The Philosophical Review, Vol. 110, No. 4 (October 2001)

Scanlon's Contractualism: Critical Notice of T. M. Scanlon, *What We Owe to Each Other*

Robert Merrihew Adams

The central idea of T. M. Scanlon's "contractualism" has been well known to ethical theorists since Scanlon 1982. In *What We Owe to Each Other* it has grown into a comprehensive and impressively developed theory of the nature of right and wrong—or at least of what Scanlon regards as the most important of the "normative kinds" that go under the names of 'right' and 'wrong' (12).[1] Rejecting aggregative consequentialism, Scanlon aims to articulate principles of right and wrong for individual action in such a way that the interests of each affected person are taken fairly into account.

What We Owe to Each Other is a wonderful book, one that deserves the attention of every serious student of ethical theory, especially in the details of its analyses and arguments, which are developed with originality, imagination, and exemplary, fair-minded attention to the phenomena and the spirit of moral life. Though I will be voicing qualms and disagreements about some aspects of Scanlon's theory, I believe that the general pattern of thinking about what we owe each other that he recommends is a good one—illuminating and likely to lead to good decisions in most concrete cases. My discussion begins in section 1 with what I take to be the central topic of the book: the nature of right and wrong, insofar as that is understood in terms of what we owe to each other. One of the main concepts of the theory is that of a reason, and sections 2 and 3 are devoted to issues about reasons. In section 4 I discuss Scanlon's claim that what we owe to each other takes priority over all other reasons for action.

1. The Nature of Right and Wrong

> Contractualism [according to Scanlon] ... holds that an act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement. (153)

[1] Page citations not associated with any other work refer to *What We Owe to Each Other*.

This thesis has an obvious appeal. It is hard to deny that what we owe each other should be determined by principles that all could reasonably accept. And how can we complain that something is unfair to us if we grant that it is required by principles we could not reasonably reject?

One question that may be raised about the thesis is whether there is in fact any "set of principles for the general regulation of behavior that no one could reasonably reject." If not, it seems to follow, by Scanlon's criterion, that no possible action will be wrong. In thinking about this question I assume that we are talking about *complete* sets of principles for the regulation of behavior. There are doubtless particular principles, and small sets of principles, that could not reasonably be rejected—for instance, the principle that one ought in general to keep one's promises. But no such principle, and no small set of such uncontroversial principles, will be enough to disallow an action; for the reasons that may be relevant to applying such a principle, and to warranting and excluding exceptions to it, are indefinitely various. Hence, it seems that our complete set of moral principles is at least implicitly involved in allowing or disallowing any action. But among alternative complete sets of principles for determining what we owe each other, we might well think there are two or more that are reasonable. And if two or more complete sets of principles are reasonable, it seems to follow that there is no such set that cannot be reasonably rejected—if adopting one set involves rejecting the others.

There is reason to think that Scanlon allows that more than one set of principles can be reasonable,[2] but does not accept the implication that any of the alternatives can be reasonably rejected, for he implies there are cases in which "there are a number of different principles that would [govern a particular kind of activity] in a way that no one could reasonably reject" (339). To get a sense in which this expresses a coherent position, I suggest reading 'reject' here as meaning 'refuse to

[2] I am not sure *how far* he is prepared to allow this. The passage, quoted just below, in which he does allow it is part of a (plausible) argument for adhering to "established practices" for dealing with cases in which we need some guiding principles but several alternatives would do well enough. I think he regards these cases as relatively peripheral to morality, and I have not noticed any clear indication that he accepts a pluralism of reasonable alternatives on more central moral issues. If he does not, then when he speaks of "*any* set of principles ... that no one could reasonably reject" (153, my emphasis), what he really means, with minor qualifications, is *the* set of principles that no one could reasonably reject.

treat as an acceptable basis for justifying a person's conduct'. Deciding not to use a set *s* of principles to guide one's own conduct, but to use instead another set that one regards as justified, will not then count as rejecting *s* in Scanlon's sense; for treating two or more sets of principles as acceptable bases for *justifying* conduct is compatible with choosing to *act* on only one of them. On this understanding of rejection it is not hard to see how there could be several alternative sets of principles that no one could reasonably reject, but some types of action that would be disallowed by all of them. This leaves, of course, the question (into which I will not enter further here) whether *enough* types of action will be disallowed by all sets of principles that pass the relevant test.

This is not the only obstacle in the way of an explanation of the right in terms of the reasonable. The concept of reasonableness has a central role in Scanlon's theory. He chooses quite deliberately to state his account of right and wrong in terms of what could *reasonably* be rejected rather than in terms of what could *rationally* be rejected. Rationality, in the strict sense preferred by Scanlon, is a matter of a certain sort of consistency (25). He is particularly concerned to distinguish the idea of the reasonable from that of the instrumentally or strategically rational (192–94). A claim of reasonableness, in Scanlon's sense, "presupposes a certain body of information and a certain range of reasons which are taken to be relevant, and goes on to make a claim about what these reasons, properly understood, in fact support" (192). Claims about what reasons are relevant, and what they support (and how strongly), are morally normative claims. The idea of reasonableness is "an idea with moral content," as Scanlon states, acknowledging that "this moral content ... invites the charge of circularity" (194).

Circularity would not be a serious worry here if Scanlon were offering only a *criterion* of right and wrong. Such a criterion, as a piece of moral epistemology, need not eschew appeal to a variety of normative and evaluative judgments. As Scanlon says, "a sensible contractualism, like most other plausible views, will involve a holism about moral justification: in assessing one principle we must hold many others fixed" (214). However, Scanlon aspires to give us not merely a criterion but also an account "of the property of moral wrongness itself" (12); and in relation to this latter aspiration I think circularity is a worry. In order to respond to this worry Scanlon would need to be able to show that the sort or sorts of normativity involved in claims about the relevance and strength of reasons for rejecting proposed moral principles can be

understood independently of the moral rightness and wrongness of actions.

