

The path to *What We Owe to Each Other*

An interview of Luc Foisneau and Véronique Munoz-Dardé with Tim Scanlon

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Résumé

T.M. Scanlon is Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity. He received his B.A. from Princeton in 1962 and his Ph.D. from Harvard. In between, he studied for a year at Oxford as a Fulbright Fellow. He taught at Princeton from 1966 before coming to Harvard in 1984. Professor Scanlon's dissertation and some of his first papers were in mathematical logic, but the bulk of his teaching and writing has been in moral and political philosophy. He has published papers on freedom of expression, the nature of rights, conceptions of welfare, and theories of justice, as well as on foundational questions in moral theory. In the present interview he talks about how he first became interested in moral philosophy, his evolving judgement about Kantian moral ideas, the genesis of his ideas concerning the centrality of reasons in normative philosophy and the idea of justifiability to others as a basis for morality.

He was invited at EHESS on the 13th November 2017 for a one-day long discussion of the manuscript of his book, *Why does Inequality Matter?* (Oxford, 2018), and on the 14th November he participated in the CESPRA seminar on Normative political philosophy with a text on "Contractualism and justification".

The interview was conducted by Luc Foisneau (CNRS director of research) with the collaboration of Véronique Munoz-Dardé (UCL/Berkeley) before the seminar given by Tim Scanlon at EHESS, 105 boulevard Raspail, in Paris. The transcription of the interview is due to Victor Mardellat (PhD candidate in philosophy, CESPRA) who added one specific question on contractualism.

Mots clés

Éthique ; philosophie morale ; justice ; Rawls ; Kant

Philosophical education: from philosophy of mathematics to moral and political philosophy

Luc Foisneau – How did you become a moral philosopher?

Tim Scanlon – When I went to Princeton as an undergraduate, I took some philosophy courses in my first year, simply because it was something my parents had talked about a certain amount at home. I thought it might be a subject I would be interested in, although I didn't have much of an idea of what it was. So, one of my five courses in my first semester was a course on Plato, and in the second semester I took one of those traditional 'Descartes to Kant' courses. And I liked these courses quite well, although I did not find them easy. I had thought that I would major in mathematics. But for various reasons having to do with bad choices about what courses to take, I found myself not well prepared to do that. So at the end of my second year, when I had to choose a major subject, I signed up for philosophy.

I liked it well enough, but I was not really seized by it, so to speak, until the second semester of my third year, when I took a seminar in philosophy of mathematics from Paul Benacerraf, then an assistant professor, who had just finished a brilliant dissertation in that subject. Paul, who became my mentor, and later colleague and dear friend, can be a rather intimidating character, very firm and sharp in his judgments. His intensity and deep commitment to the subject make him a very inspiring teacher. So, although I found Paul rather frightening, I loved his class and decided that the next year, when I had to write a senior thesis (which is required for a BA degree at Princeton) I would write on philosophy of mathematics with Paul as my supervisor.

The topic I was interested in was the question of the existence of mathematical objects. It is a funny thing about ontology—a highly abstract subject, dealing with the question of what

exists—that it excites particular passion in many people. In some people, it excites a negative passion. They are intensely committed to ontological minimalism, that is to say, to minimizing the range of entities that they recognize as existing. (This tendency seems to be particularly common in Australia, for some reason.) But my passion was of the opposite kind. When I read a famous paper by Willard Quine and Nelson Goodman firmly rejecting the idea that sets or any other kind of abstract objects could exist,¹ I not only disagreed but actually felt quite indignant.²

