

Filosofia Unisinos
Unisinos Journal of Philosophy
26(3): 1-11, 2025 | e26302

Editores responsáveis:
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Declaração de Disponibilidade de Dados:
Todo o conjunto de dados que dá suporte
aos resultados deste estudo foi publicado
no próprio artigo.

Doi: 10.4013/fsu.2025.263.02

Article

On the normative impact of demanding, a hohfeldian interpretation¹

Sobre o impacto normativo de exigir: uma interpretação
hohfeldiana

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ABSTRACT

In our everyday assertions about rights, we often speak of *demands* as things people have, and of *demanding* as something they do. This article offers a new Hohfeldian interpretation of the normative impact of demanding. Section I clarifies the notions of *demand* and *demanding* as employed here. Section II presents the Hohfeldian framework underlying the analysis, explains my choice of interpretive approach, and highlights a key point of divergence from three dominant variants - namely, my decision to keep the Hohfeldian distinction between powers and claims. Sections III and IV examine Carl Wellman's and Margaret Gilbert's theories. Although I agree with both authors that demanding creates a new reason for the duty-bearer to comply, I challenge their accounts of the normative impact of that reason. In Section V, I propose an alternative theory: demanding functions as a *prima facie* trigger for

¹ This work is part of the research project "Hohfeldian intelligence – rights and duties in ordinary language and in the code of Artificial Intelligences". I would like to thank the Carlos Chagas Filho Foundation for Research Support of the State of Rio de Janeiro (FAPERJ) for the funding obtained through the "Young Scientist of Our State" grant (E- 26/200.301/2023).

the reconsideration of prior non-compliance and supplies a new reason for compliance that may - depending on context - alter the balance of reasons in favor of fulfilling the duty. Section VI concludes with a summary of the argument.

Keywords: Hohfeld, demand, claim, rights, agency, deliberation, planning.

RESUMO

Em nossas afirmações cotidianas sobre direitos, frequentemente falamos de demandas como coisas que as pessoas têm e de exigir como algo que elas fazem. Este artigo oferece uma nova interpretação hohfeldiana do impacto normativo da exigência. A Seção I esclarece as noções de demanda e exigência conforme empregadas aqui. A Seção II apresenta a estrutura hohfeldiana subjacente à análise, explica minha escolha de abordagem interpretativa e destaca um ponto-chave de divergência em relação às três variantes dominantes – a saber, minha decisão de manter a distinção hohfeldiana entre poderes e reivindicações. As Seções III e IV examinam as teorias de Carl Wellman e Margaret Gilbert. Embora eu concorde com ambos os autores que exigir cria uma nova razão para o portador do dever cumprir, questiono suas explicações sobre o impacto normativo dessa razão. Na Seção V, proponho uma teoria alternativa: exigir funciona como um gatilho, *prima facie*, para a reconsideração de descumprimentos anteriores e fornece uma nova razão para o cumprimento que pode – dependendo do contexto – alterar o equilíbrio de razões em favor do cumprimento do dever. A Seção VI conclui com um resumo do argumento.

Palavras-chaves: Hohfeld, demanda, reivindicação, direitos, agência, deliberação, planejamento.

1 Introduction

In our everyday assertions about rights, we often speak about demands as something that people have, and demanding as something that people do. Both demands and demanding have been the subject of philosophical theorizing throughout the 20th and 21st centuries. As it is often the case with ordinary language, we use the words “demand” and “demanding” to refer to a wide variety of distinct phenomena. For this reason, I begin with a preliminary description of what I have in mind when I use these words.