How then are we to understand the former sort of normativity? What is involved in not merely having a relevant reason for rejecting but actually being able, all things considered, reasonably to reject a given set of principles for the regulation of human conduct?[3] It may add to Scanlon's difficulties at this point if I was right in arguing above that by 'reject' in this context he must mean 'refuse to treat as an acceptable basis for *justifying* a person's conduct'. For in considering what sort of justification might be involved, we may be mindful of a certain looseness of fit between our ordinary concepts of the reasonable and the right. Justifying a person's conduct might mean showing it to be right, but might also mean showing it only to be reasonable, which in ordinary parlance need not involve being right. Scanlon obviously is concerned with being able reasonably to refuse to treat a set of principles as a basis for showing a person's conduct to be *right*; but if that must be made explicit in interpreting his view, it will add to the appearance of circularity.

Consider also particular judgments made in applying the criterion—for instance, Scanlon's judgment that it is reasonable to reject principles allowing harmless free riding[4] because they are "unfair" (212; cf. 216). Unfairness is certainly not the same as wrongness, but this difference does not clearly lead us out of the circle here. For Scanlon will surely agree that there are (minor) unfairnesses that it is not worth the trouble of prohibiting morally. So presumably his judgment here must be, in effect, that harmless free riding is *so* unfair as to be *wrong*, and the judgment weighing reasons threatens to collapse into a judgment of wrong action. His best chance of escaping the circle at this point may be to say that his judgment is rather that harmless free riding is so unfair that it is *reasonable* for us to *require* each other to live in accordance with principles that forbid it. Here Scanlon cannot allow much

[3] The alternative of a "welfarist contractualism" that would take "a specified conception of well-being as the sole standard for assessing all putative reasons for rejecting proposed principles" is acknowledged by Scanlon as a possible way of avoiding circularity (217). Such a position might enable one to weigh reasons for and against principles by making judgments that would be about well-being and not directly about the rightness or wrongness of actions. But Scanlon rejects such welfarism as not dealing plausibly enough with the complexity of the moral realm.

[4] Exempting oneself from a moral rule when enough other people are complying to produce the benefits of general compliance.

looseness of fit between the reasonable and the right. He cannot mean only that we can see how a reasonable person might approve of the requirement, for one might believe that and still think the requirement wrong. The judgment he needs amounts—transparently, I think—to a judgment that it is *right* to impose the requirement. This seems so similar in normative character to a judgment that it would be *wrong* to act contrary to the requirement that it is hard for me to see a great metaethical advance in explaining one in terms of the other.

The problem of circularity is aggravated by Scanlon's account of *principles*. He rightly acknowledges that there will often be no algorithm or "rule that we can invoke as telling us that a certain reason is not morally sufficient"—for instance, "that my reason for breaking my promise is not sufficiently weighty" (201). He allows that "even the most familiar moral principles are not rules which can be easily applied without appeals to judgment." Scanlon conceives of principles rather as "general conclusions about the status of various kinds of reasons for action" (199). Some things he says (199–201) suggest that the content of the relevant sort of *principle* will typically be composed of elements of the following sorts: (1) specification of a type of considerations as weighty reasons for avoiding or objecting to an action, and (2) an understanding of "the point" of treating these reasons in this way. This is plausible—but then principles won't look like a sort of thing that can directly disallow any action; acts will be disallowed only by *judgments* in which all relevant principles are weighed. Judgments will be involved not only in the accepting and rejecting of principles, but also in the allowance and disallowance of actions under principles.

What then is the content of a judgment that a certain action or type of action—such as breaking a certain sort of promise for certain reasons—is "disallowed" under a certain principle or set of principles? In the suggested case it will not just be a judgment that the reason is not strong enough to make breaking the promise the best thing to do. Rather it will be a judgment that the reason is not strong enough to keep breaking the promise from being *wrong*—or something that we can *reasonably require* each other not to do. Once again the content of the judgment seems saturated with normativity of such a moral flavor that one may doubt whether this sort of disallowance will be of much help in explaining what wrongness is to those who are genuinely puzzled about it. Perhaps Scanlon can more plausibly claim to have exhibited a rational structure that facts about what we owe to each other must have, than to have explained what rightness and wrongness are at

bottom. In fairness I should add that it is not obvious that he thinks there is more than that to be explained about what they are.

2. Reasons and Values

Scanlon's central theoretical concept is that of *a reason*; for his view "takes judgments of right and wrong to be claims about reasons" (3). He devotes the first three chapters of the book to developing his conception of a reason and arguing for a less foundational role for notions of desires, values, and well-being. These latter are obviously notions that are typically central in utilitarian or consequentialist ethical theories, but it would be a mistake to see this first part of Scanlon's book as one-dimensional argument against consequentialism. It is multifaceted, phenomenologically sensitive examination of the concepts concerned, and is full of observations that anyone interested in the subject will want to take seriously. Much of what he says looks right to me, and on the whole I believe he offers a persuasive defense of a pattern of thinking about right and wrong that accords a large place to the concept of a reason. However, I am also left thinking that the notions of desire and value have moral and motivational legs of their own that are stronger than Scanlon allows.[5] I will comment on his views about the relation of reasons and values in this section, and on his views about reasons and desires in section 3.

Scanlon indicates that "a reason for something" is "a consideration that counts in favor of it," but adds immediately that the idea of counting in favor probably presupposes that of a reason (17). It is one of his main theses that we are justified in taking the idea of a reason as primitive. His idea of *a* reason is (as I would say, and he sometimes does) the idea of a *good* reason, or at least of a reason to which it is *appropriate* to give some weight in the context; like that of the reasonable, it is a *normative* idea (19). This normativity is irreducible in Scanlon's view; in particular he does not think the concept of a reason can he analyzed as a "natural" fact (57). But he insists that there is an objective correctness or incorrectness to judgments of the form, "X is a reason for doing A" (cf. 58–59).