So I wrote my senior thesis on what is called Platonism in the philosophy of mathematics—the view that mathematical entities such as numbers and sets do actually exist—with Benacerraf as my supervisor. In the course of that year, I became more deeply engaged with this project than I had ever been with any intellectual enterprise. In the middle of the year, Paul said to me that I should apply to graduate school in philosophy. This was something that it had never occurred to me to do. I always thought that I would go to law school and then go back to Indiana and practice law with my father. That was the only thing that I ever thought of doing. But Paul was very insistent. I was of course flattered by his confidence in me. But I was frightened by the prospect. It wasn't just philosophy, but the whole idea of an academic life was a strange one for me, and I had no idea what it would be like. I applied to several graduate programs, and was admitted. By the end of the year I very much wanted to continue in philosophy, but I didn't have the courage to do it. So, I sent my deposit to go to law school. Then, at the last minute, I got a Fulbright fellowship to go to Oxford, for which I had earlier been listed as an alternate. While I was in Oxford I decided that I just couldn't give up philosophy, and after a year I came back to the U.S. and enrolled in the PhD program at Harvard.

I should say a little bit more about my time in Oxford, which is sort of amusing. At the start of my senior year at Princeton I had not yet taken any courses in moral and political philosophy, and I thought that these were subjects that I was not interested in. As my Princeton colleague and friend Richard Jeffrey once said of himself, I was sort of a teenaged logical positivist. But I was told that if I wanted to pass the honors exams at the end of my senior year, I needed take at least two courses in moral or political philosophy. So, I took the courses. The first course I took was taught by Jordan Howard Sobel, who had just gotten his Ph.D. from Michigan. He was mainly interested in formal approaches to moral philosophy, using game

¹ Nelson Goodman and W. V. Quine, "Steps Toward a Constructive Nominalism," *Journal of Symbolic Logic*, 1947, Vol. 12, pp. 105-122.

² I returned to these questions of ontology, responding to metaphysical objections to the idea that there are facts about what we have reason to do, in *Being Realistic about Reasons* (Oxford: Oxford University Press, 2014), Chapter 2.

theory or decision theory. Half of the course dealt with these approaches, and the other half was about 1950s metaethics—the work of R. M. Hare, Charles Stevenson, G. E. Moore, and others. To my surprise, I found all of this extremely interesting, particularly the quasi-game theoretic and social choice approaches.

So when I was first at Oxford, although I was mainly working with Michael Dummett on logic and philosophy of mathematics, I spent a lot of time reading basic papers on welfare economics, such things as Little's *Critique of Welfare Economics*,³ Luce and Raiffa's textbook on game theory,⁴ and Braithwaite's *The Theory of Games as a Tool for the Moral Philosopher*.⁵ All of this was very interesting. I loved the techniques. The proof of Arrow's theorem, for example, was wonderful. But I did not find this fully satisfying as a way of doing moral philosophy. I think that, even then—I don't think I'm just reading this into the past—I found it frustrating because the conclusions one reached were too dependent on whatever preferences one started with.

This concern, to find a suitably objective basis for moral arguments and moral conclusions, was to occupy me for many years. It is the central question in my 1975 paper, "Preference and Urgency,"⁶ and in a series of papers in the 1980s and 1990s on the idea of well-being, all of this leading up to the position I arrived at in *What We Owe to Each Other*. But my first steps along this path led through Kant.

In January of 1963 (a very cold January, in which almost every kitchen and bathroom drain in Oxford was frozen solid), I was in the basement of Blackwell's Bookstore, looking at the used books, to spend the book allowance that went with my fellowship. I saw on a shelf a black book with red and white letters on the spine which said, "*The Moral Law*, H. J. Paton."⁷ I recognized this as a book I had often seen in philosophy libraries, so I pulled it down to have a look. It was, of course, Kant's *Groundwork*. I didn't even know, at that point, that Kant had written anything on moral philosophy. I thought it was something I should read, so, I bought it for a pound and a half, went back to my room and started reading. I found it extremely difficult

³ I. M. D. Little, *A Critique of Welfare Economics*, Oxford, Clarendon Press, 1950.

⁴ Robert Duncan Luce and Howard Raiffa, *Games and Decision: Introduction and Critical Survey*, Hoboken, John Wiley and Sons, 1957.

