conditions to be recognized without simply choosing them? If the criterion can be manipulated, each person will declare constitutive whatever he wishes to preserve. The answer is procedural, and it consists in an order. First, the form is identified by the term towards which it turns, by its places, by its mode, and by its weave. Only then is a candidate condition taken up and the question asked: once it is removed, does the same form remain, or does what is left already belong to another kind? If we began with the condition, it would be enough to widen or narrow the definition of the form for any element to be declared essential. When the form is described first, and without the condition being at issue, the relation is reversed: it is not we who decide what constitutes it; it is the form already described that judges the proposed condition.[4]

Two properties of this test deserve to be recorded. It is as severe in admitting as in excluding: it eliminates the university building, which almost everyone would take as essential. And its result always depends on the form examined — impersonal trust does not constitute all commerce, but it does constitute commerce among strangers. That is why the decisive question is never merely “without this, does the form remain?” but, before it, “which form, exactly, are we talking about?”.

4. THE REMAINDER THAT DESCRIPTION DOES NOT DISSOLVE

Suppose the description of a situation is complete: the agent, the reality upon which he acts, those whose participation depends on it, knowledge of the consequences, the power to choose, the scope of the decision, imputability. None of these elements is superfluous, and all of them say something true. Yet, once the whole description has been given, the word of duty is still absent. And the absence does not result from descriptive imperfection: with each addition, the description becomes more complete without changing its nature. Knowledge remains knowledge; power, power; foresight, foresight. None of them is converted, by accumulation, into the reason why someone must answer. What is missing is not the last element of a series; it is something of another kind.

If any passage is to be made, then, it will have to appear openly. But a reason does not enter into a void: for it to answer to something, there must remain, once the description is complete, an element that the description has neither produced nor dissolved. It is best to look for it in the poorest case that can be constructed.

At a small cistern from which a handful of houses drink, someone notices that the mechanism lets part of the water run off every day. He knows how to fix it, and he fixes it. He is not the keeper of the cistern, because there is no keeper; he was not charged by anyone; he promised nothing; he needed no permission to prevent a loss that was occurring every hour. The repair is the size of the defect: less water is lost, no one receives less than before, no new risk appears, and no one, filling a bucket, notices that anything has changed.

Note how poor the case is in everything by which we usually explain a duty. There is no harm: the water that there was is still there, and there is a little more of it. There is no complaint and no request. There is no office from which the duty derives, no rule requiring notice, no promise to keep. And there is no advantage in speaking: saying what was done will not make the water go further, nor prevent any confusion. Once the thing is done, the person could wipe his hands and go away, and everything would fit in a single sentence.[5]

And yet something resists closure. Not because the repair failed, nor because anyone received less, nor because the action awaits approval. The resistance appears if we ask whether it was enough to go away like someone who had merely tightened a screw — and the question arises not from a harm to be repaired, but in spite of the absence of all that.

It is worth looking again, without adding facts. The houses go on receiving water exactly as before. Meanwhile, the condition on which these people live is no longer strictly the same: at a precise point in its continuity, it has passed through the decision of someone who reorganized it. The alteration is small, but it now belongs to the history of that common condition. It is not a matter of inequality of goods, because no one received less, nor of inequality of power, because no one lost control. It is a matter of the position of the one who acted. The question is whether someone who reorganized a common condition may consider the history of that reorganization entirely his own, as though it concerned him alone.

A test makes the point sharper. Imagine that this person, on returning home, writes a rigorously complete account of what he did — the defect, the intervention, the materials, the new flow rate — and keeps it in a drawer where no one will read it. Nothing is missing from the account as a description. Even so, it does not exhaust what the situation had left open. It lacks no information: what it lacks is the assumption of the direction that the action itself already had from the moment it bore upon a shared condition. The description remains turned towards the event; the action is turned towards those whose participation depended on what was modified. The hand that acted was a single one; the condition upon which it acted was never its own alone.