A demand, in the sense which is at stake here, is the correlative of a directed duty. If X has a duty to do A which is directed to Y, then Y has a demand that X does A. Demanding, on the other hand, is the act which the demand holder has the right to perform under certain circumstances, e.g., if Y has a demand that X does A, then, under certain circumstances, Y can demand of X that X does A. Every demand holder is entitled to demanding performance of the corresponding duty under certain circumstances, and only demand holders are entitled to demanding performance of this duty.²

It should not be assumed that ordinary language consistently distinguishes clearly between duties simpliciter and directed duties. Hayward, for instance, states that duties simpliciter are duties whose instances are expressed in the form “X has a duty to ϕ ” while directed duties, which he also calls propo-

² Scholars have also used the words “claim” and “claiming” to refer to these same things. In what follows I shall uniformly use demand, even though I myself have used claim in a previous paper (Nascimento, 2018), unless I’m talking about an author that explicitly distinguishes the two concepts.

sitional duties, are duties whose instances are expressed in the form “X has a duty to Y to ϕ ” (Hayward, 2013, 167). This may often be true, but it is enough to look at a certain understanding of the duty of charity to see that this is not true of every instance of directed duties as they are being conceived here.

According to some moral or religious systems, the rich have a duty to be charitable to the poor. So understood, this duty could be expressed in the form “X has a duty to Y to ϕ ”. If we expressed it in this way, we would say that the rich have a duty to be charitable to the poor. While I see no reason why advocates of such a duty would object to this phrasing, I also doubt many would agree that it implies the poor can demand charity from the rich in the sense analyzed here. They may ask for it, beg for it, exhort them to it, but they cannot demand it of them in the way a creditor can demand payment from a debtor. This, or so I argue, is what marks the difference between the duties that are directed and those who are not.

According to the interpretation defended here, then, to demand something of somebody is to demand of that person the fulfillment of a duty that is directed to the demand holder. In order for any demanding to take place there must be a correlated directed duty in place. But the propositions X has a duty to Y to ϕ and Y has a demand to X’s ϕ -ing have different meanings. The first states the existence of a duty, i.e., of a prohibition or an obligation,³ while the second states that Y can demand of X his (X’s) ϕ -ing.

Based on this preliminary description, philosophical interpretations of demands and demanding can be categorized into two main groups: those that recognize the right to the act of demanding as characterized here, and those that do not. Both kinds of interpretation rely on the Hohfeldian model of rights, and so will the interpretation offered here.⁴

This article is structured as follows. In section II I explain the Hohfeldian background which the discussion presupposes, justify my choice for the second line of interpretation mentioned above and present my main objection against the three main variants of this second line of interpretation in order to show why we might want a new Hohfeldian theory about the normative impact of demanding. As we shall see, the main problem with the current versions of the second line of interpretation mentioned above is that they tend to erase the difference between what Hohfeld took to be two different kinds of rights - namely, powers and demands. But reasserting that distinction carries a theoretical cost. In order to do so, one must have an account of the normative impact of exercising a demand - i.e., of demanding - that sets it apart from the normative impact of exercising a power.

The search for such an account motivates a critical appraisal of the two most prominent theories of the normative impact of demanding - those developed by Carl Wellman and Margaret Gilbert - which are the subjects of sections III and IV. After discussing these theories, I advance an original interpretation of the normative impact of demanding in Section V. My proposal builds upon essential insights drawn from both Wellman’s and, particularly, Gilbert’s analyses, arguing that the act of demanding gives the duty holder a new reason that functions both as a *prima facie* trigger for reconsideration of a previous decision not to comply, and as a new reason in favor of compliance to be taken into account when, and if, reconsideration is carried out. Section VI closes with a brief summary of the argument.

³ For the way I conceive the concept of duty in the Hohfeldian apparatus, see Nascimento (2018).

⁴ The model was named after its creator – Wesley Newcomb Hohfeld. His original formulation can be found in Hohfeld (1913 and 1917). For variations of the original formulation see Wenar (2005) and Nascimento (2018 and 2019). As we know, scholars have developed two different types of tools in their efforts to clarify our discourse about rights: rights models and rights theories (Frydrych 2017, 129–131; 2018). A theory of rights aims to explain what purpose rights serve and to provide criteria for determining which normative positions are rights and which should be considered as different types of normative positions. A model of rights provides a typology of conceptually basic or fundamental normative positions and shows whether and how they can be used to describe simple and complex rights. A model can be theory-dependent or theory-independent. Theory-dependent models are models that are built on the basis of some existing theory of rights. Theory-independent models are not based on any theory of rights and can therefore be adopted by proponents of any theory. As both (Kramer 1998, 7 sq) and (Frydrych 2017, 131 n. 15) remark, the Hohfeldian model is a theory-independent model. Besides, it is also the most widely used model of rights among experts in the philosophy of rights.