⁵ R. B. Braithwaite, *The Theory of Games as a Tool for the Moral Philosopher*, Cambridge, Cambridge University Press, 1955.

⁶ T. M. Scanlon, "Preference and Urgency," *The Journal of Philosophy*, Vol. 72, 1975, pp. 655-669, reprinted in Id., *The Difficulty of Tolerance: Essays in Political Philosophy*, Cambridge, Cambridge University Press, 2003, pp. 70-83.

⁷ Immanuel Kant, *The Moral Law: Groundwork of the Metaphysics of Morals*, Translated and analysed by H. J. Paton, London, Hutchinson, 1948.

to understand, but fascinating and exciting because it seemed to offer a rigorous alternative to the preference-based views I had been reading.

I spent most of the next two months reading and making copious notes on two books, and struggling to understand them. One was Kant's *Groundwork*, and the other was a very thick textbook in proof theory, *Introduction to Metamathematics* by Stephen C. Kleene.⁸ My first teacher in logic at Princeton, Raymond Smullyan, once referred to Kleene's classic textbook as "that baroque monstrosity." Kant's *Groundwork* is scarcely big enough to be called a monstrosity, but I suppose its argument is complicated enough to be called "baroque." In any event, from mid-January until the end of March, I spent all my mornings working on these two difficult books, and I was so happy doing this that I realized I couldn't possibly give up philosophy. So I decided to return to the U.S. and enroll in the PhD program at Harvard. Having just converted myself from a kind of decision theoretic quasi-utilitarian into some kind of Kantian I was really set up to meet, and work with, John Rawls. But I did not realize this at the time.

The Harvard department at the time was rather small, but very distinguished. The leading members of the department were Quine and Rawls; but there were also Roderick Firth, who was a well-known epistemologist; Rogers Albritton, who was extremely charismatic and brilliant (he was one of these people who published almost nothing, but had an enormous impact through the power of his mind and his personality), and Stanley Cavell, who had just rejoined the department.

My dissertation adviser was Burton Dreben, who taught logic. Dreben worked with Quine, and was a very strongly negative Wittgensteinian—that is to say, he was one of the followers of the late Wittgenstein, who thought that philosophy as a positive theoretical subject couldn't go anywhere. I wound up writing a dissertation with Dreben because I wanted to write a dissertation on logic, and he was the only person in the department at that time who was doing work in that field. Hilary Putnam, who did do important work in logic, joined the department the last year before I left, but I was already well into my dissertation by the time he arrived. As an adviser Dreben was very kind and supportive. I didn't pay much attention to his philosophical views, but just worked with him on logic.

I also took courses with Rawls, and got to know him quite well, although political philosophy was still not my main subject at that point. Later on, in about 1970, some friends, including my Princeton colleague Tom Nagel and others, formed a discussion group in political

⁸ Stephen C. Kleene, *Introduction to Metamathematics*, Amsterdam, North-Holland Publishing Co., and Groningen, P. Noordhoff, 1952.

philosophy and philosophy of law that met monthly in New York or Cambridge. Rawls was a member of that group. So, for the next five years or so, I would see him once a month as part of this discussion group. That's where I really came to know him better.

I was a graduate student at Harvard for only three years, and left in the fall of 1966 to start teaching at Princeton. I was hired mainly to teach logic and related subjects. It was my work in that area that had impressed Benacerraf, who, I assume, had recommended that I be hired. But many people in the department wanted to teach these subjects, and there was more need for courses in moral and political philosophy. I was happy to do this, and found myself more and more engaged by these subjects. Although I enjoyed teaching logic, I found that I had more ideas about moral and political philosophy, so I gradually shifted to working in that area.

For many years I would teach an introductory or middle level course in moral philosophy, and in these courses I always taught Kant's *Groundwork*, among other things. I continued to be fascinated by the problem of trying to figure out how best to understand Kant's argument, and I went through many stages of trying to figure it out. When one is gripped by an interpretive puzzle of this kind, it is easy to set aside the question of whether one really believes the conclusions of the argument. When I stepped back and asked myself this question, my answers varied from year to year. For some time, my degrees of belief went up and down like a sin curve in trigonometry, but they finally went steadily down and down. So now I'm not a Kantian anymore. But it took me a long time to work through my original fascination with the *Groundwork*.

