**Transcendental Contractualism:
A Critique of Scanlon's Notion of Right and Wrong**

Thesis submitted for the degree of Doctor of Philosophy

By

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Abstract

Transcendental contractualism is an attempt to explain the objectivity of reasons against wronging.

Chapter one discusses Scanlon's *Contractualism and Utilitarianism*. I argue that Scanlon fails to establish the motivational and normative basis for right and wrong. In chapter two I explain Scanlon's revised account of motivation and defend it from Humean and anti-Humean alternatives. In chapter three I discuss the normativity of what we owe to each other. I use the structure of Williams's distinction between internal and external reasons. I describe the varieties of internalism and externalism about normative reasons, and describe Scanlon as a weak externalist who is also committed to the objectivity of normative reasons. I argue that the combination of weak externalism and objectivity regarding the nature of normative reasons is problematic. In chapter four I endorse the general approach of the buck-passing argument, but criticise Scanlon's version. I develop an augmented buck-passing argument that is brought to bear in chapter five. I employ the augmented buck-passing argument to refute the charges of circularity and redundancy. In the second part of this chapter I describe the problems of normative scepticism, and explain that Scanlon cannot establish the objectivity and a priori nature of the reasons against wronging. In chapter six, I turn to the transcendental arguments of Strawson's *Individuals*, and argue that when combined with Scanlon's account of the nature of intentional action and the structure of right and wrong, they can refute the scepticism of the amoralist, and those who challenge the priority of what we owe to each other. I argue that the transcendental argument for practical personhood is able to show that original

moral properties of contractualism are necessary, universal, and a priori. I

conclude that the argument for transcendental contractualism is able to provide for

the objectivity of normative reasons, and their necessary connection to motivation.

Author's Declaration

I declare that the work presented in this thesis is mine alone.

Philip Andrew Cook

Acknowledgments

Introduction

My thesis is intended as a response to the problem of scepticism about the normativity of right and wrong in Scanlon's contractualism. Transcendental contractualism is a shorthand for the combination of arguments I draw together from Scanlon and Peter Strawson; it is an attempt to explain the objectivity of reasons against wronging.

My thesis is concerned with Scanlon's *What We Owe to Each Other*. I begin with an examination of Scanlon's earlier *Contractualism and Utilitarianism*, as this sets the context for the discussion of later chapters. The problems that issued from this original article were directly responsible for many of the revisions presented in his later book. I am concerned to identify one key question in Scanlon's contractualism: the normativity of right and wrong. One of the basic arguments of my thesis is that Scanlon does not satisfactorily establish that what we owe to each other is objective, and necessarily ascribable to all. Whilst the content and extent of the arguments vary widely between the original presentation and the later book, the same basic problem remains.

However, the persistence of my criticism should not distract from my endorsement of Scanlon's account of the nature of right and wrong, and much else. I am convinced, as I hope to explain, that much of what we find in *What We Owe to Each Other* should be accepted. And so I have the dual intention, in my discussion, of explaining the presence and origin of the problem of the normativity of contractualism whilst describing, defending, and sympathetically revising the key doctrines regarding the nature of right and wrong. My intention

is to specify the origin of the problem of the normativity of contractualism, and to suggest how we can address this problem. The nature of the problem, I argue, is that Scanlon is unable to provide an account of the necessity, universality, and objectivity of what we owe to each other. In order to address this problem, we need to look beyond Scanlon's contractualism, and towards transcendental arguments derived from Strawson's *Individuals*. These transcendental arguments can explain the universality and necessity of the concept of a person. This is an argument for the objectivity of persons as mutual ascribers of self-consciousness. The transcendental argument for the mutual ascription of self-consciousness is important to refute the normative sceptic who, I argue, does not ascribe the properties of personhood universally or a priori. Strawson argues that to ascribe personhood to oneself is, necessarily, to ascribe it to other persons. The amoralist is not, we conclude, exceptional or exempt.

Whilst I hope to present a convincing account of what I have described as transcendental contractualism, I have a broader aim, which I hope will become clear in the course of the discussion. I am concerned that the general ambition of constructivist theories such as Scanlon's are unable to account for the possibility of objectivity in moral and political theory because of a reluctance to engage in metaphysics. I turn to Strawson's *Individuals* as an example of descriptive metaphysics that should not offend against constructivist sensibilities. My broader aim then is to promote the promise and compatibility of transcendental arguments and constructivism. Transcendental contractualism, as I will present it, is one possible version, but it seems to me that there is much scope for the pursuit of other transcendental constructivisms.

I shall briefly summarise the contents of my thesis. Chapter one begins with a discussion of Scanlon's *Contractualism and Utilitarianism.* I argue that Scanlon intends to show that morality is more than a special taste or preference, but that he in fact fails to establish that the motivational and normative basis for right and wrong is anything other than contingent. Chapter two begins the discussion of *What We Owe To Each Other.* I explain Scanlon's revised account of motivation. We discuss Humean and anti-Humean views of the constitution of motivation, and I compare Scanlon's account to varieties of each. I conclude that Scanlon's understanding of motivation withstands criticisms from both sides of the Humean divide, and presents a convincing and compelling understanding of intentional action. In chapter three I begin our discussion of the normativity of what we owe to each other. I use the structure of Williams's distinction between internal and external reasons. I describe the varieties of internalism and externalism about normative reasons, and describe Scanlon as a weak externalist who is also committed to the objectivity of normative reasons. I present Scanlon's arguments against internalist conceptions of normative reasons, and amplify some of his arguments with reference to the work of Jonathan Dancy. I conclude chapter three by arguing that there is a structural problem in the combination of weak externalism and objectivity regarding the nature of normative reasons. Weak externalism takes the view that reasons may exist independently of subject's motivations, whereas the commitment to objectivity asserts that the reasons are normative for all persons. The combination of weak externalism and objectivism seems to allow for the possibility of a person claiming exemption from objective reasons because they do not possess the

appropriate motivation. I ask if there is a way to combine weak internalism with objectivism, and therefore avoid this problem. This question informs the discussion of subsequent chapters. In chapter four I examine Scanlon's account of value. This is an important stage in his discussion, as it sets out the relationship between right and good. The buck-passing argument is presented as a response to the open question problem. When analysing the relationship between objects and their goodness, we are faced with the possibility, when stating that 'the beach is pleasant', of being asked, 'but is it good?' This question has an open feel. In response to this problem, Scanlon suggests the buck-passing move, where the good is not described as an independent property in itself, but rather as the higher order property of objects that have some particular substantive value. The 'buck' of the good is passed onto the particular substantive properties. I endorse the general approach of the buck-passing argument, but suggest that it is problematic as it stands. I develop an augmented buck-passing argument that draws on arguments from Jonathan Dancy and Jay Wallace. On my augmented buck-passing argument, both the right and the good must be regarded as higher order formal properties: the property of being of value, or of having a reason. I use this augmented buck-passing argument to respond to critics of the buck-passing view in general. The augmented buck-passing argument is brought to bear in a central discussion of chapter five. This chapter is concerned with the content and scope of what we owe to each other, and I employ the augmented buck-passing argument of chapter four to refute the charges of circularity and redundancy. However, in the second part of this chapter, I emphasise how Scanlon has not escaped the problems that we encountered in chapter one. I describe the problems

of normative scepticism, and explain that Scanlon cannot explain the objectivity and a priori nature of the reasons against wronging. I discuss Susan Mendus's arguments against Scanlon's account of the relationship between partial and impartial reasons. I agree with Mendus's criticisms, but offer some qualifications of her alternative account. The explanation of the objectivity and the a priori nature of the reasons against wronging is the topic of chapter six. In this chapter I turn to the transcendental arguments of Strawson's *Individuals*, and argue that when combined with Scanlon's account of the nature of intentional action and the structure of right and wrong, they can refute the scepticism of the amoralist, and those who challenge the priority of what we owe to each other. I present Strawson's arguments, and discuss the validity of transcendental arguments. I argue that Strawson's self-directed transcendental arguments can respond to the classic objection made by Stroud and others, namely that transcendental arguments only provide contingent, and not objective, validity. I argue that the transcendental argument for practical personhood is able to show that original moral properties of contractualism are necessary, universal, and a priori. They are, in other words, objective. I am particularly interested in Strawson's argument for the necessary mutual ascription of self-consciousness to persons. This, it seems to me, provides a promising route to refute the sceptical amoralist. I conclude by returning to the discussion of internal and external reasons. I suggest that the argument for transcendental contractualism is able to provide for the objectivity of normative reasons, and their necessary connection to motivation. This argument draws together many of the stands of thesis.

Before these strands are woven together in the arguments for transcendental contractualism, we begin with Scanlon's initial account in *Contractualism and Utilitarianism.*

<center>Chapter One</center>

CONTRACTUALISM AND UTILITARIANISM

Introduction

In *Contractualism and Utilitarianism*, Scanlon presents his version of contractualism as part of a wider discussion of contractualism in Rawls and Harsanyi. Although this work is one chapter in a collection of essays, it had a remarkable influence on the discussion of contractualism in moral and political philosophy. Not only did it provide a rich source of debate and analysis, it also presented problems that Scanlon addressed explicitly in his later book. It is important, therefore, to begin with a discussion of Scanlon's original presentation of contractualism: for its lucidity, but perhaps more importantly to identify difficulties that will feature throughout our later discussions.

In section one, I will set out the aims of Scanlon's contractualism. As we will find throughout our discussion, Scanlon takes the ordinary experience of moral life very seriously, and hopes to present a theory that is consistent with our deeply held intuitions about the subject matter and status of moral judgment. This theory is, of course, intended to clarify and illuminate our ordinary moral experience, but we will see that Scanlon is very attentive to what he calls the phenomenology of moral life. We will see that Scanlon identifies two threats to the description of morality that he wants to provide. These are doubts about the priority and importance of right and wrong. Although somewhat different in nature, these two doubts challenge the normativity of moral reasons. After setting

out the contents of Scanlon's contractualism as presented in this original article in section two, I will argue that Scanlon is unable to account for the importance and priority of contractualism in the term he hopes. This prepares the ground for the much more detailed arguments and revisions in the later *What We Owe to Each Other*.

1. The Importance and Priority of Contractualism

For most of us, moral failure is perhaps the most serious failure of all. We may judge that someone has terrible taste in music, or is an intellectual nincompoop, and regard both these as serious failings. But to say that someone has acted wrongly, or is a morally bad person, is to make a judgment of a different order. It seems as though morality belongs in a special category in our lives. Scanlon takes this ordinary experience of the special nature of morality at face value, and regards its explanation as one of the central questions to be addressed by his contractualism.

> A satisfactory moral philosophy will not leave concern with morality as a simple special preference, like a fetish or a special taste, which some people just happen to have. It must make it understandable why moral reasons are ones that people can take seriously, and why they strike those who are moved by them as reasons of a special stringency and inescapability.[1]

The 'special stringency and inescapability' of moral reasons is derived from the importance and priority of morality in our lives. Why do we regard morality as especially important in our relationships with others? One simple answer is that the morality of right and wrong concerns how we treat others, and

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[1] T. M. Scanlon, 'Contractualism and Utilitarianism' in *Utilitarianism and Beyond*, ed. Bernard Williams and Amartya Sen, (Cambridge University Press, 1982), 106

how we ourselves are treated. We can of course have moral concern for the non-human world. Many people regard their relationship with the environment or with animals as having a moral dimension. But Scanlon's sole concern is with our relationships with other people. And in those relationships, the morality of right and wrong affects our standing with others in a way that other concerns do not. Our tastes in art or pleasure are, for the most part, relations between the object and ourselves: relations of enjoyment or stimulation, faith or solace. Such differences may affect the texture and quality of our relationships with others, but we can sustain relationships even if we value different things. 'The effects of a failure to be moved by considerations of right and wrong are not, however, confined in this way. This failure makes a more fundamental difference because what is in question is not a shared appreciation of some external value but rather the person's attitude toward us.'[2] We may encounter someone who shares our taste in food, music, and literature, but who does not have a place for moral values in their lives. They might recognise the existence of the institution of morality, but not relate towards us with any notion of our moral standing. If this person is gentle, sensitive, faithful, and wise, we might enjoy their company. They need not be vicious and heinous; they need not be immoral. But according to Scanlon, the role of morality is so central in our relationship with others, that there would be a fundamental breach in our relationship. We might call this person the amoralist. So morality is especially important because our identity as persons is fundamentally important to how we regard others and ourselves. Our relationship with others is affected in a more profound way if someone fails morally rather

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[2] ibid., 159

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than in any other way, and it is affected irreparably if a person is an amoralist. Can contractualism meet the challenge of the amoralist?

Perhaps we can rebut the amoralist, and show that they cannot escape the claims of morality. But we could also meet a person who accepts the value of morality, but disagrees that it should take priority over other values automatically. Again, this might not mean that they treat people badly. But they might regard the values of friendship, neighbourliness, parenthood, or citizenship as of greater priority in their relationship with others. They might reject the priority of the value of the morality of right and wrong, where people are valued first and foremost as persons as such and in their particular identities only secondly. The particular values of friendship, shared religious faith, or common racial identity might be of greatest priority to them. Such people might agree that everyone stands subject to the limits of morality, but they might deny that the value of the morality of right and wrong should take priority in each and every instance. As a consequence, the kinds of reasons that they would accept in justification of their actions would be constituted by the particular values that apply to the case at hand. Put more abstractly, the standards of normative justification would be constituted by the nature and kinds of values they prioritize. But Scanlon would disagree with someone who didn't prioritize the value of right and wrong.

Scanlon's challenge is to refute the amoralist, and persuade everyone else that the value of right and wrong should take priority over other values that might provide normative reasons in justification. He considers it a central task of his contractualism to '...explain both the priority that the part of morality it describes

claims over other values and the special importance we attach to being moved by it..."[3]

2. Contractualism and Utilitarianism

Scanlon's initial account of the morality of right and wrong was presented as a descendant of Rawls's argument in *A Theory of Justice*. One of the important features of Rawls's contractualism for Scanlon was that it offered an alternative to the utilitarian account of moral motivation and moral reasoning. Rawls's proposed foundation of moral motivation was a commitment to the value of the equal moral standing of persons in themselves. The conception of moral reasoning offered in place of aggregation was reasonableness. These two features taken together seemed to offer the prospect of a non-utilitarian moral theory that was not based on queer metaphysics, perhaps like intuitionism, nor on formal rationality, like Kant.

Following Rawls, Scanlon characterized the commitment to the value of persons in terms of a shared motivation to be in agreement with others on just and fair terms. The notion of agreement has of course featured prominently in many very different kinds of moral theories. These different kinds of moral contractualism are often differentiated by how they characterise the motives and values of the people involved in the agreement. Famously, Hobbes thought that we were driven to seek agreement because there were no inherent limitations on the values we hold or the means we choose to pursue them, and such permissiveness on our means and ends created a fear for our lives that drove us to seek mutual assurance on prudential grounds. Rawls's notion of agreement draws

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[3] ibid., 187

from a quite different tradition, where it is held that people regard themselves and others as of integral value in virtue of their personhood. Agreement, at least in part, is a metaphor for the moral respect for others as persons.

> The contrast might be put as follows. On one view, concern with protection is fundamental, and general agreement becomes relevant as a means or a necessary condition for securing this protection. On the other, contractualist view, the desire for protection is an important factor determining the content of morality because it determines what can reasonably be agreed to. But the idea of general agreement does not arise as a means of securing protection. It is, in a more fundamental sense, what morality is about.[4]

However, Scanlon hoped that his version of contractualism would provide a more simple and direct basis upon which to derive non-utilitarian moral requirements than that given by Rawls. Rawls seemed to be arguing that in order to derive authoritative moral principles (of justice in his case), a person's complex motivational commitments needed to be mediated through the procedure of the original position and the veil of ignorance. This procedure was designed to be fair to all persons by filtering out any partial, unreliable, or selfish interests. On one reading, Rawls is here trying to present accurately the complex, and perhaps contradictory, interests of reasonable people, and isolate those interests upon which it is most appropriate to build an account of justice. The authority of the principles is therefore derived from the fact that they would have been chosen by a self-interested person, with an effective sense of justice, through a procedure designed to prevent the person choosing principles that would be partial or unfair. It is worth mentioning that, for all the discussion of Rawls's Kantianism, this is a

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[4] ibid., 128

fundamentally un-Kantian position. The basis of morality is not our rationality, and the principles of justice are not categorical or derived from formal features or capacities of reason. For Rawls, and perhaps for all contractualists, a moral agent is constituted by their ability and motivation to act reasonably, according to their commitment to the value of the equal moral standing of persons. Reasonableness involves a judgment about the considerations that count in favour or against a moral principle. This is a substantive moral judgment about substantive moral principles and values. It is not a methodical application of a formal rule derived from an account of our rationality. Contractualism is concerned with reasons and reasonableness, and not reason and rationality.

Although Scanlon shared Rawls's commitment to the notion of agreement on moral terms, he criticised Rawls's characterization of the agreement. Scanlon recognised that the authority and priority of the principles of justice did not derive from their construction in the original position behind the veil of ignorance. The authority of these moral principles was derived from the basic commitment a person has to the value of the equal moral standing of persons in themselves. The complicated machinery of Rawls's argument could be substituted with the basic and direct commitment to fairness (now characterised more generally as rightness). This commitment provides the grounds for the priority and authority of the moral requirements of right and wrong. In the process of justifying the principles to another person, the strongest argument you could present is that these are the principles that they indeed want, as evinced by their commitment to the value of the equal moral standing of persons. The procedure might clarify this to them, but it would not in itself provide another reason. It merely serves to clarify the

original reason that is derived from their fundamental commitment to the value of the equal moral standing of persons.

So far we have been speaking in terms of a fundamental commitment to the value of the equal moral standing of persons. But what, more precisely, is the nature of this commitment? In what way are we committed to this value?

For Scanlon, our commitment is our desire. Scanlon claims that we are not only moved by selfish desires to promote our own self-interest whenever we can do so with little risk. Nor are we so driven by a fear of others' ruthless pursuit of their own interest, that benevolent feelings are consumed by a desire for protection. Scanlon is certainly not claiming that our desires and interests are entirely altruistic, only that the importance and priority of morality is born from a compelling desire to be in a relationship of respect with others. He argues that people have a basic desire to seek agreement with others similarly motivated on terms no one could reasonably reject. We will see later on that Scanlon is somewhat unclear about the origin of this desire, but he claims very clearly that we have good grounds to regard it as a common feature of peoples' constitution. The cultural and familial norms of respect for persons, and the importance of reasonable justifiability as a standard of conduct, provide deep foundations for such a desire.

> In fact it seems to me that the desire to be able to justify one's actions (and institutions) on grounds one takes to be acceptable is quite strong in most people. People are willing to go to considerable lengths, involving quite heavy sacrifices, in order to avoid admitting the unjustifiability of their actions and institutions. The notorious insufficiency of moral motivation as a way of getting people to do the right thing is not due to simple

weakness of the underlying motive, but rather to the fact that it is
easily deflected by self-interest and self-deception.[5]

We provide a home for many different desires and interests, some of which can conflict. The presence of a conflict between our moral desire and perhaps some very self-interested desire does not invalidate the importance or even the existence of the moral standards. It is the case that some of our most deeply held, truly desired, values are often not at the forefront of our mind and actions. Our desire to live a long and healthy life might be seldom heeded. But the immediate absence, or perceived absence, of such a desire does not exempt us from the claims of morality. Scanlon's concern is to identify a specific desire for the value of morality, and to argue that whilst it is not indefeasible, it is the origin of the priority and importance of right and wrong.

> What must an adequate philosophical theory of morality say about moral motivation? It need not, I think, show that the moral truth gives anyone who knows it a reason to act which appeals to that person's present desires or to the advancement of his or her own interests. I find it entirely intelligible that moral requirement might correctly apply to a person even though that person had no reason of either of these kinds for complying with it.[6]

Scanlon's argument for the importance and priority of morality rests on his view that we desire a certain moral state of affairs. We can distinguish two broad features of this argument: the motivation and the normative thesis. In *Contractualism and Utilitarianism*, Scanlon does not spend much time discussing the details of his argument for the motivation thesis or the normative thesis. However, it is clear from his later discussion in *What We Owe To Each Other* that

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[5] ibid., 117
[6] ibid., 105

Scanlon had in mind what he later came to call the standard desire model. I will describe Scanlon's deployment of this argument in *Contractualism and Utilitarianism*.

3. The Importance and Priority of Our Desire to be Moral

a) The Question of the Priority of Morality

Does Scanlon's contractualism provide '...a particularly plausible account of moral motivation'?[7] Has Scanlon shown that contractualism as a moral theory can '...explain both the priority that the part of morality it describes claims over other values and the special importance we attach to being moved by it...'?[8] I will suggest that as presented in *Contractualism and Utilitarianism*, it cannot. We will look first at the question of priority, and then at importance.

Scanlon intends his moral theory to explain why the value of the equal moral standing of persons would take priority over other values. For Scanlon, the motivational origin of our commitment to right and wrong is located in the desire to value others, and be ourselves valued, as persons of equal moral standing. We pointed out that Scanlon recognised that this would be one amongst a range of other desires, and that it would frequently not take priority amongst other competing desires and interests. He acknowledged that this desire is easily deflected. There does not seem to be anything integral to this desire that would make us give it priority over other competing desires. It does not seem to be constituted by a special strength or intensity if it is so easily defeasible. If it did in fact have a special intensity or power, this would make it different from other desires, and would need to be accounted for. No such claim is made, nor

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[7] ibid., 104
[8] ibid., 187

argument given. If the requirements of being a great artist, excellent scholar, or a loving parent take priority over moral requirements in a person's relations with others, Scanlon seems to have no argument to say why this is mistaken or wrong. The argument for the mere existence of this desire is not an argument for its priority.

b) Importance and the Amoralist

We have seen that the desire to reach agreement with others on reasonable terms might not necessarily take greater priority over other values. Even though Scanlon's account leaves the priority of morality questionable, the problem itself assumes the presence of such a desire in the first place. Scanlon also says that the morality of right and wrong affects our relationships with others in a more significant way than other commitments we may have. What happens to the importance of morality in our relations with others if the desire is lacking?

For a person to able to act morally, they must have the required desire. Scanlon seems to accept that a substantive desire to value morality is required to motivate agents. But he does not explain why an agent would have a desire to value morality at all. Scanlon could take the view that the moral desire follows from certain natural desires shared by all humans. But this is a difficult argument to make, and is missing in his account. There is more reason to think that Scanlon regards the presence of the desire as a matter of socialization. But if the desire is the product of our 'moral education', what can we say to those who have not had this desire promoted in their education? This cannot be a moral failing, because the scope of morality is defined by the presence of the desire in the first place. Scanlon has no argument about human nature, or the human good that would

allow him to claim that such a lack is a moral or even natural deficiency; it is merely an empirical absence on his account, much like someone who has no care for music or sport. It seems as though a concern with right and wrong is reduced to a special preference or taste. On this account, a person could well recognise the existence of moral claims for others, even treat it with respect and admiration, but they would relate to moral claims as a respectful atheist to a great religion. They may recognise the importance of morality to others, but have no desire, and therefore no motivation, to act morally. Just as the absence of a motivation to be faithful marks one aspect of atheism, the absence of a motivation to be moral marks one aspect of amoralism. It might be a matter of fact that there are people amongst us who have no such motivation to be moral. They are in the moral world but not of the moral world. If this is something that a moral theorist accepts then they have to abandon any hopes of a human morality. Morality becomes a club or a union whose rules only apply to its members. But whilst we can accept that not everyone wants to join clubs or be in a union, Scanlon's original intention is not to describe morality in such a limited way. Scanlon clearly does not want to accept the possibility of amoralism.

> If we had no desire to be able to justify our actions to others on
> grounds they could reasonably accept, the hope of gaining...
> protection would give us reason to try to instil this desire in others,
> perhaps through mass hypnosis or conditioning, even if this also
> meant acquiring it ourselves. But given that we have this desire
> already, our concern with morality is less instrumental.[9]

But if we don't have this desire already, the importance and priority of morality seems to either rest on our need for protection, or on our special interest

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[9] ibid., 128

in being in a certain kind of relationship with others. This is precisely the opposite of what Scanlon had originally intended his contractualism to establish.

Conclusion

In this chapter we have examined Scanlon's original presentation of his contractualism. Scanlon's intention is to provide an account of the normative content of right and wrong, but also of the normativity of right and wrong. For Scanlon, the normativity of contractualism consists in its priority over other values, and in its scope over all persons who are guided by the goal of living alongside others on terms which cannot be reasonably rejected. We have seen, however, that Scanlon's is unable to show that morality must have this status in our lives.

In his later work Scanlon in fact says '[t]o say that people have reasons not to mistreat others, or reasons to provide for their own future interests, only if doing so promotes the fulfillment of their present desires has seemed to many people to make the requirements of morality and prudence "escapable" in a way that they clearly are not.'[10] Unfortunately, it is still far from clear how the moral claims of contractualism are inescapable.

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[10] Scanlon, *What We Owe To Each Other*, (London, The Belknap Press of Harvard University Press, 1998), 42

Chapter Two

DESIRES AND MOTIVATION

Introduction

In *Contractualism and Utilitarianism* Scanlon argues that a commitment to a contractualist understanding of right and wrong is derived from a desire to live with others on terms that could not be reasonably rejected. We argued that in the absence of an argument to the contrary, the presence of this desire is contingent. Therefore, the normativity of the reasons and the motivation to be moral is contingent. On this view, reasons against wronging apply only to those motivated by this desire. Morality seems relegated to a special taste or fetish. Contractualism was meant to prevent this. In his introduction to *What We Owe to Each Other* Scanlon concedes that this was '...a particularly serious fault.'[1] In this chapter we will examine Scanlon's attempt to remedy this fault.

According to Scanlon's contractualism, justification provides the motivational basis and the normative content of what we owe to each other. This means that the goal of living on terms that are justifiable to others is sufficient to motivate people to act on moral reasons, and that the content of principles of right and wrong is justified in terms of this ideal. We will, in the course of the following chapters, examine the nature of Scanlon's claim that justification provides the normativity, in content and authority, of moral reasons. In this chapter though, we will concentrate on Scanlon's reconsideration of motivation. I

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[1] T. M. Scanlon, *What We Owe to Each Other*, (London, The Belknap Press of Harvard University Press, 1998), 7

will begin by setting out the difference between motivating and normative reasons. Whilst we should not understand this as a distinction between two types of reasons, it is helpful to describe two kinds of questions we can ask of someone's actions: on what grounds did they act?; was their action justified? The question of motivation relates to the understanding of the constitution of intentional action. This question is much discussed in terms of a debate between Humean and anti-Humean conceptions of motivation. I will set out the difference between these views, in order to locate and analyse Scanlon's particular arguments regarding motivation. I will then examine Scanlon's argument for the constitution of motivation in terms of reasons as considerations. Scanlon's argument is a kind of anti-Humeanism. I will discuss challenges to Scanlon's anti-Humeanism from various Humean and alternative anti-Humean perspectives. I will argue strongly in favour of Scanlon's account of motivation, and show ways in which Scanlon is able to respond to the various alternatives and their criticisms. With a clearer idea of the constitution of motivation, we can begin to examine the grounds and scope of the normative reasons of right and wrong.

1. Motivating and Justifying Reasons

a) Beliefs and Desires

Intentional action can be understood from the perspective of a person's motivations or their justifications. The motivational perspective explains the reasons a person had for performing their action; the justificatory perspective addresses the question of whether there were in fact good reasons for their action. Let us take the example of Richard's act of smelling roses. Richard's motivation may be explained by his enjoyment of the fragrance of fresh roses. However,

Richard's enjoyment of the fragrance of fresh roses may not be sufficient to justify his action. If the roses were silk and not real, we may say that Richard was not justified in smelling the roses. The explanation of intentional action is normally taken to include an account of both motivation and justification. We can therefore discuss intentional action in terms of motivating and justificatory reasons.

It should be noted that justificatory reasons are sometimes described as normative reasons. For instance Jonathan Dancy, Derek Parfit, and Scanlon generally use the phrase normative reasons instead of justificatory reasons.[2] However, I will retain the term justificatory reasons on two grounds. Firstly, the motivating/justificatory reasons distinction that I am introducing does not exactly map the distinction between normative and operative reasons that Scanlon uses. To use the term normative reasons to refer to two somewhat different notions may prove unhelpful. Secondly, the normativity of justificatory reasons is one of the issues that we will be examining. Consequently, I believe the term justificatory reason is, for our purposes, clearer.

The constitution and role of motivating and justificatory reasons is disputed hotly. In this chapter we will focus solely on the nature of motivating reasons, and the role of desires in their constitution.

The view that motivation necessarily includes desires is often described as Humean.[3] On a standard reading of the Humean model of motivating reasons, intentional action is constituted by the combination of belief and desire. The two

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[2] see Jonathan Dancy, *Practical Reality*, (Oxford University Press, 2000), 1; Derek Parfit, 'Reasons and Motivation', *Proceedings of the Aristotelian Society,(Supplementary Volume)*, 71 (1997), 98-130; and Scanlon, *What We Owe*, 18-19.

[3] I leave aside the question of whether this is what Hume said. Dancy notes 'There is a classic position in the theory of motivation that is known as Humeanism, despite the fact that it bears little resemblance to the views of its supposed progenitor, David Hume.' Jonathan Dancy, *Practical Reality*, 10

are required because they perform different roles that can produce intentional action only in unison. Desires are regarded as integrally motive. They are oriented towards the world as we would like it to be, and express an attraction or repulsion that is often experienced viscerally. A desire appears to include the necessary physical and mechanical dimensions of an act. The integral propulsive qualities of desire connect the aims of the subject with a subject's powers of action. Desire at once includes the notion of a goal, and the kinetic power to achieve that goal. Thus, the energy that moves us to act is the familiar and intelligible phenomenon of a desire: we would all attest to the empirical reality of urges, impulses, feelings, and repulsions. The existence of desires as just described seems obvious, their perception evident, and their power to move indubitable. But the energy of desire needs administration and organization. The cognitive powers of belief are required to present an understanding of the present state of affairs, and also to find the means to produce the state of affairs sought by desire.

> For an intentional action to take place, its agent must have a suitable combination of beliefs and desires, there must be something that the agent wants, an aim or goal which the proposed action subserves in some way...Further, the agent must have suitable beliefs to the effect that the action is likely to subserve that goal.[4]

Typically, Humeanism perceives an asymmetry between desire and belief. The animating power of desire is seen as the force that enables a person to move from inertia to action, and therefore integral to an account of intentional action, rather than a simple intention. Different Humeans present different views of the

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[4] Dancy, *Practical* Reality, 10-11

composition of belief and desire. In Donald Davidson's influential discussion, desire and belief are described broadly.

> Whenever someone does something for a reason, therefore, he can
> be characterized as (a) having some sort of pro attitude toward
> actions of a certain kind, and (b) believing (or knowing,
> perceiving, noticing, remembering) that his action is of that kind.
> Under (a) are to be included desires, wantings, urges, promptings,
> and a great variety of moral views, aesthetic principles, economic
> prejudices, social conventions, and public and private goals and
> values in so far as these can be interpreted as attitudes of an agent
> directed toward actions of a certain kind.[5]

Humeans can therefore allow for a wide variety of phenomena to fulfil the roles of belief and desire, whilst maintaining that they are required in combination.

b) Humeanism and Meta-Ethics

Humeanism features within the broader contemporary meta-ethical debate. This debate is normally described in terms of a disagreement between realists and anti-realists, cognitivists and non-cognitivists, and Humeans and anti-Humeans. Broadly speaking, realism and anti-realism disagree about whether there are such things as moral facts, and moral objects underlying these facts. A realist may argue that there are such phenomena as moral objects, although these objects could be described as conditions of our rationality rather than immaterial objects such as the Good. Cognitivists and non-cognitivists argue about the nature and effect of our judgment of moral phenomena. A recognisably cognitivist view may argue that our judgments can be truth-apt (capable of being, or being akin to, judgments with truth values), whilst a non-cognitivist may argue that our moral

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[5] Donald Davidson, 'Actions, Reasons, and Causes' in Donald Davidson, *Essays on Actions and Events* (Oxford, Clarendon Press, 1980), 4

judgments are more akin to expressions of our dispositions or preferences. Humeans, as just described, argue that motivation necessarily includes desires or pro-attitudes, whereas anti-Humeans suggest that motivation can be explained solely in terms of our cognitive judgments, such as beliefs. Put in these terms, we can see how a motivational Humean may typically take a non-cognitivist view of moral judgment. A non-cognitivist view of moral judgment as the expression of our dispositions as pro-attitudes would seem to fit happily with a Humean commitment to desires as essential to motivation. However, as is perhaps to be expected, different philosophers present many various permutations of these views, and we should not expect all anti-realists to be non-cognitivists and Humeans. We will refer to these meta-ethical distinctions throughout our discussion. For our present purposes, I wish to leave aside the question of realism and anti-realism, and concentrate on the problem of Humeanism and anti-Humeanism in motivation, and its relation to cognitivism and non-cognitivism.