Scanlon favors the view that such judgments express *beliefs* that are true or false, but he does not strongly object to the view that they express some other attitude that is correct or incorrect (59). This is one

[5] I think that is true to some extent about well-being, too, but my differences with Scanlon on that subject are less marked, and I pass over it here.

of several points in the book at which Scanlon manifests an interest in minimizing the metaphysical commitments of his theory. He is concerned about the capacity of moral judgments to be true or false, but not "about the metaphysical reality of moral facts" (2). He seems somewhat inclined, for his own part, to the view that they should not be construed "in a metaphysical way" as being about facts "existing outside us" (62–63). For my part, I think he has given hostages to metaphysics when he claims objective correctness or incorrectness for normative judgments of reasonhood. What ontological implications, if any, flow from claims of objective correctness or incorrectness is a large metaphysical issue of ancient lineage, which metaphysicians will hardly allow to be settled by debates confined to moral philosophy. It is not obvious, however, that Scanlon's theory of what we owe to each other demands any particular commitment on the metaphysical issue beyond the commitment to objective correctness and incorrectness.

This non-natural but objective factuality (or quasi-factuality) belongs primitively, in Scanlon's scheme of things, to the normativity of reasons, and uniquely so. All other normativity and value is to be derived from the normativity of reasons. This is true, according to Scanlon's theory, of the normativity of what we owe to each other. As for value, he wants "to suggest that the claim that friendship [for example] is valuable is best understood as the claim that it is properly valued, that is to say, that [reasons for it] are in fact good reasons" (89). This is clearly meant as an explanation of what value is, in accordance with Scanlon's announced intention to "use the notion of a reason, as the most basic and abstract element of normative thought, to provide a general characterization of a slightly more specific normative notion, the idea of value" (78).

I agree that in general '*x* is valuable' entails 'it is proper to value *x*'. If *x* is valuable, moreover, it follows trivially that there is a good reason to value *x*; whether it follows more than trivially is more doubtful, and we will revisit that question. And while I doubt that the converse implications hold strictly, I think any exception to them would be a special case (for instance, of great pragmatic advantage in valuing something despite its lack of value). What seems most debatable in Scanlon's statement is the implication that the friendship's *being* valuable is to be analyzed in terms of—understood as consisting in—the appropriateness of the valuing and the goodness of the reasons involved. Why suppose that the value of valuing and of reasons is more fundamental than the value of friendship? Is it not because of the value of friendship that the

valuing is proper and the reasons are good ones? The transparent and explicit presence of value in the *propriety* of valuing and in the reasons' being *good* reasons, in Scanlon's formulation, easily suggests an alternative analysis, reversing the relation of dependence between reasons (in the normative sense) and values: take a more general notion of value, or of *good*, as primitive, and define a reason for *x*, in the normative sense—that is, a good reason—as a consideration by which it would be *good* (other things being equal) to be knowingly influenced in favor of *x*.

Scanlon is not without reasons for thinking his analysis, of values in terms of reasons, illuminating. He points out rightly, for instance, and with persuasive examples, that "understanding the value of something often involves not merely knowing that it is valuable or how valuable it is, but also how it is to be valued" (100). On the other hand, it does not seem that the normative concept of a reason precedes value concepts in our learning of the relevant parts of language. Children surely learn some general value terms such as 'good' and 'bad' (not to mention 'yucky') before they have the concept of a reason. We may grant that they do not have a very full understanding of value until they see how values are related to reasons; but equally they do not have a very firm grip on the normative concept of a reason until they see how reasons are related to values.

In truth I believe that the conceptual roles of reasons and values are interdependent, and our concepts of each are developed in conjunction with our concepts of the other; I doubt there is any fixed priority of one type of *concept* over the other. It does not follow (nor do I expect Scanlon to think it follows) that there is not a priority (dare we say a metaphysical priority?) of one type of normative *property* over the other.

Scanlon proposes a "buck-passing" account of goodness and value. He holds that

> being valuable is not a property that provides us with reasons. Rather, to call something valuable is to say that it has other properties that provide reasons for behaving in certain ways with regard to it. (96)

Scanlon seems to assume that these "other properties" will be *natural* properties. His account "takes goodness and value to be non-natural properties," but apparently only because "the claim that some property constitutes a reason is a normative claim" (97).

This is not the place for a full-scale debate about the correctness of a buck-passing account of the nature of the good; I expect that Scan-

lon's account will appeal to many philosophers. I will permit myself, however, a few questions and comments.

(1) If there are primitive non-natural facts (or correctnesses, if you will) about the value of reasons as reasons, as Scanlon seems to imply here, may there not also be primitive *non-natural* reason-grounding facts about other sorts of things? I do not see that Scanlon has given an argument for thinking that there are not. Indeed, I do not even see that he has a plausible argument for thinking that primitive *value* is more plausibly ascribed to reasons than to other objects. In viewing things at the ground level, why should agents' treatment of reasons be seen in normative technicolor while everything else appears in naturalistic black and white? Scanlon's apparent assumption that the lower-level properties that provide reasons for valuing things will all be *natural* properties that are not themselves value properties seems to me ill-grounded—though it is certainly *compatible* with the rest of his view, which may be all he needs to cover his metaethical flank at this point.