4.1. The Genealogical Objection

There remains a reading that concedes everything described — the dependence, in its entirety, and its depth — and denies only the next step. A being that depends continually and knows it cannot bear this situation in silence; it needs to make habitable what it cannot leave; and the material at its disposal is the memory of its first helplessness, when it depended on someone and that someone answered. From then on, everything on which we depend and which does not

answer tends to be read as though it answered — not out of naivety, but out of continuity. Dependence would not generate a demand: it would generate a longing, and the longing would take the form of a demand.[6]

This is the strongest objection, and for a precise reason: it is the only one that need deny nothing of what has been established — on the contrary, it needs dependence to be exactly as deep as has been maintained, because it is from that depth that it draws the longing. One concedes, then, what can be conceded, and that is almost everything: that the recognition described here has, in all probability, a psychological history, and that it may be the one the objection describes.

What the objection does not do is decide. The one who formulated it most carefully defined the term he uses by its motivation, not by its truth: a belief so motivated is not necessarily false, and the classification deliberately disregards the question of whether it corresponds to reality. Taken on its own terms, therefore, it is not an objection to what is affirmed here; it is a hypothesis about the origin of the one who affirms it. The two things can be true at the same time. The distinction is an old one: it is one thing to ask how a belief came into existence, another to ask what it is worth; these are two orders of inquiry, and the one cannot be deduced from the other.[7]

There is a second point, and it is harder. If the origin of a belief sufficed to disqualify it, the argument would not stop where those who use it would like. The refusal of the remainder also has an origin, and it is produced by an organism with a history, a temperament, and an interest in owing nothing to anyone. A genetic criterion applied evenly dissolves the thesis as much as its negation. Whoever applies it to the one and not to the other is not using a criterion: he is choosing where to apply it.

None of this demonstrates what the next section assumes, and it is well to say so before the answer seems larger than it is. Whoever reads the remainder as longing may continue to do so without falling into contradiction. All that has been shown is that genealogy does not decide. Whoever refuses need not show that the recognition was born of a desire; he needs to show that, once everything that was removed from that cistern has been removed, nothing remained.

5. THE ASSUMED REASON

Once the description was complete, and the explanations that seemed sufficient had been set aside one by one — harm, request, office, rule, promise, interest, the usefulness of the information, and the agent’s own feelings — something remained that none of these exclusions made disappear: the action remained turned towards those whose condition it reorganized. We found a pressure that resists description without yet having a name.

At this point the inquiry changes register, and it matters that the change be seen. Up to here we asked what the phenomena show; now we ask what reason makes intelligible what they have shown, without claiming to produce it. A duty is not drawn out of the facts. Nor is it

pretended that it lay hidden in the description, waiting for a happier word. A name is given, avowedly, to the reason that best answers to the remainder.

In reorganizing what others participate in, the agent can no longer treat that reorganization as an exclusively private matter. The action remains directed to those whose position it modified and, for that reason, becomes answerable before them with respect to what was reorganized.

Nothing more than this is affirmed. This is not a complete theory of responsibility, nor a finished ethics, nor a list of duties — only the minimal reason capable of making intelligible the direction that the description left unexplained.

It is worth noting what it means to introduce it in this way. It has not been demonstrated: it has been assumed. But to assume is not to decide arbitrarily. It means explicitly recognizing the point at which the inquiry stops adding facts and begins to offer a normative explanation for facts already sufficiently clear. There is no pretence of having demonstrated what has not been demonstrated, nor is the passage hidden beneath apparent deductions. What is said is: in the face of this remainder, this is the reason that best explains it. And because something is asked of the reader, it matters to say so plainly: whoever does not recognize the remainder — whoever sees it merely as an effect of reputation, habit, or convenience — may refuse the argument at exactly this point, and will not need to discuss what follows. The disagreement is localized, not disguised beneath a false methodological agreement.

A final distinction prevents a frequent misunderstanding. To say that the action is not closed within the one who performed it is not to say that it needed authorization to be performed. Nothing prevents there being situations in which one must act immediately, without asking permission — the case of the cistern may be one of them. The legitimacy of acting is one thing; another is the impossibility of treating, after acting, what was done as an exclusively private matter. The unilateral character of the decision does not make the structure of the action private.