As we saw in the previous chapter, Scanlon merely employs rather than examines the notion of desires in *Contractualism and Utilitarianism*. However, it is reasonable to assume that he had some kind of Humean picture of motivation in mind. In recognition of the serious fault that this caused to his contractualism, Scanlon was prompted to undertake

> ...a deeper examination of reasons and rationality, which led to the conclusion that my initial assumption about reasons and desires got things almost exactly backward. Desire is not a clearer notion in terms of which the idea of having a reason might be understood; rather, the notion of a desire, in order to play the explanatory and justificatory roles commonly assigned to it, needs

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to be understood in terms of the idea of taking something to be a reason.[6]

Scanlon makes a move from a Humean to an anti-Humean view of motivation. And in so doing he develops a novel cognitivism.

2. Scanlon's Reasons as Considerations

a) Primitive Reasons

We might describe a Humean view of motivating reasons as a compound notion: it consists in the combination of a belief and desire. The subsidiary notions of belief and desire together constitute a motivating reason for intentional action. Scanlon, however, now offers an entirely different account of a motivating reason. A reason should not be understood as a compound synthetic notion, composed of two distinct phenomena: desire and belief. It should instead be understood as a single, irreducible notion. A reason is a consideration that counts in favour of something. The relation of 'counting in favour of' is the single constituent of the notion of a reason. This relation cannot be understood in simpler more basic terms such as belief and desire. Its simplicity is indissoluble, analytic, and primitive. It is in this sense, the sense that a reason consists solely in the relation of counting in favour of something, that Scanlon takes '...the idea of a reason as primitive.'[7] For Scanlon, having a motivation is simply having a reason as a consideration that counts in favour of something.

The object of a reason is a judgment-sensitive attitude. A judgment-sensitive attitude is an attitude that is an appropriate subject of evaluation, revision, and justification. We may not have arrived at these attitudes consciously

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[6] Scanlon, *What We Owe*, 8-9
[7] ibid., 17

or reflectively, but we are still responsible for them. They are subject to our more or less conscious affirmation, and are capable of alteration upon reflection. They include a wide range of intentional phenomena, such as beliefs, aspirations, dispositions, and comportments.

> These are attitudes that an ideally rational person would come to
> have whenever that person judged there to be sufficient reasons
> for them and that would, in an ideally rational person,
> "extinguish" when that person judged them not to be supported by
> reasons of the appropriate kind. Hunger is obviously not a
> judgment-sensitive attitude; but belief is, and so are fear, anger,
> admiration, respect, and other evaluative attitudes such as the view
> that fame is worth seeking.[8]

A reason is primitive in the sense that it is composed of a single notion, a consideration that counts in favour of something. The object of a reason, that is, the thing that a reason counts in favour of, is a judgment-sensitive attitude. These judgment-sensitive attitudes may include beliefs, but they are not constituted by beliefs singly. For Scanlon, to deny that our actions are connected to such judgment-sensitive attitudes '...one would need to regard all one's actions as things that merely happen, and to abstain from taking at face value any thought about what could be said for or against performing them.'[9]

b) Reasons and Rationality

We have seen that judgment-sensitive attitudes are in part characterised by their association with our powers of reasoning. They are attitudes that are connected to our capacities for reflection, evaluation, and decision. For Scanlon, to be capable of judgment-sensitive attitudes is part of what it means to be a rational creature.

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[8] ibid., 20
[9] ibid.

But rationality is understood in very broad terms. 'Rationality involves systematic connections between different aspects of a person's thought and behaviour. But it is sufficient for rationality in the general sense I am describing – sufficient for being a rational creature – that these connections be systematic, not merely accidental or haphazard.'[10] A person is only being irrational if they hold contradictory judgments simultaneously. We might hold conflicting attitudes of course and still be rational: 'I can take my hunger to be a reason for getting up and at the same time recognize my fatigue as a reason not to get up, and I am not necessarily open to rational criticism for having these conflicting attitudes.'[11] But a person who judges that they have good reasons to ϕ, and simultaneously that they do not have good reasons to ϕ, must be described as irrational. We may have grounds to criticise, disagree with, and reject a person's judgments about the reasons they have, but these are substantive criticisms about their reasons as judgments, and not necessarily grounds for describing them as irrational.

Given the range of information and relevant considerations that may bear on any single question of judgment, it is doubtful if we could ever give a full account of what it is most rational to do. But between the extremes of irrationality and the most rational thing to do, stands the important notion of reasonableness: '...I suggest that judgments about what is or is not reasonable to do or think are relative to a specified body of information and a specified range of reasons, both of which may be less than complete.'[12] The range of information and reasons is defined by the purpose and object of the judgment. Scanlon claims that part of

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[10] ibid., 25
[11] ibid., 24
[12] ibid., 33

what it means to be unreasonable is to fail to take all the relevant information or reasons into account. When we are discussing the quality of a person's reasons, we are discussing the reasonableness of their judgment, not primarily whether they are being rational or irrational; when we argue about the appropriateness or soundness of someone's judgments, we are disputing the reasonableness of the judgments. If we accuse someone of being irrational, we are in effect disputing whether he or she has made a judgment at all. So the notion of a reason is connected to the capacity of reasonableness. Rationality is a necessary, but not sufficient condition of reasonableness. Practical reasons are concerned with judgment-sensitive attitudes. They can be requested to provide an account of the evaluations, considerations, decisions, or omissions that affected our intentional attitudes and actions. Reasonableness refers to the quality of our judgments. Rationality is simply a condition that partly enables us to make reasonable judgments.

c) Reasons in the Standard Normative Sense

A reason as a consideration that counts in favour of something is a reason as an evaluation. It includes more than the notion of a belief. Beliefs are frequently objects of reasons as considerations, but not the constituent whole of reasons. A reason as a consideration is an integrally evaluative, and normative notion. It is in this sense that Scanlon describes his cognitivist notion of a reason as a consideration as a '...reason in the standard normative sense.'[13]

As we saw in section one, cognitivism and non-cognitivism are often associated with anti-Humeanism and Humeanism respectively. As Humeanism

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[13] ibid., 19

operates with a distinction between desires and beliefs, cognitivism is often defined in terms of beliefs. Jonathan Dancy's 'pure cognitivism' about motivating reasons is defined in terms of beliefs, for example.[14] Scanlon's view is certainly anti-Humean, and certainly cognitivist, but his cognitivism is not composed simply of beliefs. The normativity of reasons as considerations is a distinctive feature of his cognitive anti-Humeanism.

We can now perhaps see more clearly why it is more helpful to characterise our discussion of Scanlon's view of intentional action in terms of motivating and justificatory reasons. For Scanlon, a reason is a normative notion, in the sense that it involves an evaluation that a consideration counts in favour of something. Scanlon accepts that we can ask what a person's operative reason for acting was. An operative reason is still a reason in the standard normative sense, as it is the biographical fact of what the person took as their considerations that counted in favour of acting. An operative reason can be distinguished from a justified normative reason, as the reason that in fact counts in favour of something. A person's operative reason is a specific instance of a reason in the standard normative sense, and may or may not be justified. Our discussion of motivation in Scanlon refers to the motivational efficacy of reasons in his 'standard normative sense.' We are addressing the question of the nature and role of desires in the motivational efficacy of normative reasons. The question of the grounds and judgment of the justification of these normative reasons is a separate question. In this chapter we are concerned with what makes a normative reason a motivating one. In later chapters we will address the question of what makes a

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[14] We will discuss this in greater detail in section 5(c) when we compare Scanlon and Dancy's cognitivism.

normative reason justified, and what does justification amount to in contractualism.

3. Reasons and Desires

We can discern three different arguments in Scanlon's account of desire. Firstly, he examines the phenomenology of desire, and finds that the phenomena referred to in the Humean notion of desires are not capable of motivation. Upon close examination, the phenomenology of desire reveals material events, cognitive judgments, and normative evaluations. Secondly, Scanlon argues that the structure of practical reasoning reveals that desires are unnecessary to an account of motivation, and do not fit appropriately the manner in which we deliberate. Thirdly, Scanlon allows for a limited sense of desire as the sometimes-unbidden distractions on our attention. But even in this limited sense, the objects of our attention, and the process of paying attention, are both in the form of reasons as considerations.

a) The Phenomenology of Desire

Scanlon argues that motivation is constituted by the considerations that count in favour of φ-ing. The presence of a reason in the standard normative sense is sufficient to motivate action. In order to make his argument, Scanlon analyses the phenomenological experience that is associated with having a desire, and aims to show that the phenomena involved are incapable of motivating action. He gives the example of being thirsty, and suggests that this experience consists in three components: '...a present sensation (the dryness in the throat), the belief that some action would lead to a pleasant state in the future, and my taking this future

good to be a reason for so acting... the motivational work seems to be done by my taking this future pleasure to count in favour of drinking.'[15]

A Humean may argue that the motivation is provided by the desire to slake my thirst. But for Scanlon, this notion of desire does not apply to any of the available phenomena. The original thirst is a sensation, a feeling of discomfort. It is not, in itself, a desire. It is like being in a draft, or having a headache, it is something that happens to us, and as a material event, it has no intentional or practical qualities in itself. This sensation may provide a prompt for cognition. We may judge that drinking water or closing the window could alleviate this sensation. This judgment may be taken as good grounds for the belief that this future state of being out of a draft, or slaking my thirst, is attractive. This belief may then itself be taken as good grounds to act to attain this future state. That is, the belief in the attractiveness of this future state may be taken as a good normative reason for acting. The initial prompt is not a desire but an event; we form a belief of the attractiveness of the future; and judge that this belief counts in favour of acting to slake my thirst. The Humean notion of a desire as we characterised it in section one, is absent.

A Humean might accept that an intentional action consists primarily in deliberated evaluations, but would ask: why would you deliberate about drinking without the urge to drink? Surely deliberations need an original prompt of some kind? The deliberations and plans of an agent remain valid whether an agent feels thirsty or not. What makes them the cause of the action, what makes them relevant, is the agent's experience of the original urge to drink. Are particular

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[15] ibid., 38

deliberations caused by particular desires? Scanlon replies that when we focus on what this urge is, it does not seem to fit our notion of a desire very closely. Scanlon imports Warren Quinn's example of a person who feels an urge to turn on every radio he comes across. There is no purpose to this behaviour, he does not want to hear sound or avoid silence, he simply acts on the urge.

> [W]e may sometimes have such urges, the idea of such a purely functional state fails to capture something essential in the most common cases of desire: desiring something involves having a tendency to see something good or desirable about it. This is clear from the example of thirst. Having a desire to drink is not merely a matter of feeling impelled to do so; it also involves seeing drinking as desirable (because, for example, it would be pleasant). The example of the urge to turn on radios is bizarre because it completely lacks this evaluative element.[16]

b) The Structure of Reasons as Considerations

Scanlon suggests the motivational sufficiency of reasons as considerations is corroborated by the likeness of believing and acting. Scanlon notes that if we judge that there are good reasons for a belief or an intention to act, we will normally have that belief or intention. In other words, our attitudes are the outcomes of the conclusions of our judgments. When we make a judgment about something, we do not need some extra power, force, cause, or impulse to possess that attitude as a motive.

> A rational person who judges there to be sufficient grounds for believing that P normally has that belief, and this judgment is normally sufficient explanation for so believing. There is no need to appeal to some further source of motivation such as "wanting to believe." Similarly, a rational person who judges there to be

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[16] ibid., 38

compelling reason to do A normally forms the intention to do A, and this judgment is sufficient explanation of that intention and of the agent's acting on it (since this action is part of what such an intention involves). There is no need to invoke an additional form of motivation beyond the judgment and the reasons it recognizes, some further force to, as it were, get the limbs in motion.[17]

Few would argue that if we come to a theoretical conclusion, we would only go on to believe it if we had a desire to believe it. The intention is entirely fulfilled by the act of judging considerations. Intentional action requires desires as much as intentional belief: not at all.

Scanlon argues that the motivational sufficiency of reasons as considerations is also brought to light by consideration of the structure of evaluative judgment. It is characteristic of desires that they have an object and a weight. On this view, deliberation and choice about desires is concerned with the relative strength of our desires: I desire chocolate ice-cream, but I desire to lose weight more, and so I am motivated to resist the chocolate ice-cream in order to lose weight. Scanlon accepts that there are occasions when our deliberation and choice are structured in this way, but he argues that this is actually a rather specific instance of evaluative judgment, that most readily applies to the intentional attitude of wanting. But reasons apply to a wide range of judgment sensitive attitudes, and deliberation on these reasons is not always a matter of weighing their relative strengths. Practical deliberation on reasons mostly proceeds through a consideration of the appropriateness and relevance of considerations, and not merely the weighing of our desires. Certain reasons allow and disallow other considerations: for example, the reasons involved in

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[17] ibid., 33-34

professional responsibilities (normally) disallow nepotism and favouritism. The good reasons there are to obey the law eliminate any consideration we may give to our desires to steal lots of gold watches. Scanlon's point is that when we are looking into the jeweller's window and feeling urges to steal the gold watch, we do not weigh this desire alongside other desires, such a being a good citizen, or not wanting to be caught. Even if we do experience such an urge to have the watch, we do not enter it into a calculation of relative weights of competing desires. 'The reason-giving force of C not only competes with that of D; it urges that D lacks force altogether (at least in the given context). Often, our judgment that a certain consideration is a reason builds in a recognition of restrictions of this kind at the outset: D may be taken to be a reason for acting only as long as considerations like C are not present.'[18] The content of practical reasoning is revealed as reasons as considerations. Scanlon argues that once again, we find that the Humean notion of desire that was presumed to be so common and apparent, eludes our search. The phenomenon that is referred to as desire by Humeans is found to be either an event, or a reason as a consideration.

c) Desire in the Directed-Attention Sense

Scanlon does not eliminate the notion of a desire altogether, however. It is indisputable that we sometimes act on urges, and perhaps feel at the mercy of desires that seem to assail us unbidden. The daily experience of our lives is not one of cool evaluation and execution of reasonable deliberations. We may find ourselves constantly drawn towards thoughts of food, or idleness; or we may find ourselves faced with a task we know we have to perform, and yet be overcome

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[18] ibid., 51

with emotions that paralyse us from performing it. Scanlon recognises the experience of this fifth column in our consciousness, and describes it as desire in the directed-attention sense. '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 favourable light, that is to say, if the person's attention is directed insistently toward considerations that present themselves as counting in favour of P.'[19] To experience desire in the directed-attention sense is not to experience irrationality, however. Whilst our attention may be directed seemingly independently of our powers of reasoning, the object of our attention remains a reason as a consideration in favour of something.

Scanlon retains desire in the directed-attention sense in order to account for the experience of reasons pressing on our attention unbidden. Whilst Scanlon describes this as a sense of desire, it is worth pointing out that both the object of our attention, and the articulation of our attention, is in the form of reasons as considerations. Scanlon's notion of desire is restricted narrowly to the experience of attention being sometimes unreliable and borne on the tides of our unconscious. And so whilst we may be justified in describing Scanlon's anti-Humean view as hybrid,[20] Scanlon's remaining notion of desire is quite far removed from the typical Humean understanding.

We have seen in this section Scanlon's arguments against the Humean view that desires are a necessary condition for motivation. Scanlon argued that the phenomenon of desire breaks down either into material events, or cognitions as considerations that count in favour of something. He argues that desires are

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[19] ibid., 39
[20] Russ Shafer-Landau, *Moral Realism: A Defence*, (Oxford, Clarendon Press, 2003), 134

unnecessary to motivation, and that practical reasoning cannot accommodate the Humean notion of desire. The only sense of desire that remains is desire in the directed-attention sense, which is a very small and special feature of consciousness. Whilst anti-Humeanism is not uncommon, it is not uncontroversial. In the following section, four, we will examine three Humean responses to Scanlon's account, and ask if Scanlon's theory can respond adequately. In section five, we will ask if Scanlon's anti-Humeanism is the most compelling version available.

4. A Humean Retort

Let us recall briefly the outlines of Scanlon's view. We are concerned with Scanlon's account of intentional action. The question of intentional action can be addressed from two perspectives: motivation and justification. The motivational question seeks to explain how someone acted; the justificatory question seeks to explain if they were right to act as they did. In this chapter we are concerned with motivation. Scanlon's original account of motivation was Humean, as it included the notion of desire. Scanlon revises this Humean view of motivation, and proposes that a reason as a consideration that counts in favour of something is sufficient to provide motivation. A reason as a consideration that counts in favour of something is an integrally evaluative, and normative notion. The object of these normative evaluations is a judgment-sensitive attitude, which we are ultimately responsible for. Desires neither exist in the form that Humeans suppose, nor do they perform any motivational role. Reasons as considerations are motivationally sufficient, and account better for the structure of practical reasoning. We will now examine three different criticisms of Scanlon's view of

reasons. The first concerns the problem of why and how we act contrary to reasons; the second raises the challenge that not all motivation need proceed from intentional reasons, and uses the example of the actions of young children; and the third challenges Scanlon's characterisation of desires, and suggests an alternative Humean notion that avoids Scanlon's criticisms.

a) Acting Contrary to Reasons

Scanlon stated that believing and acting were alike. They were alike, in Scanlon's view, in the sense that having a belief and having a reason to act do not require any further phenomena to be motivating. Having a belief is sufficient to believe, and having an intention is sufficient to intend. This argument seems sound when related to the question of belief and believing. Only a wilful contrarian would sincerely believe a thing they judged there to be no good reason to believe. But are believing and intending so alike? Surely everyone would attest to at least occasionally acting against our settled intentions. If we are not always being irrational when we act contrary to reasons, does this show that there is another source of motivation, different from our reasons? Does the fact that such contrary motivations can sometimes 'assail us' and overwhelm our settled intentions suggest that this source of motivation is independent and particularly forceful?

Sarah Marshall argues that '...as regards intention and action, there are many cases in which an additional factor does seem to be required whereas with belief the necessary presence of any additional motivating factor appears to be very much the exception rather than the norm.'[21] Marshall's contention is that if someone acts contrary to his or her judgment, this can only be explained by the

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[21] Sarah Marshall, 'Scanlon and Reasons', in *Scanlon and Contractualism*, ed. Matt Matravers (London, Frank Cass Publishers, 2003), 18-20

existence of an extra motivating force: desires, no doubt. If it is my settled judgment to stop eating chocolate, and I give in to temptation and eat some, surely this is best explained by my desire for chocolate overcoming my reasons to stop eating it? Does the supposed likeness between believing and acting indeed show that reasons as considerations are the necessary and sufficient condition for motivation?

Scanlon accepts that our consciously intended actions do not always, automatically, and ineluctably, flow from our conscious judgments. He does not deny the reality of the experience of acting contrary to our intentions. He accepts that there can be discrepancies between our judgments and the effects they produce. Our physical or mental condition can perhaps affect the way we order and respond to our judgments about reasons. But this discrepancy does not imply the presence, or absence, of another force or source of motivation. We can account for the animation of states within the doctrine of reasons as considerations. On Scanlon's account, we can always trace a discrepancy back to a judgment about reasons; we can always explain it in terms of another simple reason. If we appear to act against our considered judgment, this should alert us to the presence of another, perhaps unnoticed but more persuasive, judgment. When our attention is diverted, perhaps against our better judgment, towards objects or anticipations, when we find ourselves consistently acting or doing things that we have judged that we should not do, we are certainly experiencing a state like a desire. But Scanlon describes this as desire in the attention-directed sense. Careful examination reveals that our deliberations are being oriented in a certain direction.

There is no force pulling the firm intention of the mind's eye to desire's fancy.

Unbidden states are events. Unbidden actions are still intentional actions.

> Desire in the directed-attention sense characterizes an important
> form of variability in the motivational efficacy of reasons, but it
> does this by describing one way in which the thought of
> something as a reason can present itself rather than by identifying
> a motivating factor that is independent of such a thought.[22]

All our judgments can, in principle, be informed or prompted by our physical, mental, or psychological condition. But, according to Scanlon, these conditions in themselves cannot be reasons, because they are not, in themselves, considerations of any kind. They can be taken into consideration, but they are not reasons understood as considerations. For Scanlon, this emphasises the primitive, simple, singular nature of reasons. To have a reason is sufficient motivation for action. Scanlon's argument is that before we turn to desires to explain seemingly contrary action, we should first make sure that there is no reason that could have been served by acting in this way. An effective, simple reason may not be a good reason, it may not be an obvious reason, but if there is a reason, we have done without desires.

b) Intentional Action Without Belief

Alfred Mele complains that 'Scanlon's account of what is usually called a desire is overly intellectualized.'[23] Does Scanlon present an overly intellectualized version of practical reasoning, where all reasons are solely considerations that count in favour of something, independent of any psychological or subjective states or conditions?

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[22] Scanlon, *What We Owe*, 41

[23] Alfred R. Mele, *Motivation and Agency*, (Oxford University Press, 2003), 28

To clarify his criticism, Mele cites the example of very young children, under the age of two. Scientific research suggests that these children are too young to have developed the concept and power of beliefs and reasons in the sense of considerations that can count in favour of something. But Mele points out that we regard these children as having desires; for example, desires to feed and sleep, for comfort and attention. On Scanlon's model, we would have to say that these young children do not have reasons in the standard normative sense, and that their actions are not intentional. But Mele argues that this must be incorrect, '...such children act intentionally and for reasons... In the case of a thirsty toddler or pretoddler, a desire to drink – rather than any taking of "the pleasure to be obtained by drinking" to be a reason for drinking – seems to do the work of motivating drinking.'[24] The toddler is also able to try different strategies and methods to acquire the drink.

> Even though it is unlikely that thirsty toddlers have the conceptual
> wherewithal to take features, including anticipated consequences,
> of drinking to be reasons for (or count in favour of) drinking, they
> are attracted by cups of juice in a way characteristic of desiring
> agents. Being attracted to cups of juice because of a sensitivity to
> certain of their features is distinguishable from being attracted to
> cups of juice because of the agent's taking these features to be
> reasons. An agent's behaviour may be sensitive to attractive
> features of things without the agent's taking those features to be
> reasons... When ordinary, thirsty adults drink (intentionally and in
> ordinary scenarios), they presumably are motivated at least partly
> by a desire to drink. The strength of the desire may sometimes be
> explained partly by their believing that drinking would be pleasant
> or, more fully, by that belief together with a desire for pleasure. A

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[24] Ibid., 78

toddler's desire to drink water and an adult's desire to drink water may admit of the same analysis.[25]

And this analysis includes the notion of a desire as an integral component of practical intentional action. The nub of Mele's criticism is that we can identify elements of intentional action that are independent of Scanlon's notion of a reason as a consideration that counts in favour of something. This is modelled in Mele's example in the intentional action of toddlers that originates with a desire that motivates the subsequent action in the absence of intellectualized beliefs.

I would suggest that there are two problems with Mele's criticism. Firstly, I think that it may confuse rather than clarify the question at hand to refer to very young children. I find it quite plausible that these infants behave in ways that are qualitatively different from animals, but their cognitive, physical, and psychological capacities are surely in a very early stage of development. They are underdeveloped in many important elements of intentionality, such as language. Their ability to move, speak, think, and act, is very incomplete. Indeed, some adults find themselves with similar characteristics. Examples such as infants or adults with sever linguistic or cognitive deficiencies are extremely important, but I would suggest that they might represent a special case of (fully human) practical reasoning. As their situation is complicated, I think that it is best to leave them aside, and try to focus on the more general point suggested by Mele. Do adults express the same structure of practical reasoning that we find in a nascent form in infants?

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[25] Ibid., 78-79, a similar point is made in David Copp and David Sobel, 'Desires, Motives, and Reasons: Scanlon's Rationalistic Moral Psychology', *Social Theory and Practice*, 28:2 (April 2002), 243-276

Mele's general claim is that we can identify some instances of intentional action that occur independently of intellection about reasons. It seems Mele suggests that Scanlon has set far too high a standard for action. Must every act be connected to a reason, an evaluation, or a consideration? Surely, sometimes we act just because we feel like it? We pick a red jumper rather than a blue one merely on impulse.

But Scanlon points out that reasons in the standard normative sense need not be overtly intellectual or considered. The basis of Scanlon's argument is not to show how all people do in fact reason minute-by-minute, day-to-day. It is rather to reveal the structure that underlies what is normally habitual and unreflective practice.

> It might be objected that this discussion has described our practical thinking as much more self-conscious and reflective than it in fact is. But the attitudes I have been discussing need not involve conscious judgment. One can have an intention without having gone through a conscious process of assessing the reasons for following this course of action and judging them to be sufficient. Similarly, when we have a desire for something in the directed-attention sense (when it occurs to us spontaneously as desirable) we often take that consideration to be relevant to our future decisions without having consciously decided to give it that status. The point of the preceding discussion was that whether or not the question is consciously addressed, one's "taking" a consideration to be relevant is what has the reason-shaping consequences I described.[26]

We recall that Scanlon accepts that our subjective states may be taken into account in our reasoning. But he insists that reasons as considerations are sufficient for motivation. Subjective states may often be objects of reasons. They

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[26] Scanlon, *What We Owe*, 47

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may prompt or inform our evaluations. In this sense Scanlon does not assume that the content or object of our deliberations will always be purely intellectual. We might be perpetually concerned with our purely hedonistic subjective states and their fulfilment. But these states themselves are not reasons, and future states cannot be reasons either. We can make judgments about the importance or nature or our (anticipated) states, but these judgments are the reasons that constitute intentional action. A subjective state may be taken into account, but it is neither necessary nor sufficient to an account of action.

> Like the formation of an intention, such a "taking" is a move
> within practical thinking rather than, as desires are commonly
> supposed to be, a state which simply occurs and is then a "given"
> for subsequent deliberation. (This is shown by the fact that it
> continues to affect the reasons one has only in the absence of
> grounds for reconsideration).[27]

Mele seems to be implying that there is something else, something non-intellectual that needs to be included in a correct account of intentional action. But we should be careful about what this criticism could amount to. We have just seen that Scanlon accepts that many features of a subject's condition will be relevant in our judgments (however unconscious) about the reasons we have, and these could be intellectual or non-intellectual, if we understand non-intellectual to refer to feelings, moods, physical conditions and so on. So Scanlon does not maintain that the subject's state has no role in reason judgments. The disagreement must amount to the role that these 'non-intellectual' factors must play. Scanlon's view is that the motivational efficacy of simple reasons does not

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[27] ibid.

preclude the presence and importance of subjective states in deliberation; it merely establishes the simple efficiency of reasons as considerations.

Scanlon's aim is to deny the substantive Humean dualism of belief and desire. More precisely he wants to deny that our subjective states, or desires understood as pro-attitudes, are integral components of reasons. They can be taken into account as considerations, but we can show that reasoning can persist independently of our subjective states.

c) Desires and Directions of Fit

Scanlon argues that motivation is composed solely of reasons as considerations. Subjective states may provide the original prompt for our deliberation on the relevant considerations. Subjective states may accompany, or may be affected by our deliberations and evaluations. But Scanlon argues that they are not necessary to an account of intentional action. Scanlon's view is that reasons as considerations are the solely necessary condition for motivating reasons. We have seen that Scanlon defines desires very much in terms of subjective states. These are the visceral and physical feelings and responses that we would readily associate with the notion of desire. But should our concept of desire be restricted to such phenomenally experienced subjective states? We recall that Davidson introduced a broad notion of desires as pro-attitudes. If a Humean can define desires in terms other than subjective states, perhaps Scanlon's anti-Humeanism can be refuted.

Michael Smith argues that traditional objections to Humeanism perceive desires in a strongly phenomenological sense.[28] David Hume originally associated desires with feelings and passions, but he also identified 'calm passions' which were not identified by psychological or physical sensations. These are more like settled dispositions and attitudes. Smith gives the example of the parent who loves their child and desires him or her to succeed. In moments of reflection and heightened sensitivity, the parent may have a physical or emotional expression of these feelings, but in the absence of these sensations or subjective states, are we to say that the parent no longer loves the child or desires their success? This seems absurd and reductive. The strongly phenomenological account of desires also fails to account for the propositional content of desires. The ascription of desires can be presented in the form 'A desires to p'. But if desires are constituted solely in terms of subjective states this makes no sense, '...A's pain cannot be ascribed to A in the form *A pains that p*.'[29] Smith argues that we should not take such a limited and strongly phenomenological view of desires. Instead, we should understand both beliefs and desires as defined by their function and not our phenomenological experience of them. This functional understanding of the notion of belief and desire can be formulated in the notion of two directions of fit.

We recall that Davidson's definition of pro attitudes and beliefs was very broad. It seems that we cannot limit the constitution of pro attitude to one phenomenon. The broad notion of pro attitudes includes such different phenomena as '...desires, wantings, urges, promptings, and a great variety of moral views, aesthetic principles, economic prejudices, social conventions, and

[28] Michael Smith, 'The Humean Theory of Motivation', in *Mind*, 96:381 (January 1987), 45
[29] ibid., 47

public and private goals and values in so far as these can be interpreted as attitudes of an agent directed toward actions of a certain kind.' Beliefs include '...knowing, perceiving, noticing, remembering.'[30] No doubt other philosophers sympathetic to this account of intentional action would add or subtract various phenomena that could be classed as kinds of pro attitudes or beliefs. It seems as though the notion of desires as pro attitudes and beliefs refer more concretely to a function rather than a phenomena. We may want to argue that only certain phenomena can fulfil this function, but in order to make this argument, we would need a clear description of the function in order to determine which phenomena can be appropriately included. So the argument for Humeanism seems to proceed from function to phenomena. The function of all those phenomena included in our notion of desire is to achieve an object, often taken as a certain state of affairs. If that state of affairs does not exist, the desire is not invalidated or automatically extinguished. The function of the attitude of the subject is to achieve an object or state of affairs; it is to have a goal or aim. Using the terminology at hand, the subject desires that the world fit their goal. This is the world-to-subject direction of fit. On the other hand, the function of all the phenomena included in our concept of belief is to correctly cognize the world. If the cognition is deficient it is invalid and has failed in its function. The function of the attitude of the subject is to achieve a correct cognition. The direction of fit in this instance is from subject-to-world.

From the degree of fluidity that we find in descriptions of the phenomena that constitute desires and beliefs, we can assume that Humeans do not determine

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[30] Davidson, *Actions, Reasons, and Causes*, 4

the essence of their argument in terms of the particular phenomena that perform the role of desires and beliefs. The more important point that they seem to want to make is that, irrespective of the particular phenomena that comprise 'desires' or 'beliefs' at any given moment, the subject will occupy two distinct states. Two functions are together necessary to produce intentional actions. It is a further task provided by a separate argument to establish the content of these functions. The direction of fit condition describes the formal conditions of intentional action provided by Humeanism.

Smith argues that the direction of fit conception of desires and beliefs retains the central Humean insight that two distinct states are required in order to constitute intentional action. These states are no longer defined in terms of their phenomenological nature, but in terms of their functional properties. We must retain a distinction between two subjective states fulfilling two directions of fit. The distinction between beliefs and desires can also be characterised in terms of the relationship to counterfactuals. If we desire *that p*, the counter factual *not p*, does not invalidate our desire *that p*. Our desire persists in spite of the counterfactual and disposes us to bring about *p* instead of *not p*. However, our belief *that p*, is invalidated by *not p*. Our belief *that p* should dissolve when we recognise the fact *not p*. 'Thus, we may say, attributions of beliefs and desires require that different *kinds* of counterfactuals are true of the subject to whom they are attributed. We may say that this is what a difference in their directions of fit is.'[31] Smith argues that we should not necessarily conceive of desires as phenomenological states. Desires may, in certain circumstances have

[31] Smith, *The Humean Theory of Motivation*, 54

phenomenological qualities, that is, they may have tangible qualities that we perceive. But the proper definition of desire is provided in terms of the function it serves. Smith argues that the world-to-subject direction of fit is the function of having an aim. It is a view of how the world should be. The subject with this direction of fit occupies a certain state, the state of having an aim, or goal. The state of having an aim or goal is essential to the notion of having a motivation, otherwise, how are we to explain an action we wish to perform to bring about a state in the world that we aim at?

> But what kind of state is the having of a goal? It is a state with which *direction of fit*? Clearly, the having of a goal is a state *with which the world must fit*, rather than *vice versa*. Thus having a goal is being in a state with the direction of fit of a desire. But since all that there is to being a desire is being a state with the appropriate direction of fit, it follows that having a goal just *is* desiring.[32]

For Smith, being motivated means that one has a goal. This is a teleological notion of motivation where goals are seen as states of affairs that are to be achieved. The notion of a direction of fit is meant to characterise the teleological notion of having a goal. Smith summarises his argument as follows:

'(a) Having a motivating reason is, *inter alia*, having a goal

(b) Having a goal is being in a state with which the world must fit

and

(c) Being in a state with which the world must fit is desiring.'[33]

Scanlon's criticism of the role of desire does seem to be aimed at the phenomenological interpretation. Smith makes the valid point that our common

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[32] ibid.
[33] Michael Smith, *The Moral Problem*, (Oxford, Blackwell Publishing, 1994), 116

conception of desire is much broader and more diverse than this purely phenomenological account. Does Scanlon's criticism of the role of desires founder upon a limited view of desire?