Some points of divergence with Kant

Luc Foisneau – How come that you are no longer a Kantian or, to put it otherwise, what persuaded you to follow a different path in moral philosophy?

Tim Scanlon – Well, as I have said, initially I found Kant's formulations of the categorical imperative extremely appealing as moral ideas. I struggled for a number of years about how to understand his attempt, in Part III of the *Groundwork*, to give these ideas a basis in the idea of individual freedom, or autonomy. After some time, I concluded that this argument really does not work, but that the forms of the Categorical Imperative stand on their own, because they express extremely appealing moral ideas. They present an appealing picture of our relations with other people as fellow members of the Kingdom of ends, who should be treated as ends in themselves and not as mere means. Kant's attempt to derive these ideas from a conception of

our own freedom seemed to me not only unsuccessful but also the wrong kind of reason. It is concerned much with me rather than with my relations with other people.

Later, I came to the conclusion that although the forms of the Categorical Imperative are close to important moral truths, they do not get these truths quite right. For example, the Universal Law form of the Imperative is close to the idea that if some restriction on our freedom to act is necessary in order to protect us in some way, or needed to provide some important public benefit, then it is wrong to exempt oneself from this restriction. When an action is wrong in this way, its wrongfulness depends on reasons that justify the restriction that it violates, not on whether this restriction is willed by some particular agent who is violating it.⁹ Similarly, the idea that it is wrong to treat someone “merely as a means” has a great deal of initial plausibility. But when you start looking into the question of what counts as treating someone as a mere means, the idea of a “means” provides less guidance than at first appears. To be “a mere means” is to be something that is of only instrumental importance. So to treat someone as a mere means is just to treat them in a way that gives their reasons and interests no weight, that could not be justified if their reasons and interests were taken seriously. So the idea of a “means” in the usual sense plays no role in explaining why this is wrong, when it is wrong. Everything depends on what forms of treatment can be justified in a way that takes everyone’s interests seriously.¹⁰ Moreover, it came to seem to me that these problems with Kant’s formulas arise in part because the moral ideas that they seem to express are distorted by being forced into the framework of Kant’s larger view, including his idea of freedom and his particular conception of human dignity.

Of course, my own account of right and wrong, as determined by principles that we could justify to others, is similar to Kant’s in obvious ways, both in the importance it assigns to general principles, and in the idea that these must be justifiable in ways that take everyone’s reasons into account, as opposed to “treating them as mere means.” But, as I said in my first book, viewed in Kantian terms my view is ‘avowedly heteronomous.’¹¹ It takes both the content and the authority of moral principles to be based on the reasons that we have to treat others in certain ways, rather than on the possibility of willing in a way that is independent of any inclination.

⁹ I discuss this in “How I am not a Kantian,” in Derek Parfit, *On What Matters*, Volume Two (Oxford: Oxford University Press, 2011), pp. 116-139.

¹⁰ I discuss this in Chapter 3 of T. M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge, MA: Harvard University Press, 2008).

¹¹ T. M. Scanlon, *What We Owe to Each Other*, Cambridge (MA), Belknap Press of the Harvard University Press, 1998, p. 6.