6. ADJUDICATION: THREE RIVALS

An assumed premise remains open to the most legitimate question that can be put to it: is it indispensable? Is there another, simpler one, capable of explaining the same phenomena without leaving a remainder? As long as this question is not faced, the architecture remains merely possible.

Only those adversaries matter who concede what it matters to concede: that there is a common reality, that our actions concern others, and that some normativity needs to be explained. They diverge as to the principle that makes it intelligible. Some ground it in justifiability to each person affected; others derive it from the structure of practical reason; others take certain obligations as irreducible normative givens.[8] Each will be considered in the strongest form it can take: an architecture that depends on the weakness of its adversaries remains weak itself.

6.1. Justifiability

The most demanding alternative concedes almost everything. It would be enough to say that every decision must be capable of being justified to each person whose position it affects. It requires no actual encounter, no presence, no contract, no consent: it is enough to ask whether the principle on which one acted could be upheld before any affected person. This impersonality also reaches those who do not yet exist. And all this seems obtained without recourse to participation, common condition, or originary dependence — that is, with more economical instruments.

The difficulty lies in the word that seems to need no clarification. Who, exactly, are the affected? Taken in a broad sense, the decision about the cistern modifies the water available, but also the value of nearby land, the paths of animals, the work of those who farm the surroundings. If being affected were enough, the circle would be unlimited and the explanation would cease to distinguish central effects from peripheral ones.

The objection will reply that only those matter before whom the principle would need to be justifiable. But to ask who could reasonably demand justification already presupposes knowing to whom the justification belongs. The possibility of rejection depends on a previously identified addressee. Justification arrives too late to do the work expected of it. An additional principle of selection could be introduced — the most vulnerable, the nearest, those who suffer the deepest consequences. Each draws a circle; none arises from the situation itself. The delimitation ceases to be discovered and comes to be chosen.

The architecture proposed here travels the opposite path. It is not we who decide who belongs to the field of the action: it is the action that, bearing upon an objective condition, already delimits those whose participation rested on it. Altering the water does not require us to choose who depends on it; that dependence already existed before the decision. The decisive question ceases to be “why precisely these?” — as though we were the ones choosing them — and becomes: who else could it be? The field was not drawn by the theory; it was drawn by the reorganization of the common reality.

6.2. The Reckoning, Done Slowly

The defender of justifiability still has the most refined reply available: I concede that participation determines the addressees, but this is not yet normativity; participation delimits the circle, and justifiability grounds the obligation to justify oneself before it. This reply cannot be rejected as the previous one was. Nothing prevents a theory from receiving from another the field to which it will be applied.

The nature of the dispute then changes, and the reckoning should be done slowly, because it is easy to do it badly, and the error would favour this architecture. The demand to answer does not appear all at once: it has an internal order. First, before whom the answer is owed; then, why to these; then, what is owed to them; finally, how the answer is given. Four moments of a single demand, each supporting the next.

Let us count. Justifiability needs two things: a delimitation, which it does not produce, and a principle about justification, which it supplies. This architecture needs two: the same delimitation, which it does not produce either, and an assumed reason, which it avowedly has not deduced. As regards the ground of the force, neither asks for less than the other. To say otherwise would be to pretend that the assumed reason was not asked for — and it was, aloud and with its price in plain view.

The difference lies elsewhere. The first is one of priority, and it is won by argument: the delimitation does not belong to the theory of justification, which receives it; and it receives it from a structure described before any reason had been assumed — namely, that the action, in bearing upon a condition in which others participate, is already turned towards them before any evaluation, and that this direction belongs to the thing and not to the intention of the one who acts. Nothing there was yet a duty: it was a feature of the field. The second difference is one of kind, and it is more modest: the assumed reason bears upon the same relation that produced the delimitation, saying how to read normatively a direction that the description had already shown; the principle of justifiability bears upon something else — the practice of justifying decisions — and must then show that it applies here. The one extends what was already in view; the other brings in from outside what it will still have to fit.

Neither of the two differences is a refutation, and they should not be inflated. Justifiability retains in full its role in working out the content of the answer, the form in which it is offered, and the criteria for assessing it. The victory claimed is strictly localized: it concerns the individuation of those before whom the action stands, and not the ground of the force with which it reaches them.