I will suggest that there are two responses we can offer on Scanlon's behalf to this criticism. The first involves a challenge to the notion of directions of fit; the second challenges the teleological premise of Smith's argument. I hope to show that Scanlon's argument can be deployed to refute Smith's more sophisticated Humean account of motivation.

For the sake of argument, let us accept for the moment that having a motivating reason is having a goal, understood in the teleological sense. Does having a goal correspond to Smith's notion of a direction of fit? G. F. Schueler dissects Smith's notion using the example of hope.[34] Hope seems to share with desire a world-to-subject direction of fit. When we hope, we have a view of how we would like the world to be, just as we do when we desire something. Schueler points out that hoping involves many cognitive features, features that Smith describes in terms of the belief-like subject-to-world direction of fit. If I hope that I will see my partner later in the evening, but I know that she is in another country and it is impossible for us to see each other in the evening, my hope would be irrational. This points out that the notion of hoping, to make sense, is, composed of, *inter alia*, cognitive elements supposedly located in the subject-to-world directions of fit. This seems true of desire too. When we desire something, there must be a range of cognitive information about the object of our desires and the possibility of our achieving it, which constitute part of what it means for a rational

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[34] G. F. Schueler, 'Pro-Attitudes and Direction of Fit', *Mind*, 100:2 (April 1991), 277-281

person to have a desire. Smith notes that the world-to-subject direction of fit (desiring) consists in the quality of persisting in the face of counterfactuals. If I want to have a cup of water, the counterfactual fact that there is no cup of water in front of me does not cause my desire to extinguish. However, if I believed that there was a cup of water in front of me, and then perceived the counterfactual that there was not one, my belief will (or at least should) extinguish. But Schueler points out that the distinction between the two directions of fit begins to blur.

> On this account hope will, surprisingly, turn out to have a mind-to-world direction of fit, that is, the same direction of fit as *belief*, not desire. This is because I can't hope that *p* once I discover that *not-p*. I can't continue to hope that I turned off my desk lamp before I left my office when, as I am walking home across campus, I see it shining through my office window. [35]

Schueler's point holds true of desiring too. If I desire to win the lottery despite never buying a lottery ticket, my desire should extinguish in the light of the counterfactual of never buying a lottery ticket. This seems to point out that the notion of two distinct directions of fit is not as clear and stable as Smith assumed. On the other hand, Scanlon's notion of a reason as a consideration includes both functional properties that are supposed to pertain to the different directions of fit. To have a reason is, for Scanlon, to take something as a consideration that counts in favour of something. The relationship of counting in favour will include what Smith describes as the world-to-subject direction of fit, but this must be composed of the beliefs, perceptions, and evaluations that are associated with the subject-to-world direction of fit. The radical functional separation implied by the notion of two directions of fit makes the notion of

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[35] Ibid., 280

motivating reasons incoherent. If we try to remedy this by uniting the two functions into one notion, we have, I would argue, Scanlon's notion of a reason as a consideration.

Smith's reference to the idea of two directions of fit was in part to challenge the anti-Humean notion that desires always have a phenomenological character. We have just seen that there are good, independent grounds, on which to challenge this notion of two distinct directions of fit. Smith's point that the anti-Humean should not pick the easy target of desires in the phenomenological sense is a good one, and Scanlon's arguments were certainly composed of this understanding of desires. But we can take the point that anti-Humeanism must show why desires in the broad dispositional sense of pro-attitudes are not sufficient for motivation, without going the further step of accepting the direction of fit account of desires. It seems to me that the terms in which Scanlon makes his criticism may need augmentation. But as we have just seen, the direction of fit model has a significant problem accounting for the notion of an intentional reason, and Scanlon's notion of a reason offers a convincing explanation of how both directions of fit are unified into the single, simple, and primitive notion of a consideration that counts in favour of something.

Smith's argument consisted in two claims: the first was that desires should be understood in the dispositional sense of a direction of fit; the second was that having a motivating reason is, *inter alia*, having a goal. We described this as the teleological account of desire. Does being motivated require one to have a goal? Scanlon argues that having a motivating reason is not always to be described in terms of having a goal. He gives the example of friendship. If I have friends, I

may take it that I have reasons to value and promote my friendship. These reasons are derived from what I take the notion of friendship to consist in, and not the goal of being a good friend. Teleological reasoning would require me to weigh which reasons would promote the value of friendship best. The more that my goal was achieved; the better I have satisfied my motivating desire. But as we pointed out in section 3(b), the structure of practical reasoning does not generally follow this pro tanto structure. Reasons often eliminate and proscribe other considerations, and are not to be weighed against all comers in order to reach an all things considered conclusion. For Scanlon, reasons are derived from the considerations that count in favour of something, and this something may be, but is not restricted to, a teleological state of affairs. The object of our considerations may be a value, and belief, or some other object that is not a state of affairs in the world to be achieved.[36] Russ Shafer-Landau makes a similar point:

> On the anti-Humean picture, what can motivate an agent is a belief that an action is one's duty, that it is valuable, etc. There is no statement of an end state in such a characterization of motivation. Nor need there be an implicit, entailed postulation of some sought after state of affairs. Means-end reasoning, and the motivation it leads to, is quite naturally characterized as essentially involving the positing of an end state. But not all motivation need exemplify a means-end model... If the anti-Humean is right, then seeing that something is right or good is sufficient to motivate one to do it. When this occurs, one may be motivated without having a goal. One needn't conceptualize an end state and seek to realize it.[37]

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[36] We will discuss the closely related topic of Scanlon's argument against an exclusively teleological account of value in chapter four. The present argument concerns the specific question of whether motivation requires having a goal, and not the broader question of whether the good is to be promoted.

[37] Shafer-Landau, *Moral Realism*, 135

Smith's argument that desiring means, *inter alia*, having a goal, seems to be as reductive a view of motivation as the anti-Humean purely phenomenological conception of desire.

Scanlon's conception of reasons is, I would argue, resilient to Humean criticism. But Scanlon's anti-Humeanism is only one of a number of anti-Humean explanations of motivation. I will look at other anti-Humean accounts, and argue that Scanlon's view is more attractive and robust than other well-known alternatives.

5. *Varieties of Anti-Humeanism*

We began our discussion in this chapter by recalling that Scanlon's original account of moral motivation was based on a desire to justify ourselves to others. We argued that the presence of this desire is contingent, and therefore moral motivation, and the authority of moral reasons, would be contingent too. Scanlon recognised this problem and set about explaining the motivation of intentional action in anti-Humean terms. This dissatisfaction with a Humean account of motivation has an eminent constituency, including the philosophers Thomas Nagel and Jonathan Dancy. Both Nagel and Dancy attempt to provide a strongly cognitive account of the origin of motivation. Whilst this unites them with Scanlon's campaign against Humeanism, their views share an important difference with Scanlon. Both Nagel and Dancy retain the Humean distinction between beliefs and desires. They therefore pose an anti-Humean challenge to Scanlon's of the motivational sufficiency of reasons as considerations. Whilst we may not want to maintain with the Humean that desires are the origin and engine of motivation, we may wish to retain the Humean insight that desires and beliefs are

required in combination to constitute motivation. This would present a serious challenge to Scanlon's view that reasons are primitive, and cannot be broken down into more basic components of belief and desire. We will begin with Nagel's view of unmotivated and motivated desires, before analysing Dancy's pure cognitivism.

a) Nagel's Motivated Desires

Nagel argues that the Humean model of the necessary combination of beliefs and desires '...does not allow the expectation of a future reason to provide by itself any reason for present action, and... it does not allow the present desire for a future object to provide by itself a reason for present action in pursuit of that object.'[38]

Nagel argues that we should distinguish between motivated and unmotivated desires.[39] Motivated desires are those that are the outcome of decision and deliberation. Unmotivated desires are those states we experience independently of decision and deliberation, for example, being hungry. So if I experience hunger, this is an unmotivated desire. If I decide I want to eat, this is my motivated desire. We recall the breadth of Davidson's taxonomy of desire-phenomena from section one. It included urges and wants, expectations and ambitions. But on reflection, surely we can distinguish between such experiences as urges and expectations, wants and ambitions. Nagel encourages us to distinguish between desires as unmotivated subjective states, perhaps like urges, and desires as motivated evaluated considerations, perhaps more like expectations.

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[38] Thomas Nagel, *The Possibility of Altruism*, (Oxford, Clarendon Press, 1970), 39
[39] ibid., 29

Unmotivated subjective states have more in common with events than with intentions. They may not always 'assail us unbidden,' but they can happen to us, independently of deliberation and judgment. The experience of having a dry throat or being cold is clearly different from wanting to be a lawyer or striving to loose weight. He then asks: is it necessary for all motivated desires, for our intentions, to be preceded by an unmotivated desire?

> Although it will no doubt be generally admitted that some desires
> are motivated, the issue is whether another desire always lies
> behind the motivated one, or whether sometimes the motivation of
> the initial desire involves no reference to another unmotivated
> desire.[40]

Nagel argues that an intentional action must be given a motivated explanation. But his motivated explanation is given by the deliberation and decision of the agent, and not necessarily by a chronologically prior subjective event.

> If we bring these observations to bear on the question whether
> desires are always among the necessary conditions of *reasons* for
> action, it becomes obvious that there is no reason to believe that
> they are. Often the desires which an agent necessarily experiences
> in acting will be motivated exactly as the action is... The fact that
> the presence of a desire is a logically necessary condition (because
> it is a logical consequence) of a reason's motivating, does not
> entail that it is a necessary condition of the presence of the reason:
> and if it is motivated by that reason it *cannot* be among the
> reason's conditions.[41]

So an unmotivated desire is not a necessary condition of a reason for action. There are of course subjective states, and these can be very important

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[40] ibid.
[41] ibid., 30

factors in a motivational explanation. But they are distinct from our reasons for action, and can be shown to be unnecessary as a condition for motivation. Nagel's point is that the true necessary origin of an intentional action is a deliberation. A motivated desire is the outcome of a deliberation. Without this, intentional action is impossible. Unmotivated subjective states are not essential to motivation. Motivated desires are a consequence of deliberation, and not a condition of deliberation.

So Nagel retains an element of Humeanism by affirming that desires are a component of motivating reasons, but the origin, definition, and role of these desires is quite different from that presented in standard Humeanism. For Nagel, desires are not a necessary condition of motivation, but they are a logical consequence of being motivated.

Nagel's anti-Humean notion of motivated desires challenges Scanlon's view because it maintains that desires are a necessary component of motivation, if only in the sense that they are derived from an original cognitive act of deliberation and decision. Scanlon's view is that motivation is explained sufficiently by the notion of a reason as a consideration, which does not include the notion of a desire, except in the limited desire in the attention-directed sense. Is Nagel's anti-Humean view of the role of desire more plausible and attractive than Scanlon's absolute rejection of desire?

In order to answer this, we should look closely at Nagel's notion of desire. It seems to me that Nagel offers two views of motivated desires. Nagel could be making the weaker claim that motivated desires are in fact a necessary component of motivation, but they are a logical outcome of the process of deliberation and

decision. This seems to be similar to John McDowell's view that a person can recognise the moral value of an act, and then desire to do it because it is the right thing to do. In this case, the desire is necessary for motivation, but it is not chronologically prior, and is constituted by the belief that the act is right. So in one sense this diverges from substantive Humeanism because now the desire does not select the end of action and provide the original prompt. This McDowell-Nagel view of the role of desires is different from standard Humeanism because desires are now derived from the belief that something is to be desired. They are a logical outcome, and not the original cause. This view is still recognisably Humean, as it accepts the substantive Humean view that two different phenomena are necessary in combination to produce motivation: desires and beliefs. The logical and chronological ordering is reversed, but they are still required in unison to provide the possibility of intentional action.

But Nagel's view of desire could be understood in a second, different sense. Rather than retain the substantive Humean commitment to motivational dualism (the necessity of two phenomena: belief and desire), Nagel could be proposing that decision and deliberation transform ordinary beliefs, reasons, and desires, into a new, single phenomena: motivated desires. Nagel says that '...if the desire is a motivated one, the explanation of it will be the same as the explanation of his pursuit, and it is by no means obvious that a desire must enter into this further explanation.'[42] On this reading, the motivation is the deliberation transformed into the intentional action. The motivation is therefore provided by the deliberation and evaluation. This seems to me to mirror Scanlon's view of a

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[42] ibid., 29

reason as a consideration. To be motivated is to see a reason as a consideration (or in Nagel's terms, the explanation of his pursuit), and this explanation does not require the presence of desire. As Dancy puts it, '[b]y allowing that some motivation is Humean, even if other motivation is not, it allows that some beliefs need the help of desires if they are to motivate, and others do not, even though it can be the same beliefs both times. This is surely awkward at best.'[43] Nagel seems to argue that on certain occasions, deliberation and decision will motivate, and on other occasions, deliberation and decision will lead to motivated desires that will motivate. I agree with Dancy that this seems awkward at best. Nagel's own anti-Humean account of the role of desires seems challenged (in a Scanlonian form) by his view that motivation can be solely derived from and constituted by deliberation and decision.

It seems clearer to adopt Scanlon's strategy of referring to motivations as reasons. Nagel is surely correct that the '...assumption that a motivating desire underlies every intentional act depends...on a confusion...'[44] But I would disagree that this confusion is '...between two sorts of desires, motivated and unmotivated.'[45] It seems to me that Nagel's insight is even more radical than he allows. The confusion that Nagel sheds light on is between subjective states and motivating reasons. If we take Nagel's argument in Scanlon's direction, the remnant of desire evaporates, and we are left with the reduction of a reason as a consideration.

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[43] Dancy, *Practical Reality*, 81
[44] Nagel, *The Possibility of Altruism*, 29
[45] ibid.

b) Dancy's Pure Cognitivism

Jonathan Dancy's pure cognitivism shares a common root with Nagel and Scanlon. He too argues that the problem with Humeanism is the commitment to the primacy of desire in the account of motivation. Dancy suggests that part of the problem with this view is that it takes desires to be integrally motive, and beliefs as entirely passive.[46] Understood in this way, it is clear why the combination of desires and beliefs is invoked to produce intentional action. Dancy's pure cognitivism is based on the view that beliefs alone can motivate. Part of his argument echoes Scanlon's comparison of theoretical beliefs and practical intentions. He notes that taking reasons for theoretical beliefs as directly efficacious, presumes that the capability of belief requires no further capability to be effective.

> How could there be this complex structure of reasons favouring
> and disfavouring actions, if humans were incapable of registering
> the fact? And how could it be possible *in general* for people to
> recognise the fact and not to take it into account in practical
> deliberation? Is there any difference here between practical and
> theoretical deliberation? Suppose that there are reasons for and
> against different beliefs, as there are for and against different
> actions. Again it seems inconceivable that there should be this
> structure on the theoretical side unless humans were capable of
> recognising it, at least to some extent. And surely it is
> inconceivable that we should do other than take the things we
> recognise to be relevant to the question what to believe.[47]

Humeanism holds that motivation is constituted by the combination of belief and desire. Dancy, on the other hand, holds that the origin of motivation is

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[46] Dancy consistently questions whether this is the view Hume actually held, and gives good reasons to show that Hume's own view was more complex, and that he did not make such a simple active/passive distinction.
[47] Dancy, *Practical Reality*, 12

a purely cognitive belief. But he also maintains that when we take this belief as motivating (in the absence of contrary beliefs), the state of being motivated can be described as desiring. So Dancy accepts a kind of Humean dualism between belief and desire, but allocates these phenomena differently. Substantive Humeanism compounded belief and desire into the origin of motivation. But Dancy separates belief and desire: beliefs are the origin of motivation, and desires are the state of being motivated. The essence of this argument is found in Dancy's view that

> ...the desire that is necessary if there is to be action is just a motivation; and we are understanding this as a state of being motivated – a motivatedness, as it were – rather than as what motivates. That state of being motivated will itself need an explanation, and this must now be given either in terms of the supposed nature of the thing desired – which, in psychologism's terms, would be to appeal to belief to explain desire – or in terms of a further desire. Either way, if motivation is to be eventually explained, it will be in terms of the (supposed) nature of that which motivates, which cannot be a desire and must be thought of as belief, if it is a psychological state at all.[48]

Dancy recognises that this is a Humeanism of sorts, as it maintains a dualism of belief and desire. But it is a purely cognitivist Humeanism because desire is taken as a mere psychological state of being motivated, and not an element of that which motivates. Dancy makes clear that pure cognitivism shares with Humeanism the view that

> A desire is an "independent existence," perhaps with its own phenomenology. It is not a logical "shadow" of the motivating beliefs, such as, for instance, the *fact* that the agent is motivated by those beliefs, but a distinct psychological state co-present with

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[48] ibid., 85

the beliefs when they motivate... There can be no motivation without desire.[49]

Dancy's pure cognitivism is reminiscent of Nagel's view of motivated desires. But Nagel's view was a distinction between two kinds of desires: those subject to deliberation and decision, and those untouched by cognition. But Dancy maintains that this is confusing and inconsistent. On Nagel's view, desires are sometimes part of the complex causation of motivation, and sometimes are mere logical outcomes of deliberation. Their role in motivation seems elusive, whereas that of cognition seems essential. So Dancy follows Scanlon in removing the notion of desire from the constitution of that which motivates. For Dancy, beliefs alone are the origin of motivation. But Dancy accepts Smith's view that two directions of fit are required for motivation, but argues that beliefs can fulfil both these directions of fit. We are motivated if we have sound belief about the world as it is, combined with a belief about the world as we would like it to be. Dancy therefore disagrees with Smith's view that the different directions of fit are associated with the different dispositions of beliefs and desires. They are instead, on Dancy's view, associated with differently oriented beliefs. Someone with two beliefs that fulfil both directions of fit will occupy a subjective state called desiring, but the composition of these subjective states are the purely cognitive phenomena of beliefs. It is in this sense that Dancy describes his view as pure cognitivism. It can be described as anti-Humean, as it rejects the view that desires are a separate phenomenon that are necessary for the original constitution of motivation, but it is a distinct challenge to Scanlon's anti-Humean view in that it accepts both the direction of fit model that featured in Smith's Humeanism, and it

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[49] ibid., 90

accepts the presence of both beliefs and desires in a complete motivating state. It directly challenges Scanlon's view that the primitive sense of reasons as considerations is sufficient for motivation.

Dancy's pure cognitivism in part relies on the direction of fit distinction that we discussed in the previous section. It features in his argument in two places: firstly, it accounts for the necessity of two beliefs; and secondly, it accounts for the necessity of desire, and a subjective state with a distinct world-to-subject direction of fit.

> The desire does not occur until one is motivated, nor does it seem
> possible to have the desire without being motivated... in general,
> then, there seems no difficulty in identifying the desire with the
> motivatedness. Further, being motivated to act in certain ways is
> surely a state which has the direction of fit normally associated
> with desire, and it varies in strength as desire does.[50]

We recall that the different directions of fit are in part defined in terms of their response to counterfactuals. For a belief to conform to the world-to-subject direction of fit, it would need to persist in the face of my belief in the counter factual of the world as it is. But what kind of belief could this be? In what sense could we rationally say that I have a belief that p combined with the belief that *not-p*? Dancy's notion of two beliefs fulfilling two directions of fit between world and subject seems to be a definition of irrationality. Dancy also relies on the direction of fit model in order to account for the necessary presence of desire. But we recall from our earlier discussion that it is very difficult to maintain the distinctness of two directions of fit. Schueler pointed out that the world-to-subject direction of fit must include cognitions. I followed Schueler in arguing that the

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[50] ibid., 87

distinctions between the two directions of fit seem to collapse. If the distinctions between the two directions of fit do indeed collapse, then what happens to Dancy's pure cognitivism? On the one hand, the cognitivism would become very impure, saturated as it would be with the intentional disposition of desiring as part of the constitution of motivation. On the other hand, if Dancy fought to save the purity of his cognitivism, the very notion of a desire would seem to become less distinct, and we could ask in what sense does it fulfil the requirement of being a distinct state that fulfils the world-to-subject direction of fit, a requirement that Dancy regards as essential to an account of motivation. It seems to me that we should reject Dancy's pure cognitivism as it relies on a questionable distinction between two directions of fit, and involves a view of motivation that seems to require persons to be irrational and hold two contradictory beliefs.

6. Motivational Internalism

In the preceding sections, we have examined Scanlon's view of the constitution of motivation. He argues that the motivation is constituted solely by reasons as considerations. I defended this view from Humean and other anti-Humean accounts of the constitution of motivation. In this section we will address the question of the necessary conditions of motivation. Whilst motivation may be constituted by reasons as considerations, is it the case that a person is necessarily motivated when they judge they have a reason? In raising this question we are introducing the problem of internal and external reasons. For the purposes of our discussion, I will distinguish between two kinds of internalism about reasons: motivational internalism, and reason internalism. Motivational internalism is the view that a person who makes a judgment that they have a reason to ϕ, is

necessarily motivated to ϕ. Reason internalism is the view that reasons are necessarily connected to a person's motivations. Motivational internalism concerns the judgment of an agent regarding the reasons they have; reasons internalism concerns the reasons there are. A person's judgment may by incorrect or confused, but they may still be motivated by their reason. When examining motivational internalism we are bracketing the question of the nature and conditions of justification of reasons. We may describe this difference as between the motivational conditions of reasons and the existence conditions of reasons.[51] Both these kinds of internalism feature in Bernard Williams's well known article *Internal and External Reasons*.[52] However, I will argue in the next chapter that Williams's argument is directed primarily towards reasons internalism. I will therefore reserve detailed discussion of Williams's argument for chapter four.

We recall the question with which we began this section: is there a necessary connection between judging that a consideration counts in favour of ϕ-ing, and being motivated to ϕ? We could conceive of a Humean non-cognitivism in which such a necessary connection was denied. The statement 'I see that I have a reason to lose weight, yet I have no desire to lose weight' makes sense. Given the discussion in the preceding sections against such a Humean non-cognitivist view of motivation, I will set this possibility to one side. I will concentrate on Scanlon's anti-Humean cognitivism and motivational internalism.

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[51] I take this distinction, in somewhat revised form, from Shafer-Landau, *Moral Realism*, 144
[52] Bernard Williams, 'Internal and External Reasons,' in Bernard Williams, *Moral Luck*, (Cambridge University Press, 1981)

Scanlon argues that motivational internalism is a requirement of rationality. It is a sufficient condition of rationality that the connections between a person's thoughts and behaviour are systematic and not arbitrary or haphazard.

> Irrationality in the clearest sense occurs when a person's attitudes fail to conform to his or her own judgments: when for example, a person continues to believe something (continues to regard it with conviction and to take it as a premise in subsequent reasoning) even when a person fails to form and act on an intention to do something even though he or she judges there to be overwhelmingly good reason to do it.[53]

This does not mean that a person will always reason adequately or appropriately. We may criticise a person's judgment as confused, or as repulsive, whilst maintaining that they are rational. On Scanlon's view, it is irrational not to respond, not to be motivated, by a reason we judge ourselves to have. Therefore, Scanlon's view is that to hold sincerely, and reasonably, that there is a reason to ϕ, is to be motivated to ϕ.

Rus Shafer-Landau takes a similar anti-Humean view to Scanlon, but argues that motivation internalism is not a necessary feature of anti-Humean cognitivism. On his view it is not irrational for someone to say that they see that they have a reason to ϕ, but they are not motivated to ϕ. Shafer-Landau concedes that anti-Humean cognitivism seems to lend itself to motivational internalism, as reasons are taken as inherently evaluative. Shafer-Landau argues that evaluative judgments may be intrinsically motivating, but not necessarily motivating. Evaluative judgments are defeasible.

> Yet there seems that there might be circumstances in which an intrinsically motivating belief exerts no motivating influence

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[53] Scanlon, *What We Owe*, 25

whatever, say, owing to competing beliefs or desires, physical exhaustion, severe depression, etc. If this is possible, then a belief may be intrinsically motivating without being necessarily motivating. This if this is possible, Humeanism may be false, and internalism false as well. So the falsity of Humeanism would not entail the truth of internalism.[54]

Shafer-Landau argues that the defeasibility of reasons may be described in two different ways. A reason, r, may be overridden by another reason, s, whilst, r, retains its original motivational efficacy. Alternatively, a reason, r, may be extinguished by another reason, s, and so the original motivational efficacy of r disappears. Shafer-Landau describes the first kind of defeasibility as *pro tanto*, and second as *prima facie*, and argues that motivational internalism should accept a *prima facie* view of motivating reasons. 'Alternatively, if intrinsic motivation is *prima facie*, then evaluative beliefs, even if intrinsically motivating, may nevertheless entirely fail to motivate in certain contexts, owing to defeaters that extinguish the motivation that would otherwise exist. So evaluative beliefs would not necessarily motivate.'[55]

Shafer-Landau gives a number of examples of instances where *prima facie* defeasibility, and therefore, motivational externalism might arise. We may judge that we have reason to ϕ, but also think that ϕ-ing, is futile. Or we may find that our judgment that there is a reason to perform the moral duty of ϕ-ing is extinguished by our judgment that ϕ-ing would be extremely imprudent. The motivational externalist believes that the connection between a judgment and

[54] Shafer-Landau, *Moral Realism*, 147-8
[55] ibid., 148

motivation is contingent, and that it is perfectly rational to judge that we have reason to ϕ, and to not be motivated to ϕ.

This argument poses a challenge to Scanlon on two grounds. Firstly, and most importantly, his conception of the motivating conditions of reasons as considerations is threatened by this anti-Humean motivational externalist challenge. Secondly, Shafer-Landau's view that *prima facie* reasoning implies externalism seems to contradict Scanlon's association of *prima facie* reasoning with internalism. We recall from section *3(b) 'The Structure of Reasons as Considerations'* that Scanlon argued that deliberation on reasons as considerations took a *prima facie* form (although he did not use Shafer-Landau's terminology). On his view, reasons as considerations are different from Humean reasons because they can extinguish and eliminate other reasons, unlike Humean reasons that will normally have a *pro tanto* structure because a desire can remain even if we choose not to act on it. I will defend Scanlon's view from both challenges derived from Shafer-Landau's argument.

Shafer-Landau quotes cases where it seems we can recognise a reason to ϕ, and yet not be motivated to ϕ. This view seems problematic on two grounds. Firstly, it suggests an implausible, and inappropriate account of the nature of intentional action and motivation. It seems to imply that motivation is an extrinsic, and not intrinsic condition of self-consciousness; it seems to imply that there is a condition that precedes and is different from motivation. But what is this condition? A Humean might argue that this is the condition of not having a desire. On the Humean account desire is constituted by the combination of belief and desire. One could have a belief, and not a desire, and therefore, not be motivated.

Such a person could believe that they have a reason to φ, but in the absence of a desire to φ, not be motivated to φ. But Shafer-Landau accepts an anti-Humean view of motivation. The anti-Humean view of motivation, however it is cashed out, regards the cognitive state of having a reason as sufficient for motivation. If we assume that most philosophers regard cognition as, *inter alia*, an intrinsic condition of self-consciousness, being motivated is also, *inter alia*, a condition of self-consciousness. All that this claim involves, is that at any given time, an agent will possess a belief, opinion, evaluation, preference, or some other kind of cognitive state. They will in this sense be responding to a reason for something. On Scanlon's view, a person, even if sitting absentmindedly in an armchair, is responding to the reason in favour of sitting absentmindedly in an armchair. There is no pre- or non-motivated state that a self-conscious rational agent occupies which needs the addition of some further reason or cognitive state to motivate. The presence of such a state would either require a Humean view of motivation, or a plausible example of non-motivated rational self-consciousness. Neither are available to Shafer-Landau.

We have just seen that Shafer-Landau's anti-Humeanism is at odds with the view of motivation required by externalism. Our second response to the externalism challenge is to point out that in both Shafer-Landau's main examples of defeasibility quoted above, the agent is responding to some kind of reason. The notion of externalism introduced by Shafer-Landau supposes that in failing to respond to the initial reason, the bond of necessity has been broken between reasons and motivation. But Shafer-Landau's examples show no such thing. What they show is that some reason is motivating the agent's actions. In the first

example, the judgment that there is reason to ϕ is extinguished by the view that ϕ-ing would be futile. But this is an instance of an agent being motivated by the judgment that there are reasons against acting futilely. The same kind of response applies to the person who decides not to ϕ as it would be imprudent. Here the reasons to act prudently are motivating the agent rather the reasons they judge to count in favour of imprudent ϕ-ing. These examples, it seems to me, do not show that there is no necessary connection between reasons and motivation. They instead show that motivation will always be connected to a response to some reason. We can conclude that Shafer-Landau has failed to present a convincing account of the externalism anti-Humean motivation.

Whilst Shafer-Landau's advocacy of motivational externalism may be resisted, it did throw up an apparent contradiction in Scanlon's view of motivation. We recall that Scanlon argued against *pro tanto* reasoning, and in favour of motivational internalism. Shafer-Landau pointed out that motivational internalism seemed to required a *pro tanto* view of reasons. On Shafer-Landau's view, *pro tanto* reasons imply a necessary connection between reasons and motivation because the defeasibility of a reason does not extinguish its motivational efficacy. On a *pro tanto* account, I may have a reason to eat a cream cake (my pleasure) and also a reason to loose weight (my health). I may choose not to eat the cream cake, but this does not extinguish my reason for wanting to eat it: my motivation to eat it remains. The necessary connection between reasons and motivation seems intact. But Scanlon argues that when we deliberate on reasons, our deliberation does not take a *pro tanto* form. I would suggest that there are two responses to make to this challenge.

Firstly, Scanlon accepts that there will be instances of *pro tanto* reasoning. This will be particularly likely in cases such as that of cream cakes and dieting. But his point is that in the main, practical deliberation is not of the *pro tanto* form. This is merely to point out that Scanlon's internalism accommodates the *pro tanto* form on some occasions. The second response is to note that Scanlon's argument against *pro tanto* reasoning is targeted at the problem of deliberation, and not motivation. Scanlon argues that when we consider whether to play a game against a friend to win or for fun, we may decide that, in the circumstances, it is wholly inappropriate to play to win, and discount the relevance of our reason to play to win in our deliberation on how to play the game. When we dismiss the reason as inappropriate, we are saying, in this context, it is not a reason. The connection between the reason and motivation remains, but both are eliminated from our deliberation. Should we decide that the circumstances have changed and it is appropriate to play to win, our reintroduction of the reason will bring with it the motivation to play to win (as these are identical). So, using Shafer-Landau's terminology, we can say that Scanlon has a *pro tanto* view of the relationship between reasons and motivation, but a *prima facie* view of the nature of practical deliberation.

Conclusion

In this chapter I have argued in favour of Scanlon's understanding of motivation. I have described his view as a kind of anti-Humeanism about motivation. Scanlon's distinctive argument is that motivation is constituted by reasons as considerations. I have argued that this conception of motivation is better able to explain motivation than either Humean or anti-Humean alternatives. Scanlon's

view amounts to an internalism about motivating reasons. Internalism about motivation is different from internalism about normative reasons. Our discussion in this chapter has left to one side the question of the constitution of normative reasons. Whilst Scanlon accepts that having a consideration is a necessary condition for having a motivation, we will see that Scanlon holds a different view when it comes to normative reasons. And so we now turn from asking if there are subjective grounds for the constitution of motivation, to the question of whether there are subjective grounds to the constitution of normative reasons.

INTERNAL AND EXTERNAL REASONS

Introduction

We found, in chapter two, that for Scanlon, motivation is constituted by reasons as considerations. This is an anti-Humean view, to the extent that it rejects the necessity of desires in the constitution of motivation. It was also an internalist view of motivation: in other words, it accepts that there is a necessary connection between reasons and motivation. We recall that whilst introducing our discussion of motivational internalism, I made a distinction between motivational internalism, and reasons internalism. Motivational internalism applies to the conditions of motivation, whilst reasons internalism applies to the conditions of reasons in the standard normative sense. Motivational internalism is concerned with the contents and conditions of an agent's actions; reasons internalism is concerned with the nature and conditions of normative reasons. Reasons internalism is a view about the conditions necessary to make the sentence 'A has a reason to ϕ' true.

In this chapter I will set out the debate regarding internal and external reasons. I will begin section one with Williams's original discussion. In the second part of section one I will set out the varieties of strong and weak internalism and externalism. I will then, in section two, explain Scanlon's argument against internalism. I will present a reading of Scanlon as a weak externalist about reasons. Weak externalism allows for the possibility of an agent

recognising a normative reason, and yet rationally rejecting the normativity of the reason for them. In the final section, four, I will discuss the question of the objectivity of normative reasons, and show that Scanlon is committed to the view that the aim of practical deliberation is truth and objectivity. We will therefore come to see that Scanlon's view combines a commitment to weak externalism and the objectivity of normative reasons. In conclusion, I will argue that this is an unsatisfactory, and incoherent combination. I will suggest that Williams's view is in fact more coherent as it combines weak internalism with a rejection of the possibility of truth and objectivity in normative reasons. Whilst more coherent, I will suggest that this is unattractive, and ask if we can find a means of combining Williams's weak internalism with Scanlon's commitment to the objectivity of normative reasons.