2 Two ways of conceiving demands

To understand both theories about demands and demanding, we must first clarify the distinction between demands and powers that the Hohfeldian model of rights establishes and explain how these two Hohfeldian concepts have become intertwined in the secondary literature. The model posits four basic components of rights, which came to be known as “the Hohfeldian incidents”: privileges, demands, powers and immunities.⁵ Together with the concept of duty, these made up the whole of what Hohfeld called legal relations.

According to Hohfeld, a demand has a duty as its correlative, i.e., if Y has a demand that X does A, then X has a duty to do A (Hohfeld 1913, 30, 33). A power, on the other hand, is a right to create or extinguish a legal relation through “some superadded fact or group of facts which are under the volitional control of one or more human beings” (Hohfeld, 1913, 44). The correlative of a power, according to Hohfeld, was a liability (Hohfeld, 1913, 30, 44), i.e., if X has the power to change a legal relation of Y, then Y has a liability to have this legal relation changed by X. As we can see, Hohfeld clearly thought that powers and demands were very different legal relations. But the issues involved in the Hohfeldian concept of correlativity eventually led some scholars to diverge from him on that point.

As Frydrych has recently noted, there is an ongoing dispute among scholars over whether the correlativity of the legal relations posited in the Hohfeldian apparatus should be understood symmetrically or asymmetrically (2022, 114-118). Proponents of the symmetrical view conceive the two sides of the correlative relation as mirror images, postulating that, in the end, they are actually the same thing. This interpretation has led some of them - notably Max Radin (1929 and 1938) - to explicitly question Hohfeld’s use of the term “correlativity”.

According to Radin, demands and duties can’t really be considered correlatives because they are not two separable things, but one and the same thing (Radin, 1929, 903-904; 1939, 1149). In his view, sentences like “B has a duty to pay A \$100” and “A has a demand to be paid \$100 by B” are describing the same thing from two angles. As he puts it, “B’s duty is A’s right” because the two terms, duty and right, are “identical in what they seek to describe” (Radin, 1938, 1150).

Much the same view can be found in the second edition of Hans Kelsen’s *Pure Theory of Law* (1960). According to Kelsen, the demand of an individual is merely the correlated duty of another individual. This is why he chooses to speak of demands as “reflex” rights (Kelsen, 2020, 127) even though he added that there are “real” demands, so to speak, but, according to him, in a legally relevant sense they exist only if the non-fulfillment of the obligation can be asserted in a lawsuit. This situation, as he rightly remarks, is entirely different from a mere “reflex right” (Kelsen, 2020, 129).

What is characteristic of these “real” demands is the legal right granted to the demand holder by the legal order to trigger the execution of a sanction in response to the nonfulfillment of a duty. This right is a power because as soon as the legal procedure is initiated it creates a whole bunch of new rights and duties not only in the parties directly involved in the suit, but also in the persons in the judicial apparatus that become responsible for it. As Kelsen remarked, this legal power is distinct from the legal obligation whose breach it addresses, and it does not necessarily accompany every demand (Kelsen, 2020, 134–135). Kelsen did consider the possibility that the demand holder might simply demand the fulfillment of the duty that is owed to him, but he thought that this act had no specific legal effect and, therefore, was legally irrelevant (Kelsen, 2020, 135).