6.3. Constructivism and Brute Duty

The second rival holds that duty is not found but constructed by practical reason — not in the poor sense that each person fabricates the norms that suit him, but in the demanding version: normativity arises from evaluative commitments disciplined by requirements of coherence and rationality. The dispute is not between objectivity and subjectivity; this position recognizes a strong practical objectivity.

The difficulty is one of order. Even in this version, normative force depends on the way the rational agent organizes his point of view. Now, the reorganization of the common condition objectively alters the position of the participants before anyone recognizes or incorporates it. It will be said that the rational point of view incorporates precisely this reality; but that shifts the question. Why does it incorporate it? If it does so because the position of the participants already has a force of its own, that force was not born of the incorporation: it is what made the incorporation necessary. The field precedes the point of view. Construction is not destroyed; it receives at second hand what the field already contained at first hand.

The third almost ceases to be an adversary and becomes a test. It concedes everything: there are objective duties, they can be directed to those who will come, they are not reducible to

utility or to construction. It refuses only the need to explain them — normative direction would be a first, irreducible given. The difference does not lie in affirming or denying duty, nor in its extent. It appears when one asks why precisely these, and not others, are the addressees. Taken as a brute fact, direction remains simply asserted. The architecture of participation adds no duties to the world; it seeks to make intelligible the direction of those that brute duty takes as primary. It is in this difference — between asserting a fact and explaining its direction — that the claimed advantage is found, for the last time.

7. TWO CONSEQUENCES

7.1. The Floor

If what constitutes a good is what disappears through the agent's action, then an answer that accepts this loss as its starting point no longer answers to the good affected: it addresses only the remaining effects of something whose identity has been abandoned. To answer by undoing the good itself is to leave unanswered what required the answer. The assumed reason itself therefore establishes a limit that was not imposed on it from outside: each good must remain above the point at which it would cease to be the good it is. Let us call it the floor.

The floor does not measure quality, utility, efficiency, or importance. It measures the persistence of identity, and asks one thing only: whether we are still before the same good, or whether the reorganization has already transformed it into another reality. It is a measure prior to all others because it does not compare goods — it preserves the possibility of comparing them.

It should be distinguished from a neighbouring family. There are, in political philosophy, thresholds below which no one is considered to be allowed to fall: a minimum of resources, of well-being, of capabilities. They measure the situation of persons, and to set them a measure of what suffices is needed. This one measures neither persons nor sufficiency: it measures a form. A common passage may fall below its floor without anyone going hungry, and a village may go hungry with all its goods intact. These are two questions, and this architecture knows how to ask only one of them.[9]

7.2. Assertive Suspension

The architecture decides where the condition can be described without what it is and who participates in it being in dispute. Where equally defensible descriptions diverge on this point, what follows is not a second circle of addressees: it is the suspension of judgement. This suspension is not methodological modesty, nor a gap to be filled by more patient inquiry. It is an answer, and an answer that excludes the others: it excludes all those that present as a reading of the structure what is the reader's choice.

It is worth recording what an inquiry of this kind still does after falling silent. An ordering that clearly ranks some alternatives and does not rank others remains useful, and it is useful where it matters most: it continues to say what cannot be done.[10] One does not need to know which

distribution is the right one to know that none may descend below the point at which a good ceases to be what it was — and the thesis that sustains this asymmetry deserves a formulation of its own, because it is not evident and is frequently denied: knowing what cannot happen does not require knowing what ought to happen. No one knows what a perfect language would be like, and everyone recognizes when a useful distinction has been lost; the builder has no image of the ideal house and knows that the wall that gives way will not do.[11]

8. SCOPE AND LIMITS

8.1. Those Who Do Not Yet Exist

The architecture reaches future persons without attributing to them what they do not yet possess. It will not be said that future participants already depend on the common condition: whoever does not yet exist depends on nothing at all, and to say so would be to introduce an imaginary dependence in order to resolve a present difficulty. What present action does is something else: in reorganizing a common condition, it alters here and now the structure that will constitute the position of whoever comes to participate in it. The condition exists now; the reorganization happens now.