1. Internal and External Reasons

a) Williams's Distinction Between Internal and External Reasons

Williams argues that there are two possible interpretations of the statement '*A* has reason to *φ*.' The first, internal, interpretation states that there is a necessary connection between the existence of a normative reason and a subject's actual or possible motivations. The second, external, interpretation denies that there is necessarily any such connection between the existence of a reason and a subject's motivations.[1] Williams's purpose is to show that only internal interpretations are valid, and that there are no external reasons.

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[1] Bernard Williams, 'Internal and External Reasons' in Bernard Williams, *Moral Luck*, (Cambridge University Press, 1981), 101

On this view, the statement 'X has reason to ϕ' is true if and only if X is motivated, or could come to be motivated, to ϕ for that reason. Unless I am motivated to be educated, or could come to be motivated, I cannot be said to have a reason to seek education; unless I am motivated to live a long healthy life, I cannot be said to have a reason to live healthily. This is a view about the existence of normative reasons. It denies that a normative reason can exist independently from a person's motivations. '*What* is it that one comes to believe when he comes to believe that there is a reason for him to ϕ, if it is not the proposition, or something that entails the proposition, that if he deliberated rationally, he would be motivated to act appropriately?'[2]

On Williams's description of the external view, it is not a truth condition of the statement 'X has reason to ϕ' that X is motivated to ϕ. An external reason is one that is supposed to exist and apply to someone irrespective of their motivations or dispositions.

For Williams, a person's motivations are described as their subjective motivational set. The notion of a subjective motivational set is drawn broadly, and is not restricted to a Humean view that motivation necessarily includes desires. A subjective motivational set may include '...dispositions of evaluation, patterns of emotional reaction, personal loyalties, and various projects, as they may be abstractly called, embodying commitments of the agent.'[3] Given that Williams defines the constitution of motivation very broadly, reasons internalism could be compatible with a Humean or anti-Humean view of motivation. Williams is not concerned to define the nature of motivation very strictly. His argument is that

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[2] ibid.
[3] ibid., 105

the internal interpretation of normative reasons is characterised by the commitment to a necessary connection between motivation and reasons.

Williams's internalism is not restricted simply to the range of actual motivations that a person possesses. He accepts that internal reasons can apply to an agent so long as we can show that there is a sound deliberative route from the existing motivations to the new, augmented motivations. Williams later amended his original statement of the internalist view such that it read: 'A has a reason to ϕ only if there is *a sound deliberative route* from A's subjective motivational set... to A's ϕ-ing.'[4]

Sound deliberation is not restricted to an instrumental fulfilment of the contents of a subjective motivational set. Ernesto Garcia has helpfully pointed out that Williams's notion of a sound deliberative route involves two constraints. 'For Williams, we must avoid both (a) "procedural error", where certain procedures of practical reasoning that we engage in are, in some sense, invalid ones, and (b) "factual error", where we base our reasons upon false beliefs.'[5] Sound deliberation may include reflection, revision, imagination, and transformation. However, any reflection, revision, imagination, and transformation is controlled by the original contents of the subjective motivational set. Williams gives some examples of what sound deliberation might consist in: we may seek to convince someone who is thirsty that they should not drink the liquid in front of them because it is petrol not gin. In this case they may believe they have an internal reason to drink the liquid, but reflection and examination shows that they do not:

[4] Bernard Williams, 'Postscript: Some Further Notes of Internal and External Reasons' in Elijah Millgram (ed.), *Varieties of Practical Reasoning*, (London, The Massachusetts Institute of Technology Press, 2001), 91
[5] Ernesto V. Garcia, 'Value Realism and the Internalism/Externalism Debate,' in *Philosophical Studies*, 117 (2004), 234

we have committed a factual error. An example of procedural error is found in Williams's example of man who is nasty to his wife. This man might be entirely consistent in his actions if he is motivated to express his anger nastily, and sees no reason against being unpleasant to his spouse. But Williams does not suppose that his man is immune from rebuke. We could still, on an internalist account of normative reasons, criticise the man as '...ungrateful, inconsiderate, hard, sexist, nasty, selfish, brutal, and many other disadvantageous things. I shall presumably say, whatever else I say, that it would be better if he were nicer to her.'[6] But we cannot appeal to the man's reasons and motivations to be nicer to his wife, as he does not care for this. But Williams seems to hope that somewhere in this man's wider moral makeup, there are commitments and motivations that we can appeal to, and provide a sound deliberative route from, in order to show the man that he has reason to be kind to his wife. In this sense our criticism is related to the procedure that he has used to employ and reflect on his various moral and practical motivations, and we appeal to his presumed wish to have coherence amongst these different commitments. When we make such criticisms '...we launch them and hope that somewhere in the agent is some motivation that by some deliberative route might issue in the action we seek.'[7]

The external interpretation denies that the existence of normative reasons is restricted in this way. Williams criticises people who attempt to justify normative reasons to those who are not motivated to act on them. No matter how loud or vehement the attempted justification, no matter how logical or valid the reasoning, normative reasons that do not connect, at least potentially, with a

[6] Bernard Williams, *Internal Reasons and the Obscurity of Blame*, in Bernard Williams, *Making Sense of Humanity*, (Cambridge University Press, 1995), 39
[7] ibid., 40

subject's motivation simply do not exist. Williams suggests that believers in external reasons often browbeat their audience with claims that an external reason is a requirement of rationality, and that a person who does not accept an external reason is being irrational. The externalist does not recognise the internal condition that normative reasons must connect to an agent's motivations. On the externalist's view, the effectiveness of an external reason is apparently derived from the rules of rationality and not the substance of a subjective motivational set. But Williams argues that this must be wrong. Normative reasoning must be substantive. We cannot produce effective normative reasons by pure logical deduction from premises external to an agent's subjective motivation set. There is no substantive content to formal rationality. The notion of an external reason fails to recognise the substantive subjective conditions of normative reasons and reasoning. External reasons fail to recognise that having a motivation is a necessary condition for having a normative reason.

To clarify the difference between internal and external reasons, Williams refers to Henry James's story *Owen Wingrave*. Owen has been in preparatory training for a military career. However, he decides to reject this career. His family are shocked as, for 300 years, male Wingraves have pursued the martial life. But Owen decides that war is 'crass barbarism' that only brings 'immeasurable misery.'[8] Owen is of firm conviction that he does not have a good reason to continue in the footsteps of his male ancestors, but his family tries to persuade him that he should join the army.[9]

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[8] Henry James, 'Owen Wingrave,' in Henry James, *Ghost Stories of Henry James*, (Hertfordshire, Wordsworth Editions, 2001) 131-132

[9] In James's story, Owen's father is dead, killed in battle when Owen was an infant, but in Williams's description, he is alive and tries to persuade his son. Williams's point is unaffected.

...Owen's father urges on him the necessity and importance of his joining the army, since all his male ancestors were soldiers, and finally pride requires him to do the same. Owen Wingrave has no motivation to join the army at all, and all his desires lead in another direction: he hates everything about military life and what it means. His father might have expressed himself by saying that *there was a reason for Owen to join the army.* Knowing that there was nothing in Owen's *S* which would lead, through deliberative reasoning, to his doing this would not make him withdraw the claim or admit that he made it under a misapprehension. He means it in an external sense.[10]

Williams is not arguing that there is no value in the military life, or that Owen's father is wrong to value it. Owen's father's reasons are good reasons for him, because he is motivated by a respect for family martial tradition. Reasoning, with others or on our own, must begin from an agent's subjective motivational set. Owen's father is wrong to browbeat his son with justifications based on values and reasons Owen is not motivated by.

The reasons to join the army are internal reasons for Owen's father, but external for Owen. Having a pro-attitude to ϕ is taken as a necessary condition for the judgment that there are good reasons to ϕ, and for subsequently ϕ-ing. Quite simply, Williams believes that external reasons do not exist. It is a requirement of normative reasons that they connect substantively to a person's motivations. An external reason has no such connection; it is therefore not a reason. Christine Korsgaard offers a helpful summary:

> An *internalist* theory is a theory according to which the knowledge (or the truth or the acceptance) of a moral judgment implies the existence of a motive (not necessarily overriding) for

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[10] Williams, *Internal and External Reasons*, 106

acting on that judgment. If I judge that some action is right, it is implied that I have, and acknowledge, some motive or reason for performing that action. It is part of the sense of the judgment that a motive is present: if someone agrees that an action is right, but cannot see any motive or reason for doing it, we must suppose, according to these views, that she does not quite know what she means when she agrees that the action is right. On an *externalist* theory, by contrast, such a conjunction of moral comprehension and total unmotivatedness is perfectly possible: knowledge is one thing and motivation is another.[11]

b) *Varieties of Reasons Internalism and Externalism*

Williams's well known distinction is between internal and external reasons. We can, though, make a further distinction between weak and strong versions of reasons internalism and reasons externalism. I will set out briefly what each would consist in.

- *Strong Reasons Internalism*

This is the view that the existence of a normative reason to ϕ depends on the presence of a motivation to ϕ in a subject's actual motivational set. On this view, normativity depends on motivation. Normative reasons are the kinds of things that can motivate because they are identified with actual motivations: normative reasons must be potentially explanatory of action. The strong version of reasons internalism introduces a significant restriction on the constitution of a normative reason. An example is that Owen Wingrave could only be said to have a

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[11] Christine M. Korsgaard, 'Skepticism about Practical Reason,' in *The Journal of Philosophy*, 83: 1 (Jan, 1986), 8-9. We should note that whilst this quote helpfully expresses the difference between internalism and externalism, I am working with a distinction between motivational internalism and reasons internalism, which Korsgaard does not seem to employ. So when Korsgaard speaks of the '...judgment, or truth, or acceptance of moral reasons...', I am interpreting this as a question of the existence of these reasons, not merely the perception or judgment of them.

normative reason to join the army if he actually was motivated to join the army.

As Korsgaard puts it,

> ...in order for the principle to provide reasons for a given agent,
> acceptance of the principle must constitute part of the agent's
> subjective motivational set. If the principle is not accepted by the
> agent, its dictates are not reasons for her. Reasons are relativized
> to the set. If this is true, it looks at first as if all practical reasons
> will be relative to the individual, because they are conditioned by
> what is in the subjective motivational set. Reasons that apply to
> you regardless of what is in your subjective motivational set will
> not exist.[12]

- *Weak Reasons Internalism*

Weak Reasons Internalism says that a normative reason to ϕ is dependent on the

possibility of an agent developing a motivation to ϕ, based on sound deliberation

from their actual motivational set. This view stipulates that normative reasons

must still be identified with the motivations of agents; it must still be potentially

explanatory of action. But weak reasons internalism is more permissive of the

range of motivations that ground reasons, constituting them in terms of valid

deliberation. However, whilst weak reasons internalism includes the notion of

deliberation and criticism on normative reasoning, the terms of this reasoning are

limited to the limits of sound deliberative route from a person's actual motivations.

It seems as though sound deliberation consists in seeking the greatest coherence

between reasons and motivations, along with widest range of correct information.

The methods of sound deliberation may include logical analysis and imaginative

reflection. What is essential to the view is that the existence and validity of the

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[12] Korsgaard, *Skepticism about Practical Reason*, 21

normative reasons is limited to a necessary connection with a person's possible motivations.

Both weak and strong reasons internalism take it that normative reasons must be explanatory of action.

> If it is true that A has a reason to ϕ, then it must be possible that he should ϕ for that reason; and if he does act for that reason, then that reason will be the explanation of his acting. So the claim that he has a reason to ϕ - that is, the normative statement "He has reason to ϕ" – introduces the possibility of that reason being an explanation...[13]

They differ in their understanding of the range, scope, and propagation of motivations that underpin the existence of normative reasons. What is essential to both views, is the principle that normative reasons are necessarily connected to the motivations of a subject.

- *Strong Reasons Externalism*

Strong Reasons Externalism is the view that there are normative reasons that exist independently of the constraint that they be potentially explanatory of action, and independently of the condition that they are necessarily cognisable by humans. Such a view would probably be rejected by most philosophers, but may be one reading of Plato's notion of forms (although not the only reading of this doctrine).

- *Weak Reasons Externalism*

Weak reasons externalism holds that reasons may exist independently of any motivations of a subject. Weak reasons externalism differs from the strong version in that it accepts that normative reasons are necessarily potentially

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[13] Bernard Williams, Internal Reasons and the Obscurity of Blame, in Bernard Williams, *Making Sense of Humanity*, (Cambridge University Press, 1995), 38-9

explanatory of action, and necessarily cognisable by humans. Thus the agent has the capacity to recognise the reason and to act on it. But if the agent does not recognise the reason, the reason still exists for him even though its existence does not depend on there being any sound deliberative route from his existing motivations. For weak externalism, the validity of a reason does not depend on there being any such route from a person's existing or possible motivations. It is possible, on a weak externalist view, for an agent to be rational, and to recognise the existence of a normative reasons, but to deny that it is normatively authoritative for them, as they are not motivated appropriately. In the absence of a motivation, a person can claim exemption from the normativity of a reason.

- *Objectivity, Truth, and Normative Reasons*

The distinction between internal and external refers to the connection between normative reasons and motivations. In itself, this distinction does not imply a thesis about the truth or objectivity of normative reasons. We will discuss Scanlon and Williams's understanding of the notion of truth in normative reasoning in section three, and so I will not offer a definition of truth in normative reasoning at the moment. The notion of objectivity is somewhat less obviously addressed in the work of Scanlon than Williams. For the purposes of our present discussion, I will understand the question of the objectivity of normative reasons to relate to the universality and necessity of the ascription of normative reasons. An objective view of normative reasons could be grounded on a metaphysical, naturalist, or rationalist argument. In the arguments that follow, I will distinguish an objective view of normative reasons from a non-objective view. I choose the notion of non-objectivity because it leaves open the question of the whether the

non-objective view is a subjective, intersubjective, or some other doctrine of the nature and ascription of normative reasons.

Let us take a brief look at the ways internalism and externalism could be combined with differing views on the objectivity of reasons. Weak reasons externalism is the view that the existence and validity of normative reasons is constituted independently of the (possible) motivations of the agent. But weak externalism is compatible with either an objective or non-objective view of the nature and ascription of normative reasons. It could, for example, include the view that normative reasons are grounded on cultural or historical practices. On these grounds, normative reasons are not defined in terms of a relationship with the motivations of agents (this is the externalist thesis), but as the reasons are derived from contingent and particular practices, these reasons are seen as neither universal nor necessarily ascribable to persons: they are not objective. Alternatively, weak reasons externalism could include the view that normative reasons are grounded on natural (or even non-natural) facts, which constitute the universal and necessary ascription of normative reasons to persons.

Weak reasons internalism is also open to objective and non-objective possibilities. If there is an 'objective list' of motivations, based say on a naturalistic account of human needs and interests, weak reasons internalism could produce an account of objective normative reasons. On the other hand, a weak reasons internalism could present a non-objective view of normative reasons where motivations are, for example, constituted by cultural or social practices, or on a radically individualistic basis. In each case, both objective and non-objective, there may be terms of valid deliberation and therefore truth about normative

reasoning. But a minimalist conception of truth in normative reason is compatible with both the objective and non-objective interpretations of the nature and ascription of normative reasons.

I will argue in section three, that Williams and Scanlon share a similar view of the nature of truth in normative reasoning. But whereas Williams combines his weak internalism with a non-objective view of normative reasons, Scanlon argues for an objective weak reasons externalism. I will suggest that both these combinations are unsatisfactory. For now, I wish merely to make clear that whilst Williams objects to both objective normative reasons, and external reasons, these are different commitments and different arguments. Weak reasons internalism is compatible with an objective view of normative reasons. This is the combination I will be arguing in favour of later in this thesis.

In the following section, I will set out Scanlon's response to reasons internalism. We will see that Scanlon rejects both strong and weak internalism. I will then examine Scanlon's weak reasons externalism.

2. Scanlon's Rejection of Internalism

In this section I will first set out Scanlon's rejection of the view that normative reasons must connect to a person's desires or beliefs. I will then set out Scanlon's objection to Williams's conception of weak reasons internalism.

a) Desires and Normative Reasons

In some instances, a normative reason is primarily concerned with the satisfaction of a subjective state, such as the satisfaction of a pleasure, or the relief of pain. In

these cases we might say that this normative reason depends on the subjective state.

> With respect to some of our reasons, acceptance of this dependence poses no problem. It is easy to accept the claim that my reasons for eating coffee ice cream and for going to the seashore rather than to the mountains depend on the fact that these things appeal to me. And this is true not only of reasons that are trivial or have to do with "matters of taste."[14]

Scanlon therefore accepts that motivation can be connected to the existence of a valid normative reason. But is this specific instance an example of the general nature of normative reasons? Is a desire a necessary condition for the existence of a normative reason? Scanlon's answer is typically robust: '...desires almost never provide reasons for action in the way described by the standard desire model.'[15]

Scanlon describes an example of someone who is '...beset by the desire to have a new computer.'[16] Does being in the state of having a desire for a new computer give a person a reason to buy one? Scanlon argues that it does not.

> [D]oes my being in this state make it the case that I *have* a reason to buy a new computer (because doing this would satisfy my desire)? It seems to me clear that it does not. Such a state can occur (indeed, it often does) even when my considered judgment is that I in fact have no reason to buy a new machine, since I believe (correctly, let us suppose) that the features of the newer models would be of no real benefit to me. In such a case the fact that I have this desire gives me no reason to buy a new computer (aside, perhaps, from the indirect one that it would put and end,

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[14] Scanlon, *What We Owe*, 42
[15] ibid., 43
[16] ibid.

for a time, to my being nagged by the desire and wasting time reading computer advertisements).[17]

Scanlon uses this example to point out the independence of reasons and desires. The discrepancy between what we desire, and the reasons we have, shows us that a desire is not a necessary condition of a normative reason.

However, Scanlon's example may be under described. Scanlon argues in this example that the desire and the reason have no relationship (except a contingent, indirect one). My desire for a new computer is not a reason for a computer, and I could have a reason to not buy a new computer in the face of a desire for one. But rather than the desire and the reason being strangers, this example could merely show that the reason derived from a desire for a new computer is outweighed by my reason derived from a desire to be frugal. It could be the case that my desire to live within my means gives me a better reason than satisfying my desire for the latest machine. Scanlon has merely pointed out the defeasibility of substantive internal reasons, and not that there is no necessary connection between desires and normative reasons. A person may have a plurality of conflicting reasons based on a plurality of conflicting desires.

But Scanlon wants to show that the effective normative reason against buying a new machine has no connection to a desire. He wants to show, in other words, that a desire for a new computer is not a necessary condition for having a reason to buy a new computer, and conversely, that having a desire not to buy a computer is not a necessary condition for there to be a normative reason against buying a computer.

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[17] ibid., 43-44

It is not just that the reason provided by the desire is outweighed by other considerations. I would not say "Well, I do have *some* reason to buy the computer since it would satisfy my desire, but on balance it is not worth it." The desire, even if it persists, provides no reason at all (except possibly the indirect one just mentioned).[18]

For Scanlon, the necessary and sufficient condition for having a normative reason to ϕ is that there are sufficient good considerations in favour of ϕ-ing. It seems to me that Scanlon's argument has not quite shown what he intended here. It is entirely plausible that this example could merely point to the defeasibility of internal reasons, and not the independence of subjective states and normative reasons. However, I believe we can strengthen Scanlon's argument if we recall two doctrines introduced into the discussion of the structure of reasoning and desires from the previous chapter. The first concerns the motivational efficacy of reasons as considerations (if my reason to be frugal is devoid of desire, can it stand as a normative reason that is potentially explanatory of action?); the second concerns the objection to the *pro tanto* view of practical reasoning.

I set out and defended Scanlon's view that reasons as considerations are motivationally efficacious. Therefore, our 'subjective motivational set' was constituted by our reason judgments about the considerations there are, and not desires or pro-attitudes. There is no problem, on this account, of the connection between motivation and normative reasons. On a Humean view, we might ask how a judgment that there is a reason can provide motivation in the absence of desire; but on Scanlon's view the judgment that there is a reason is to have a motivation. Following from this, Scanlon argued that on close examination, there

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[18] ibid., 44

was no phenomenon that corresponded to the Humean notion of a desire, pro-attitude, or direction of fit. Desires are not needed in account of normative reasons, but even if they were, the phenomenon described as desires by Humeans does not exist and could not supply this need. So in the example of the desire to buy a new computer, Scanlon can claim that this is not an instance of one desire overwhelming another desire, as the reason to be frugal is motivationally efficacious without any reference to desires. The notion of a normative reason can therefore include the necessary condition of being at least potentially explanatory of action whilst existing independently of desires or subjective states.

The second argument that Scanlon alludes to in this section is the nature of practical deliberation. For Scanlon, simple reasons can exclude other reasons or objects of consideration from deliberation. Practical deliberation is not a matter of weighing the strength of various desires. It is rather a matter of judging which considerations are appropriate and relevant. Normative reasons would not have this evaluative quality if they were necessarily connected to desires. Desires may conflict sharply and persist. It cannot be a property of a desire to exclude other desires. Desires have an object and a weight. They are not normally understood to have any evaluative properties. Indeed, our judgments evaluate our desires. Scanlon accepts willingly that our subjective states, past, present, and future, can be important objects of our reasons. The fact that I enjoy coffee ice cream is a subjective condition that is extremely relevant to deliberation about ice cream. It is certainly the case that the person who craves coffee ice cream is more likely to have a reason to buy a coffee ice cream than someone who dislikes the taste of coffee ice cream. This is a clear instance where our subjective state affects the

constitution of normative reasons. Does this establish that subjective states are a necessary condition for normative reasons?

If I like coffee ice cream, this can manifest itself in a very direct way as an urge to eat coffee ice cream. My preference for coffee ice cream is a feature of my taste that is true of me all the time (probably). It is true that preferences and tastes distinguish people and provide them with different reasons, but these subjective conditions do not fulfil the definition of desires required by the substantive motivational condition of internal reasons. This condition states that having a desire is necessary to have a reason, because the desire motivates the normative reasons. But when I desire some coffee ice cream, the important subjective state is the future experience of eating the ice cream. The reason to eat coffee ice cream need not depend on my having a prior desire to eat ice cream, my reason might be derived from my anticipation '...of future enjoyment, not present desire.'[19] It might also be true that someone regards their preference for coffee ice cream as rather vulgar. They might want to educate their palate and refine their taste, such that they will, in future, prefer strawberry ice cream. In this case, the normative reason is to ignore one's current states and to acquire a certain desire in the future. It is not derived from, and does not depend on, present desire. So my preferences and tastes are certainly important objects of consideration, but they are not necessary conditions of normative reasons. Scanlon has shown once again, that desires and normative reasons can exist independently. Normative reasons clearly do set limits and proscriptions on appropriate reasons or objects of

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[19] ibid.

consideration. Desires and subjective states are objects of consideration and evaluation, and not necessary conditions.

The example of the person beset by a desire for a new computer points out the independence of desires and normative reasons. This discrepancy shows that we can have desires without having reasons, and that we can have reasons without having desires. These are strong arguments to reject the notion that normative reasons require the presence of desires.

We have just seen that being in a certain subjective state, namely having a desire, is not a necessary condition for the existence of a normative reason. We can recognise the validity of normative reasons even when they contradict the promptings of our subjective states. This independence of normative reasons and desires is explained by the view that our judgments of the considerations that count in favour of something are the origin of our normative reasons, and not desires. This is the first step in Scanlon's refutation of the internalist thesis of normative reasons. But Williams's notion of a subjective motivational set included more than desires. Should we therefore conclude that subjective states have no place in the constitution of normative reasons? An internalist like Williams might happily accept that good normative reasons are not usually connected to the satisfaction of pleasure, or the appeasement of a pressing desire. But an internalist would steadfastly maintain that a subjective motivation is a necessary condition for having a reason. The object of the motivation need not be so closely connected to preferences or urges for someone to want it. The good of the object of my desires might be constituted independently of my desires. I might want to save the rain forests because I believe they are valuable in

themselves. But my being in a state of wanting to save them distinguishes me from someone who does not want to save them. I take this wanting as a good reason to act to save the rainforests.

> I think that this is often what we do mean when we say that a person has a reason to act because he or she wants something that that action would produce. When we say, for example, that a person has a reason to call the travel agent because she wants to go to Chicago, we don't mean merely that she would enjoy Chicago, or that she thinks longingly of it and finds the thought of going there tempting, but rather that she takes herself to have good reason to make the trip. Here we have identified a state whose occurrence can affect the reasons an agent has, but it is misleading to call it "desire."[20]

Scanlon accepts that there is a clear subjective difference between someone who wants to save the rain forest, or as in the case of Owen and his father, someone who wants to join the army, and someone who does not. But is being in this state of wanting this state of affairs a necessary condition to have a reason?

Scanlon argues that this state of having a desire cannot be an original source of reasons. The subjective state might be taken as an object of our normative reasoning, but it is a mistake to move from understanding a subjective state as an object of normative reasoning, to take a subjective state as the origin of normative reasoning. For the state to count in any way in the planning or intentions of an agent, it must become a consideration: it must be taken as a reason. Normative reasons are derived from our judgment of the considerations that count in favour of something. Scanlon accepts that adopting certain plans or

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[20] ibid., 45

making certain judgments will affect our subjective state. But our state is dependent on our judgment that there are good reasons, and not the other way around. Our judgment about reasons can affect our subjective state. But in this sense, the subjective state is not an object of deliberation as in the previous two examples. The subjective state is rather an outcome of our practical reasoning. This might sound very similar to Jonathan Dancy's position as set out in the previous chapter. Dancy maintains that a belief can cause a motivation, but the complete state of being motivated is described as desire. Scanlon's view is different, because he does not argue that the subsequent state, derived from the reasoning, has any contribution to make to the constitution of the motivational or normative reason. The normative reasons are essentially unaffected by the subjective state. It is of no normative significance if I experience a huge change in disposition, or experience none. These subjective experiences might be of great personal significance, and may distinguish me from someone who has not made the judgments that I have made. But these subjective states are independent from the motivational and normative efficacy of the reasons. As these subjective states are derived from the judgment about reasons as considerations they are neither the origin nor condition of normative reasons.

The normative sufficiency of reasons as considerations is confirmed by comparison of desire-based reasons and intention-based reasons. Scanlon refers to Michael Bratman's notion of an intention as a (possibly incomplete) plan. A person who has an intention has a reason to pursue that intention in their future plans and deliberations '...unless he or she has reason then to reconsider it.'[21] If

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[21] ibid., 46

we reconsider our reasons, then we will (normally) alter or abandon our plans and intentions. A change in our reasons is caused by a re-evaluation of the considerations that count in favour of something, and not by our subjective states. Desire based reasons are not revisable in this way. The presence of an opposing desire does not eliminate its negative. Scanlon points out that the 'unless' clause in the description of intention-based reasons does not apply to desire-based reasons. If a desire is a necessary condition for a reason, the presence of a revised intention is only explained by the occurrence of a new desire. But revised reasons are based on a re-evaluation of the considerations that count in favour of something. This re-evaluation may affect our subjective states, but it is not caused by our subjective states. Its cause is the assessment of the considerations that count in favour of something.

> [O]ne's "taking" a consideration to be relevant is what has the
> reason-shaping consequences... described. Like the formation of
> an intention, such a "taking" is a move within practical thinking
> rather than, as desires are commonly supposed to be, a state which
> simple occurs and is then a "given" for subsequent deliberation.
> (This is shown by the fact that it continues to affect the reasons
> one has only in the absence of grounds for reconsideration).[22]

Desires are neither necessary for the evaluation of reasons, or for any subsequent adoption of reasons. A revision might affect the subject greatly, but this merely points out that subjective states can be affected by reasons. There is no necessary role for desires in the formation and revision of normative reasons.

In the preceding discussion we have seen that Scanlon objects to the internalist connection between desires and normative reasons. Having a desire is

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[22] ibid., 47

not a necessary condition for having a reason. Subjective states and normative reasons are frequently related, but only as objects or outcomes of practical reasoning, and not as source and condition. Scanlon's argument rests on: (*a*) the independence of subjective states and normative reasons; and (*b*) the susceptibility of our normative reasons to reconsideration, which points to desires as outcomes of reasoning and not condition of reasons.

b) Beliefs and Normative Reasons

We recall from the previous chapter that a typical anti-Humean view of motivation supposed that beliefs were the necessary condition and origin of motivation. Scanlon notes that normative reasons may be connected to beliefs.

> If I am explaining to someone why I did not buy the hat I *might*
> cite my belief about its color: "Why didn't I buy it? Because I
> could see that it was day-glo pink, that's why." If I did this I
> would be giving my operative reason. But when I am deciding
> what to do, and hence considering reasons in the "standard
> normative sense," what is relevant is something about the hat, not
> about my state of mind. That the hat is day-glo pink is a reason
> not to buy it: that admitting how I feel about such hats would hurt
> my friend's feelings is a reason to dissemble; and so on. What are
> here cited as reasons are not beliefs but the sort of things, picked
> out by "that" clauses, that are the contents of beliefs.[23]

Scanlon's argument against the necessity of beliefs in the constitution of normative reasons is rather brief. As mentioned in the previous section, a reasonable requirement on an account of normative reasons is that they are potentially explanatory of action. It is unclear how a feature of the world could be potentially explanatory of action, unless it is connected to an aspect of our

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[23] ibid., 56

intentional agency. In what sense is the colour of a hat a reason? Surely, my belief in the colour of the hat and the effect it has on my friend's feelings is the essence of the reason, and not an empirical quality in the world? Scanlon's arguments do not seem to offer a sufficient refutation of this anti-Humean internalism. But we can find further support for the form of Scanlon's argument in Jonathan Dancy's rejection of the role of beliefs in the constitution of normative reasons. Dancy's arguments seem entirely complementary with Scanlon's view stated above, but offer further depth.

Scanlon took a normative reason to be a feature of the world. When we deliberate on practical questions, we ask: do the roses smell fragrant; is my friend in need? These are features of the world that provide us with reasons to act one way or another. But a motivating reason is the subjective state of believing; it is not the sort of thing that could be a normative reason. A subject's state of believing might be taken as a fact of the world to be taken into account, such as my friend's belief that I will help them. But my subjective state of belief is a condition that I occupy, and is not a feature of the world that I am inquiring into. Dancy notes that the reasons that favour an action can explain the reasons that there are for acting, which in turn can explain the actions. 'We emerge with a three-part story in which everything has its place, and nothing is missed out. The story is: normative reason → motivating reason → action. The arrows in this story indicate relations of explanation...'[24] There is no equivalent three-part story that explains normative reasons in terms of motivating reasons. It is not the case

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[24] Dancy, *Practical* Reality, 101

that an intentional action explains motivating reasons (beliefs) that in turn explain normative reasons (features of the world).

> ...the reasons why we act can never be among the reasons in favour of acting, if the three-part story is true... The crucial point here is that believing that p is never (or hardly ever) a good reason for ϕ-ing. It is what is believed, that p, that is the good reason for ϕ-ing, if there is one.'[25]

An internalist may respond to this complaint by arguing that beliefs are not simply a subjective state of believing, wholly and categorically different from reasons as features of the world. They are instead understood as subjective states with content, a proposition, which can be true or untrue. This suggests a different model from the three-part explanatory model that we introduced earlier. On this view a belief '...is psychological state *plus* content that together constitute the motivating reason, and the content alone that constitutes the normative reason, if there is one.'[26] Does this interpretation avoid the categorical mistake of the three-part account?

Dancy offers two reasons to reject the belief plus content view. Firstly, he points out that propositions are different from states of affairs. Let us suppose that my friend is in need, and I help him. If someone asks me: why did you help your friend, it seems correct to answer, because he was in need, rather than, because I believed the proposition, 'my friend is in need.' As we see from Scanlon's quote, it is that fact that the hat is green that provides the reason, not my belief in the proposition 'the hat is green.' On this view, features of the real world provide reasons. I might conceptualise these in propositional terms, but that is an

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[25] ibid., 104-107
[26] ibid., 113

act of cognitive apprehension, and not constitution. Secondly, someone might respond that it is not simply propositions that are supposed to be good normative reasons, but true propositions. But Dancy insists that this difference is insufficient to provide what we need. 'The argument was not that false propositions cannot be good reasons... If propositions are deemed incapable of being good reasons for action on the ground that they are too thin or insubstantial, or that they are the wrong sort of thing, true propositions will be not better than false ones, since all will be equally inadequate to the task.'[27]

Dancy also accuses the belief model of normative reasons of involving the fallacy of detachment. Detachment is a move made in argument where a requirement on a complex, say a complex of belief and action, is broken down (detached from the complex as a whole) and applied to one part if the other obtains. For example, I should not believe that promises must be kept, and then not keep promises. The requirement holds to that particular complex of belief and action. But it does not follow that if one believes that one should keep promises, that acts of breaking promises are necessarily wrong, and it also does not follow that if I break a promise, I should believe that there is no reason to not break promises. The mistake made is to view the belief as something other than part of the relevant state of affairs. The belief does not make the action wrong, and the performing a wrong action does not require us to believe that the action is not wrong. But it is wrong to believe something and not act on it (as a complex). The reasons for this are not constituted by the belief, or the action, but by the state of affairs of having the belief and acting contrary to it.