(2) What *are* "the reasons recognized by someone who values" Beethoven's late quartets (to take an example used at page 100)? I doubt very much that such a person's reasons for listening in certain ways to that music can be adequately stated in naturalistic terms. The music lover will surely say such things as that the music is *beautiful* or *deep*; or at any rate the reason will be stated in terms of aesthetic evaluation of the music. For such reasons it seems to me implausible to suppose that the bottom layer of value facts is formed by reasons that can be stated in purely naturalistic (and not explicitly evaluative) terms, but that have, themselves, a primitive, non-natural property of being *good* reasons.

(3) Let us agree that if anything is valuable it is so by virtue of other facts about it (though we should not casually assume that we will be able to state those other facts). It does not follow, however, that something's being valuable provides us with no reasons for action or attitude over and above those provided directly by the underlying grounds of value in it. For instance, if I think one book better on the whole than another, that may provide me with a reason for assigning the former instead of the latter in my course. I should, and presumably will, have reasons for my comparative judgment, which I can explain in terms of other properties of the two books; and some of those will be, at least indirectly, reasons for my assigning one rather than the other of the books. But my comparative judgment of overall value does not follow logically from those more detailed reasons; and even if I think it objec-

tively correct, I need not suppose that its correctness is obvious. My choice is therefore not completely explained to others, and not completely rationalized to myself, unless my overall comparative judgment of value is explicitly included among my reasons.

At a deeper level than these questions and comments I suspect there is a basic difference of intuitions. Scanlon is by no means the only distinguished philosopher who finds it plausible to take normative facts or judgments about reasons as the most fundamental normative facts or judgments. I confess that I have always found this not only implausible, but alien and deeply puzzling. If we have reason to value something, surely that is *because* it is valuable. This comment may be taken as merely autobiographical, but I doubt that I am alone in my reaction.

None of this touches what is arguably the most important part of Scanlon's account of values for his contractualist theory of what we owe to each other. He seems to me correct as well as persuasive in arguing against a purely "teleological" conception of value. He argues, in other words, that states of affairs are not the only subjects of value, and that the proper response to value is not always, nor perhaps even usually, to maximize it, or to bring about valuable states of affairs. He argues in particular that "appreciating the value of human life is primarily a matter of seeing human lives as something to be respected," and that this involves treating each other in accordance with what we owe each other (104, 106). I believe this captures an important part of the truth, but it also seems a little one-sided. Surely the value of human life figures, and ought to figure, in people's reasons for having children—but this cannot be understood in terms of reasons for treating people in accordance with what we owe them. Of course one ought to give one's children what one owes them, but that seems to contribute little or nothing to reasons for having children in the first place.

3. Reasons and Desires

Scanlon sets himself to argue against two widely held beliefs about desires. One is about motivation: that "desires are usually, or perhaps always, what move us to act." The other is normative: that "when someone has a reason (in the standard normative sense) to do something, this is generally, perhaps even always, true *because* doing this would promote the fulfillment of some desire which the agent has" (37). Scanlon thinks the opposite; he holds that desires hardly ever fill these roles. He makes a good case against the Humean picture of motivation and prac-

tical reason commonly articulated in the two cited beliefs; but it seems to me he significantly underestimates the place of desire in both motivation and rationality.

Let's start with motivation. A first task is to get clear about what we mean by 'desire'. Scanlon acknowledges that the word "is sometimes used in a broad sense in which [it covers] any 'pro-attitude' that an agent may have toward an action or outcome." He thinks it uncontroversial that desires in this sense have a large motivational role, "since anything that moves us (at least to intentional action) is likely to count as such a desire" (37). He points out, however, that many desires in this broad sense are "motivated";[6] they are not "*sources* of motivation but rather the motivational consequences of something else"—typically of recognition of a reason. A "substantial" ascription of motivational role to desires, he thinks, must focus on "some narrower class of desires, which can be claimed to serve as independent sources of motivation and perhaps also of reasons to act" (37). Fair enough, if he is engaged only in a debate with Humeans who insist on desires prior to any reason for action. Non-Humeans, however, may well think that in adult human lives explanatory chains are long, and are indeed more like networks than chains, so that if we are looking for "independent sources of motivation" that are not themselves motivated, shaped, or rendered effective by other motivating factors, we may find slim pickings—among desires and also among reasons.

The narrower concept of desire on which Scanlon chooses to focus is that of "desire in the directed-attention sense," as he calls it.

> A person has a desire in the directed-attention sense that P if the thought of P keeps occurring to him or her in a favorable light, that is to say, if the person's attention is directed insistently toward considerations that present themselves as counting in favor of P. (39)

Any self-observant adult will recognize this as a familiar form of desire, but I think it is a major weakness of Scanlon's discussion that he does not focus enough on other forms of desire.

Another sort of desire that he does mention is impulsive, sometimes related to a physiological or emotional state. Scanlon imagines himself thirsty, and moved to seek a cool drink, having the thought that it would feel good. He thinks that "the motivational work seems to be done by my taking this future pleasure to count in favor of drinking"

---

[6] In a sense borrowed, Scanlon notes, from Nagel 1970, 29–30.

(38). Maybe; but some impulsive desires are surely less rationalized. Playing in the snow, one may throw a snowball at a tree trunk "just because one feels like it"—in other words, because one desires to. Must the snowball-thrower see a *reason* counting in favor of trying to hit the tree? No doubt at some level snowball-throwers are aware that they enjoy doing it; but it seems to me more plausible to say that they enjoy it because they are acting on impulse than that they do it because they expect to enjoy it. Similarly it seems that people sometimes hum a tune when feeling happy, or throw things on the floor when angry, just because they feel like doing so, though they would be hard put to identify a reason that counts in favor of it.