That is why the direction of duty need not abandon the ground of present dependence. The temporal reach of the answer does not arise from an anticipated future dependence, but from the fact that the reorganization made now continues to bear upon what will constitute the participation of whoever then occupies the place. As long as it remains in force, the answer is owed; once the reorganization is undone, revoked, or replaced, the reach ceases with it.[12]

8.2. The Non-Human Living Being

If living organisms belong to the class of participations, then the forest, the river, and the animal participate in conditions that can also be reorganized. Does it follow that an answer is owed to them? The same device serves. It will not be said that the answer is owed to the animal, just as it was not said that those who will come already depend. The answer is owed with respect to the reorganized condition, and it is owed before those who can receive it. The living being that does not answer enters through the condition, and not as an interlocutor — exactly as the future enters.

This is not little and it is not much, and it matters to say both things. It is not little: whoever diverts the water on which the forest lives is not merely handling something of his own, and that forest belongs to the object of the answer he will have to give. It is not much: nothing here establishes that anything is owed to the living being for its own sake, independently of any human participation in that condition. That is a legitimate and ancient question, and the answer it requires is not to be found in this architecture; whoever seeks it will have to bring it from elsewhere.

8.3. What Was Not Intended

The ambition is foundational, not legislative. The aim was to establish the conditions under which an answer becomes owed, who its addressees are, and where its limits begin. The exact measure of each answer was not determined, nor was a rule offered for distributing what remains above the floor, nor was it indicated what legitimately closes a dispute when the assessment of a single person no longer suffices. These absences are not the result of forgetfulness: they correspond to the place where a foundation ends its work. Defining the floor is not measuring the room.

There is, finally, a case that the architecture recognizes and does not resolve, and it is honest to say so. Where someone reorganizes a common condition, or holds what sustains it, this analysis says before whom that person stands. Where no one has reorganized and no one holds — where the loss comes about through everyone's use, in good faith, and no hand signs it — the loss is recognized, and one cannot say of whom an answer is to be asked.

9. CONCLUSION

The argument can be summed up in four propositions. First: dependence on what we do not produce does not recede as means increase, and it constitutes, rather than surrounds, what we are. Second: among the conditions on which a form of participation lives, the constitutive can be distinguished non-arbitrarily from the convenient, provided the form is described before the condition is examined. Third: once the description of a case built to exclude harm, promise, office, rule, and utility is complete, a remainder persists — the action remains turned towards those whose condition it reorganized — which none of these exclusions dissolves. Fourth: this remainder is not converted into duty by an accumulation of facts; the passage is made openly, by a declared reason, and it is upon that reason, and upon it alone, that disagreement should bear.

The victory claimed in the comparison with the rivals is not that of reducing them to silence, nor that of transforming an assumed premise into an inevitable conclusion. It is that of making visible the intellectual price of each path. Whoever refuses this reading does not fall into contradiction: he may refuse it coherently, and may prefer another architecture. But he will have to show which face of the field he is willing to lose, or which supplementary principle he accepts introducing in order to keep what this reason keeps without it. Disagreement remains possible; it has merely ceased to be free.

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NOTES

1 The present article condenses and reformulates, in the mode of argumentative exposition, the path developed in *O amanhã é possível? Por uma nova filosofia da normatividade* (forthcoming), to which the corresponding passages refer where indicated. Quotations from works consulted in Portuguese or Spanish translation, and from the author's own works, are rendered into English by the author.

2 MAY, Simon Căbulea. Directed Duties. *Philosophy Compass*, v. 10, n. 8, 2015, p. 523–532.

3 The structure was formulated, for another object, by FULLER, Lon L. *A moralidade do direito*. Trans. Augusto Neves Dal Pozzo and Gabriela Bresser Pereira Dal Pozzo. São Paulo: Contracorrente, 2022 [1964], §2.2: a total failure in any one of the eight directions "does not simply result in a bad system of law; it results in something that is not properly called a legal system at all". Fuller admits that legal systems "half exist"; the test proposed here is binary. There is no contradiction: Fuller's observation concerns the realization of a form, which admits of degrees; this one concerns its identity, which does not. That a university investigates badly does not make it half a university; that it ceases to investigate makes it something else.