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[27] ibid., 116

Should we say that, if he believes that there is most reason to do *D*, *D* is what he should do? To say this would be to make his belief infallible, and surely that would be a mistake. To avoid that mistake, we should suppose only that there is a rational prohibition against the combination of [believing that the reasons call for this but not doing it]. To prevent this from yielding a prohibition against failing to doing it, for those who believe that this is what there is most reason to do, we need the ban on detachment.[28]

The final argument that Dancy deploys against the belief view of normative reasons is derived from Arthur Collins's view that '...the three-part story makes possible something that is in fact impossible, namely for the agent to explain his action in a way that makes no commitment to the truth of the beliefs that he cites in that explanation.'[29]

When we explain an action, we are taking into account that the action was performed from the perspective of the agent. The statement, '*A* ϕ-ed because she believed that *p*' is a statement about the state of mind of *A* in ϕ-ing. It is in fact another description, as Collins calls it, a 'psychologising restatement,' of the event '*A* ϕ-ed because *p*.' The belief does help explain the event of the agent's actions, but it does not constitute the reason why the agent acted. That reason inhered in the situation that the agent apprehended.

> The agent takes 'I am doing it because *p*' and 'I am doing it because I believe that *p*' as equivalent explanations. The second explanation does not have a new and quite different subject-matter, the psychology of the agent rather than its being the case that *p*... *It is really the same explanation both times...* either the reason for which he acts is something that is the case, or it is

[28] ibid., 63
[29] ibid., 108, referring to Arthur W. Collins, 'The Psychological Reality of Reasons,' in *Ratio (New Series)*, 10:2 (1997), 108-123

something that is not the case. In the second instance, we do not need to locate something else that is the case to be the reason for which he acts.[30]

The subject matter of 'I believe that *p*' is '*p*', not 'my belief that *p*.' If I believe 'that *p*,' we should ask if it is the case 'that *p*.'

This view points us towards the proper understanding of beliefs and normative reasons. The arguments that I have set out here should not lead us to deny the existence of beliefs, or to think that beliefs are irrelevant. In fact, beliefs are essential to our understanding and evaluation of an agent's actions. In this sense, they have an important third person, evaluative, role. When we ask, why did Richard smell the roses, Richard's beliefs are an important part of our evaluation of his action. We should also consider how appropriate his beliefs were, and how well judged. Our evaluation of the person's actions will include the evidence available to them, and the consideration they gave to that evidence. Their judgment and beliefs are important to explain their decision to ϕ, but if we ask, was there reason to ϕ, we are no longer referring to their beliefs, but the features of the situation. Dancy describes this as the appositional account.

> The [account of the role of beliefs] that appeals to me is what I call the appositional account. This hears "He is doing it because he believes that *p*" as "He is doing is because *p*, as he believes." The "as he believes" functions paratactically here, attaching itself to the "*p*." Again, it is not part of the specification of his reason, but is a comment on that reason, one that is required by the nature of the explanation that we are giving. That explanation specifies the feature *in the light of which* the agent acted. It is required for this sort of explanation that those features be present to the agent's consciousness – indeed, that they be somehow conceived as

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[30] ibid., 110-111

favouring the action; so there must always be a way of making room for this fact, in some relation to the explanation that runs from features as reason to action as response. It is not required, however, that the nature of the agent's consciousness itself either constitute, or even be part of, the *explanans*. The appositional account tells us how to hold all these thing together in coherent whole.[31]

c) *Normative Reasons and the Scope of Sound Deliberation*

In the previous sections, we have discussed Scanlon's rejection of the internalist view that motivations in the form of desires or beliefs are a necessary condition for the existence of normative reasons. The strong internalist view held that normative reasons were constituted, at least in part, by a connection to the actual desires or beliefs of an agent. But the weak internalist view stated that normative reasons could exist separately from a person's actual motivations, but that they must connect to possible motivations through sound deliberation. The notion of a sound deliberative route allows for a much greater degree of normative criticism. In this section, I will set out the difference between Williams's view of a sound deliberative route and Scanlon's notion of reflective modification. We will see that their differences clarifies the extent to which Scanlon is a weak externalist, and Williams a weak internalist.

Williams argues that the internal account of normative reasons requires scope for normative deliberation and criticism.

> Unless a claim to the effect that an agent has a reason to ϕ can go beyond what that agent is already motivated to do – that is, go beyond his already being motivated to ϕ - then the term will have too narrow a definition. "A has reason to ϕ" means more than "A

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[31] ibid., 128-129

is presently disposed to ϕ." One reason why it must do so is that it plays an important part in discussions about what people should become disposed to do. One example of this, which is uncontentiously related to questions raised by the internalist view, is given by advice in the "if I were you..." mode. Taking other people's perspective on a situation, we hope to be able to point out that they have reason to do things they did not think they had reason to do, or, perhaps less reason to do certain thing than they thought they had.[32]

Scanlon argues that Williams's view of internal reasons is not a sceptical criticism of the possibility of normative reasons with critical force. The fact that Williams accepts that reasons can be referred to in the mode of offering advice, and that we can criticise people, or encourage them to accept new reasons means that '...Williams seems to be offering a substantive, normative thesis about what reasons we have.'[33]

For Williams, the process of deliberating soundly with our powers of practical imagination requires that we reason carefully and for ourselves; 'soundness' in practical reasoning consists in getting to the reasons themselves, and being alert to manipulation, bluff, or rhetoric. We might defer to someone's authority, but that authority must be affirmed by us in the first place. The deliberation and affirmation must be sincere and authentic. This is, of course, good advice to all deliberators, and would not look out of place in any account of practical deliberation. But the distinctive feature of Williams's view is that there is a limitation on the kinds of reasons that are available for affirmation by us. These limits might be fluid and vague, but practical imagination cannot encompass all possible reasons, only those that can connect to our original

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[32] Bernard Williams, Internal Reasons and the Obscurity of Blame, 36
[33] Scanlon, What We Owe, 365

subjective motivational set. The methods of practical deliberation and the subjective condition of normative efficacy limit the terms of normative validity.

Scanlon also seems to accept that there are limits on the lengths that we can expect someone to travel in their normative deliberation. We should not expect a person to adopt a reason simply on the strength of our proclamation of its truth. We must try to explain our reasons to them, in terms they can understand and hopefully come to accept, given their original subjective state. Scanlon describes his conception of practical deliberation as ' "reflective modification" of one's reasons.' Reflective modification

> ...consists of such manoeuvres as trying to consider the right
> aspects of the things that others claim to value, considering helpful
> analogies, trying to be sure that one has not overlooked relevant
> distinctions (or relied upon spurious ones), and considering one's
> reactions to new (real or hypothetical cases) and thinking about
> how these reactions are best accounted for.[34]

Reflective modification and sound deliberation have much in common, in that they share a view that practical reasoning will include the beliefs and commitments of the deliberator. But Scanlon and Williams disagree about whether the limitations of deliberation implies a weak internalism or externalism about normative reasons. To help us see this difference, Scanlon introduces the example of Mr. O'Brien. O'Brien wants to be a gracious host, but O'Brien is insensitive, obdurate, and has poor judgment about how to behave graciously. It might be the case that O'Brien's insensitivity and poor judgment impede his deliberation about how to be a good host. He might reject criticism of his behaviour, and maintain that he has no reason to act differently. Williams and

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[34] ibid., 368

Scanlon accept that this person has good internal reasons to behave differently, and that he is fairly criticised for failing to adopt these reasons. In this case, O'Brien is deficient because he has adopted a certain goal (that of being a good host), but he is mistaken about how to achieve his chosen goal. Both would agree that sound deliberation would certainly lead him to see that there are reasons to behave differently. But Scanlon would hold that the mistake the host makes is not simply one of coherence (the procedural and empirical conditions that we referred to in section one). O'Brien's failure includes a mistake about what reasons there are to guide behaviour to guests. Scanlon emphasises this point by introduction the character of O'Brien's son, O'Brien Junior. Unlike his father, O'Brien Junior does not want to be a good host and does not care about the feelings of his guests. When he throws parties he behaves just the same as his father. In this case, O'Brien Junior has no motivation to be a good host, and no deliberative route could be found from his existing motivations towards the new motivations of behaving kindly to his guests. Scanlon fears that on Williams's view, O'Brien Junior has no reason to treat his guests well, and we cannot complain and remonstrate with him that he should heed the reasons there are to be a kind host. Scanlon argues that normative reasons cannot be connected necessarily with the (possible) motivations of an agent, as this allows paradoxes like O'Brien and O'Brien Junior. Deficiency relates to the degree of truth achieved in the deliberation, and not to the degree of coherence between motivations and evaluations.

Scanlon continues this theme by picking up Williams's example of the man who is nasty to his wife. This man's motivations are to be aggressive,

violent, and unsympathetic to the effects of his actions. Williams says that we are able to criticise this man from an internal reasons perspective. We can say he is a violent, brutish bully who should stop it. But this case is quite different from that of O'Brien, because the violent man is reasoning appropriately from his subjective motivational set. Scanlon notes that Williams's commitment to the possibility of normative criticism sits at odds with his internalism.

> [Williams's criticisms] do involve accusing him of a kind of deficiency, namely a failure to be moved by certain considerations that we regard as reasons. (What else is it to be inconsiderate, cruel, insensitive, and so on?) If it is a deficiency for the man to fail to see these considerations as reasons, it would seem to me that they must be reasons for him. (If not, how can it be a deficiency for him to fail to recognize them?).[35]

Scanlon may have somewhat missed Williams's point here though. Williams does not criticise the man who is violent to his wife by saying that he is wrong to be violent. This would amount to browbeating, as the man in question sees nothing wrong with acting out his anger violently. But Williams is perhaps assuming that this man has wider motivations: to be considerate, not cruel, sensitive, at least in some aspects of his life. This is surely a reasonable assumption by Williams; otherwise this man would be a particularly vicious person indeed. Such a person could exist of course, but the main point is that Williams does not argue that the man is deficient because he is violent, but rather that his violence breaks other moral commitments that man, presumably, has. Scanlon argues that,

> [i]nsofar as we do not think that our own reasons for refraining from being cruel to our spouses are dependent on our having some

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[35] ibid., 367

"motivation" that is served by so refraining, we cannot regard
others' reasons as being so dependent. On this point Williams's
internalist thesis seems to be in tension with the breadth he claims
for the idea of a subjective motivational set.[36]

But it is precisely Williams's view that '...our reasons.. are dependent on
our having some "motivation."' We can read Williams's argument in such a way
as to show that it is not confused or in tension. Indeed Scanlon himself says that

> ...it does seem to be browbeating to insist that a person has a
> reason when he denies this, and when he truly could not see the
> force of the consideration in question no matter how hard he tried.
> It *is* browbeating to go on saying this in such a case. It is
> generally browbeating in any argument simply to repeat in a more
> insistent tone the very point that your opponent has already
> denied, without offering any new reason for accepting it. But
> from the fact that it would be browbeating to go on saying
> something in such a context it does not follow that that thing is not
> true.[37]

This quote points to the substantial difference that makes Scanlon a weak
externalist, and Williams a weak internalist. Scanlon believes that normative
reasons are necessarily potentially explanatory of action, and that they are
discernable through proper deliberation. In this sense, he is not a strong
externalist. But he shares with strong externalism the view that the existence and
normativity of practical reasons is not constrained by the scope of a sound
deliberative route from a subject's motivational set. In light of this, Scanlon
argues that both O'Brien, and O'Brien Junior are susceptible to normative
criticism, as the truth and validity of the normative reason is constituted
independently of their (possible) motivations. Williams, on the other hand,

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[36] ibid.
[37] ibid., 372

regards normative criticism as essentially limited by the scope of sound deliberation from a subjective motivational set, and would disagree that the truth and validity of normative reasons can be referred to in justification if those normative reasons are not connected to the (possible) motivations of the agent.

Scanlon's sympathy and respect for Williams's arguments should not disguise the important difference between their views. As we have seen throughout section two, Scanlon disagrees with Williams that there is a necessary connection between the existence of normative reasons and the (possible) motivations of a subject. We have seen that Scanlon is a weak externalist about normative reasons, in opposition to Williams's weak internalism.

3. Truth and Objectivity in Normative Reasons

We recall from section 1(b) that I argued that both internal and external views of reasons are capable of a subjective or objective view of normative validity. In this section I will make clear that Williams takes a subjective view of reasons alongside his weak reasons internalism, and that Scanlon takes an objective view of reasons alongside his weak reasons externalism. We will look at each in turn.

a) Williams, Truth, and Objectivity

We have seen that Williams is a weak internalist about normative reasons. This is the view that the existence of a normative reason depends on its connection with a person's (possible) motivations. Williams combines this weak internalism with the view that normative reasoning can yield non-objective truths about normative reasons.

In his discussion *Truth in Ethics*, Williams argues that truth in normative

reasoning '...*in itself* isn't much.'[38] Williams employs a minimalist notion of

truth as equivalence, where '...[i]f we can start from anything in the question of

truth, we can start from the idea that '*p*' is true just in case that *p*.'[39] 'That *p*' is

given by certain surface facts that relate to the object *p*. There are two kinds of

surface facts for Williams: those relating to the logical and formal features of

assertion and proposition; and secondly, those features relating to the substantive

normative content of 'that *p*.' These latter features include such qualities as

appropriateness and reasonableness, in a non-question begging way which we will

explain in a moment. In the practical normative domain, Williams argues that the

objects (*p*-objects) could be understood as either thick or thin concepts. In other

words, practical phenomena are the objects conceptualised in either thick or thin

terms. Thick concepts are substantive normative phenomena such as courage,

promising, honesty, moderation; thin concepts are those such as right, wrong, and

good. Williams argues that thick concepts are the proper objects of normative

reasoning because they can yield truth and knowledge more successfully. The

practice of promising can be observed, studied, reflected upon, and interrogated

more substantively and concretely than the thin concept of right, so Williams

argues. Therefore, truth in normative reasoning should be concerned with thick

practical concepts. After sufficient examination and reflection on the practical

phenomena of promising, Williams seems to suggest that we should have a good

idea of the truth regarding the practice of promising. However, Williams argues

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[38] Bernard Williams, 'Truth in Ethics' in *Truth in Ethics* ed. Brad Hooker (Oxford, Blackwell Publishers, 1996), 19. We note that Williams's article is concerned with the ethical domain and not the broader normative, which we are discussing here. However, as will be clear in the discussion, his arguments also apply to the broader practical dimension of normative reasons.

[39] ibid., Williams notes that the minimalist notion of truth as equivalence is derived from Tarski.

that thick ethical concepts vary over time with the variety of practices, both within plural societies, and between different societies. But Williams denies that this undermines the notion of truth in normative reasoning. It just means that truth is confined to particular practical communities with particular practical concepts. There is still a truth regarding 'that p' but this truth is confined to those groups that practice p and use the concept p.

> This draws our attention to an extremely important form of ethical difference – namely that between those who do and those who don't use a certain concept. There was a marvellous moment in one of Oscar Wilde's trials when counsel read to Wilde a passage from one of his works and asked "Mr. Wilde, don't you think that's obscene?" Wilde replied " 'Obscene' is not a word of mine." This illustrates that the question of what your repertoire of think concepts is reveals your own or your society's ethical attitude. An important difference between different ethical cultures concerns what think ethical concepts do any work in them.[40]

Williams argues that whilst normative reasoning might yield truth, it cannot yield objectivity. As normative concepts and reasons are derived from specific practices, objectivity is an unobtainable ambition. Given the contingency and particularity of practices and their norms, objectivity exceeds truth in the domain of normative reasons. The truth of normative reasons is limited to the practical and linguistic specificity of particular communities. For Williams, objectivity implies the existence of a homogenous set of thick ethical concepts across all human existence, in time and place. His rejection of objectivity in normative reasons is grounded on his rejection of the universality and necessity of any particular conception of persons, their practices, and their thick ethical

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[40] ibid., 29

concepts. Williams's view is therefore a commitment to a minimal conception of truth, and a rejection of the objectivity of normative reasons.

b) Scanlon, Truth, and Objectivity in Normative Reasons

For Scanlon, deliberation on normative reasons is concerned precisely with the truth of those reasons.

> Judgments about right and wrong and, more generally, judgments about reasons for action, seem, on the surface, to claim to state truths. They obey the principles of standard propositional and quantificational logic, and satisfy (at least most of) the other "platitudes" about truth enumerated by Crispin Wright and others. Moreover, some of these judgments seem to be true, rather than false, if anything is... I find it difficult to resist saying that I believe that these things are so.[41]

Scanlon argues that the deliberation of the truth of reasons consists in '...four stages... not all of which need occur in every case.'[42] The first stage is the initial appearance of something as a reason, where X seems to be a reason to A. The second stage is described as the first critical stage. This is the first assessment of whether something really is a reason in favour of an action, for example, whether my fatigue is a reason to have another cup of tea, or whether it is in fact a reason to go straight to bed, it cannot be a reason for both (to act to stimulate my attention and retreat to sleep), and so we look in a basic sense at what this reason seems be a consideration in favour of, if anything. The third stage is the second critical stage, where we ask, given all the relevant considerations, including X, is there sufficient reason to A. Finally, if I judge that

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[41] T. M. Scanlon, 'Metaphysics and Morals' in *Proceedings and Addresses of the American Philosophical Association* Vol.77, No.2, (2003), 7

[42] Scanlon, *What We Owe*, 65

there are sufficient reasons to A, then I will probably intend to A. This will be a considered intention based on a judgment that will guide further intentional action and deliberation.

Scanlon spells out the practice of this kind of practical deliberation using the example of a parent seeming to have a reason to strike their child for defiant and insolent behaviour. The parent should ask why they want to strike the child. Is it to exert control and power, is it to express and relieve their frustration and anger, or is it to teach discipline in a contained and loving context? What do these various reasons reveal about other attitudes to the parent-child relationship, and are these wider attitudes to be affirmed and used to corroborate the decision to strike the child or not? Is there a better, a less violent way to express the parent's feelings and intentions? All these questions bear on what seems to be a reason to strike the child, and also refer to other reasons and attitudes that comprise the context of this choice. There is no reference to any principle, or object, or faculty that does not substantively consist in the reasons there are to behave in a certain way towards your child. Similarly, there is also no privileged reference to the desires, feelings, and subjective states occupied by the parent.

> The process here is first to clarify what kind of reason this is supposed to be and then to see whether the initial tendency to take this as a reason stands the test of reflection. If your initial tendency (to think that the child's insolent behaviour gives you reason to strike it) stands after this re-examination, then you conclude that it really is a reason; if not, then you conclude that it is not.[43]

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[43] ibid., 66

Scanlon states that there are three reasons to hold that our judgment of practical reasons concerns the correctness of our judgments. Firstly, deliberation on reasons eliminates contradictions on pain of irrationality. A rational, reasonable, person would not deliberate critically on what seems to be a reason to strike their child, and conclude that, in these circumstances, what originally seemed to be a reason is and is not a reason to strike the child. If our reason to strike the child comprised desires or attitudes, these contradictions could persist. We often experience contradictory feelings and states, and this is not irrational, as they are not in themselves reasons, and have no original cognitive component. But something cannot be a reason to ϕ and to $\neg\phi$. Therefore, if practical deliberation leads to a change in attitude, it seems as though this is derived from a judgment that what originally seemed to be a reason is not a reason, judgments can be correct or incorrect. If this were not the case, then rational deliberation might lead to new attitudes, but it could not account for the deliberative elimination of what seemed to be reasons.

Secondly, the process of practical deliberation set out by Scanlon gives us good grounds to think that the outcomes of our reasoning are clearer and more considered reasons that deserve greater confidence. We might not want to claim that they are correct in any absolute sense, but they will be more readily accepted and adhered to as derived from critical evaluation. It is not at all clear why any kind of practical deliberation should affect the confidence we have in reasons as desires. The quality of desires is not related to our judgments, they exist, persist, and affect or not. And so given that we tend to ascribe greater confidence to

considered reflections, rather than bare and urgent promptings of psyche, this implies that our judgments of normative reasons can be correct or incorrect.

Thirdly, '...in virtue of this reflection, it is less likely to be affected by distorting factors such as your rage.'[44] Whether rage is or is not something that should be taken into account in our deliberation is a substantive question, and there is no automatic exclusion of any particular state or consideration. But we do have to make a judgement about which factors will lead to better and more correct judgments. In some instances, the colour socks you wear might be a relevant consideration, in many others, it will not. Such decisions about which are relevant and appropriate background judgments will themselves proceed in the manner of practical deliberation that we have described above. Every judgment-sensitive attitude and intention is subject to revision by further reasons as considerations. Our intentional stance and comportment is composed of the reasons that we have. '[T]he fact that an intention alters one's subsequent reasons only so long as one does not have reason to reconsider its adoption indicates that the normative force of this intention depends on the substantive reasons that made it worth adopting in the first place.'[45]

Scanlon argues that this view of practical deliberation does not amount to a coherence theory of reasons. Simply put, such a view would state that '...belief is justified by, and only by, its being a member of a coherent set of beliefs.'[46] Scanlon takes up briefly the common criticisms that coherentism results in conservatism and relativism about reasons for action.

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[44] ibid., 67
[45] ibid., 70
[46] James Griffin, *Value Judgment*, (Oxford University Press, 1996), 9

'[I]t might be thought an embarrassment to my view that every move in the process of correction I have described depends on a prior framework of accepted judgments about reasons. It seems that I am endorsing a complacent reaffirmation of whatever we happen to think.'[47] But Scanlon emphasises that all the reasons in a person's subjective set of reasons are susceptible to criticism and revision, and that any process of radical criticism would eventually amount to this method because we have shown that reasons are, *inter alia*, beliefs about considerations that count in favour of something. There is no source of guidance or authority external to the reasons that there are, and the substantive judgment of them. Scanlon's notion of practical deliberation and judgment will not yield unconditional imperatives: '[a]ll that can be established is that they seem, on reflection, to be correct. That, it seems to me, is enough, and as much as one could reasonably ask for.'[48]

From this discussion, we can see that Scanlon seems to hold a view of truth regarding normative reasons that is not altogether dissimilar from Williams's. Scanlon maintains, as does Williams, that reflection and criticism of normative reasons can yield a truth regarding their content and application. Scanlon seems to follow Williams's notion that reflection on normative reasons concerns thick normative concepts that are constituted by particular social practices. But does Scanlon follow Williams's view that this implies a non-objectivity regarding normative reasons? Does the commitment to the thickness of normative reasons require us to forgo the possibility of objectivity regarding normativity?

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[47] Scanlon, *What We Owe*, 70
[48] ibid.

Scanlon agrees with Williams that the particular social practices of a community will affect the nature of normative reasons. He accepts the view that there will be a significant degree of variability between communities regarding the existence, nature, and employment of thick normative concepts: '...it is true that what people have reason to want depends on the conditions in which they are placed, and among these conditions are facts about what most people around them what, believe, and expect.'[49] But Scanlon argues that the variability derived from the connection of normative reasons to ways of life should not lead one to a non-objective, relativist view of normative reasons. Scanlon argues that whilst thick normative concepts and their practices will vary widely across time and cultures, there is an irreducible core of substantive reasons relating to what people owe to each other, which is impervious to the natural variations of social practices. It is in this sense that Scanlon describes himself as a realist about moral reasons. Scanlon argues that this commitment to the objectivity of normative reasons does not necessarily commit him to a metaphysical view of normative reasons.

> What is special about reasons is not the ontological category of
> things that can be reasons, but rather the status of being a reason,
> that is to say, of counting in favour of some judgment-sensitive
> attitude.[50]

Scanlon intends to show that a commitment to the objectivity of reasons does not imply a commitment to a metaphysical or ontological view of reasons. But he argues that normative reasons are special kinds of facts. He asks, when we criticise a person's normative judgment, are we entitled to say that their judgment was based on an incorrect judgments of a special kind of fact, a fact that is

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[49] ibid., 341
[50] ibid., 56

'...neither merely a fact about our psychology nor an ordinary empirical fact about the world outside us?'[51] Or are we restricted to criticising their choice of holding that X counts in favour of A? Is normative judgment based on the determination of a special kind of facts, or the holding of special kinds of attitudes? If normative judgment consists in special-attitudes, then normative criticism cannot speak to any kind of fact about the relationship that holds between X and doing A. On this view, that relationship is constituted by, and therefore dependent on, the subjective judgment about this relationship. These different kinds of criticism involve different canons of analysis and different views of the error incurred. Scanlon points out that these criticisms amount to an assault on the objectivity of normative reasons. If we cannot ascribe any kind of objects, methods of judgment, and subsequently correctness, to our normative beliefs, then '...judgments about reasons are not about anything real, but just expressions of certain attitudes.'[52]

Scanlon argues that we have good reason to think that normative judgment about actions consist in beliefs regarding a special kind of fact, rather than a special-attitude, because both normative judgments about our beliefs about the empirical world, and normative judgments about action share a declarative propositional form that obeys the 'normal laws of logic... If, then, we are disposed on reflection to confidently affirm judgments of these kinds we seem to need some reason not to take them as saying something which can be true and which can be the object of belief.'[53] The sceptic would surely argue that this is a superficial similarity, and that our normative judgments are not kinds of beliefs

[51] ibid., 58
[52] ibid., 59
[53] ibid., 60

about special kinds of facts that follow the normal laws of logic and which can be correct or incorrect. Rather, they are statements about the attitudes we have. The sceptic argues that normative reasons as beliefs about reasons as special kinds of facts cannot account for the force of normative judgments. Is this a good reason to doubt that normative judgments about action cannot consist in beliefs but must take the form of special attitudes? Scanlon argues that it is not.

> ...[A] defender of the belief interpretation of judgments about reasons need not, and should not, claim that statements about reasons are statements about the natural world but only that they are the kind of thing that can be said to be true and can be the object of belief. This *general* claim gives rise to no problem about normative force. Normative force of the kind in question is just the force of recognizing something to be a reason (to "count in favor of" a certain attitude). If recognizing something to be a reason amounts to seeing the truth of a statement about reasons, then this recognition will have normative force of the requisite kind.[54]

Does the recognition of a reason have 'normative force of the requisite kind?' Scanlon offers two arguments to show that normative reasons as beliefs can provide the normative force that we seek from practical reasons.

Firstly, Scanlon argues the judgments of rational agents will be effective on their further deliberation and judgment. Part of what it means to make a judgment that X is a reason to A, is to believe that X counts in favour of A, such that in first person deliberation this will lead directly to the adoption of the intention to A. If the conclusions of judgments are beliefs, then these beliefs will have the normative force, in the sense that they will be effective towards their object, whether attitudes, further beliefs, or actions. So normative judgments as

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[54] ibid.

beliefs can have the normative force required, in the sense that they can directly produce intentions and actions.

Secondly, Scanlon points out that the force of these judgments about reasons is not restricted to first person deliberation. The effectiveness of our beliefs is not restricted to questions that affect us directly; the conclusions will apply to others in hypothetical or third person cases. The nature of the effect, or forcefulness of our beliefs will be different, in that our judgments may only result in approval or disapproval, or in the offer of advice. But nevertheless, we can show that judgments of reasons in the form of beliefs can provide the normative force that the sceptic denied.

> The distinctive motivational force of such judgments... can then
> be accounted for by the fact that it is central to being a rational
> creature that one's attitudes are responsive to one's judgments
> about reasons: in particular that if one accepts a judgment of the
> form just mentioned and believes one's situation to be of the kind
> in question then one modifies one's attitudes accordingly, because
> one sees reason to do so.[55]

Scanlon argues that normative judgments about reasons can comprise beliefs about a special kind of fact that can be correct and incorrect, and these reasons can be normatively effective in the way that the sceptic denied they could.

We now turn to the second and third of the sceptic's challenges: normative judgments about reasons as beliefs imply the existence of a strange metaphysical object, perception of which cannot be unaccounted for. Scanlon described these as the metaphysical and the epistemological questions. Let us take the epistemological question of perception first.

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[55] ibid., 62

The sceptic challenges the view that there are normative reasons as beliefs that can be correct or incorrect. The strength of this challenge seems to derive from a comparison with empirical judgments. Empirical beliefs, in a more or less sophisticated way, are generally taken to refer to objects that exist independently of the judging subject. Philosophical investigations into our perception of the natural world are frequently faced with explaining how we come to acquire knowledge of objects that exist so separately from us. This problem at least begins with the assumption that there is a phenomenon of empirical perception and judgment. The sceptic points out that it is not clear that practical judgment has any kind of evidently existent object, and so questions whether moral judgment can be described in perceptual terms at all. But Scanlon points out that it is a mistake to assume that the notion of practical judgments that consist in beliefs must take the same form as empirical judgments that consist in beliefs derived from perception. 'There is no reason to hold that nothing can be called a *belief* at all unless it can be understood as about some subject matter at a distance from us which must somehow be represented to us, and which therefore raises epistemological problems to which causal interaction is a natural solution.'[56]

Scanlon argues that if follows from this that we should also not assume that the notion of normative reasons as beliefs requires a metaphysical object of our judgment. The sceptic's argument seems to take the following form: if normative reasons are beliefs that can be correct or incorrect, this must rely on the existence of an object independent of our beliefs. The comparison of our beliefs with the actual nature of this object informs us of the correctness or otherwise of

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[56] ibid.

our judgments. This argument derives from comparison of the mode of empirical judgment with practical judgment. But Scanlon points out that even the empirical observer need not include a metaphysical account of the nature of the empirical object. What matters is that there are clear standards by which we can assess the status of the reasons for our beliefs. Our mathematical judgments can proceed without us making a particular metaphysical claim about the nature of mathematical objects. Mathematical judgments also include clear rules and standards to determine correctness. And so it does not follow that the existence of clear standards of judgment about reasons as beliefs rely on an object that exists independently of us.

> [I]n order for judgments about reasons to be taken to be about
> some subject matter independent of us in the sense required for it
> to be possible for us to be mistaken about them, what is required is
> for there to be standards for arriving at conclusions about reasons.
> Conclusions about reasons that can be reached only through
> modes of thought that are defective by these standards are
> mistaken. It is not necessary, in order to explain the possibility of
> being mistaken, to construe the relevant subject matter in a
> metaphysical way as existing outside us.[57]

But how do we know whether there are such standards for normative reasons for action? Scanlon regards this as a substantive question that must be answered within an account of practical reasoning. That is, when we discuss particular practical problems, we can also deliberate on the kinds of standards that are available and that should be employed. This apparent substantive indeterminacy should not worry us any more than it does in empirical judgment. Even within natural science there are substantive discussions and controversies

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[57] ibid., 63

about the most basic standards and their applicability: for example, are the standards of judgment derived from the observational method appropriate at all levels of empirical enquiry? There seems to be some dispute as to whether they are appropriate at both the atomic and the sub-atomic level. This question is debated at the level of empirical enquiry, or theoretical reflection on empirical enquiry, and is not normally taken to demand a philosophical-metaphysical answer. Clearly there is wide disagreement about the nature of the standards that are appropriate to practical deliberation on reasons. 'Substantive doubts about reasons for action may have moved some people to maintain that claims about reasons express pro-attitudes rather than beliefs, but the question of the substantive defensibility of claims about reasons for action in fact cuts across the question of how these claims should be interpreted.'[58]

Scanlon therefore believes that the sceptic's challenge to the notion of normative reasons in the form of beliefs about special kinds of facts that can be correct or incorrect can be met. On the one hand, we simply need to show that the sceptic limits inappropriately the possibility of normative force to the holding of an attitude, whereas Scanlon argues that to have a reason as a belief is to be effected by the consequences of holding that belief as a reason. The effectiveness of reasons as considerations fulfils the requirement of normative force that the sceptic sought. On the other hand, we can accept that normative reasons based on esoteric perception of a questionable object should be doubted. But Scanlon points out that commitment to the belief interpretation of normative judgment

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[58] ibid., 64

does not require a metaphysical argument, and therefore it does not require a special epistemology to explain perception of our supposed metaphysical object.

Thus Scanlon's argues that sensitivity to the variability provided by the contribution made by particular ways of life can avoid relativism and an ontological account of reasons. The origin of the objectivity of normative reasons must therefore be sufficient to explain the universal and necessary ascription of normative reasons to all those who, as Williams says, have a plurality of different normative practices and concepts.

We are now left with the question of what are the special kind of facts that provide for the objectivity of what we owe to each other. For this we must move from a general discussion of normative reasons, towards a more specific examination of his view of right and wrong.