Arguably such impulsiveness has a relatively minor part in our decision making (cf. 48)—or we hope it will. More important are persistent, deep-seated desires; and it is to these especially that I think Scanlon's argument pays insufficient attention. Suppose we observe that some person almost always does what he or she believes will most enhance his or her wealth. We are surely warranted in concluding, or at least strongly suspecting, that this person's behavior is largely controlled by a powerful desire for wealth. In so concluding we need not necessarily suppose that beliefs about the value of wealth, or about a desire for wealth, function as *reasons* in the person's practical thinking. The conclusion is not about a process of deliberation or practical reasoning, but about a desire that shapes such processes, and that may do so without being conscious.

It is a part of popular wisdom that people's behavior is commonly more influenced by what they want than by what they think—more, that is, by desires and kindred affective and conative states than by what Scanlon would think of as reasons; and I think the popular wisdom is right on this point. Sometimes this is a matter of judgment being overridden by passion. But sometimes it is rather a matter of a deep desire (for money or control, for instance) or "passion" (such as love for a particular person) controlling the larger pattern of one's life, including one's choices and also what reasons one will see as salient. Deep conative and affective states of this sort are quite resistant to change by rational persuasion (and I think they probably should be, even though evil as well as good can come of such resistance). We rightly rely on them as predictors of behavior. If we are focused on deep states of this sort, we are typically not wrong to care more about what people want than about what they think.

Judging that one has good reason to do something can fail to motivate one to do it—sometimes even when one recognizes the reason as compelling. Scanlon acknowledges that "there is clearly a distinction between a person's recognizing something as a reason and the effect that this has on the person's subsequent thought and action." This might be thought to imply that when a person *is* moved to act on a recognized reason, "this is due to the presence of some further motivating element in addition to that recognition—something appropriately called a desire," but Scanlon rejects the inference. He seems to think that whether one acts on a recognized reason or not depends on the presence or absence of competing reasons and on one's cognitive processing of the reasons (such as paying more or less attention to one than another). He declares that it seems to him that in every case "the only source of motivation lies in my taking certain considerations ... as reasons" (35).

I agree that human adults who fail to act on reasons that they recognize almost always have reasons for what they do instead. But I think it is more plausible to say that the operation of desire virtually always depends on reasons, *and* the operation of reasons virtually always depends on desires or desire-like states, than to say, as Scanlon does, that reasons are "the only motivating factors" (35). In particular, the motivating force of reasons depends heavily on what one *cares* about. If parents are not moved to act on certain reasons, we think they do not care enough about their children. Someone may decide not to buy something, explaining, "I can't afford it." This certainly expresses a (purported) reason. But in another way, if the speaker is sufficiently affluent, we may think it mainly expresses the fact that he or she *cares* more about money than about what could, in this case, be bought with it. I do not see why we should not suppose that the caring, a desire-like state, is a motivating factor in such cases, one that is central to the most convincing explanation of a person's not acting on recognized reasons to make (for example) a purchase.

Progressing from motivation to justification, Scanlon holds that "desires almost never provide reasons for action in the way described by the standard desire model" (43). It is important in this context that the way described by the standard desire model is by constituting a reason to do something that "would promote the fulfillment of" the desire (37). As we shall see, Scanlon recognizes another, arguably more significant way in which desires may provide reasons for action.

He also does not deny that the "standard desire model" fits some cases; rather, he minimizes the importance of such cases. He grants, for example, that in choosing one route rather than another when walking home from the office, the fact that one *feels like* going a certain way may be "a reason in the standard normative sense" for doing so. He is plausible enough in denying that such examples "provide the pattern on which all other cases of doing something for a reason should be modeled." He seems less plausible in claiming that they "are special, rather trivial cases" (48). They are not likely to be among the most momentous cases, because what one feels like doing is not usually important enough to be a good reason for a momentous choice. But I think they are typical of patterns of choosing that rightly play an important part in our lives in a wide array of cases in which we have no very compelling reason, aside from desire, for choosing one way rather than another.

Scanlon argues that in many such cases a desire (for instance to eat coffee ice cream) is relevant mainly as an indication that one would enjoy the outcome, and therefore does not provide an independent justification for acting (44–45); but that seems to me unrealistic. Commonly I know that I just don't know whether the option that I want most will be most enjoyed, or most beneficial. Hence, it will often be wiser to choose coffee ice cream rather than chocolate ripple, or a vacation in the mountains rather than at the sea, just because that is what I currently desire, than to try to evaluate the alternatives in some other way. Absent a clear balance of reasons favoring another alternative, it would seem bizarre to override my current preference. To be sure, such reliance on sheer preference would hardly be wise except against a background understanding of what other relevant reasons I do and don't have; and normal adults will make hardly any decisions without some level of awareness of such a background.

Scanlon grants that current desires can generate reasons even for momentous decisions, but not in the way described by the standard desire model. "At least under favorable conditions," he says, "one has good reason to choose *as a career* only one of those to which one is drawn—that is to say, which one has a desire in the directed-attention sense to pursue." But "one's ground-level reason" in such a case will not be "to satisfy this desire." Rather, one's reason will be that without such a desire the career is not likely to work well (48–49). This seems exactly right, except that we may doubt that directed attention is as relevant here as depth of interest and level of enthusiasm. But in saying that this type of generation of reasons from desires "is peculiar to choosing a

career and other similar choices," Scanlon again seems to set too narrow limits to the dependence of reasons on desire. Consider the question whether one *wants* social power more than one wants peace and quiet (*not*: which one thinks is better). Quite a range of answers to it seem compatible both with virtue and with reason; but those of us who have the good fortune to have some say about what goes on in our workplaces have reason to keep our own answers to that question in mind for their relevance to decisions that arise pretty frequently.