4 The pertinent objection is that of QUINE, Willard Van Orman. *De um ponto de vista lógico*. Trans. Antonio Ianni Segatto. São Paulo: Unesp, 2011 [1953], essay VIII: what is declared essential follows the way the thing is described, not the thing described. The answer is procedural and modest: it is not denied that the description can be manipulated; the manipulator is deprived of the order he would need.

5 The case was constructed to remove, one by one, the grounds from which obligation is usually derived. Whatever survives it can no longer be claimed by the harm principle, nor by the ethics that make obligation arise from an agreement advantageous to the parties, such as that of GAUTHIER, David. *Morals by Agreement*. Oxford: Clarendon Press, 1986. Neither is contested; it is merely shown that the case was set up beyond the reach of both.

6 FREUD, Sigmund. O futuro de uma ilusão. In: *Edição standard brasileira das obras psicológicas completas*, v. XXI. Rio de Janeiro: Imago, 1996 [1927], chs. III–IV: “When the growing individual finds that he is destined to remain a child for ever, that he can never do without protection against strange superior powers, he lends those powers the features belonging to the figure of his father […] his longing for a father is a motive identical with his need for protection against the consequences of his human weakness.”

7 JAMES, William. *As variedades da experiência religiosa*. Trans. Octávio Mendes Cajado. São Paulo: Cultrix, 2017 [1902], lecture I: “Neither judgment can be deduced immediately from the other […] existential facts by themselves are insufficient for determining the value.” And: “By their fruits ye shall know them, not by their roots.” It should be noted that James published this in 1902, twenty-five years before the objection it covers, and without having it in view.

8 Respectively: SCANLON, T. M. *What We Owe to Each Other*. Cambridge, Mass.: Belknap Press, 1998; KORSGAARD, Christine M. *The Sources of Normativity*. Ed. Onora O’Neill. Cambridge: Cambridge University Press, 1996; PRICHARD, H. A. Does Moral Philosophy Rest on a Mistake? *Mind*, n.s., v. 21, n. 81, 1912, p. 21–37. None is treated in a weakened version, and that is what gives the comparison its point.

9 A measure competent only for the extreme and silent about the rest has a precedent in the formula of RADBRUCH, Gustav. Gesetzliches Unrecht und übergesetzliches Recht. *Süddeutsche Juristen-Zeitung*, year 1, n. 5, 1946, p. 105–108, as taken up by ALEXY, Robert. *Teoria discursiva do direito*. Ed. and trans. Alexandre Travessoni Gomes Trivisonno. 3rd ed. Rio de Janeiro: Forense, 2019. The precedent is useful for two opposite reasons: it shows that a theory can declare itself incompetent for ordinary justice and remain rigorous as to the extreme; and it warns, through the very fate of the formula, against the vagueness of “intolerable degree”. The floor proposed here does not ask how much injustice is too much — it asks whether the form continues to be that form, and this question, once the form is described, has an answer that does not depend on gradation.

10 SEN, Amartya. *A ideia de justiça*. Trans. Denise Bottmann and Ricardo Doninelli Mendes. São Paulo: Companhia das Letras, 2011 [2009], chs. 4 and 18, on “assertive” as opposed to “tentative” incompleteness: “the partial nature of the resolution is an integral part of the conclusions advanced by a theory of justice”. And: “Slavery as an institution can be assessed without evaluating — with the same definitive judgement — all the other institutional choices that present themselves to the world.”

11 FULLER, Lon L., op. cit., §1.2: “The moral injunction ‘Thou shalt not kill’ implies no picture of the perfect life. It rests on the prosaic truth that if men kill one another off no conceivable morality of aspiration can be realized.”

12 The difficulty has a name: it is the non-identity problem, as set out by PARFIT, Derek. *Reasons and Persons*. Oxford: Clarendon Press, 1984, ch. 16. Circumventing it, instead of solving it, is a known strategy: some place on the present obligations that produce the same result as obligations towards future persons would produce. The device used here belongs to that family and is distinguished by its mechanism: it does not pass through subsistence rights or a just savings rate, nor through the objective persistence of a condition’s identity over time, but through the continued bearing of the reorganization.