The path towards reasons fundamentalism

Luc Foisneau – *Could you tell us now about the different foundation for moral philosophy that you have been looking for and the way it connects with the idea that we are beings sensitive to reasons?*

Tim Scanlon – The tradition following from Kant, and indeed the tradition he was already writing in, places a great deal of emphasis on the idea of Reason as a faculty. But Reason with a capital R is not central for me. I do think it is important that we are rational creatures—that we have the capacity to think about what to do, make decisions, provide considerations that seem to us to support those decisions, and so on. But I do not see Reason in this sense as a fruitful source of substantive conclusions about what reasons we have. In addition, I think that the idea of a sharp distinction between reasoning, or being rational in the sense of responding to reasons, and emotion, or being subject to the passions, is a mistake. The idea of Reason and emotion as different faculties, or “parts of the self,” is a very old idea in philosophy, but it seems misleading to me. Acting out of an emotion involves doing things for reasons. If I am angry at you, and I act out of anger, that’s because being angry at you involves seeing the fact that you would be displeased by my doing something as a reason to do it. So, there isn’t, I think, a big difference between being rational in this very general sense of acting on what one takes to be a reason, on the one hand, *in contrast to* being moved by emotion or passion, on the other hand. When, moved by some emotion, we do something other than what we have most reason to do, we are still exercising our ability to act on what we see as reasons; we are just doing this badly.

Although the idea of Reason is not an important one for me, I have come to believe that the idea of *a reason*—that is, a consideration that, as I say, counts in favor of something—is the foundational element in normative thinking—that is to say, in thinking about what to do, and what one ought to do, both morally and non-morally. That’s a hypothesis that I am quite committed to. It might turn out to be wrong, but I have been pursuing that line for quite a long time.

Luc Foisneau – *When did you first come to this idea of a reason?*

Tim Scanlon – Back in 1979-80, when I was writing the paper that later developed into *What We Owe to Each Other*, I had the idea of principles that nobody could reasonably reject. And that involves the idea of a reason: something that counts in favor of objecting to this principle. But in that original paper I was trying to explain not just what the content of morality is, but also its appeal or authority: why people accept it, why people feel drawn to abide by its

demands. In that original article, “Contractualism and Utilitarianism,”¹² I called this the “motivational basis of morality,” and I said that this basis lies in a *desire* to be able to justify ourselves to other people.

There was, course, a good deal of debate about reasons and desires, including Bernard Williams’ famous paper on “Internal and External Reasons”¹³. And I was asked, ‘Do you think that people have any reason to follow the demands of morality if they don’t happen to have this desire? Or does their having a reason to do what morality requires depend upon their happening to have, as a matter of their own psychology, this particular desire?’

For a long time, say roughly for about ten years—between 1980, when I wrote that first paper, and the early 1990s—I took the position that I didn’t have to answer that question for the purposes of carrying out my project. Those were deeper philosophical waters than I wanted to wade into, and I thought that I could just avoid them. But by the early 1990s, I realized that I needed to appeal to the idea of something being a good reason not only to explain the motivational basis of morality but also to explain the idea of a principle being one that someone could reasonably reject. So I needed to take a stand on the question of whether reasons depend on pre-existing desires or not.

So, in the summer of 1993 or 1994 I decided that I would have to do this. I spent a month or so reading Williams’s paper, critiques of it, Williams’s responses, and so on. I felt that I was being intellectually “whipsawed,” that is to say, drawn back and forth between these incompatible positions. I would read one thing and I would be sort of convinced by it, and then I would read something on the opposite side and it also seemed convincing. I just was at sea.

So, one Sunday, I said to myself: ‘I’ve got to get a grip on myself, and come to some conclusion about this question. So, tomorrow I’m going to go out to my study and write a confession to myself about what I actually think.’ To relieve myself of the pressure of commitment, I said that I was not going to think of this as writing a draft chapter of my book, or as writing something I’m going to publish. But just as an attempt to somehow come down on one side of the question or the other, and be honest with myself about what I think. If someone had asked me on Sunday afternoon to predict what I was going to say, I would have predicted that I would say that in many, perhaps even most cases, people have reason to do things because doing them will satisfy some desire they have. But there are other cases where

¹² T. M. Scanlon, “Contractualism and Utilitarianism,” in Amartya Sen and Bernard Williams (eds.), *Utilitarianism and Beyond*, Cambridge: Cambridge University Press, 1982, pp. 103–28, reprinted in T. M. Scanlon, *The Difficulty of Tolerance*, *op. cit.*, pp. 124–150.