Conclusion

A Review and Preview

My aim in this chapter has been to show clearly that Scanlon is a weak externalist about normative reasons. I have presented Scanlon's arguments against Williams's weak internalism. I have also examined the conceptions of truth and objectivity that Williams and Scanlon combine with their respective weak internalism and externalism. We are now, hopefully, able to see more clearly the structure and status of a normative reason that Scanlon will use in the specific arguments for what we owe to each other. However, before we engage in these arguments, I wish to point out a problem in Scanlon's combination of weak externalism and objectivity regarding normative reasons.

Weak externalism implies that normative reasons can exist independently of a person's motivations and recognition of them as normative for them. A person could, rationally, deny that a normative reason is ascribable to them. It seems to me that this sits at odds with the commitment to the objectivity of normative reasons. We described the objectivity of normative reasons as involving a claim that normative reasons are universal and necessarily ascribable. Thus Scanlon's combination of weak externalism and objectivity of normative reasons seems to entail the contradictory view that a normative reason is at once universally and necessarily ascribable, and that a person could rationally deny that a normative reason is ascribable to them. In later chapters we will examine this problem in more detail under the heading of amoralism. I will argue that the problem of amoralism, which we can see in an abstract structural sense in our discussion of this chapter, threatens Scanlon's contractualism. Whilst I believe that there is a structural problem in Scanlon's combination of weak externalism and objectivity, I do not believe that we should adopt Williams's alternative. Williams's combination of weak internalism with non-objectivity of normative reasons is more coherent than Scanlon's view it seems to me. But Williams's view forgoes that very ambition of objectivity that was so central to Scanlon's original statement of contractualism. On Williams's view, it is neither irrational nor objectionable that morality is reduced to a special taste of preference. My arguments in later chapters will seek to find an alternative basis on which we can combine weak internalism with objectivity.

THE AUGMENTED BUCK-PASSING ARGUMENT

Introduction

In the previous chapter, we found that Scanlon's view of normative reasons

combines weak externalism with objectivism. In this chapter we will examine a

key aspect of Scanlon's account of the objectivity of normative reasons: his

argument for the buck-passing account of value. Scanlon's objectivism is

distinctive, in part, because of its commitment to a buck-passing account of value.

In the course of this chapter I will defend the buck-passing strategy as part of a

successful account of the objectivity of reasons. However, I will argue that

Scanlon's account is unsatisfactory as presented in *What We Owe to Each Other*.

My main purpose in this chapter is to explain the problem with his account and

develop a response based on Scanlon's original buck-passing argument, but which

augments the buck-passing from solely the good, to the good and the right. I hope

to show that my proposed augmented buck-passing argument will be better able to

contribute to an account to the objectivity of reasons against wronging.

The argument of Scanlon's contractualism moves in '...three concentric

and successively narrower normative domains: reasons, values, and what we owe

to each other.'[1] Before we can set out the content and grounds of Scanlon's

argument for the importance and priority of our duties towards each other, we

need to address Scanlon's understanding of the relationship between reasons and

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[1] Scanlon, *What We Owe*, 13

values. Scanlon's account of value consists in two distinctive features. Firstly, he holds that values are not necessarily teleological in nature; and secondly, he argues that value is a formal second order property that relates to the substantive and objective first order property that is valued. This he describes as the buck-passing account of value. My purpose in this chapter is to critically examine Scanlon's abstract account of value. In sum, I defend Scanlon's pluralist account of the structure of value. I argue that it is important to regard Scanlon as a pluralist about the structure of value. Scanlon is a pluralist about the structure of value, as he does accept that values can be teleological in form, even if this is not their necessary structure. This pluralist account is opposed to those who argue that Scanlon rejects entirely the notion of teleology as an account of value.

I am more critical of Scanlon's argument about buck-passing. We will see that the buck-passing argument is invoked primarily as a response to G. E Moore's open question problem about the good. I suggest that the buck-passing strategy is a promising response to this problem, but that Scanlon applies it improperly. In Scanlon's version, the buck is passed from the evaluative notion of the good to the normative notion of a reason grounded on the natural properties of a valuable object. I argue that this is inconsistent with Scanlon's notion of a normative reason, which for him also includes an evaluative component. More troubling, this merely moves the open question problem from the evaluative to the normative, from the question of the good to the question of reasons. I suggest an augmented buck-passing argument where both values and reasons are defined in terms of second order formal qualities, and the buck is passed from both to the first order substantive properties of the object of value and of right. This

augmentation is important in order to make the buck-passing account more consistent internally. Yet, as we will see in the next chapter, it is also crucial to a defence of Scanlon's contractualism from criticisms of redundancy and circularity. Consequently, the augmented buck-passing argument that I will present here helps explain the structural nature of the right and the good, and also provides an important part of the explanation of the objectivity of the substantive reasons against wronging.

1. Values and Teleology

a) States of Affairs, Reasons, and Values

In his discussion of value, Scanlon states that he is presenting '…an abstract account of value.'[2] His abstract account of value contains two main features. The first is a refutation of the view that value is necessarily teleological in structure; the second is the buck-passing account of value. Scanlon's discussion centres on the relationship between values and reasons, or, as it is sometimes described, between the evaluative and normative. Dancy and Suikkanen trace the history of this discussion in the work of Moore, Ross, Ewing, and others.[3] They point out that the teleological account of value was put forward by Moore as a '…claim that value is a property that has the unique feature amongst all properties of being reason-providing. It is a property that makes possible states of affairs such that we have reason to attempt to make them actual.'[4]

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[2] Scanlon, *What We Owe*, 95

[3] See Jussi Suikkanen, 'Reasons and Value – In Defence of the Buck-Passing Account' in *Ethical Theory and Moral Practice*, Vol. 7, No. 5 (2004), 513-535 and Jonathan Dancy, 'Should We Pass the Buck,' in *Philosophy: the good, the true, and the beautiful*, ed. A. O'Hear (Cambridge University Press/Royal Institute of Philosophy, 2000)

[4] Suikkanen, *Reasons and Value*, 518

The teleological view of value takes bearers of value to be states of affairs, states of affairs where some actions take place, or where certain phenomena are present or absent. Some people may value a state of affairs where people act kindly or courageously, others may value a state of affairs where there is a greater degree of material equality, or an absence of oppression and exploitation. These states of affairs are taken to have intrinsic value, and other states of affairs are valuable to the extent that they contribute to bringing about these intrinsically valuable states of affairs. On this view, the exercise of value judgment consists in determining which are the intrinsically valuable states of affairs, which states of affairs have more value and which less, and which of our actions will bring about these valuable states of affairs.

The teleological notion of value is frequently associated with consequentialist reasons, and often contrasted with the supposed normative nature of rights and duties. Scanlon refers to Nagel's discussion of a puzzling feature of moral reasons that seems to follow from this distinction between teleological and normative reasons. In 'The View From Nowhere', Nagel takes it to be the case that there are deontological reasons that apply to certain actions, for example, a prohibition against torture. But Nagel also holds a teleological view of value, where certain states of affairs are of intrinsic value, and there are objective reasons to promote these intrinsically valuable states of affairs. The teleological reasons are based on the goodness or badness of the states of the affairs, but the deontological reasons do not seem to be based on these states of affairs. If they were, they would not be a simple prohibition against performing an action intentionally; rather they would be a different kind of reason, a reason to promote

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a state of affairs in which these actions do not occur. 'So the problem that Nagel raises is a general one: how can there be a reason not to bring something about which is not grounded in the badness of its happening, and hence equally a reason to prevent it from being brought about by some other agent or by the forces of nature?'[5]

Scanlon points to Samuel Scheffler's notion of 'maximising reason' as one possible answer to this conundrum. Scheffler suggests that at the heart of consequentialism is the view that if we are faced with a choice between two options, the one that maximises the goal is, *ceteris paribus*, the more rational one to make. Returning to Nagel's example, it is possible to conceive of a case where torturing one person will prevent the torturing of five people, and so the state of affairs where fewer people are tortured is better promoted by performing this one act of torture. But if we hold, as Nagel does, that there is a deontological reason against torturing someone, then, according to Scheffler's notion of maximising reason, we are behaving irrationally.

We recall that Scanlon disagrees with the view that normative judgment consists in weighing the outcomes of reasons, but rather consists in making evaluative judgments that allow and eliminate reasons according to their appropriateness and relevance:

> ...judging that a certain consideration does not count as a reason
> for action is not equivalent to assigning negative intrinsic value to
> the occurrence of actions based on this reason. Such a value can
> always simply be outweighed by some countervailing value, but
> the judgment that a consideration is irrelevant cannot.[6]

[5] Scanlon, *What We Owe*, 82
[6] ibid., 84

Taking the example of the case of torturing a person in order to save others, Scanlon argues that the principle against torturing eliminates other considerations about the disvalue that follows from failing to torture someone from inclusion in any judgment. This principle is not based on the negative disvalue that follows from either allowing or prohibiting torture. If the principle is judged correct, then we do not need to weigh the value or disvalue of the state of affairs that it produces. The principle itself is constituted by the permission and elimination of certain reasons and actions, and is not grounded on the value that inheres in the state of affairs. Scanlon argues that to take there to be good reasons not to torture someone is to judge that the prohibition against torturing is of value. This judgment does not mean that the value that we ascribe to the principle of the prohibition against torturing is derived from the state of affairs where there is no torture. We therefore do not necessarily have reasons to promote a world where there is no torture. This might sound counter intuitive, particularly when we consider such a repugnant act as torture which is based on the intentional infliction of pain. Scanlon does not argue that values can not be teleological, that is, that we will judge that a state of affairs where the principle abounds is not better than a state of affairs where the principle goes neglected. His point is that the teleological structure is not a necessary part of the notion of value, and also that value judgments can have a deontological character, where the correctness of the principle underlies the value. The value of the principle is not derived from the contribution actions performed under it make towards another inherently valuable state of affairs. Scanlon notes that discussions of the teleological account of value have most attraction when discussing such phenomena as

pleasure and particularly pain. In these cases it is quite proper to value a state of affairs in which there is less rather than more pain, but it is also quite proper to take there to be reasons for a principle, that is to make a judgment that a principle is of value, on the grounds that the principle is correct in itself. The order of explanation is different in this case, and this begins to resolve the puzzle that Nagel pointed to. If we do not take a teleological account of value, we can judge that the intentional infliction of pain is wrong because of qualities about this phenomenon that we take to lead to this judgment. This is a judgment about the nature of the act itself: that it is impermissible, and that there are no good reasons that count in favour of it. A world in which there is much less pain, and in which this principle is pervasive and effective is to be preferred, but it is not the existence or possibility of such a state of affairs that confers value. Scanlon objects to the teleological notion that the state of affairs in which the value is realized the most is to be preferred, and therefore is to be promoted. We might then set a goal for ourselves of reducing the amount of torture in the world, but this is because the initial principle is judged to be of value, and because we then choose to promote this. The adoption of this goal is not derived from the value of the state of affairs in which there is less torture. Scanlon does not deny that maximising rationality is one distinctive way of exercising practical reason, but he argues that it is not a necessary feature of value judgment, and not the singularly correct way to account for the notion of value. Scheffler himself accepts that maximising rationality is a particular and contingent feature of value judgment and practical reasoning, and therefore Scanlon claims that Scheffler is

> ....correct [not to] claim that all the considerations that figure in
> determining the eligibility of an action have to take the form of

"goals" and their "desirability." As I have said, it does not seem plausible to understand the deontologist's prohibition against killing in this way.[7]

Scanlon also points out that we should not take the *ceteris paribus* clause at face value. This notion that we should perform an act, *other things being equal*, should not be taken to imply that our judgment of the value of a principle relies on the superior weight of the value compared to others. The value of a principle is not derived from a comparison of its relative weight, which could change if the relative weightings were different. If it is wrong to torture someone, we make the judgment that there are reasons that count in favour of this principle, and that it is therefore a principle that we value. If we say that it is wrong, *other things being equal*, to torture someone, this does not mean that this value, in these circumstances, is to be promoted, but perhaps if the circumstances were different, if for example an act of torture would save one thousand lives, then the weighting would be different and other things are no longer equal, and the principle can be ignored or violated because another weightier value weighs in. We should take this notion of *others things being equal* to mean that there is no other value or reasons that eliminate and declare invalid the reasons that count in favour of the principle against torturing.

> ...the intentions that constitute adopting the goal specify the kinds of occasions on which it is to be pursued, the ways it is to be pursued, and so on. So the limitations indicated by the qualification that other things must be equal include conditions determined by our understanding of the goal and the way in which

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[7] ibid., 85

it is a goal for us, not just limitations imposed by other values that
might "override" it.[8]

Scanlon works through different examples to expound the notion that the structure of value is not necessarily teleological and maximal. One of the most interesting cases he examines is that of friendship. Friendship is often taken as a value which features centrally in most people's lives. We consider it a good thing that someone would have many close and dear friends. But does it follow that the value of friendship is derived from the state of affairs where we have a greater amount of truer friends? Is the value of friendship teleological in structure?

Scanlon points out that we should take care to distinguish the question of what it is for friendship to be valuable, from the question of what it is to value friendship. We can of course value things for which there are no good reasons, or value valuable things in inappropriate ways. We are here concerned with the general question of the structure of value, and so with the question of what it is for friendship to be valuable. Scanlon argues that to value friendship in the most appropriate way involves recognising the principles that contribute to the notion of friendship. These would include being loyal, supportive, to spend time maintaining the relationship and so on. To act on these principles is to value friendship properly according to Scanlon. This attitude to friendship is different from the view that a world in which there are more and better friends is better than a world in which there are fewer and more superficial friendships. Our actions towards acquiring and developing friendships are not constituted and governed by the value of the state of affairs in which there are more and better friends. If we take friendship to be of value then we certainly have good reason to promote this,

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[8] ibid., 86

but this promotion will occur within the framework and ordering of our attitudes and actions according to which friendship is conceived of and related to. As Scanlon says '[w]e would not say that it showed how much a person valued friendship if he betrayed one friend in order to make several new ones, or in order to bring it about that other people had more friends.'[9] The examination of friendship reveals the complexity of the structure of value, and most importantly it points out that values are not necessarily teleological in form. 'What I want to suggest... is that the claim that friendship is valuable is best understood as the claim that it is properly valued, that is to say, that the reasons recognized by someone who values friendship are in fact good reasons.'[10]

Scanlon notes that some values will properly have a teleological structure, and the example the value of a pain free life is one. A world in which I experience great pain is of disvalue as a state of affairs, and I have good reasons to avoid such a state of affairs. Certain reasons count in favour of pursuing a life free from pain because the end goal of a state of affairs free from pain is extremely attractive. But this should not lead us to imagine that all values have this teleological structure necessarily. There are many values, such as friendship as we have just seen, and also scientific enquiry, artistic excellence, scholarship, and many others, where '...the best account of our reasons for those actions may not flow *from* the value of these results *to* our concern with them.'[11]

For Scanlon, the general notion of a value is derived from the notion of a reason that was set out in the earlier chapters. A value is defined in terms of there being reasons that count in favour it. The reasons that count in favour of

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[9] ibid., 89
[10] ibid.,
[11] ibid., 93

something that we properly value need not be derived from states of affairs that the value seems to express. In this sense, Scanlon hopes to resolve the dilemma that Nagel introduced, by arguing that reasons do not derive from the goal and the maximisation of that goal. To be valuable is for there to be reasons that count in favour of the object of value, and these reasons take the form that we explained in the preceding chapters, where the reasons are given in terms of the object itself, where this may be a maximal object such as the relief of pain, or equally a principle of strict admission or prohibition. In this sense Scanlon is a pluralist about value, that is, he accepts that many different kinds of things can be valuable, and they will be valued differently. Their nature will require different kinds of reasons, some maximising, others not.

> We value many different kinds of things, including at least the following: objects and their properties (such as beauty), persons, skills and talents, states of character, actions, accomplishments, activities and pursuits, relationships, and ideals. To value something is to take oneself to have reasons for holding certain positive attitudes toward it and for acting in certain ways in regard to it. Exactly what these reasons are, and what actions and attitudes they support, will be different in different cases. They generally include, as a common core, reasons for admiring the thing and for respecting it, although "respecting" can involve quite different things in different cases.[12]

The reasons that count in favour of the object derive from the nature of the object itself. In this sense, a value is a secondary property, and this notion constitutes the second distinctive element of Scanlon's account of value, the buck-passing account of value.

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[12] ibid., 95

b) Teleology and the Necessary Structure of Value

In the previous section we saw that Scanlon rejects the necessity of the teleological notion of value. We can, on closer analysis distinguish two features of this argument. Firstly, that states of affairs are not the primary bearers of value, or are generally not intrinsically valuable, and secondly, that reasoning about value should not be restricted to the 'maximising' mode as described by Scheffler. In this section, I will argue that we have good reasons to accept both these arguments. We will examine each in turn.

There are two well-known versions of the teleological account of value, both derived from G. E. Moore's work.[13] The first version states value is an intrinsic, abstract, non-natural property of goodness. Reasons are defined in terms of goodness. All rational action is defined in terms of the production of goodness. The best reasons are those that produce the greatest good. There is an analytic connection between values and reasons. This analytic connection between values and reasons raises significant problems. Values and reasons are not so closely related. When I reflect on the value of an object, for example, an event in the past, I may decide that this event was of great disvalue, for example, the First World War.[14] But do I have any reasons as a result of this judgment? It seems not. This led to the formulation of the open question problem. When we judge that 'x is good' we can nonetheless ask 'But do we have reason to promote x?' This question has an open feel, in the sense that it brings to light the uncertain relationship between good and reasons. In response to this open question problem,

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[13] The first account is found in G. E. Moore, *Principia Ethica*, (Cambridge University Press, 1903), and the second in G. E. Moore, *Ethics*, (Cambridge University Press, 1912), see Dancy, *Should We Pass the Buck*, 159, and Suikannen, *Reasons and Values*, 516-522 for helpful summaries.

[14] This example is taken from Suikannen, *Reasons and Values*, who attributes it to Bertrand Russell, 'The Elements in Ethics' in *Philosophical Essays*, (London, Routledge, 1910[1994]), 13-59

Moore revised his view such that good and reasons were no longer defined analytically. Good and reasons are now understood as separate entities, but good is the origin of reasons. The intrinsic property of good makes acts right, and provides the necessary and sufficient condition for reasons. But as Dancy notes '[i]f it is an open question whether goodness is conduciveness to happiness, it is equally an open question whether rightness is conduciveness to goodness. And if, as Moore claimed in the first case, its being an open question shows that the answer to it is no, the same applies in the second case.'[15]

The problem of the question points to Scanlon's criticism of the teleological account of value. If torture is of disvalue, does that mean that we have a reason to allow one act of torture in order to prevent nine others? If friendship is of value, does this mean that we have a reason to accumulate as many superficial friends as possible at the expense of a small number of close and intimate friends? Scanlon's answer is no, and his explanation is that there is no necessity to the teleological relationship between values and reasons.

In the course of making his argument against the necessary teleological relationship between reasons and values, Scanlon argued against the maximising mode of practical reasoning. It is clear why the teleological account prefers a maximising view of practical reasons.

> Value is the feature of options through which we seem to decide
> which possible relevant alternatives we have reason to choose.
> More precisely, the property of value is the reason we use to
> choose some option over another. In addition, the more certain

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[15] Dancy, *Should We Pass the Buck*, 159

state of affairs has value, the more reason we have to endeavour to ensure that those states of affairs come true.[16]

But the argument against the teleological/maximising account of reasons should not, at face value, be taken as an argument against consequentialism. In his discussion of Scanlon's argument about teleology and value, R. Jay Wallace says that

> If we accept this teleological conception, it becomes extremely difficult to resist a consequentialist interpretation of the structure of moral reasoning in particular. Any proposal about (say) the value of actions will get interpreted as a claim about the kinds of states of affairs that are to be promoted or discouraged, and this provides one basis for scepticism about the very idea that there could be agent-centred prohibitions or requirements.[17]

This seems to me to be an inappropriate account of Scanlon's argument. Wallace claims that Scanlon rejects a teleological account of value, and that this amounts to an opposition to consequentialist reasoning about moral reasoning. But both these claims are questionable: questionable as an account of Scanlon's view, and questionable philosophically. As we recall from our earlier discussion, Scanlon accepts that the objects of value are plural and diverse, and that they will require different responses from us. These responses may well involve promoting a particular state of affairs, as Scanlon points out when he considers the case of the experience of pain. But other objects of value, such as friendship, or music, may require different modes of reasoning. Scanlon's argument is that when we examine different objects of value, we should conclude that value is plural in form. It is neither exclusively teleological nor non-teleological. This is a moderate and

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[16] Suikannen, *Reasons and Values*, 519
[17] R. Jay Wallace, 'Scanlon's Contractualism', in *Ethics*, Vol. 112, No. 3, (April 2002), 446

reasonable claim to make, it seems to me, particularly when we bear in mind that Scanlon at this stage is only intending to provide an abstract account of value, and not to describe the structure and substance of any values in particular. Wallace, therefore, seems mistaken to say that Scanlon holds that value is exclusively non-teleological in form, and the strength of Scanlon's analysis reveals that there is a plurality of forms of value that depend on the nature of the object, as seen from the comparison of friendship and pain. Scanlon's argument here is very reminiscent of that made by Elizabeth Anderson in *Value in Ethics and Economics*. Anderson states that

> ...states of affairs are generally only extrinsically valuable, because our intrinsic evaluative attitudes do not generally take them as their immediate objects. It makes sense for a person to value most states of affairs only because it makes sense for him to value people, animals, and other things.[18]

We should note that Anderson also casts her argument in qualified terms. States of affairs are generally extrinsically valuable, and not exclusively intrinsically valuable. Scanlon's argument, it seems to me, is of the same, qualified, sort.

In the course of his discussion of the role of teleology in our account of value, Scanlon does refer to the debate about consequentialist and deontological moral reasoning. However, he does not conclude that moral reasoning must be non-consequentialist in form. The consequentialist and maximising modes of reasoning are different. Consequentialism, on a basic reading, is the view that decisions are made dependent on the outcomes of actions, whereas maximising reasoning is the view that the maximal outcome is always to be preferred. To give

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[18] Elizabeth Anderson, *Value in Ethics and Economics*, (London, Harvard University Press, 1993), 26

a concrete case: someone may take the view that a marriage can only be said to be successful if the couple have children. On the consequentialist account, if the couple have a child, the marriage is deemed to be successful; on the maximising account the marriage is more successful the more children that are born. We should take care then not to slip from a rejection of the necessity of the teleological/maximising view of value and reasons to a supposed rejection of consequentialist reasons. Scanlon does not focus his attention on the consequentialist interpretation of moral reasoning at this point, and it is to somewhat miss the target of his arguments to confuse consequentialist reasoning with the topic of the teleological account of value.

Scanlon's arguments against the teleological account of value focus attention on the open question problem. Many philosophers have found the teleological/maximising account of values and reasons problematic, and have proposed alternatives. Scanlon argues that there is an important connection between reasons and values, and a connection that is able to avoid the problem of the open question. This is Scanlon's buck-passing account of value.

2. The Buck-Passing Account of Value

As we have just seen, Scanlon suggests that there are different kinds of phenomena that can be of value, and that these different objects of value can be valued differently. Scanlon's objection to the necessity of the teleological account of value was based on his view that not all reasons are derived from a state of affairs which is worth promoting. Scanlon was here concerned to show that values and reasons could have a non-teleological character. The reasons that count in favour of something might not lead one to promote it, and they may also

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prohibit other considerations of a teleological kind that conflict with the non-teleological value.

In the light of his rejection of the teleological account of value, Scanlon argues for an alternative explanation of the relationship between reasons and values. The teleological account of value agrees with Moore's view in taking

> ...goodness and value to be non-natural properties, namely the
> purely formal, higher-order properties of having some lower-order
> properties that provide reasons of the relevant kind. It differs from
> [Moore's view] simply in holding that it is not goodness or value
> itself that provides reasons but rather other properties that do so.[19]

The buck-passing account of value states that the property of being 'of value' is a formal property of other properties that have reasons that count in favour of them. Value is not a primary quality that is the origin of our normative reasons. For Scanlon, value is a formal, second order quality that refers to the primary quality that is in itself worth valuing. To describe x as 'of value' is to state that there are good reasons that count in favour of x: '...to call something valuable is to say that it has other properties that provide reasons for behaving in certain ways with regard to it.'[20]

This view rejects the notion that value, or good, is an object with its own intrinsic property, which would be found in certain states of affairs. Instead, we are presented with a picture of natural objects and their intrinsic properties. These may be a beach that is pleasant, or a new understanding of how cancer develops. These properties will have reasons that count in favour or them: the fact that the beach is pleasant provides a reason to visit it; the new understanding of cancer

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[19] ibid., 97
[20] ibid., 96

provides a reason to pursue and promulgate it. An object's goodness consists in the property, and its reasons. This notion of goodness as a higher order property that is derived from there being reasons, is a non-natural property. To say that something is good, or of value, is to say that there are reasons that count in favour of it. The attitude of valuing is retained as a distinct mode of relating to an object. But the value of something does not confer reasons, but rather is derived from there being reasons in the first place. This characterisation is meant, at least in part, to avoid the problem of the identification of value and reasons that we saw in Moore's account earlier. Scanlon hopes to have closed the open question. Now, when we ask, 'x is pleasant, but is it good?' we answer firmly, 'yes.' We answer 'yes' because we have reasons to pursue pleasant objects, and because an object that has reason counting in favour of it is valuable.

The notion of a buck-passing account of value is the notion of two categorically distinct realms (the natural non-normative and the non-natural normative) that taken together constitute a valuable object. The buck is the locus of value, and is passed from the concept of value to the nature of the object that is valued. To be of value is to have a property that requires an appropriate response. So whilst value is described as a higher order formal property, it nonetheless features distinctively in our practical experience. For example, if an object is beautiful, we should act towards it appreciatively; if an object is awesome, we should respond to it respectfully. Valuing is a distinct attitude that is different from simply judging or acting on reasons.

In his discussion of buck-passing arguments, Jonathan Dancy notes that Scanlon's view is very similar to that presented by A. C. Ewing in his *The*

Definition of the Good. Ewing argued that '...goodness is not a distinct evaluative and intrinsic property in objects, one whose presence we can discern and to which we do or at least should respond with approval and admiration. The goodness of the object just is the relational fact that we should respond to it with approval, admiration or other pro-attitude.'[21] Dancy gives a rather striking example of this argument when he says that the '...badness of a toothache exists in virtue of certain features which give us reason to act in certain ways; the badness of the ache adds nothing to the reasons given us by the lower-level features. In short, value adds no reasons to those generated by the ground of that value.'[22]

Scanlon offers two arguments in support of the buck-passing account of value. Firstly, he suggests that normative experience confirms that it is the natural (primary) qualities of objects that provide us with normative reasons, such as a person being in need, or a beach being clear and hot.

> These natural properties provide a complete explanation of the
> reasons we have for reacting in these ways to things that are good
> or valuable. It is not clear what further work could be done by
> special reason-providing properties of goodness and value, and
> even less clear how these properties could provide reasons.[23]

Secondly, Scanlon argues that as a wide variety of phenomena are of value, there is no readily discernable common property that unites all valuable phenomena. The lack of a common, shared, quality suggests that value is not a primary, constitutive, property. 'There does not seem to be a single, reason-

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[21] Dancy, *Should We Pass the Buck*, 161
[22] ibid., 164
[23] Scanlon, *What We Owe*, 97

providing property that is common to all these cases.'[24] Roger Crisp describes these as the redundancy argument and the arguments from pluralism respectively.[25]

Scanlon takes the objection to the necessity of the teleological account of value and the buck-passing account of value to be mutually complimentary views about value, although they do not necessarily entail each other. The plurality of forms of value contains the idea that the objects of value are diverse and require different responses from the reasons that count in favour of them, some responses will be teleological, others will not. It is a rejection of a common, single form to value. The buck-passing view of morality rejects the view that there is a single, common quality or property of value. Value is a higher second order property that is grounded on primary natural qualities, and these primary qualities are diverse in their substance and therefore in the kinds of reasons that they produce.

> Understanding the value of something is not just a matter of knowing *how valuable* it is, but rather a matter of knowing how to value it – knowing what kinds of actions and attitudes are called for. It is an advantage of the present account that it calls attention to this aspect of our ideas of value, one that is easily concealed by the assumption that the primary question about the value of something is *how great* that value is.[26]

3. Scanlon's Buck-Passing Account Considered

Scanlon's abstract account of value is crucial to his understanding of what we owe to each other. For Scanlon, the domain of what we owe to each other, the realm of duties and obligations that constitute our moral relationships, is explained in

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[24] ibid., 98
[25] Roger Crisp, 'Value, Reasons, and the Structure of Justification: how to avoid passing the buck' in *Analysis*, 65.1, (January, 2005), 81
[26] Scanlon, *What We Owe*, 99

terms of the value of right and wrong. We will discuss the substance of the value

of right and wrong in the next chapter, but before we do this, we should pause to

assess the abstract account of value that will structure this substantive value of

right and wrong.

Scanlon buck-passing account of value has attracted criticisms that I will

discuss under two headings: the wrong kind of reasons criticism; and the reasons

and properties criticism. We will examine each in turn.

a) Buck-Passing and the Wrong Kind of Reasons

According to Scanlon's buck-passing view, being of value is a higher order quality

derived from the reasons that attach to first order natural properties. The wrong

kind of reasons criticism suggests that the buck-passing relationship creates

strange paradoxes in the relationships between what we value and what reasons

we have. Roger Crisp has given a well-known example of this argument.

'Imagine that an evil demon will inflict severe pain on me unless I prefer this

saucer of mud; that makes the saucer of mud well worth preferring. But it would

not be plausible to claim that the saucer of mud's existence is, in itself,

valuable.'[27] The wrong kind of reasons problem may arise in either of two ways.

The buck-passing account may provide false positives (reasons that are of no

value), or false negatives (values that have no reasons).[28] An example of a false

positive regarding value is given in Crisp's demon example above. In this

instance, I have reason to prefer the saucer of mud, as I have reason to avoid pain,

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[27] Crisp, 'Review of Kupperman, Value... and what follows' in *Philosophy*, 75 (2000), pp. 458-92, quoted in Jonas Olson, 'Buck-Passing and the Wrong Kind of Reasons' *The Philosophical Quarterly*, Vol. 54, No. 215, (April, 2004), 296, also see Wlodek Rabinowicz and Toni Rønnow-Rasmussen, 'The Strike of the Demon: On Fitting Pro-attitudes and Value' in *Ethics*, 114 (April 2004), 391-423 for a detailed exposition of this criticism.
[28] This distinction appears in Suikannen, *Reasons and Value*, 531

but the saucer of mud is not of value. An example of a false negative is when I see that a beautiful painting washed away in a flood that I can do nothing to prevent. Here, the painting is of value, but there is no reason that I have to save it, as I am unable to save it.

Both Olson and Suikkanen address the problem of the wrong kind of reasons in the buck passing account, and offer similar arguments, although presented differently. Olson attempts to rebuff this problem by drawing on a distinction made by Derek Parfit between state-given and object-given reasons, whereas Suikkanen points to the traditional distinction between instrumental and integral value.[29] I believe their responses are enhanced if we combine them. Let us take the false positive of the value of the saucer of mud. We do no generally have reasons to prefer saucers of mud, and so in this case, the object of the saucer of mud is not of value. But the state of not being in severe pain has very clear reasons attached to it, and so the state of not being in severe pain provides our reasons. The saucer of mud is valuable instrumentally. A similar argument applies to the example of the painting that is of value but which I cannot save. In this case, the object is of value, but there is no state that I could occupy to save it. There is no means to save the beautiful painting that I could instrumentally pursue. But I do still have reason to value the painting. The distinction employed by Olson between the state-given and object-given reasons, combined with Suikkanen's reference to the instrumental and intrinsic values seems to offer a reasonable response to the wrong kind of reasons objection. Whilst the buck-passing account may not produce the wrong kinds of reasons, there is a second

[29] Derek Parfit, 'Rationality and Reasons', in D. Egonsson *et al.* (eds), *Exploring Practical Philosophy: from Action to Values* (Aldershot, Ashgate, 2001), 17-39 at 21-22, quoted in Olson, *Buck-passing and the Wrong Kinds of Reasons*, 297

problem that is of much greater significance. This is the relationship between reasons and properties.

b) Reasons and Values, the Right and the Good

Scanlon's buck-passing account of value stated that the value of an object is derived from the reasons that attach to an object's primary natural properties. The property of being 'of value' refers to a formal quality of having reasons that count in favour of the object. In his discussion of Scanlon's buck-passing argument, Jonathan Dancy points out that Scanlon may have slightly mis-described the buck-passing view that he is trying to establish. Scanlon seems to suggest that on the buck-passing account, when we take something to be of value, we are making the judgment that other people also have reasons to regard this object as valuable. But on the buck-passing view, the reasons are derived from the first-order properties of the object, and would not be 'reasons to value' but would be reasons to admire, protect, celebrate, etc. The passing of the buck means that the reasons are derived from the properties that have reasons that count in favour of them, and not from the property of being of value. The whole purpose of the buck-passing account is to say that the property of being of value produces no reasons in itself.