The influence of Kelsen’s interpretation can still be found in Alfred Ross’ *Directives and Norms* (1968), although there is certainly something here which is new, namely, the fact that Ross abandons all

⁵ For an introductory explanation of the four Hohfeldian incidents, see Wenar (2020, 4-8). For the way I conceive privileges, which are the Hohfeldian incidents use to describe liberties, see Nascimento (2019).

talk of reflex rights, choosing instead to speak only of directed duties and to treat what he calls claims, as opposed to demands, as a kind of power. Ross states that if Y has a claim against X, then Y must satisfy two conditions: (1) he must be exclusively able to bring a suit to start the legal machinery in order to obtain a judgment imposing sanctions on X in case X does not fulfill his duty; and (2) he must be at liberty to bring his action or not as he likes (Ross, 1968, 127). He then adds that, if and when Y simply demands the fulfillment of X's duty what he is doing is exhorting X to live up to his duty (Ross, 1968, 127). According to Ross, all the exhortation does is indicate to B what is expected of him according to a particular system of norms (Ross, 1968, 47-48). Anybody, says Ross, may exhort X to fulfill his obligation, but only Y can bring the norm to bear on X by bringing a suit and this is a specifically legal phenomenon (Ross, 1968, 127).

While an exhaustive exploration of this point is beyond the scope of this article, it is noteworthy that Brazilian law includes a juridical mechanism specifically designed for demanding the fulfillment of a directed legal obligation - namely, what is called *notification* in our Code of Civil Procedure:

Art. 726. Anyone who has an interest in formally expressing his or her will to another on a legally relevant matter may notify the persons participating in the same legal relationship to make them aware of his or her intention; Art. 727. The interested party may also call on the provider, in the case of Art. 726, to do or not to do what the requester believes to be his or her right. (Senado Federal, 2023, 126).

In Brazil, there are two types of notification - judicial and extrajudicial - but we need not go into any specifics here to illustrate the point, which is that notifications are a juridical instrument that can be used to, among other things, demand the fulfillment of a directed legal duty. A notification that is used in this way indeed has no necessary legal consequence in itself, being mostly a way to produce evidence that can be attached to a future lawsuit that may or may not be filed, but it is important to notice that it does give the act of demanding a place and a meaning in the Brazilian juridical system. Although I do not know of any other similar instruments in other legal systems, I believe the Brazilian example is enough to show that the act of demanding is not one that necessarily has no place in any juridical system because of its juridical nature even if, in itself and by itself, it has no necessary legal consequence.

We find a slightly different theory in Feinberg's analysis of demands in *The nature and value of rights* (1970), which is already a representative of the second group of interpretations mentioned above. Feinberg has not retained the difference between claims and demands that was adopted by Ross and he notes that, "in the standard usage" of legal writers, demands are distinguished from privileges, immunities and powers (Feinberg, 1970, 249). Nevertheless, he goes on to talk about the legal power to demand (performatively) what, in the context, is clearly the compliance with a directed duty (Feinberg, 1970, 251) - something that "in the standard usage" of legal writers would not amount to a power.

A similar break with this standard (and Hohfeldian) usage can be found in Carl Wellmans' and Margaret Gilbert's works. Both in his book titled *Real Rights* (1995) and in his article titled *Relative Moral Duties* (1999), Wellman holds that demanding compliance with a directed duty is to exercise a power, but he holds that what this "power" does is not to create new legal relations, but to increase the stringency of the duty correlated with the demand (1995, 80-81, 87, 90, 95; 1999, 218-223, esp. 222). And in her book titled *Rights and Demands: A Foundational Inquiry* (2018), Gilbert explicitly argues for the extension of the concept of power so as to cover demanding compliance with a directed duty because demanding compliance is "akin" to exercising a power (2018, 22-23).

As it is apparent, Feinberg, Wellman and Gilbert recognize the existence of a right to demand compliance with a directed duty which is correlative to the directed duty in question and exclusive to the right holder. But they characterize the act of demanding as a power and, in doing so, they incur in what Frydrych (2022, 131) has called the main Hohfeldian objection against this kind of interpretation, namely, that, if the act of demanding were a right bestowed by a Hohfeldian demand, then the latter would not

be conceptually basic, which is a meta theoretical desideratum Hohfeld believes his conceptions ought to meet. And this would be so because, according to these theories, a demand so construed would be subject to decomposition into the following basic components: (i) a demand to someone else's compliance with a directed duty and (ii) a power to demand this compliance.