¹³ Bernard Williams, “Internal and External Reasons,” in Bernard Williams, *Moral Luck: Philosophical Papers*, Cambridge, Cambridge University Press, 1981, Chapter 8, pp. 101–113.

what I have reason to do (such as not to murder somebody or steal somebody's car, or whatever) is not contingent on my having certain desires.

On Monday morning I went out and I started working, and by Tuesday I had entirely convinced myself that a reason is a consideration that counts in favor of something, and that reasons never depend on desires. Thinking that they do is a mistake. Having a desire involves seeing some *other* consideration as a reason. Having a desire for a drink of water, for example, involves seeing the fact that drinking some water would relieve my thirst as a reason to drink some water. A desire is like a perception, of something seeming to be a reason. This "seeming" can be mistaken. We can desire things which we have no reason to want. But when a desire is not mistaken, it is this other consideration, not the desire itself, that is our reason for acting in a way that would "satisfy" the desire. So the idea that desires provide reasons is both normatively implausible, because we all have desires for things that we have no reason to want, and also belied by the experience of having a desire, once we look carefully at what this is like.

I was very surprised to have arrived at this conclusion. But that was twenty-five years ago, and as the years have gone by, I have become more and more convinced that this conclusion is correct. I have doubts about some of other things that I have written—even, as we will see later, worries about how much content can be gotten out of the idea of justifiability to other people. But as the years have gone by this view about reasons is one that have I become more and more convinced of.

This view about reasons is connected with my relation to Kant, which I am sure was part of your point in asking the question. During the years in which I struggled with what to think about Kant's views, I thought of them as views about morality, rather than as an account of practical reasoning more generally. But coming to Harvard, and having Christine Korsgaard as my colleague, I was exposed to a more thoroughgoing Kantianism. As I said in describing my early days at Oxford, I found Kant's moral theory initially attractive because it offered an alternative to views that made moral conclusions too dependent on individual preferences. But resting it instead on the conditions of rational agency seemed to me not to be convincing either as an account of the content of moral reasoning or as an explanation of the authority of moral requirements. In both cases, I came to see that the alternative to implausible subjectivism lies in normative realism—the view that there are truths, independent of our desires, about the reasons that we have. Seeing Kant's view as a general rejection of realism about reasons made clearer to me the wide gulf between our positions.

Contractualism and the idea of justifiability to others

Luc Foisneau – After you clarified your views about the centrality of reasons, you returned to the project of developing a theory of justifiability to others. Could you explain how this idea, that has now become quite popular among philosophers, fitted into the project of your first book?

Tim Scanlon – After I had reached this new conclusion about reasons, the book I was working on, *What We Owe to Each Other*, came to have a different structure than I had envisaged. I had imagined it as beginning, like my original article, with a discussion of the normative basis of moral requirements. (What became Chapter 4 of the book.) Now, it began with a chapter on reasons where I defended the view I have just described, followed by a chapter on value, where I tried to explain value in terms of reasons, and then a chapter on well-being, where I tried to explain well-being in terms of reasons and value. The account of the morality of right and wrong, that actions are wrong if any principle that permitted them is one that could be reasonably rejected, comes only in Chapters 4 and 5. There are then further chapters, on responsibility, and promises, and relativism, which depend on the contractualist moral framework laid out in Chapters 4 and 5.

Victor Mardellat – What aspects of contractualism are you most worried about?