I have acknowledged that the reason-giving force of desires depends on a background of reasons—which often is not noticed because the background reasons are familiar. But in a similar way, I think, the justifying force of reasons depends on a background of desires—and typically, again, of familiar and "normal" desires. Suppose you are led by fear to flee a mortal danger that you judge you ought to stay and face. Thus described, the action appears to be an instance of irrationality in Scanlon's sense,[7] and also an action fully characteristic of cowardice in the sense of Wallace 1978 (55–59, 70). But I think it matters here how your judgment is related to what you really *care* about. Suppose your judgment that you ought to accept the danger is based on very conventional thinking; suppose it is derived from beliefs you have accepted on the authority of others—others perhaps in fact deserving of trust—but is not in fact strongly connected with anything you care deeply about. In that case, a decision to stay and face the danger, if you made it, would be heteronomous rather than autonomous. Even if it were based on acceptance of a genuinely Kantian rationale for the decision, *I*, at any rate, would not call it autonomous if it remained unconnected with everything that your emotional life showed you cared very deeply about. One could hardly call it a *wise* decision, even if it were *morally* correct.[8]

I suspect that in such a case what Scanlon calls "the standard normative sense" of 'a reason' falls apart into two or more senses—or else applies in ways so different that they can give rise to misunderstanding in much the same way as ambiguity does. Agents whose merely conventional, but morally correct, judgments are not connected with what

---

[7] "Irrationality in the clearest sense occurs when a person's attitudes fail to conform to his or her own judgments" (25).

[8] I also would not call such a decision *courageous*, because I think courage involves dealing with dangers in ways that are in line with what is most important to the agent. I have described a character here that is unintegrated in such a way as to be incapable of real courage.

they care deeply about have indeed good reasons, as everyone does, to act morally. That is, the reasons there are for them to act morally are good ones objectively—good morally and, we may believe, in the largest and best perspective on what is valuable in human life. Still those objectively good reasons do not succeed very well in rationalizing action for the agents in question. For it is not fully rational to sacrifice things for which one cares deeply for the sake of things about which one does not care deeply, even if one *ought* to care deeply about the latter. It is misleading to say without qualification either that such an agent has good reason, or that he or she does not have good reason, to make such a sacrifice. This is a further reason for doubting that 'is a (good) reason' is a good candidate for the role of most fundamental normative predicate.

4. The Priority of What We Owe to Each Other

Of the main questions of his book, Scanlon says, the one that most concerns him is that of the "reason-giving force" of considerations of right and wrong—why we should give them, as he thinks we do and should, a "kind of priority over our other concerns and values" (3, 1). In order to understand the significance of this priority claim for Scanlon, we need to look at his map of the realms of morality and value, to see what is being given priority over what. In fact the considerations of right and wrong to which he ascribes the priority are strictly those of what we owe to each other. This is not the whole realm of values, nor even, in Scanlon's opinion, of morality. He grants that "most of us commonly use the terms 'moral' and 'morality' to refer to a diverse set of values, and that while contractualism characterizes a central part of the territory called morality, it does not include everything to which that term is properly applied" (173).

What is the domain of "morality in the broader sense" (342, 171)? Scanlon mentions values of friendship and parenthood that go beyond what we owe to each other (172, 174); values of sexuality (174–76); professional standards and values of personal development (172, 174); values of natural or cultural objects (220–21); ideals of virtue, honor, integrity (323–26), and solidarity (346); and I think he would also include religious values in this category (cf. 323). We certainly owe each other much regarding some of these values, as Scanlon specifically notes regarding friendship and parenthood; but their demands also "cover much more than is included in [Scanlon's] account" of

what we owe to each other (172). I do not read Scanlon as committed to accepting *all* of these values and ideals as part of his own personal morality even in a broad sense, but rather as wanting it to be consistent with his theory to accept them in that way.

Why can't such values and ideals be part of what we owe to each other in Scanlon's central sense? To many of us it will seem very reasonable to object to principles that would justify the destruction of major works of art, or that would permit the clear-cutting of old-growth forests (on one's own property) for moderate economic benefits. The main obstacle to Scanlon's recognizing such objections as establishing moral wrongness in his central sense is that he thinks reasons that enter into determining what we owe to each other must be what he calls *personal* reasons, having to do with the "interests" (202) or "the claims and status of individuals in certain positions" (219).[9] Valuing, for their own sake, great trees or great art, for example, will not necessarily give rise to personal reasons in this sense. In some cases it will; loving great art, for example, gives rise to a personal reason to demand the right to express that value. But it does not generate a personal reason, in the relevant sense, for objecting to other people's indifference to that value. How plausible is it, for example, for people who have never had any desire to visit Afghanistan to claim a *personal* reason for objecting to the Taliban's destruction of historic artworks?

It is plausible to say that "what we owe to each other" can be distinguished from other parts of morality, and that this distinction requires something like the idea of personal reasons. What would be the sense of saying that a duty is owed *to* another person, if it is not based on any interest or claim of hers?[10] Respect for the beauty and wonder of great trees is not something we owe to each other, or to anyone except (on some views, including mine) to God. I suppose some valid point may be

[9] It is important that the interests to be protected are connected with "positions" or "standpoints" (202–6), so that the reasons will be "generic" and not unfairly "based on the particular aims, preferences, and other characteristics of specific individuals" (204).

[10] I do not mean to deny that what we do, and perhaps especially do *not*, owe to each other depends *also*, in some ways, on impersonal reasons, as I will argue below.

made by saying that we owe it to the trees, but the language of "owing" has wandered very far from home in that context.[11]

It may also be true that the morality of what we owe to each other is (roughly and for the most part) the least controversial part of ethics—or at least the least controversial with respect to its being part of morality. I am skeptical, however, about Scanlon's suggestion that considerations of what we owe to each other can be called "moral" to a higher degree than any other standards of conduct. He grants that standards entailed by other ideals may have two of the "features that standards properly called 'moral' would have," expressing "requirements that agents have reason to regard as extremely important and have reason to feel guilty for violating" (349). But he argues that they lack a third feature, pertaining to reactive attitudes.