It should be noticed that nobody needs to mind this objection, for we might not be interested at all in maintaining that demands are actually basic in the Hohfeldian apparatus. As long as they can be explained in Hohfeldian terms, it doesn't seem we would lose much by conceding this point. But I believe there is at least one good reason to refuse both the objection and the theories presented above: the act of demanding carries necessary normative consequences - unlike Hohfeldian privileges - but these consequences do not alter legal relations by creating or extinguishing rights or duties, as Hohfeldian powers necessarily do.⁶ Therefore, the act of demanding does not fit within any other category provided by the Hohfeldian apparatus for what we call "active rights" - i.e., rights to perform an action or set of actions.

This is why the focus of this paper is to develop a theory of demands that grants the act of demanding compliance with a directed duty its proper place within the Hohfeldian apparatus by showing just what are its normative consequences. Since Feinberg never said much about these consequences, other than stating that demands are powers, the next two sections will focus on Wellman's and Gilbert's theories about the normative impact of demanding in order to show in greater detail why a new theory is desirable.

3 Carl Wellman's stringency theory

A very interesting answer to the question about the normative impact of demanding can be found in Carl Wellman's work. Wellman maintains, as do I, that a directed duty is best conceived as a duty toward someone who holds a demand for its fulfillment (1999, 209), that what makes a directed duty directed is that this second party can demand performance of that duty and that, by doing so, this second party exerts some pressure on the duty bearer's practical rationality (1999, 218). Our disagreement lies in the way we conceive this pressure.

According to Wellman, some reasons impose - or create - duties, the reason that imposes a duty is the ground of the duty it imposes, and what is essential to a duty-imposing reason is that it is a reason for an agent to act or not to act in some specific manner and for others to react negatively to that agent in the event that he acts contrary to that reason (Wellman 1995, 49). So, if an agent has a duty, then there is a duty-imposing reason for him to fulfill his duty, this duty-imposing reason is a reason for others to react negatively to that agent in the event that he does not fulfill that duty and this duty-imposing reason continues to exist whether or not a second party demands performance of that duty (Wellman, 1999, 219).

In Wellman's theory, to demand the fulfillment of a duty is to "present title" to the duty-bearer - that is, to refer to or otherwise indicate the basis of one's claim within the act of demanding (Wellman, 1999, 218). For example: "I insist that you help me tomorrow, as you promised" (Wellman, 1999, 219). He justifies his assertion that demanding performance of a directed duty is a power by positing that, once the act of demanding is performed, the act of breaking the promise would have a new meaning. It would consist not only in a betrayal of trust but also in an expression of contempt for the demanding party, where "contempt" means something like "the mental attitude in which something or someone is considered as worthless or of little account" (Wellman, 1999, 219). This, he argues, means the act of demanding performance of a duty brings into existence a new duty-imposing reason for the duty-bearer (Wellman 1995, 220), bidding him more tightly (Wellman, 1999, 221) and making his duty more stringent (Wellman, 1999, 222).

⁶ On these points about privileges and powers, f. ex., Hohfeld (1913), Wenar (2020) and Nascimento (Forthcoming).

The overall sense of Wellman's argument is clear. We all have a moral duty not to be contemptuous of our fellow human beings. On his interpretation, the act of demanding would bring that duty to bear on a duty-bearer in a situation where, at first, only a different duty was at stake. Wellman considers the objection that any failure to perform a directed duty would be an expression of contempt for the demand holder as a possible objection to his account. He then argues that this would not "normally" be the case because the meaning of any action, especially its significance as expressing the attitude of the agent, is usually highly ambiguous and that demanding performance "greatly reduces" the ambiguity of any subsequent non-compliance (Wellman, 1999, 222).

I agree that the impact of demanding the performance of a duty on a duty-bearer's practical rationality should be accounted for in terms of the new reason for action it introduces, but I believe there are at least two reasons not to be satisfied with Wellman's theory.