> It cannot be right to say that to take something to be valuable is to
> take it that others also have reason to value it, as you do. For in
> valuing it we do not take ourselves to have reasons to value it; at
> least, not on the buck-passing view. On that view, to value it is to
> take oneself to have reasons of certain other sorts... reasons for
> admiring, respecting, preserving and protecting; of reason to be
> guided by the goals or standards that the value involves; of reason
> for promoting; and of reasons to act in certain ways... when we

value the object we are not taking ourselves to have reason to
value it, exactly.[30]

Scanlon certainly does hold that when we judge that an object is valuable,
we are making the judgment that others should also judge that the object is
valuable. But as Dancy points out, this must mean that we and others should
adopt the substantive reasons that count in favour of the object. We are
responding to the substantive reasons that count in favour of the object; we are not
responding to the object's property of being of value.

In his discussion of Scanlon's buck-passing account of value, Wallace
draws attention to a problem with the way that Scanlon has presented this
argument. We recall that

> [t]he root idea here is that goodness or value is not some
> substantive nonnatural property that itself provides us with reasons
> for action. Reasons are instead provided by the natural properties
> that make things valuable along different concrete dimensions,
> and to say that something is good is just a way of signalling that
> there are some such substantive reasons for choosing, preferring,
> recommending, or admiring it.[31]

This notion of a buck-passing account of value suggests that the property
that confers reasons, and by extension value, is the natural property of an object,
for example, its physical properties or its contribution towards a need we
experience. On this reading, the 'buck' of the essence of the property of value is
passed from the concept of value, to the natural property of the object of value.
The formal concept of value is descriptive of a practical relationship that we have

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[30] Dancy, *Should We Pass the Buck*, 162
[31] Wallace, *Scanlon's Contractualism*, 446

with the object in terms of the reasons that there are that count in favour of it for us.

Wallace points out that on Scanlon's account '...what is at issue is the explanatory priority of reasons vis-à-vis values, or (as we might put it) of the normative vis-à-vis the evaluative.'[32] On the buck-passing view, the evaluative and the normative are distinct, but related. The reasons there are ground the evaluative attitudes with which we react to the object. Scanlon refers to the pleasantness of a beach being a reason to value it and to choose to visit there for a holiday. The beach's natural qualities and the reasons that they give us to visit it are the locus of its normative significance for us, and the property of being of value is the formal quality of having these reasons, but this formal, evaluative quality does not contribute any reasons for action for us. The normative, the reasons there are, are grounded on the natural qualities of the object, and the evaluative is a second order description of the relationship between these grounds/qualities and the reasons they produce for us. But Wallace fears that this falls foul of Scanlon's account of normative reasons, and is therefore inconsistent within his theory. He also argues that this notion of the normative as distinct from and prior to the evaluative is philosophically questionable.

Wallace argues that Scanlon's account of normative reasons includes an evaluative element.

> ...Scanlon represents... judgments about reasons as involving
> what he himself calls a distinctively "evaluative element" (p.38),
> or an appeal to some "evaluative category" (p. 65), and he
> suggests that the task of practical reflection about our reasons is to
> "characterize" precisely the concrete ways in which particular

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[32] ibid., 447

actions would be good or desirable (pp. 65-69)... This important strand in Scanlon's discussion strongly suggests that the task of understanding reasons for action goes hand in hand with the task of clarifying the concrete forms of value that can be achieved or realized in action. At least as far as the epistemology of reasons and values is concerned, in other words, neither domain can claim priority vis-à-vis the other.[33]

Wallace's criticism is therefore that Scanlon has contradicted his own account of practical deliberation in his formulation of the buck-passing account of value, and in so doing made questionable his abstract account of value. This criticism is echoed by Roger Crisp. Pursuing Scanlon's example of the pleasant beach, where Scanlon holds that the beach being good provides no reason, rather its being pleasant provides a reason which we then recognise as valuable. But Crisp argues that this is a paradoxical explanation. He imagines a case of two people, one who knows the evaluative concept of good, and the other who doesn't. When asked why they visited the beach, the first may say because it is good, and the second would say because it is pleasant. On the buck-passing view, we should deny the first person's explanation, and accept the second. But Crisp and Wallace argue that these explanations are not incompatible. Rather than distinguish between normative and evaluative properties, and locating the buck of origin in normative properties, Crisp and Wallace argue that we should distinguish between general and specific properties. Returning to the beach example, the general property is that the beach is good, whilst the specific property is that it is pleasant. It is not the case, according to Crisp and Wallace, that the normative and the evaluative are entirely distinct and the normative prior to the evaluative. The

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[33] ibid.

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normative and the evaluative express different modes of explanation regarding the evaluative properties there are and the reasons that attach to them. Berys Gaut echoes this argument:

> ... it is not true that one can always cite a natural (in the sense of non-evaluative) property as a complete explanation of the ground of one's choices. Even his own example of choosing a resort because it is pleasant doesn't cite a natural property. The pleasing resort isn't what causes pleasure, since one may take pleasure in what isn't pleasant and not take pleasure in what is pleasant. The pleasant is a species of the good... So in such cases there must be an ineliminable reference to what is valuable in explaining one's reasons for choice, and then one can give a partial specification of the grounds for one's judgments of why something is valuable by citing some of the natural properties of the object. It turns out on closer inspection that one cannot eliminate reference to value in giving a full explanation of one's reasons for choosing.[34]

In making this criticism of Scanlon, Wallace proposes a revised buck-passing account that he argues avoids this problem. He argues that the notion of a reason and the notion of value (the good) are both general notions, and both are related to more specific concrete normative, evaluative, or natural properties. On this view, practical deliberation concerns the relationship between general and particular qualities. The particular qualities are the locus of value and ground the substantive reasons and evaluations that together constitute our intentional actions. The general qualities are descriptive of these qualities in terms of rightness and goodness, and capture the specifically practical dimension of our relationship with the first order, natural properties of the objects. Wallace therefore seems to accept that the buck is passed from the concept of the good and the right, to the

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[34] Berys Gaut, 'Justifying Moral Pluralism,' in *Ethical Intuitionism: Re-Evaluations*, ed. P. Stratton-Lake, (Oxford, Clarendon Press, 2002), 151

substantive primary qualities of the object. The formal second order qualities do not add anything evaluative or normative to the reasons that there are. The natural qualities of the beach give us reasons because of their particular properties, and because these properties are valued by us. These particular, concrete qualities are the locus of our reasons; they are natural qualities that generate specific reasons that are adopted in part because of their value to us. For Wallace, the general concept of value and goodness is formal and abstract, just as Scanlon argues in the buck-passing account, but so is rightness and normativity. The buck is not passed from the evaluative notion of value and goodness to the normative notion of rightness or wrongness. In this way, Wallace hopes to retain the buck-passing move of rejecting value as a source of reasons, but avoiding the idea that normative reasons are first-order properties. In response, Scanlon says that he finds this reformulation convincing.[35]

It seems to me that Wallace is correct to suggest that Scanlon's portrayal of the buck-passing account is unsatisfactory. The distinction between the evaluative and normative cannot match the distinction between first and second order qualities, because Wallace has shown, with textual support from Scanlon himself, that the evaluative and the normative are both included in the notion of a practical reason. Wallace's analysis suggests that the buck-passing account of value is not implausible. But Wallace merely points out that Scanlon's notion of normative reasons includes an evaluative element. He characterises the revised buck-passing argument as concerned with the relationship between general and particular reasons. This seems to me to be not quite enough. I suggest that we

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[35] see Scanlon, 'Replies' in *Ethics*, Vol. 114, No. 3 (April, 2002), 513

should characterise this revised buck-passing argument in terms of the unified ground of reasons and values in the first order particular properties of objects, and the shared status of reasons and values as formal second order qualities that express the practical relationship we have with these first order qualities. In other words we should not, as Scanlon does, describe this as a buck-passing argument about the good, we should instead re-describe the buck-passing view as concerned with formal properties of good and reason, and substantive first order qualities. The substantive first order qualities ground the second order formal qualities of reasons and value together. This view does not assert that reasons and values are the same of course; we can still retain the distinction between the evaluative and the normative, whilst maintaining that they share the same status as formal second order qualities, grounded on a shared primary quality. This seems to me a more plausible account of the main point of Scanlon's buck-passing account of value.

This view moves away from Scanlon's argument in a significant way. The buck is no longer passed from the good to reasons, but from the good and the right as higher order formal properties, to lower order, particular properties, that could be singularly or a combination of normative, evaluative, or natural properties. Whilst inspired by Wallace's suggestion of a revision of Scanlon's argument, this view comes close to what Suikkanen calls the Dancyan account.[36] The Dancyan account suggests a revised picture of lower order properties as the ground of both higher order property of right and good (reason and value). This retains a similarity to the buck-passing view because it agrees that the good is not the origin of reasons. It also agrees with my development of Wallace's revised buck-

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[36] see Dancy, *Should we Pass the Buck*, 172-173, whilst Dancy thinks there are attractions to the view I am about to spell out, he does not wholeheartedly affirm it, but he prefers it to Scanlon's buck-passing view. For this reason, I retain Suikkanen's locution of the Dancyan account, as it may not be precisely Dancy's view.

passing argument in that it also denies that right (or being a reason) is the origin of reasons. However, the Dancyan account does not include the difference between the specific and the general properties of reasons and values that is derived from Wallace's view. This, it seems to me, is a significant difference between the view I am offering and the Dancyan account, as Dancy seems to argue that natural properties themselves are particular reasons and values.[37] This seems an unnecessarily strong and controversial naturalism about value. The view I am suggesting allows that natural properties are the ground of other specific evaluative or normative properties, but suggests that this relationship is one of supervenience rather than constitutive identity. But I am sympathetic to the Dancyan account's claim that lower order properties are the origin of both being good, and having a reason.

We may explicate my version of this argument with the example of a piece of music. A piece of music has certain properties related to, *inter alia*, form, expression, harmony, melody, and rhythm. These properties at once provide specific reasons, and require appropriate evaluative responses. We have reason to listen to the music carefully, to listen often, to study it and learn about it, to promote its qualities to others, and to listen to it instead of inferior pieces of music. These are the specific first order reasons, attached to its empirical properties. The music will also require certain evaluative responses from us. We will admire it, respect it, find it beautiful, and treasure it. These are the specific first order evaluations that are attached to its empirical properties. On my revised account, the higher order properties of right and good are related coextensively, and the

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[37] See Dancy, *Should We Pass The Buck*, 164

buck is passed from both onto the lower order properties of the object, which are specific reasons and evaluations, supervening on natural properties.

It seems to me that further support for this re-characterisation of the buck-passing argument follows from consideration of Moore's open question argument. We recall that Scanlon defended his buck-passing account of value primarily in terms of the promising response it seemed to offer to G. E. Moore's open question argument. The buck-passing view attempted to avoid the mistake of claiming that the good provided a reason. On Scanlon's original formulation, and on our revised formulation, this problem is avoided, because we do not claim that the quality of good provides any (further) quality that counts in favour of the object under consideration. However, on our re-characterisation of the buck-passing argument, we have now introduced an extra step by claiming that the normative status of being 'a reason' is as formal and second order as the evaluative status of being 'of value.' It seems to me equally circular to claim that the fact that there is a reason to ϕ *provides* a (further) reason to ϕ. The buck-passing strategy does seem to offer a potentially satisfactory response to the problem of the open question. But the buck should be passed from the formal to the substantive, and not from the evaluative to the normative.

But Crisp argues that '...even [the revised buck-passing argument] fails, since the very notion of the buck-passing is inappropriate to characterize the relation between goodness and reasons.'[38]

It seems to me that the criticisms made by Crisp and Gaut carry significant weight. On Crisp's view, there is no buck-passing move, as the distinction is not

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[38] Crisp, *Values, Reasons, and the Structure of Justification*, 84

between reasons and the good, but between more specific and more general properties. If we are asked why we did something we could answer in more specific or more general terms: we could answer by saying that we ϕ-ed because the beach was pleasant, or because it was good. Both are valid and adequate answers, but differ in the level of generality offered. But I believe my revision of Scanlon's buck-passing argument is able to respond adequately, on three grounds.

Firstly, we need to introduce another distinction in order to point up a problem with Crisp's characterisation. This distinction is between reasons as intentional action related, and values as fitting-attitudes related.[39] With the help of this distinction, we can see that there is a much more significant difference between evaluative and normative properties than simply degrees of generality as suggested by Crisp. If I encounter a pleasant beach, I have reason to visit it.[40] My reasons are based on the properties that make it pleasant, such as being hot, clean, and sunny. These reasons require certain actions and intentions from me, such as lying on it, and keeping it clean. I may also judge that the pleasant beach is beautiful, and admirable. The lower order evaluative properties do not provide me with a reason to do anything, but they do require me to have an appropriate attitude towards the beach. The evaluative attitudes and the reasons there are, are categorially distinct, and not merely different in degree of generality. This difference is seen also in the case of promising. Making a promise gives a person reasons to keep it, and it may be an act that has a specific evaluative quality, such as being worthy of respect. In other words, promise making gives certain reasons

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[39] see Rabinowicz and Rønnow-Rasmussen, *The Strike of the Demon*, for a detailed discussion of the nature of fitting-attitudes and value

[40] This leaves aside the motivational question of whether I will choose to visit the beach, our discussion is limited to the normative question of whether there are reasons and values.

to promise makers and promisees, and may also be appropriate for specific evaluative responses from promise makers and promisees, such as respect for the commitments created by promising and admiration for promise keepers. As we can see from both these examples, the difference between reasons and values is not one of degrees of generality, but one of kind: between intentional action oriented reasons and fitting-attitudes related evaluations. Scanlon does not endorse the fitting-attitudes view of value explicitly, and Suikkanen suggests that Scanlon's view is not a fitting-attitude account.[41] But it seems as if Scanlon is sympathetic to this view when he says '[t]o value something is to take oneself to have reasons for holding certain positive attitudes toward it and for acting in certain ways in regard to it.'[42] This categorial distinction between reasons and evaluations maps onto the buck-passing account very easily. It is not the property of being good, or having a reason that creates the particular reasons and evaluations. It is rather the first order properties of the object that provide the grounds for the particular reasons and evaluations, in buck-passing form. The buck is still passed from the notion of the good (and the notion of a reason) to specific first order properties.

Crisp's criticism is based on a mistaken conflation of two distinctions. On the one hand there is the distinction between higher and lower properties, and on the other, there is the categorial distinction, just introduced, between reasons and evaluations. It is crucial that we maintain this distinction and apply it appropriately in order to avoid the open question problem. The open question problem arises in Crisp's account because on his view, the higher order property

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[41] See Suikkanen, *Reasons and Value*, it is suggested that '... Scanlon's theory is a FA-theory [fitting-attitudes theory]. I am sceptical that it is.', 515n6

[42] Scanlon, *What We Owe*, 95

of being of value provides in itself a reason to ϕ. The buck-passing strategy, particularly as augmented in the direction I am suggesting, recognises that there is a difference in generality in the answers that we can give to the question of why we ϕ-ed. But general answers cannot contain reason giving properties, otherwise they will be susceptible to the open question problem. Also, reasons and evaluative attitudes are categorially different, as just described. The relationship between goodness and reasons is not one of generality but one of kind. Crisp's suggestion seems to reintroduce the open question problem and confuse the difference between reasons and evaluations.

The second and third responses to the criticism of Gaut and Crisp return to Scanlon's two main arguments in favour of the buck-passing account. We recall that Scanlon argued from a redundancy argument and a plurality argument in favour of the buck-passing view. Crisp argues that the answers 'that it was pleasant' and 'that it was good' are equally valid answers to the question, 'why did you ϕ?' But as Scanlon notes, the pleasantness of the hot, clean, sunny beach is sufficient to explain what gives a reason to act. There is no need for a further property of being good, or with my amendment, or having a reason, in order for us to have a particular reason or evaluative attitude. Crisp also owes us an explanation of the content and nature of the general property of goodness (and on my revised view, rightness), and how it relates to every single instance of a good thing (and a reason). Given the plurality of valuable beaches, paintings, symphonies, people, pasta, parents, and civilizations, it is reasonable to suppose that there is not one single general property of goodness that is common to all,

other than the higher order, formal property of having first-order particular normative, natural, and evaluative properties.

c) The Augmented Buck-Passing Account

In the light of the responses to the various criticisms made of Scanlon's buck-passing account, I have drawn on Wallace's original revision and developed it further. I will conclude this section by setting out this augmented account, and show that it is compatible with Scanlon's original version.

We recall that the buck-passing account stated that the property of being good does not provide reasons. Instead, reasons are provided by lower order properties of objects, and the property of goodness is a formal, higher order property that is coextensive with having reasons counting in favour of something. Wallace pointed out the reasons and evaluations are intimately connected in Scanlon's account, and suggested a revision. On this revision, both the property of being good, or of value, and of having a reason, or being right, are higher order formal properties. The buck is passed from them onto lower order evaluative and normative properties. We have now introduced a dual buck-passing account, where being right (having reasons) and being good (being of value) are not the origin of reasons and values. The origin of reasons and values are the lower order specific reasons and values attached to objects. I argued that this view moves close to a Dancyan account, where single properties ground reasons and value, and reasons and value are related coextensively. Thus Wallace's dual buck-passing account is augmented with the Dancyan view that values and reasons are co-extensively related. But I argued against the suggestion in the Dancyan account that natural properties are particular reasons and particular values.

Instead, I argued that lower order evaluative and normative properties supervene on natural properties. This view is not included in either Wallace or Scanlon's account, but seems to address the problem of the relationship between lower order evaluative and normative properties and natural properties. In response to Crisp's criticism, I argued that this augmented buck-passing account requires the addition of the categorial distinction between reasons as intentional action related, and values as fitting-attitude related. This distinction shows that values and reasons are related co-extensively whilst being categorially distinct, and allows us to retain the buck-passing move in opposition to Crisp's suggestion that the difference between reasons and values is one of degree of generality. Let's return to our piece of music. The piece of music has certain empirical properties including form, harmony, and expression. Certain first order normative reasons and evaluations supervene on these properties. These normative reasons and evaluations are categorially distinct. I have reasons for action derived from the piece of music, such as to listen to it carefully, and it also requires particular evaluative attitudes derived from the piece of music, such as admiration. These evaluations and reasons are related coextensively, and are the necessary and sufficient conditions for us having reasons and evaluations. The properties of rightness (having reasons) and being good (having value) are higher order formal properties that stand in a buck-passing relationship to these lower order evaluations and reasons. At the centre of this argument stands the buck-passing relationship (which is absent from the Dancyan account), and as such, this is harmonious with Scanlon's view. It is also derived from the initial revision offered by Wallace, which Scanlon replied that he accepted. But it introduces the

Dancyan notion of the coextensive relationship between reasons and values, along with a supervenience argument for the relationship between natural properties and reasons and values, and combines them with the categorical distinction between reasons and evaluations. This argument is Scanlonian in style, but augmented to meet the challenges put to his original formulation.

4. Conclusion

Scanlon's abstract account of value consists in two parts: an objection to an exclusively teleological account of value; and a buck-passing account of the good. Both these components are important elements of Scanlon's contractualism, as they contribute to an account of the value of right and wrong. We have seen that there are good reasons to adopt both these aspects of an account of value, but that the buck-passing account needs important revision and augmentation. I have presented this augmented view in a manner which it seems should be acceptable to Scanlon, given his endorsement of the original step derived from Wallace's argument. This augmentation is important in order to make Scanlon's account of value more successful, but as we will see in the next chapter, it is even more important in order to defend Scanlon's notion of right and wrong against charges of redundancy and circularity. The augmented buck-passing account is a view about value and the good, and about right and wrong. The augmented buck-passing argument is, I hope to show, central to a constructivist reading of Scanlon. The buck-passing account seeks to avoid the notion of independent reason giving properties of right and wrong, good and value. It seems to me that it is because there are no independently given properties of right and good that we need to seek

an alternative constructivist approach to the constitution and determination of right, and what we owe to each other.

We have seen that the augmented buck-passing argument is based on the view that the substantive first order properties provide reasons which in a higher order sense are right or good. We now need to seek Scanlon's account of these properties, and how these constitute the reasons of the morality of right and wrong. The augmented buck-passing account is an important part of establishing the structure of practical and moral reasons; its importance in our discussion lies, in part, in the way it explains how normative reasons could be objective: if the original properties are necessary and universal, and if the reasons that relate to these properties in a buck-passing fashion are universally ascribable and a priori, we will have an account of the objectivity of moral reasons. We must now ask how Scanlon provides for the objectivity of normative reasons against wronging within the structure of an augmented buck-passing account of the structure of right and good. We will now look in more detail at Scanlon's contractualist account of the right and wrong of what we owe to each other.

Chapter Five

THE NORMATIVITY OF CONTRACTUALISM

Introduction

We arrive at Scanlon's view of what we owe to each other. In this chapter we will

examine Scanlon's arguments for the nature and normativity of right and wrong. I

will support Scanlon's arguments for the nature of right and wrong, and criticise

his account of the normativity of right and wrong.

I will defend Scanlon's account of what we owe to each other from the

criticisms of circularity and redundancy. However, whilst I seek to defend

Scanlon's understanding of the nature of right and wrong, I believe that this

defence must employ the augmented buck-passing argument I developed in the

previous chapter. I will point out that the well-known Euthyphro and redundancy

criticisms respond to an ambiguity in Scanlon's argument. Scanlon's account of

the nature of wrong is open to a realist or a constructivist interpretation. I will

argue that the constructivist reading is the most promising. The constructivist

reading however must be set out in terms of the augmented buck-passing

argument in order to successfully refute the critics.

Following from my defence of Scanlon's account of the nature of right and

wrong, I will explain my criticism of the normativity of contractualism. We will

see that Scanlon intends to present a view of right and wrong that is able to

account for the importance and priority of moral reasons in our lives. I will argue

that Scanlon's arguments do not provide a satisfactory argument for the

normativity of right and wrong. The normativity of contractualism is, therefore, problematic. I will identify two aspects of the normative problem of contractualism. Firstly, I will argue that Scanlon is unable to account for the necessary priority of what we owe to each other; and secondly, I will argue that Scanlon does not establish the universal and necessary ascription of normative reasons. These problems are familiar from our discussion in chapter one. I argue that the normative problem of contractualism is derived from a heteronomous commitment to live in unity with others on the basis of justification in terms of practical personhood. I will argue that the importance and priority of right and wrong are both vulnerable to scepticism. I will argue that in order to refute these sceptics we need to show that the properties of practical personhood are a priori, necessary, and universally ascribable. The argument for the a priori, necessary, and universally ascribable properties of practical personhood are not to found within contractualism, but may be found in transcendental arguments that seek to refute scepticism of the objective properties of personhood. And so in the next chapter we turn to a transcendental argument for practical personhood in order to ground the normativity of contractualist right and wrong.

1. Contractualism, Wrong, and Reasonable Rejection

Scanlon's concern with morality is limited to the relationships we have with other persons. He accepts that there is a much broader sense of morality, which may include our relationship with such things as the environment, animals, or the past. Scanlon argues that contractualism explains the moral domain of what we owe to each other, as practical, reason-guided persons. Scanlon's contractualism offers a distinctive account of both the content of what we owe to each other, and the

normative significance of these obligations. In this section, I will set out the overall structure of Scanlon's argument regarding right and wrong. I will then look more closely at the notion of reasonable rejection, and its relationship with the notion of wrongness.

a) The Contractualist Formula

Contractualism is the view that '...an act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behaviour that no one could reasonably reject as a basis for informed, unforced general agreement.'[1]

Scanlon's formula is stated in terms of wrongness, and reasonable rejection. There is ongoing discussion about whether this negative formulation is adequate.[2] Whilst this question is important for the statement of the contractualist formula, it seems to me that very little of substance hangs on the terminology. Reasonable rejection and justification are closely related in Scanlon's contractualism.

> The flip side of the idea of reasonable rejection in Scanlon's system is justification to others. If we do an act that is permitted only by a principle that people could reasonably reject, we will not be able to justify our act to others on grounds that they could not reasonably reject. In Scanlon's system, being able to justify to others is just as important as avoiding the reasonable rejection of others.[3]

Indeed, Scanlon characterises the domain of what we owe to each other as the domain of the morality of right and wrong. Therefore, it seems that we should

[1] Scanlon, *What We Owe*, 153

[2] see for example David McNaughton and Piers Rawling, 'Can Scanlon Avoid Redundancy by Passing the Buck?' in *Analysis*, Vol. 63, No. 4, (October 2003), 328-329; Philip Stratton-Lake, 'Scanlon's Contractualism and the Redundancy Objection' in *Analysis*, Vol. 63, No. 1, (January 2003) 70-72; Thomas Pogge, 'What We Can Reasonably Reject' in *Philosophical Issues, Social, Political, and Legal Philosophy*, Vol. 11 (2001), 118-120

[3] F. M. Kamm, 'Owing, Justifying, and Rejecting,' in *Mind*, Vol. 111, (April 2002), 325

not let the particular wording of the contractualist formula distract us from Scanlon's intention to discuss the role and nature of justification and reasonable rejection in the morality of right and wrong.

Scanlon notes that many various moral theories could accept the contractualist formula when stated so sparely. But for Scanlon, contractualism is distinguished by its taking justification as the normative basis of contractualism, and a general description of the content of what we owe to each other.

> What is distinctive about my version of contractualism is that it takes the idea of justifiability to be basic in two ways: this idea provides both the normative basis of the morality of right and wrong and the most general characterization of its content. According to contractualism, when we address our minds to a question of right and wrong, what we are trying to decide is, first and foremost, whether certain principles are ones that no one, if suitably motivated, could reasonably reject.[4]

Scanlon argues that the notion of justification is central to the authority of the morality of right and wrong. The judgment that an act, or principle allowing it, is unjustifiable, provides the very sanction and obligatory force that gives our duties towards each other their special authority. On this view, to say that a principle is unjustifiable is to say that it is wrong, which is to say that it is prohibited. A contractualist does not need to point to another notion, such as self-interest, in order to establish the normative demands of a principle. But the notion of justification also informs the content of the principles that constitute the morality of right and wrong. When we make a moral judgment, we are guided in our reasoning by the notion of justification to others who are similarly motivated.

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[4] Scanlon, *What We Owe*, 189

The content of our duties to each other is informed by consideration of the kinds

of reasons that individuals could give in approval or rejection of a given principle.

This conception of the role of justification would rule out utilitarianism, for

example. Utilitarianism, as commonly understood, takes the notion of maximum

utility as the normative basis of right and wrong, and the content of a utilitarian

morality is characterised by views of how maximum utility is to be defined and

pursued. For contractualism, on the other hand, the nature, content, and status of

right and wrong are defined in terms of justification: '...there is on this view a

strong continuity between the reasons that lead us to act in the way that the

conclusions of moral thought require and the reasons that shape the process

through which we arrive at these conclusions.'[5]

> One reason why the project has fascinated philosophers is that it
> takes the contractualist way of thinking about moral issues to a
> new level. Scanlon uses the contractualist stance to generate not
> just a distinctive method of moral thinking – this is how
> contractualism often appears, rightly or wrongly in the work of
> writers like Harsanyi or Gauthier and Rawls – but an account of
> the very subject matter of morality itself.[6]

The normative significance and substantive content of our justification to

others features prominently in many moral theories, including Rawls's. It is

instructive to consider the different ways in which Rawls and Scanlon's theories

take others into consideration. For Rawls, we are concerned with justification to

others because we might actually be them in some possible world when the veil of

ignorance is lifted. But for Scanlon, our concern for others is based on the value

of human rational life. The importance of the standing of individuals is derived

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[5] ibid., 191

[6] Philip Pettit, 'Doing Unto Others' in *The Times Literary Supplement*, June 25 (1999), 7

from Scanlon's view that our practical capacities and faculties constitute our practical individuality. The normative status and substantive content of moral reasons are grounded on the appropriate responses to the practical individuality of persons.

> It is important to see that Scanlon's theory is quite radical in the sense that it restructures our view of the subject matter of ethics. On this view, ethics is not (directly) about familiar subjects such as advantage, or rights, or fair distributions. As opposed to consequentialist views, the subject matter of morality is not about what states of affairs we should promote... It is about an ideal of human relations. It is about, in Korsgaardian language, the reasons we can share. And it is about these reasons in a nonderivative manner. What we can agree about is not a way of finding out what is right. It is constitutive of what is right.[7]

The formula of contractualism is no more than shorthand for the fuller moral theory. In itself it says very little because we need to understand the grounds of reasonable rejection and justification. The grounds of reasonable rejection are the properties that make acts unjustifiable. The properties that make acts wrong are the properties that ground the value of human rational life.

b) Practical Personhood and the Value of Human Rational Life

Scanlon argues that the fundamental property that provides the terms of justification is the nature of human rational life. The property that is of importance for what we owe to each other is not solely the existence of human life. The property of existence is not the proper object of value and reasons for Scanlon. It is not better that there are more people in the world

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[7] Gerald Dworkin, 'Contractualism and the Normativity of Principles' in *Ethics*, Vol. 112 (April 2002), 473

Appreciating the value of human life is primarily a matter of seeing human lives as something to be respected, where this involves seeing reasons not to destroy them, reasons to protect them, and reasons to want them to go well. Many of the most powerful of these reasons, however, are matters of respect and concern for the person whose life it is rather than of respect for human life, or for this instance of human life, in a more abstract sense.'[8]

In previous chapters we have examined Scanlon's view of practical reasoning. Our discussion remained at the level of intentional action in general. But we can now see that Scanlon regards the capacities of practical reasoning as the fundamental properties that provide the terms of justification of principles of what we owe to each other. Existence is of course a basic pre-condition for the capacities of human rational life. But the capacities of practical reasoning are taken as the centrally important features of human life from a contractualist point of view. Human rational life is taken to consist in the capacity persons have for rational deliberation and decision on the reasons that they act on, combined with the pursuit of a meaningful life for themselves. These capacities are the properties against which all justification of right and wrong takes place. '[W]e are creatures who have the capacity to assess reasons and justification... [and] we have the capacity to select among the various ways there is reason to want a life to go, and therefore to govern and live that life in an active sense.'[9] For the purposes of our discussion, I will describe these capacities of practical reasoning, the properties of human rational life, as practical personhood. Practical personhood is to be reason assessing, and self-governing individuals.

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[8] ibid., 104
[9] ibid., 105

In Scanlon's formulation of the contractualist notion of justification, the properties of practical personhood are the locus of moral significance. Practical personhood is the foundation of the substantive reasons and values that comprise the moral content of contractualism. Scanlon does not, it seems to me, at this stage of his argument, provide a very clear explanation of the relationship between the substantive reasons and evaluative attitudes, and the properties of practical personhood. His argument seems to consist in the claim that the properties of practical personhood are those that are most important to our identity as persons, and are the most important properties from the point of view of what we owe to each other. It is unclear whether Scanlon believes that the properties of practical personhood are of moral significance because they are central to our identity as persons. At this stage, I wish only to point to this ambiguity whilst presenting Scanlon's argument. For the moment, it is clear that Scanlon takes the properties of practical personhood to be the grounds of the substantive reasons and values that provide the terms of justification and reasonable rejection.

> Contractualism... then, is a characterization of reasoning concerning moral principles which set out what persons may legitimately expect, and demand, of one another, concerning conduct and consideration, as a matter of basic mutual respect for one another's value as rational self-governors.[10]

In order to explain how the properties of practical personhood provide reasons and values beyond the property of existence of human life, Scanlon takes the two emotive and controversial examples of euthanasia and suicide. An individual in constant and worsening pain who wishes to cease treatment or life

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[10] Rahul Kumar, 'Reasonable Reasons in Contractualist Moral Argument' in *Ethics*, Vol. 114, (October 2003), 10

support may not be failing to respect the value of human life. Contrariwise, people who see no purpose in life and are mired in cynicism and turn to suicide are failing to respect the reasons to continue their life. These cases are difficult and delicate, but Scanlon refers to them to make the point that '...while appreciating the value of human life involves seeing that there are strong reasons for protecting life and not for destroying it, these reasons are restricted by the qualification "as long as the person whose life it is has reason to go on living or wants to live."'[11] Scanlon is emphasising that the value of right and wrong is, in the first instance, based on the particular properties of a critical, reflective, active human life, or '...our distinctive capacities as reason-assessing, self-governing creatures.'[12] It is always wrong to accept principles that do not respect this practical individuality, but it is not always wrong to allow principles that may bring someone's existence to an end on reasonable grounds, or to reject principles that allow people to end their own existence on unreasonable grounds. Francis Kamm makes a helpful distinction to clarify this notion. Scanlon is concerned with the value of practical individuality to a person's own life, as we just saw in the examples of euthanasia and suicide. But he is also concerned with the value of a person, as such. The notion of reasonableness includes both these perspectives on the value of human life. We can speak of the value of our own life to us, and the burdens and obligations that relate to this value. But our reasoning about right and wrong, our reasoning about the justifiability of principles, is grounded on, informed by, and guided with, the notion of the value of practical personhood as such.