> If someone acts contrary to an ideal that he or she accepts, but in a way that does not violate other moral requirements, this does not give others who do not share that ideal grounds for resentment or indignation (except perhaps at the hypocrisy of the agent). (349)

That seems true. But a more relevant question may be whether I have grounds for indignation at an act that violates an impersonal value that I honor but the agent does not—and I think I may indeed have grounds for indignation in such a case, for instance at the wanton destruction of artworks, or of botanical species that the agent could not reasonably be expected to have seen as of value *to* human beings.

In any event Scanlon agrees that requirements grounded in personal reasons are not the only ones "that agents have reason to regard as extremely important," and as in some widely accepted sense moral. Making room in this way for "morality in the broader sense" is important to the plausibility of his position. Yet it also may occasion doubts

---

[11] Perhaps attention should be called to an alternative view that I ponder seriously, though I am not prepared to endorse it. Some people seem to think that the existence of wildernesses that they never visit contributes to the value of their own lives. Perhaps it could be claimed that the significance of a person's life is enhanced by its being lived in a context in which intrinsic values are exemplified and honored, independently of the person's own direct involvement with them. On such a view the category of personal reasons might lose its distinctiveness; for all persons would have something like a personal interest (whether they recognized it or not) in all values, and respect for all values might be owed to all persons. I don't know if we have even the beginnings of a theory that would show how individual moral rights that most of us are sure are valid could be accommodated in a view so much less individualistic than we are used to.

about his priority claim. He holds that we have reason to give considerations of what we owe to each other priority, not only over merely personal reasons that are not moral in any sense, but also over reasons that are moral only in the broader sense. But does he really have adequate grounds for believing that considerations of wrongness in the broader sense should never outweigh considerations of wrongness in the narrower sense? Is it always unreasonable, for instance, to give purely ecological values, or considerations of what has "integrity for me" precedence over duties to other human beings?

The most convincing part of Scanlon's strategy for dealing with this doubt is clear. "Generic reasons for rejecting a principle," he says, "can also arise from the fact that the constraints that it would impose on practical reasoning are incompatible with other values that one has reason to recognize" (220). Because of the personal importance of impersonal values, we have reasons to object to "principles that ... forbid [people] from taking these values into account, or limit the role they can have in justifying actions" (221). This still meshes with the primacy of *personal* reasons, because

> These potential reasons for rejection are personal reasons, arising from the importance, for an individual, of being able to live in a way that recognizes certain values. But these reasons depend in turn on impersonal reasons, namely on the fact that these things really are valuable. (221)

This is persuasive. Whether principles are plausibly accepted as morally binding in general, or in particular as determining what we owe each other, will depend in part on whether compliance with them is unreasonably burdensome, and the gravity of the burdens may be profoundly affected by our concern for impersonal values. Here we seem to have a formula for assuring that our moral debts to each other will not be overridden by considerations drawn from a broader morality. In determining what we owe each other we must take adequately into account the extent to which it would be unreasonable to require us to sacrifice considerations of broader morality. Then giving *reasonable* priority to those more broadly moral concerns will never conflict with what we owe to each other.

Good; but this invites the conclusion that considerations of wrongness in the narrow sense get priority, not by being always more *important*

than competing considerations,[12] but rather by incorporating in themselves a way of giving weight to the importance of considerations that might otherwise outweigh them. If we are sufficiently reasonable and judicious in our conclusions about what we owe to each other, it will be difficult to find compelling reasons to go against what we have concluded that we owe each other. But this yields only a rather humble sort of priority. *Any* system of weighty ethical considerations can have this kind of priority if it is developed in such a way as to build in due regard for all alternative considerations of any real weight.

If I were developing Scanlon's theory, I would stop here and settle for a relatively humble but defensible priority. But Scanlon does not stop here. He does not think that an adequate priority for our moral debt to each other can be established so painlessly. Shaping "what we owe to each other ... from within to make room for the recognition of [impersonal] values" is only the first part of a three-part strategy for defending his priority claim. It "diminishes the severity of conflict between these two categories of value, but does not ensure that conflicts will not arise. There still may be cases in which we have to choose between impersonal values and what we owe to each other" (222–23).

Why can't we just dismiss these supposedly more excruciating cases as ones in which it would be *unreasonable* to prefer the impersonal value, given that our moral debt to each other has been shaped from within to make room for all *reasonable* preference of impersonal values? Such a dismissal remains problematic for reasonable decision-making, on Scanlon's account, so far as I can see, only if the strength of the *personal* reasons we would have for objecting to principles that would constrain our acting in certain ways fails to incorporate the full force of our *impersonal* reasons to act in those ways. Scanlon evidently supposes that the full force of impersonal reasons to act sometimes does *not* flow

[12] It would in any event not be plausible to say (and Scanlon does not say) that rightness and wrongness in the narrow sense have every sort of importance that might belong to a family or system of ethical considerations—for instance, that of providing the best (or perhaps even the *right*) organizing center (if there is one) for a human life. Contractualist considerations of what we *owe* each other seem better suited to provide boundaries than a center. Virtue is a more plausible center. So is doing good, owed or not, to others. For theists, serving God or loving God or glorifying and enjoying God is more plausible, as is the attainment of Nirvana for Buddhists. Doing what we owe it to each other to do will have a prominent place in all these plausible organizations of life, but it will probably not be the center of any of them. And the center, in such an organization of life, will have a certain priority in motivating and making sense of one's decisions and responses, including those that have moral content.

through into personal reasons to object to principles, but I do not see why that should be so.