The first is that there seems to be no compelling reason to claim that non-compliance with such a demand cannot be rationally justified - much less that it necessarily expresses contempt on the part of the duty-bearer toward the demand-holder. For instance, someone may demand repayment from a debtor in circumstances where the debtor believes he would be better off skipping town. Although we may perceive the debtor's action as legal and even morally unjustifiable, it does not necessarily follow that it is irrational. Does such an act necessarily manifest contempt for the creditor? Again, I don't think so. The act of skipping town may reflect fear and respect toward the creditor - enough to make the debtor believe that distance is necessary. Moreover, the debtor may very well know he is acting unjustly and, consequently, that the creditor actually has both the moral and the legal high ground.

The second is that Wellman himself is not clear as to whether contempt is really a specific normative impact of the act of demanding when he says that contempt is not "normally" implied by non-performance in the absence of any demanding, conceding, even though only implicitly, that one could indeed show contempt through non-compliance in the absence of any act of demanding, even if only in extraordinary and/or rare cases (Wellman, 1999, 222).⁷

Nevertheless, I do believe Wellman's insight is on the right track here insofar as it sought to explain the normative impact of demanding by positing that it gives the duty bearer a new reason to comply with his duty. As we shall see, this is also an important part of Gilbert's account of the normative impact of demanding.

4 Margaret Gilbert's enforcement theory

In *Rights and Demands, a foundational inquiry* (2018), Margaret Gilbert develops the most advanced theory of demands currently available. It addresses the nature of demands, the difference between demands and powers, the nature of demanding, its justificatory conditions and normative impact. The criticism the reader will find in the next pages are confined to the subject of this paper, and I should say that, when compared to the influence that theory has exerted and still exerts on the way I conceive demands, they are very minor.

Regarding how exactly the act of demanding impacts the practical rationality of the duty holder, Gilbert presents two subtly distinct formulations. At first, she states that "compliance with a demand requires performance of the action at least in part because it has been demanded" (Gilbert, 2018, 59). But later, when discussing an example, she seems to suggest that what is required of the target is compliance "out of respect" for the demand-right (Gilbert, 2018, 56). This difference is subtle, and it must be well understood.

⁷ The first reason seems to be stronger than the second, since it would open to Wellman to claim that contempt can be subject to degrees and, so, that in such cases the act of demanding would make non-compliance even more contemptuous. As far as I can tell, though, he has never made this claim.

As Gilbert herself notices, it is one thing for a person to assert that she has a right, in the sense of claiming to possess a right, and quite another to assert her right in the sense of demanding compliance with it (Gilbert, 2018, 76). Merely asserting possession of a right does not, on its own, constitute an intervention in another's practical rationality in the same manner that demanding compliance does. But if demanding compliance involves more than merely stating the existence of a right, then we must distinguish the performance that is out of respect for the right, and which could and maybe even should be carried out prior to any demanding, and the performance which is carried out only after and because compliance has been demanded.

This question leads us straight to the question about the normative impact of demanding itself. According to Gilbert, the reason provided by the act of demanding is *peremptory* in the sense that it implies the addressee should comply regardless of their own desires or inclinations (Gilbert, 2018, 60, 63) and it's natural to assume that this feature of demands stems from their expressive function as manifestations of demand-rights (Gilbert, 2018, 60, 63). According to this view, their peremptoriness would be identical.

Indeed, it is widely accepted that duties provide *peremptory* reasons for compliance in this sense. Therefore, Gilbert's suggestion may seem almost obvious at first glance. The problem, however, is that a demand is always directed at eliciting compliance with a *pre-existing* duty. Accordingly, the duty-bearer already had a peremptory reason to comply *before* the demand was made. It thus seems redundant to posit that the act of demanding must supply a reason with this same property again. This point bears emphasis.