Tim Scanlon – I am still committed to the ideas in all of these chapters, although, as always in philosophy, I see problems with them that still need to be worked out. In particular, contractualism of the kind set out in Chapters 4 and 5 still seems to me the best way to understand the morality of right and wrong. I have recently finished a book on objections to inequality,¹⁴ for example, and the objections that I discuss are offered very much within a contractualist framework. So even when I am not writing specifically about it, contractualism shapes my thinking about moral questions. Still, there are problems with the idea of justifiability to others that need to be addressed.¹⁵

This idea plays two roles in my view. The first role comes into play in my explanation of why we care, and should care, about the part of morality I am discussing: we should care about it because we have reason to care about whether our actions are justifiable to those whom they affect. I find this idea extremely plausible. It is also one that many others find appealing. A version of it plays a role in Habermas' work, and in Axel Honneth's, and in Rainer Forst's, among others. I take this as a sign that I'm somehow on the right track.

¹⁴ T. M. Scanlon, *Why Does Inequality Matter?*, Oxford, Oxford University Press, 2018.

¹⁵ I discuss these problems in T. M. Scanlon, "Contractualism and Justification," in M. Frauchiger and M. Stepanians (eds.), *Themes from Scanlon* [tentative title], Berlin: De Gruyter (forthcoming).

The second role that the idea of justification plays in my view, as in these others, is as an account of the content of this part of morality: an account of the kind of reasoning through which we can arrive at conclusions about what is right and wrong in this way, and an account of which things are right and wrong in this way. What is distinctive about my view, and differentiates it from other views that appeal to ideas of justifiability, is the particular form of justification that it claims should play this second role—the idea of principles being, or not being, reasonably rejectable.

One worry I have is that in my thinking about contractualism I have slid too easily between two different ideas of justifiability—a general idea of what others have, all things considered, sufficient reason to accept, which plays the first role, and a more specific form of justification, limited to specified kinds of reasons, that plays the second role. As I noted in my original article on contractualism,¹⁶ it might be plausible to think that justifiability plays the first of these two roles—that we have reason to care about morality because we have reason to care about the justifiability of our actions to others—but that the relevant standard of justification was some other, non-contractualist, account of right and wrong. I don't believe that this is a fatal objection to my view. But it is a caution to bear in mind. There is a difference between these two ideas of justifiability, and therefore a need to explain why we should care about whether our actions are justifiable to others in the particular way that my contractualist theory describes.

Other problems that I have been thinking about concern the specific terms of this form of justification. The rightness or wrongness of an action depends, in my view, on whether any principle that permitted it could (for that reason) be reasonably rejected by a person who would be affected by it in some way. I specified that the reasons in question must be “personal” reasons, that is to say reasons that a person in some position would have based on how his or her life would be affected by complying with that principle and having others behave in the ways that it would permit. The reasonableness of rejecting a principle (and hence the rightness or wrongness of an action) depends on a comparison of the reason that someone in one position (such as the person harmed by an action) would have for rejecting a principle permitting it, and the reasons that others have to want the opportunities that it would provide. There are questions to be considered here both about the range of relevant reasons and about the kind of “comparison” in question.

¹⁶ “Contractualism and Utilitarianism,” *art. cit.*, pp. 139-140.

I restricted the reasons for rejecting a principle to “personal” reasons because it seemed to me that wrongness of the kind in question has to do with the complaint that some individual would have against being treated in a certain way. This restriction also has the effect of ruling out appeals to aggregate effects that I found implausible. It seems to me that there are cases in which we should prevent a person from suffering a very serious harm even if doing this would involve minor inconvenience to a large number of other people, and that if the inconvenience is small it does not matter how many people would be inconvenienced in this way.¹⁷ The restriction of reasons for rejecting a principle to “personal reasons” ensures that contractualism supports this conclusion. But this restriction seems to do too much. It seems to rule out grounds for rejecting principles that would, plausibly, require one to save five people, or five hundred, rather than only one. Derek Parfit therefore urged that this “individualist restriction” be dropped.¹⁸ I have resisted this step, because of the first reason mentioned above—that the kind of wrongness I am concerned with involves the complaint of some individual. But I have been exploring the possibility that, consistent with this rationale, the reasonableness of rejecting a principle might depend on the number of others who have reason to insist on it.¹⁹