Perhaps his thought is that personal reasons must be based wholly on what is important to persons, whereas the force of impersonal reasons may derive from what is important to (or for) philosophy, or a rainforest, or something else of impersonal value. But I doubt that Scanlon's conception of personal rationality will sustain such a strong contrast between what is important to persons and what they have reason, even impersonal reason, to do. He does not think that our own well-being occupies a particularly privileged position in what is important to us (126–33), and he explicitly holds that impersonal values can be important enough to us to ground personal reasons for objecting to principles (221). I do not see a plausible principled reason for him to deny that the full force of impersonal reasons flows through into personal reasons in this way.

Someone might reply that no matter how worthy impersonal values, such as those of nature and philosophy, may be in themselves, they are not in fact important enough to enough people to ground plausible personal reasons for objecting to principles of conduct. What this objector must mean is that not enough people *care* enough about the impersonal values, or *think* they are important enough in their own right. Quite apart from any doubts we may have about whether this is true about the impersonal values of art and music, for instance, it can hardly be Scanlon's argument. His insistence on the objectivity of reasons and their independence from desire must keep him, I think, from measuring their importance, even their personal importance, by how much people care about them.[13] And his resistance to aggregative strategies in assessing the force of personal reasons (229–41) must make the relevance of appeals to the *number* of people to whom impersonal values are important very questionable from his point of view.

The second part of Scanlon's strategy appeals "to the great importance of justifiability to others and to the particular interests that moral principles protect" (166). Hardly any moral philosopher will deny that these considerations are extremely important, and Scanlon's defense of their human importance (162–64) is eloquent and persuasive. But I do not see why the goal of justifying our actions to each other cannot

[13] He might give more weight to how much people care if he accepted my argument at the end of section 3. But I doubt this would change the balance of reasons decisively.

be fulfilled by arguments that incorporate the full force of impersonal reasons, or even by reasons that appeal directly to impersonal values.[14] If I tell you that I will vote to tax us all, including you, to support programs of assistance to people in need, I think I have done a reasonable job of justifying my conduct to you on the basis of personal reasons that we all have to demand an adequate social safety net. If I tell you that I will vote to tax us all, including you, to prevent the destruction of a rainforest, because I think the extinction of a number of rainforest species (through even unintended effects of human activity) would be, in itself, a terrible thing, again I think I have done a reasonable job of justifying my conduct to you, on the basis of impersonal reasons. My claim to have taken your interests *reasonably* into account is not undercut by *either* of these justifications.

Perhaps it will be objected that since ascribing impersonal, intrinsic value to natural objects such as species is controversial and not likely to be accepted by all affected persons, actions cannot be justified to all affected persons by appeal to such values. In Scanlon's view, however, being able to justify one's action to other people does not mean being able actually to persuade them that one acted rightly; what it means is having a justification that they *should* accept (that is, that they cannot *reasonably* reject). So if Scanlon must often be content with justifications that he thinks others ought to accept though they don't, why shouldn't we rely on justifications for action that rest essentially on appeals to impersonal values that we think others ought to accept (though they don't) as justifying our actions?

If Scanlon has a reason for supposing that the full weight of impersonal values does not flow through to personal reasons, we might expect to find it in the third part of his strategy, which is to argue "that the other values [notably impersonal values] have a built-in sensitivity to the demands of right and wrong." This applies particularly to "values in which relations with other people are the central concern" (166); Scanlon argues plausibly that it applies to the value of friendship (164–65). But he applies it also to the value of nature.

In line with his views about the nature of value, he thinks it is a mistake to think of the value of nature "in consequentialist terms," as a

[14] For other arguments that shed light on this point, see Richard W. Miller's review essay on *What We Owe to Each Other*, "Moral Contractualism and Moral Sensitivity: Critique and Reconstrual," forthcoming in *Social Theory and Practice*.

goal to be promoted. Rather it is something to be *respected.* "Understanding the value of nature involves seeing the reasons we have to appreciate and respect it." These reasons, in Scanlon's opinion, demand "that we not destroy [natural objects] without good reason," and that we try to prevent such destruction at the hands of others "by refusing to cooperate in this and by trying to persuade others of [the] value" of natural objects. "But a refusal to take actions that violate the rights of other people in order to prevent them from destroying natural objects does not ... show a lack of respect for those objects on our part" (167–68).

It should be clear that what Scanlon says here about the value of nature is essentially similar to what he says about the value of human life, which he thinks is not to be understood in terms of reasons for wanting more human life, but rather in terms of reasons for respecting human beings in certain ways (103–7). We may wish to add that the value of human life gives us reason to *love* human beings as well as respect them, but similarly the value of nature may give us reason to love some natural objects. And Scanlon explicitly acknowledges that their value gives us reason to act in some ways, in some circumstances, to preserve natural objects as well as persons. On Scanlon's principles (and on mine) impersonal values should not be seen as giving us good reason to act in ruthlessly consequentialist ways, but neither should the value of human life.

I agree that it shows no lack of respect for natural objects to set (as we must) some moral limits to what we will do to defend them. The demands of respect for them must be shaped from within to accommodate what we owe to each other. But as Scanlon acknowledges, what we owe to each other must also be shaped from within to accommodate the generic personal importance of other reasons, including impersonal reasons. I don't see a plausible way for Scanlon to determine where one sort of shaping must yield to the other, except by thoughtful, sensitive, informed reflection on what is reasonable in each case, with the magnitude of impersonal values that may be at stake playing an important part in that reflection.

Yale University

References

Nagel, Thomas. 1970. *The Possibility of Altruism.* Oxford: Oxford University Press, Clarendon Press.

Scanlon, T. M. 1982. "Contractualism and Utilitarianism." In *Utilitarianism and Beyond,* ed. Amartya Sen and Bernard Williams, 103–28. Cambridge: Cambridge University Press.

———. 1998. *What We Owe to Each Other.* Cambridge: Harvard University Press.

Wallace, James D. 1978. *Virtues and Vices.* Ithaca: Cornell University Press.