A reason is *peremptory*, in the relevant sense, when it not only counts in favor of an action, but also excludes certain other reasons - such as one's personal desires or inclinations - from the deliberative process. To treat such a reason appropriately, it is not enough to merely weigh it among others. One must *exclude* from deliberation the very reasons it overrides.⁸

Now consider the case in which someone has a duty, fails to comply, and is then confronted with a demand to comply. Clearly, such a demand would be pointless if the duty no longer existed or could no longer be fulfilled. But if the duty still holds, then the peremptory reason it provides remains in effect. The act of demanding may introduce a new reason for compliance - but it would be pointless to make this new reason peremptory in the same sense as the reason provided by the pre-existing duty. Since the reason provided by the duty already excludes reasons based on the agent's desires or inclinations, there would be no point in adding a further reason to exclude these same reasons once they already had been excluded.

Alas, we still have Gilbert's previous statement that "compliance with a demand requires performance of the action at least in part because it has been demanded" (Gilbert, 2018, 59), which echoes the simpler, more basic insight already present in Wellman's work: that demanding gives the duty holder a new reason to comply with his preexisting duty. In the next section I build upon this insight and try to show how exactly this new reason impacts the duty holder.

5 Demanding as a *prima facie* trigger of reconsideration

I propose we should consider the following case as a central case, if not paradigmatic, of rational and successful demanding. Suppose that (1) X has a duty to do A which is directed to Y, that (2) Y has a demand that X does A, and that, (3) knowing both (1) and (2), X deliberated and decided correctly about whether or not to fulfill his duty. Without knowing anything about what X's duty is and what are the other reasons for acting weighing on him in this particular situation, we would be hard-pressed to answer whether he chose compliance or non-compliance.

⁸ This is not to say that not doing so is irrational or will result in an irrational action. If one does not treat a peremptory reason appropriately, he will have treated it *wrongly* and that may lead to an action that is *wrong* in some sense - e.g., morally wrong. But that action might still be rational if, for example, it leads him to acquire some good that he intended to acquire by doing the action.

Indeed, it seems to be common ground in the secondary literature that X may rationally decide both for and against the fulfillment of a duty, depending both on the duty's nature and on X's circumstances. In technical terms, the reason provided by the duty may eventually be sufficient for action, but it also may not. Now imagine that (3) X decides against fulfilling the duty and (4) informs Y of his intention not to comply. This is the central case I want to consider, namely, the case where (1), (2), (3) and (4) obtain.

I take this case to be central because it seems to me that the act of demanding is most clearly justified when the intention of non-compliance has been manifested by the duty holder to the demand holder, that it will often be the case that non-compliance will have been deliberated and that such a deliberate decision has normative consequences for the duty holder that any theory about the normative impact of the act of demanding must take into account. Let me explain these ideas about the justification involved in demanding before I turn to my theory about the normative impact of demanding in these cases.

Suppose that only (1) and (2) obtain, but (3*) X has decided in favor of compliance and that (1) through (3) are common knowledge among X and Y. It seems that in this case it would be completely out of place for Y to demand compliance of X. On the other hand, the more uncertain Y is of X's compliance the more we feel inclined to say it makes sense for him to demand it. But the one case where it clearly does make sense for Y to demand compliance is when X's intention not to comply has been announced to Y. Such intention of non-compliance will probably not have been formed lightly.

A duty exerts influence upon our practical rationality by supplying us with a reason for compliance, a reason we often invoke to justify our actions. "I did it because it was my duty" is a very legitimate answer for the question "Why did you do it?" in many cases. It neither begs the question nor needs any complement in order to be conversationally understood because, in many cases, it does mention a sufficient reason for acting. A duty could not do that unless it was something we attach value to and which we are taught to respect. This is why cases where people completely disregard their duties in their practical calculations should be the exception, and not the norm, and the cases where non-compliance is deliberated should be taken as central.

But, as philosophers like Bratman (1983, 271-275) and Gilbert (2006, 130) have noticed, once a deliberate decision has been made it cannot simply be ignored or disregarded. Such behavior would be irrational. In order for a subject to be free of his own previous decision, he must first reconsider and discard it. In order to account for that, my suggestion is that Y's demand for compliance has a dual impact on X: it gives X a new reason for compliance that acts as what Michael Bratman called a *prima facie* trigger of reconsideration (Bratman, 1992, 7-8) and, in case the target of the demand chooses to reconsider his course of action and deliberate again, it gives him a new reason to fulfill his duty that should be taken into account in his deliberation. The importance of this double effect must be well understood.