This brings us to the question of how the relevant reasons are understood and compared. It is natural in many cases to identify the strength of these reasons with the magnitude of the factors that provide them, such as numbers of lives saved or the length of time that a person suffers a certain pain. These quantities provide an obvious basis for comparison between the reasons of different individuals. They also, it would seem, can be summed up across individuals, to represent the strength of the reason for or against affecting all of them in some way. In some cases this summation is very plausible, as in choices between saving one life and saving many lives. But it also seems to allow aggregative reasoning that is implausible, as when a sufficient number of very trivial losses to different individuals are seen as adding up to “outweigh” a single much greater loss to some other individual.

In thinking about this question, it is important to bear in mind that what is relevant to the reasonableness of rejecting a principle is, at the most basic level, the *reasons* that different individuals have to object to or insist on a given principle. The duration of different individuals’ moments of pleasure or pain may seem to “add up” in an obvious way to be a greater amount of pleasure or pain (not all of which is experienced by any one person). But it is less obvious how the fact these different people each have reason to want certain momentary pleasures

¹⁷ As in my example of the transmitter room in *What We Owe to Each Other*, *op. cit.*, p. 235.

¹⁸ See *On What Matters*, Volume Two, *op. cit.*, pp. 4-5, 196-212.

¹⁹ I explore this possibility in “Contractualism and Justification,” *art. cit.*

affects the reasonableness of rejecting a principle that would deprive them of these pleasures. Facts about individual reasons are not obviously additive in the way that pleasures and pains, considered in themselves, may seem to be. Bearing this difference in mind may make the threat of implausible aggregation less worrisome.

This shift, from comparing amounts of some underlying quantity, such as pleasure, to comparing different reasons comes at a cost, however. Judgments about the reasonableness of rejecting a principle seem clearer when they rest on comparisons of the gains and losses to individuals who would be affected by the principle in different ways. It is less clear how to decide whether the fact that one person would be affected in a certain way makes it reasonable to reject a principle given that many others have different reasons for wanting moral restrictions that include such a principle. But this added complexity may just be a cost one needs to bear in order, for example, to account for the difference between cases in which benefits or burdens to different individuals “add up” morally speaking, and cases in which they do not.

Current projects

Véronique Munoz-Dardé – *What does your current work focus on?*

Tim Scanlon – According to contractualism, we should understand familiar moral ideas such as rights and other principles of right and wrong by identifying the interests that they are needed to protect, and the costs of protecting these interests by means of particular standards of conduct. This general strategy is an old one, familiar from J. S. Mill’s discussion of rights,²⁰ and a strategy that contractualism shares with modern rule consequentialism, the view that acts are wrong if they would be disallowed by the principles general acceptance of which would have the best consequences.²¹ The difference between contractualism and various forms of consequentialism lies in the way in which the significance of the “interests” that play this justifying role is understood. According to rule consequentialism, what matters is the goodness or badness of having individuals be affected in certain ways. According to contractualism, on the other hand, what matters is the reasons that these individuals have for wanting, or objecting to, certain forms of treatment. This difference is one way in which the idea of *justifiability to* the affected parties shapes a contractualist account of the content of morality. What morality

²⁰ In Chapter V of *Utilitarianism*.

²¹ This is a rough statement of the theory, of which there are several versions. For a good overview, see Brad Hooker, “Rule Consequentialism,” in *The Stanford Encyclopedia of Philosophy*, <https://plato.stanford.edu/entries/consequentialism-rule/>.

requires, on a contractualist view, is not just that how we treat others has to be justified in some way, but that it has to be justified in a way that takes account of and responds to their reasons for objecting to these forms of treatment, along with the comparable reasons of others.

I find this analytical strategy, of understanding familiar moral ideas by looking for underlying reasons that make them important, extremely fruitful. In recent work, in addition to rethinking about the appeal of contractualism, and the questions about it that I have mentioned above, I have been returning to the project of examining questions of rights, freedom of expression, and tolerance in this way.

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