Demanding must act on the duty bearer as *prima facie* trigger for reconsideration because, if it didn't, it would fail to affect precisely those paradigmatic cases under discussion. But demanding can only be a *prima facie* trigger of reconsideration because, as Bratman notices, reconsidering a decision is an activity that has costs: it uses up time and other limited resources, and while engaged in reconsideration an agent might be unable to do other valuable things (Bratman, 1992, 6-7). This is why he proposes that when thinking about whether or not to even reconsider a decision we need to first ask ourselves both if we can afford to and, even if we answer affirmatively, if a change of course could bring enough benefits to outweigh the costs of the reconsideration and of abandoning our previous course of action.⁹ If the answer is "yes", then we should reconsider our decisions (Bratman, 1992, 9-10).¹⁰

⁹ It is important to notice that both the possibility and the cost of reversing a course of action may be increased by other decisions that have been made following the decision not to comply.

¹⁰ Bratman has further develop what he calls the *rational non-reconsideration model of diachronic planning agency* (Bratman 2018, 150) by adding further reasons against reconsidering our previous intentions and decisions (Id, 114-131; 132-148). Nevertheless, he never abandons the idea of *prima facie* triggers of reconsideration.

Since only new reasons for doing something that was discarded in a previous deliberative process can act as triggers for reconsideration, demanding must give the duty bearer a reason of this kind. But it is important to notice that this new reason must impact not only his choice for reconsidering his actions but also his new deliberation. Otherwise, the agent would find himself staring at the same reasons he had before and, if nothing else had changed, he would make the same decision again. In other words, if the act of demanding can in itself and by itself elicit compliance in the central cases that are being considered here, then it must have this dual effect.

Nevertheless, even when demanding appropriately prompts reconsideration, the reason provided by this act might still not be enough to revert X's prior decision if this new reason is not strong enough to tip the overall balance of his reasons in favor of compliance. Whether this reason will be strong enough is something that will depend on the particular context in which this second deliberation takes place. Demanding does not make non-compliance irrational even then, but it does burden the duty holder with a new reason that he must take into account.

6 Conclusion

A demand, as analyzed here, is the correlative of a directed duty, in the sense that, if X has a duty to do A which is directed to Y, then Y has a demand that X does A. Demanding, on the other hand, is the act which the demand holder has the right to perform under certain circumstances, e.g., if Y has a demand that X does A, then, under certain circumstances, Y can demand of X that X does A. Every demand-holder is entitled to demanding performance of the corresponding duty under certain circumstances, and only demand holders are entitled to demanding performance of this duty.

To demand something of somebody is to demand of that person the fulfillment of a duty that is directed to the demand holder. So, in order for any demanding to take place there must be a correlated directed duty in place. But the propositions X has a duty to Y to phi and Y has a demand to X's phi-ing have different meanings. The first states the existence of a duty, i.e., of a prohibition or an obligation, while the second states that Y can demand of X his (X's) phi-ing, i.e., that Y has the right to perform a certain act towards X, namely, the act of demanding, which can be done either verbally or non-verbally.

The act of demanding has a dual impact on its addressee. It gives him a new reason for compliance that acts as a *prima facie* trigger of reconsideration and, in case the target of the demand chooses to reconsider his course of action and deliberate again, it gives him a new reason to fulfill his duty that should be taken into account in his deliberation. This is needed, or so I've argued, to deal with the paradigmatic cases of demanding.

Whether or not this reason will be strong enough is something that will depend on the particular context on which it is made. Demanding does not make non-compliance irrational, but it does impact the duty holder's practical rationality with new reasons for compliance in a way that may be enough to for him to revert his course in the paradigmatic cases considered above.

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Submetido em 14 de fevereiro de 2025.

Aceito em 14 de maio de 2025.