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[11] Scanlon, *What We Owe*, 104
[12] ibid., 106

When he discusses respecting the value of human life... he offers two interpretations of it. The first concerns the value of life *to* the person who lives it, and this amounts to the reasons it gives him for going on living... The second interpretation of how to value human life... is in my view, what is crucial as a foundation to his moral theory. It is not concerned with the value of life *to* the person but rather with the value *of* a person (understood as a rational being). According to Scanlon (pp. 105-6), appreciating the value of the person must involve recognizing and respecting her capacities to assess and act on reasons. Now comes the crucial point: the way to value the rational and self-governing capacity in a person is to treat him in accord with principles that he would not [reasonably reject], and this is to treat him according to principles of right and wrong according to Scanlon's account of wrongness... So Scanlon hopes to connect a theory of value and how to value with a theory of right and wrong.[13]

And so the notion of reasonable rejection is brought into sharp focus. The notion of reasonableness is central to Scanlon's account of practical reasoning. We saw in earlier chapters how this notion was used to characterise the constrained nature of practical reasoning, where information and understanding is necessarily limited. Scanlon distinguished this general, practical sense of reasonableness with rationality. He argued that someone could be unreasonable whilst being perfectly rational, as being rational was a very formal condition of reasoning. When we examine the more specific practical question of what we owe to each other, this general distinction between reasonableness and rationality remains. But it is now augmented. When we consider a moral question, that is, a question that concerns a principle to govern interaction between agents, someone might behave rationally, but unreasonably. In this instance, the charge of

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[13] Kamm, *Owing, Justifying, and Rejecting*, 327

unreasonableness is levelled against a particular kind of reason that they have not paid attention to. These reasons concern the basic aim of finding principles that someone could not reject as the basis for agreement from the moral point of view. We could understand someone reasoning rationally and strategically when they save all the money that they have earned and give none to help their penniless neighbour. There is nothing irrational about keeping your own resources for your own use. But someone who refuses to give a small amount of money to their impoverished neighbour, an amount of money which would be of little loss to them but great help to the neighbour, can be accused of being unreasonable. We could likewise reasonably reject the principle that guides this mean neighbour's actions. The grounds of reasonableness include the substantive moral notion of respect, based on the value of practical individuality. The charge of unreasonableness is the charge that considerations that bear on the respect practical persons are owed have been omitted or diminished. Consequently, when we are considering questions of what we owe to each other, the notion of reasonableness not only has epistemological qualities, but moral qualities too.

> It is not a judgment about what would be most likely to advance
> their interests or to produce agreement in their actual
> circumstances or in any more idealized situation, but rather a
> judgment about the suitability of certain principles to serve as the
> basis of mutual recognition and accommodation. If my analysis is
> correct then the idea of what would be reasonable in this [moral]
> sense is one that underlies and guides our ordinary thinking about
> right and wrong. It is thus an idea with moral content.[14]

Respect for the practical individuality of persons involves considering the burdens that principles impose. The notion of reasonableness in contractualism is

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[14] Scanlon, *What We Owe*, 194

sensitive to the matter of the burdens that are produced if a principle is allowed. It is entirely appropriate that individuals consider the effect that allowing a principle would have on the conduct of their life. Scanlon describes these as the legitimate objections to permission. But whilst these burdens are to be included in our deliberation, we must also be aware of the burdens produced by prohibiting a principle, or the objects to prohibition. But burdens are not the only consideration to be taken into account in our practical deliberation. We recall Scanlon's objection to the weighing, pro tanto, model of practical reasoning. Practical reasoning includes judging which considerations are to be included and which are to be excluded from our deliberations. There is no master value, or unifying metric, against which we weigh competing claims and burdens. Moral deliberation on contractualist grounds is not restricted to the effect of principles on those whom the principle directly affects. Practical reasoning about right and wrong should be guided by a concern for the subjects of principles, but also with the more general community of those who may not be directly affected, but who may have a reasonable rejection.

The clauses of a particular principle may only concern very few people. For example, a ban on religious association may only affect a minority of people in certain communities. Those individuals affected will have very good grounds on which to raise objections, as they bear the direct weight of the effects of the principle. But others in the secular majority can contribute to the examination of the reasonableness of the principle. Such a ban will have an effect on many future decisions and practices that practical individuals might choose to be involved with, and so there is a very good reason to include the reasonable objections of those

not immediately and directly affected, but whose range of practical choices are potentially affected significantly. If religious belief is practiced respectfully, it is unreasonable to disallow this practice. The prevention of the respectful expression of practical personhood is unreasonable. As practical agents we can see its wrongness regardless of whether the particular form of expression is ours or not. In this sense, the reasons that are derived from the injunction to respect the practical individuality of persons are generic. The capacity for the exercise of individuality is generic, and the reasons apply generically to the exercise of that capacity, whether concretised in our own lives or not. Therefore, considerations of reasonableness should proceed in terms of generic rather than particular reasons, and the question of burdens is relevant to the extent that it relates to the exercise of the capacity of the practical individuality of persons. Generic reasons are centrally concerned with the possibility of the pursuit of a reason-guided, self-governing way of life '...my standing as an independent person who can enter into relations with others as an equal.'[15]

> [G]eneral prohibitions and permissions have effects on the liberty, broadly construed, of both agents and those affected by their actions. But the acceptance of principles has other implications beyond these effects. Because principles constrain the reasons we may, or must, take into account, they can affect our relations with others and our view of ourselves in both positive and negative ways.[16]

The respect we owe ourselves and others, is derived from the properties of the capacities of the practical individuality of persons. Scanlon notes that the value of our practical personhood as reason-assessing, self-governing creatures is

[15] ibid., 204
[16] ibid.

integral to our identity. It is not incidental to our identity in the way in which our taste in music or food is. All these other aspects of our character are of course crucial to our individuality and the experience of our lives, but they are derived from, and dependent upon the fundamental power of reflection on reasons and the pursuit of those reasons. So for Scanlon, the fundamental importance of our powers as reason-assessing, self-governing persons means that our relationships with ourselves and others are constituted and informed by respect for our practical personhood.

Reasonableness therefore includes a notion of the proper appreciation and treatment of practical personhood. When we consider the reasonableness of principles, we are considering whether the principles accommodate, endorse, and uphold the practical individuality of persons found in ourselves and others. Scanlon has noted that this robustly moral conception of reasonableness bears similarity with Kant's formulation of the Kingdom of Ends, where principles are regarded as universally, or generically, applicable legislation for an association of practical persons who are regarded with respect as ends in themselves.

> ...I believe that the ideal of justifiability that I have just described
> is an important element in the wide appeal of some of Kant's
> doctrines, such as the formula of humanity and the formula of the
> kingdom of ends. But I depart from Kant in taking the substantive
> appeal of this ideal as the normative foundation of morality rather
> than, for example, linking the moral law to the very idea of
> rational agency. In Kant's terms my view would be classified as a
> form of heteronomy.[17]

For Scanlon the respect and reasons that are owed to persons in virtue of their practical individuality provides the normative content that guides and

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[17] ibid., 73

informs our practical reasoning. The substantive notion of respect for practical personhood gives content to the notion of reasonableness, and provides us with the motivation to reflect and act reasonably. Whilst we may compare this notion of mutual respect to Kant's doctrine of the Kingdom of Ends and the formula of humanity, Scanlon also makes a comparison with Mill's idea of unity. However, just as with the comparison with Kant's doctrines, Scanlon notes that the substantive moral conception of the relationship between persons may be comparable, but the motivational basis is once again quite different. For Mill, the moral ideal of a unity between persons was motivated by special sentiment that was a normal feature of human psychology.

> By contrast, on the account I am offering there is no need to appeal to a special psychological element to explain how a person could be moved to avoid an action by the thought that any principle allowing it would be one that others could reasonably reject. This is adequately explained by the fact that people have reason to want to act in ways that could be justified to others, together with the fact that when a rational person recognizes something as a reason we do not need a further explanation of how he or she could be moved to act on it.[18]

The notion of reasonableness and justifiability in Scanlon revolves around what is owed to practical individuals, in virtue of their nature as reason-assessing, self-governing creatures. Reasonableness is a substantive moral notion that is grounded on the properties of practical personhood. From the properties of practical personhood are derived the moral demands of what we owe to each other.

Scanlon takes care to explain in detail how the notion of reasonable rejection works in practical deliberation, and discusses how it effects such notions

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[18] ibid., 154

as responsibility, promising, and what Rawls calls the separateness of persons.[19] I

will set aside the issues of the application of Scanlon's contractualist formula.

Whilst these are very important topics, I believe there is a more fundamental

question about Scanlon's contractualism. This question addresses the scope and

grounds of what we owe to each other. I will set out three problems for Scanlon's

contractualism. The first concerns the related redundancy and Euthyphro

objections; the second and third asks whether the importance and priority of the

morality of right and wrong are of the kind that Scanlon seeks. To preview my

conclusions: I believe that we can defend Scanlon against the redundancy and

Euthyphro objections, but only if we revise his theory in line with my augmented

buck-passing account. I will then go on to argue that Scanlon does not establish

the importance and priority of the morality of right and wrong. The nature of this

failure will lead me to suggest an alternative grounding for contractualism; one

that I believe provides Scanlon with the conclusions he seeks.

2. The Euthyphro and Redundancy Objections

The Euthyphro and redundancy objections are distinct criticisms of Scanlon's

notion or wrongness, although they are, as we will see, related closely.[20] The

Euthyphro objection states that Scanlon's theory misdescribes the relationship

between reasonable rejection and wrongness: these critics argue that acts are

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[19] the literature on these and other issues is large and growing, for some lucid discussions see Elizabeth Ashford, 'The Demandingness of Scanlon's Contractualism' in *Ethics*, Vol 113, (2003), 273-302; John Deigh, 'Promises Under Fire' in *Ethics*, Vol. 112 (2002) 507-28; Niko Kolodny and R. Jay Wallace, 'Promises and Practices Revisited' in *Philosophy and Public Affairs*, Vol. 31, 118-54; Micheal Otsuka, 'Scanlon and the Claims of the Many versus the One' in *Analysis*, Vol. 60, 288-92

[20] some philosophers have taken these as amounting to the same criticism, see for example Brad Hooker (who in this quote describes the redundancy objection as the 'spare wheel objection': 'The objection, in other words, is that Scanlon's contractualism functions as a *spare wheel*, a construct that spins but does not actually bear any weight or do any work. Or the objection might be put in terms of circularity: Scanlon's contractualism doesn't explain what makes acts wrong but instead presupposes their wrongness.' Brad Hooker, 'Contractualism, Spare Wheel, Aggregation' in *Scanlon and Contractualism*, ed. Matt Matravers, (London, Frank Cass, 2003), 57. As I hope to show, the redundancy criticism and the Euthyphro criticisms both focus on the problematic nature of wrongness in Scanlon's account, but make different criticisms.

reasonably rejected because they are wrong, and not wrong because they are reasonably rejected. The redundancy objection states that Scanlon regards wrongness as a reason providing property that is constituted independently of contractualism. If this is true, contractualism is an unnecessary tool for the description of right and wrong, and what we owe to each other. Moral reasons should proceed from the independent property of wrongness and rightness. These criticisms are different, but they both attend to Scanlon's understanding of right and wrong. I will set out both criticisms in more detail, and Scanlon's stated response to them. I will argue that the Euthyphro objection misses its mark, whilst the redundancy objection is far more serious. I will conclude this second section by explaining how a revision of Scanlon's argument can meet the redundancy criticism.

a) The Euthyphro Objection

> In *The Euthyphro*, Socrates asks if the gods love the holy because it is holy, or if it is holy because the gods love it. We may ask in parallel manner if certain actions are justifiable because they are right, or if they are right because they are justifiable. And when we raise this question, we can see the problem that Scanlon faces. He is forced to hold, in effect, that right actions are right because they are justifiable, and not that they are justifiable because they are right. And yet we suppose in the very act of trying to justify ourselves to others that the opposite is the case. We suppose that there is an independent sense of right – one presumably established by the values and disvalues displayed in the different options – such that it is because certain actions are right that they are justifiable, and not the other way around.[21]

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[21] Pettit, *Doing Unto Others*, 8

A concrete example may clarify this criticism. Judith Jarvis Thomson provides it.

> For my own part, I cannot bring myself to believe that what *makes* it wrong to torture babies to death for fun (for example) is that doing this "would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement." My impression is that explanation goes in the opposite direction – that it is the patent wrongfulness of the conduct that explains why there would be general agreement to disallow it.[22]

The essence of these criticisms is that Scanlon's argument gets things the wrong way around. They object to Scanlon defining wrongness in terms of reasonable rejection. They propose that Scanlon should operate with an independent notion of rightness and wrongness that is not constituted by the procedure of contractualist reasoning. It seems to me that the critics who voice the Euthyphro objection are not actually claiming that Scanlon's theory is circular; they are in fact saying it is wrong. They are claiming that there is an independent sense of rightness and wrongness that provides the reasons against being cruel, for example. Scanlon's view is rather that the notion of wrongness is derived from, and constituted by, substantive moral reasons that relate to the fundamental moral property of human rational life. Therefore, I believe that we should read this so-called Euthyphro objection not as an internal criticism that Scanlon's theory is circular, but rather as a substantive objection to the notion of wrongness that Scanlon proposes. Indeed, it seems as though the Euthyphro objection is an objection to the wider constructivist understanding of moral reasoning. The aim

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[22] Judith Jarvis Thomson, *The Realm of Rights*, (London, Harvard University Press, 1990), 30 n.9, quoted in Scanlon, *What We Owe*, 391 n. 21

of constructivism is precisely to show how wrongness (in Scanlon's case, or injustice, or partiality in other constructivist theories) is derived from and constituted by the notion of justification. In order to strengthen Scanlon's response to the circularity objection, it is worth explaining the constructivist reading of Scanlon's contractualism.

Scanlon's view seems to be that contractualism is a way of stating, in a higher order form, what is wrong with certain acts. This notion of wrongness refers to the actual property that makes the act wrong, and it is this substantive property that provides us with a reason to reasonably reject it. But on this reading, wrongness is not a substantive property, in itself, on which to reject the principle. Scanlon says in reply to Thomson '[t]he contractualist formula that Thomson quotes is intended as an account of what it is for an act to be wrong. What *makes* an act wrong are the properties that would make any principle that allow it one that it would be reasonable to reject (in this case, the needless suffering and death of the baby).'[23] Scanlon seems to argue that there is no circularity within his contractualism because the properties that make acts wrong are substantive features of reasons and values. These substantive features are many and various, and are constituted by their relation to the fundamental moral property of human rational life. In other words, Scanlon's response to Thomson suggests that we can reasonably reject any principle that allows cruelty, because the substantive properties of cruelty violate the fundamental property of the value of human rational life. This violation is the reason why we reject the principle. We do not reject the principle because it is wrong, or because it is reasonably rejectable.

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[23] Scanlon, *What We Owe*, 391 n.21

This view rejects the notion that there is in independent property of wrongness that we can discern. If such a property existed, moral reasoning would be concerned with the perception of this property. Scanlon's constructivism consists in the rather different view that moral reasoning begins with a feature of human beings that is deemed fundamental from a moral point of view: in this case their practical personhood. This feature provides the original moral property. Constructivism is concerned to describe a form of reasoning about morality, where right and wrong actions are derived from reflection on the implications of this fundamental moral property. The idea of agreement is a tool used to identify specific principles and their reasons that are approved or prohibited in terms of the original moral property. Rightness and wrongness are, on this understanding of constructivism, constituted by the particular outcomes of this process of reasoning about the fundamental moral property of practical personhood. In this sense, moral principles and our understanding of their status are constructed through a procedure of reasoning from the original moral property. Constructivists of different hues will characterise the fundamental moral property and the process of reasoning in different ways. But it is common to a constructivist interpretation of morality, that right and wrong are constituted by our reasoning about the fundamental moral property. Right and wrong are not independent moral properties. If they were there would be no need to understand morality in this way: we would not need to identify some other fundamental moral property, design a procedure to determine principles and their grounds, and then claim that the rightness and wrongness of the principle is constituted by, and derived from, this elaborate constructivism. If wrongness were an independent property, it

would (if discernable) provide a reason in itself. Pettit and Thomson seem to argue that Scanlon should not adopt a constructivism in ethics. Rather, he should acknowledge that right and wrong are constituted independently, and drop the notion of reasonable agreement and justification as constitutive of the notion of right and wrong. They seem to urge Scanlon to make his contractualism redundant. The redundancy objection is based on the view that Scanlon's contractualism is redundant, and that he does in fact operate with an independent reason giving notion of right and wrong.

b) The Redundancy Objection

> The objection goes roughly as follows. Whenever principles allowing an action are reasonably rejectable because that action has some feature (or set of features) F, the action is wrong simply in virtue of being F and not because its being F makes principles allowing it reasonably rejectable. The appeal to reasonable rejectability seems otiose when we could apparently understand wrongness more directly in terms of the grounds for reasonable rejection. Call this the "redundancy objection."[24]

John Charvet makes the same substantive point, although in slightly different terms when he says

> ...if this equality of value and rights is a constraining condition on the choice situation, which has to be independently justified, then it would be pointless to present the argument for justice in contractarian form. For the basic rights of persons would be given prior to the contract, and the contract would bear at most on the

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[24] Michael Ridge, 'Contractualism and the New and Improved Redundancy Objection' in *Analysis*, Vol. 63 No. 4, (October 2003), 337

political conditions for realizing rights and not on the rights themselves.[25]

This criticism, perhaps surprisingly, makes the opposite point from the Euthyphro objection. The redundancy critics argue that Scanlon's contractualism is not a true constructivism. It is alleged that Scanlon's notion of right and wrong is constituted prior to, and independently from, the contractualist notion of justification. Scanlon is sensitive to this criticism. 'By basing itself on reasonableness, it may be charged, a theory builds in moral elements at the start. This makes it easy to produce a theory which *sounds* plausible, but such a theory will tell us very little, since everything we are to get out of it at the end we must put in at the beginning as part of the moral content of reasonableness.'[26] In the light of the constructivist reading of Scanlon, we might think that his theory is able to avoid the redundancy objection. However, Scanlon muddies the waters by offering arguments that seem distinctly non-constructivist, and susceptible to the redundancy criticism.

> I believe that a formal, or "buck-passing" analysis... is correct in
> the case of goodness and value. Goodness is not a single
> substantive property which gives us reason to promote or prefer
> the things that have it. Rather, to call something good is to claim
> that it has other properties (different ones in different cases) which
> provide such reasons. But wrongness seems different. In at least
> a wide range of cases, the fact that an act is wrong seems itself to
> provide us with a reason not to do it, rather than merely indicating
> the presence of other reasons (although it may do that as well).[27]

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[25] John Charvet, *The Idea of an Ethical Community*, (London, Cornell University Press, 1995), 167; for further statements of this objection as applied to Scanlon, see also Simon Blackburn, 'Am I Right' in *The New York Times*, 21st February 1999, and Colin McGinn, 'Reasons and Unreasons' in *The New Republic*, 24th May 1999, 34 - 38

[26] Scanlon, *What We Owe*, 194

[27] ibid., 11

This view seems somewhat at odds with Scanlon's response to Thomson. There he states that what makes acts wrong are the substantive properties and their relationship to the fundamental moral property of practical personhood. Now Scanlon seems to suggest that wrongness is a distinct property that we can refer to in our deliberations about principles. If wrongness exists independently of contractualism, contractualism does indeed seem redundant.

We have now, perhaps, an explanation of the origin of the redundancy and Euthyphro objection. At the root of these contradictory objections is Scanlon's notion of the nature of right and wrong. He seems at once to be committed to constructivist interpretation of contractualism, and something more like a realist notion of right and wrong. I will argue that there are good reasons to clarify Scanlon's theory in the direction of constructivist reading of contractualism. This clarification will not satisfy the Euthyphro objectors, but it will offer a coherent philosophical alternative to their preferred moral realism. But it will also show why the contract is not redundant.

c) Constructivist Contractualism and the Augmented Buck-Passing Account

Philip Stratton-Lake has argued that Scanlon can avoid the redundancy objection if he drops his notion that wrongness itself is reason providing. Stratton-Lake emphasises what I have called the constructivist reading of Scanlon's contractualism. He argues that contractualism involves a distinction between the grounds of wrongness, and the nature of wrongness.

> Scanlon's principle is not supposed to tell us what makes certain
> actions morally wrong. The principle does not, therefore, specify
> the ground of moral wrongness, but the nature of moral

wrongness. Consequently, it cannot be criticized because it does
not add to those grounds.[28]

Interpreting Stratton-Lake's argument in harmony with my earlier reading
of Scanlon's contractualist formula, we can say that the grounds of wrongness are
defined in terms of the properties of practical personhood, and the substantive
reasons that are derived from them. The nature of wrongness is the property of
being reasonably rejectable on contractualist terms. This avoids the redundancy
objection because wrongness is not an independent reason conferring property. It
is not constituted prior to contractualist reasoning; rather it is constituted by
contractualist reasoning. This reading conforms to the constructivist reading of
Scanlon's contractualism, but as Stratton-Lake acknowledges, it contradicts
Scanlon's view that wrongness is independently reason providing. In order for
this constructivist reading of Scanlon's contractualism to be made coherent within
the theory as a whole, Stratton-Lake suggests that Scanlon must drop the notion
that wrongness is an independent reason giving property that exists independently
from the contract.

> All he need do is abandon the view that wrongness is a reason
> providing property... Scanlon would be reluctant to do this as he
> has a very strong intuition that the fact that some act is wrong
> provides us with a distinctive reason not to do this act. But this
> intuition is not central to his contractualist theory, and nothing
> central to his theory depends on its truth.[29]

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[28] Stratton-Lake, *Scanlon's Contractualism and the Redundancy Objection*, 72
[29] ibid., 75

In response to Stratton-Lake's argument, McNaughton and Rawling have described this move as introducing a buck-passing account of wrongness.[30] We recall from the previous chapter that my augmented buck-passing argument included a buck-passing account of right and wrong. I argued that the buck-passing argument needed to be reformulated in terms of both right and good as higher order formal properties that expressed the lower order properties of substantive reasons and values. Substantive reasons and values are coextensive and supervene on the basic properties that are of evaluative and normative significance. This argument was developed in response to a problem in Scanlon's account of value. In that instance a similar problem appeared as is discussed by both the Euthyphro and the redundancy objection: the nature and role of the substantive and formal properties of wrongness (and rightness). We can now see that my augmented buck-passing argument can be employed, along the lines suggested by Stratton-Lake, to rebuff the redundancy objection. Stratton-Lake seems reluctant to describe this move as a buck-passing account of wrongness, but it is clear that this is what it amounts to. He does not describe what such a buck-passing account should consist in in much detail, but he does present the outlines of a buck-passing account of wrongness. I will set this out in order to show that Stratton-Lake's suggestion of a buck-passing account is not fully acceptable, and that my earlier defined augmented buck-passing argument should be preferred. Stratton-Lake suggests the following argument:

> (1) 'An act is wrong if its performance under the circumstances
> would be disallowed by any set of principles for the general

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[30] 'Philip Stratton-Lake... argues that Scanlon can evade a redundancy objection against his view of wrongness by adopting a buck-passing account of wrongness.' McNaughton and Rawling, *Can Scanlon Avoid Redundancy by Passing the Buck?*, 328

regulation of behaviour that no one could reasonably reject as a basis for informed, unforced general agreement.'

(2) A concern to avoid wrong acts is a concern to act only on principles that no one could reasonably reject.

(3) A concern to act only on principles that no one could reasonably reject is explained by the fact that "people have reason to want to act in ways that could be justified to others..."

(4) A concern to justify ourselves to others on grounds they could not reasonably reject is a proper way of valuing rational, self-governing agents, and is thus a way of respecting their value as rational autonomous agents.

(5) A world in which everyone acts and deliberates on the basis of such principles constitutes an ideal of mutual recognition

(6) This ideal is a substantive good, a good we recognize as having a distinctive importance in its own right and as underpinning other important relations, such as friendship

(7) The value of this ideal explains why we have such a strong reason not to ϕ when ϕ-ing is morally wrong.[31]

Whilst I agree with Stratton-Lake that Scanlon needs a buck-passing account of right and wrong, I think there are problems with Stratton-Lake's suggested argument. The version presented by Stratton-Lake is very closely attuned to Scanlon's account, but it is not sensitive to the problems of the buck-passing account we discussed in chapter four. There, we recall, the buck-passing argument was shown to need two additional arguments in order for it to carry through. Firstly, following Wallace's criticism, a criticism that Scanlon explicitly endorsed, we made a distinction between first order, substantive evaluative and normative properties, and the higher order properties of right and good. In other

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[31] Philip Stratton-Lake, 'Scanlon, Permissions, and Redundancy: response to McNaughton and Rawling' in *Analysis*, Vol. 63, No. 4, (October, 2003), 336

words, Scanlon accepted that first order substantive reasons and evaluations could provide reasons. To augment Wallace's argument I employed Scanlon's own arguments regarding the open question problem to show that there were good reasons (simplicity and pluralism) to reject the notion that right and wrong could provide reasons, just as Scanlon showed that there were good reasons to reject the view that goodness provided reasons. In other words, the open question problem applies to right and wrong as much as applies to value and goodness. I therefore argued that wrong and good were both higher order properties that related to the first order property of having a reason or an evaluation count in favour of something. Secondly, and related to this argument, I endorsed a pared down version of a Dancyan account of reasons and evaluations that described both substantive reasons and substantive evaluations as coextensive on the same properties. I also introduced the supervenience argument to explain how these substantive evaluative and normative properties relate to the basic properties under consideration. None of these features are present in Stratton-Lake's argument. Consequently some familiar problems remain: on Stratton-Lake's version, reasons are explained by values (step 7), which reintroduces the open question problem; the relationship between evaluations and it is unclear given their categorical separateness (steps 2 – 3, and steps 6-7 imply reasons yield evaluations, and evaluations yield reasons[32]). In order to avoid both these problems, we should adopt both steps derived from Wallace's criticism and the Dancyan account in my augmentation. This would avoid the redundancy argument entirely, and explain the relationship between reasons and values as

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[32] this point refers to the argument of section 3(c) in chapter four.

coextensive, therefore avoiding all possibility of the open question problem. Stratton-Lake makes an excellent contribution by showing how Scanlon can avoid the redundancy objection by adopting a buck-passing account of wrongness to complement the buck-passing account of goodness. I have argued that this is the correct response to the redundancy and Euthyphro objections. However, Stratton-Lake seems to accept Scanlon's buck-passing argument as presented, whereas I have argued that the buck-passing argument itself needs revision and augmentation. If we employ the augmented buck-passing argument I propose in chapter four to Stratton-Lake's suggestion for a buck-passing account of wrongness, we will have challenged the redundancy objection's validity. This response comes at some doctrinal cost to Scanlon's contractualism, as we not only have a significantly augmented buck-passing argument, but the very role of wrongness as reason providing has been rejected. The reconstruction of Scanlon's contractualism in an avowedly constructivist direction seems to be the most promising prospect for Scanlon to meet his critics. Whether Scanlon would attempt to resist such a rejection of the realist reading is uncertain. If this option is preferred, the Euthyphro objection is shown to be vindicated, and Scanlon's contractualism is indeed redundant. I hope to have shown why we have good grounds to pursue the constructivist reading, and retain the integrity of the contractualist dimension of what we owe to each other.

3. The Normativity of Contractualism

In the previous section I argued that Scanlon is able to see off the Euthyphro and redundancy objections by strengthening the constructivist reading of his contractualism. I will now argue that this brings along a much more significant

problem for Scanlon's contractualism. This is the problem of establishing the normativity of contractualism. The question of the normativity of contractualism is an instance of the general problem of the normativity of constructivism in moral and political theory. In this section I will set out the nature of this problem as it affects Scanlon's theory, and conclude that this problem is structural to constructivism. I will argue that we need to look beyond constructivism in contractualism in order to establish the normativity of contractualist right and wrong. We will look towards a transcendental argument for the properties of practical personhood that may be able to secure the objectivity of the normativity of the contractualist notion of right and wrong.

a) Contractualist Normativity

In section one of this chapter, we saw that Scanlon's notion of reasonableness was derived from the properties of practical personhood. Reasonableness has substantive moral content. In accordance with my augmented buck-passing argument, this substantive content consists in reasons and evaluations. The generic reasons that we have to respect the practical individuality of persons give substance to the notion of right and wrong, and the value of practical personhood requires the attitude of respect. Scanlon's contractualism still '…needs to explain the reason-giving and motivating force of judgments of right and wrong.'[33] Even if we have a convincing account of the nature of practical individuality, even if we have a powerful argument for the nature of moral wrongness and of the respect owed in virtue of practical personhood, we are yet to see why someone should be motivated to act on the grounds for contractualism and why the reasons against

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[33] Scanlon, *What We Owe*, 147

wronging are more than mere taste and fancy. Can Scanlon establish the normativity of contractualism?

The question of the normativity of contractualism addresses the problem of the scope and authority of what we owe to each other. This problem includes, but is not limited to, the problem of moral motivation. '...I hold that the question of reasons is primary and that once the relevant reasons are understood there is no separate problem of motivation.' [34] Scanlon notes that because of his conceptualisation of moral motivation in terms of normative reasons, it is possibly misleading to continue referring to the problem of moral motivation, because this implies that there is a further problem beyond the identification and cognition of the normative reasons. Scanlon regards the question of motivation as part of the problem of justification. Therefore, Scanlon argues that moral motivation is simply a matter of regarding a principle as justified. The question of the normativity of principles is not, on Scanlon's view, a question of motivation. It is rather a question of the scope of justification. What is the scope of the justification of contractualism? Is it universal, or is it limited to persons with particular commitments?

Scanlon states that the purpose of contractualism is not simply a question of explaining the reasons that we already have, a question of self-understanding and self-interpretation. He does not assume that his discussion concerns only those who believe in these reasons already,

> ...what we want to know is not merely what we care about when
> we care about right and wrong but why this is something we must
> care about. This concern is magnified when we turn to consider ·

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[34] ibid.,

others: it seems that an adequate account of the morality of right and wrong should explain not merely what those who care about it are moved by but also why its importance is something that everyone has strong reason to recognize.[35]

When Scanlon says that the morality of right and wrong gives everyone strong reason to recognize it, he seems to mean that these are reasons that everyone must recognise as valid. In this sense, it seems clear that Scanlon is presenting an argument for the objectivity of moral reasons. This objective reading of Scanlon's contractualism corresponds with the notion of moral criticism that we encountered in chapter three's discussion of internal and external reasons. We recall that both O'Brien and O'Brien Junior were susceptible to moral criticism because the reasons that they had offended against were independent of their differing motivations. Alongside the examples of the O'Briens, we recall also Scanlon's argument for correctness and validity in practical reasoning. On Scanlon's view, practical reasoning is able to produce objectively valid moral judgments. In sum, it seems reasonable to say that Scanlon believes that moral reasons are objective. Their normativity is derived from this objectivity, as it is a moral fact that reasons apply to persons. On this reading, Scanlon's notion of normativity is strongly objectivist, that is, the scope of the normative authority of moral reasons is universal and indifferent to morally irrelevant features of subjectivity.

But alongside this apparently objective account of the normativity of contractualism, Scanlon also argues that the explication of the contractualist account of the morality of right and wrong is not an attempt to justify this

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[35] ibid.

morality to those who may be inclined differently. The explanation of reasons, and the moral argument that we engage in to improve our ethical beliefs and motivations, are not to be understood as the performance of persuasion and justification. Scanlon says that this understanding of the notion of justification is wrong in two senses because, firstly, it implies that for those of us with a clear understanding of the value of the morality of right and wrong and a firm belief in its priority we also need a further justification in order to embed this understanding and belief, and secondly, given the lack of a justification on some other ground, we would abandon our views. Scanlon also remarks that it is inappropriate to think that we need to address the problem of someone who does not recognise the importance of morality in their lives, a supposed amoralist, in terms of providing a justification on some grounds that they could accept from their amoral point of view, and be led by explanation and argument to an understanding and belief in the morality of right and wrong.

> What we can provide, and what seems to me sufficient to answer
> our reasonable concern, is a fuller explanation of the reasons for
> action that moral conclusions supply. In giving this explanation,
> however, we must address the problem of the moral "must" – the
> seeming necessity of moral demands – in two slightly different
> forms.[36]

When we are asked to explain why the fact that an action is wrong provides us with a reason not to do it, Scanlon states that we are faced with a dilemma. On the one hand, we could refer to the evident moral properties of the action, which would explain why we would judge the action to be wrong, but would not in itself explain why we would have reason to act on this principle. On

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[36] ibid., 148

the other hand, we could explain why we would want to act on the principle by referring to some pre- or non-moral motivations or commitments that motivate us and which we possess that precede the action, for example, we would explain that we should keep our promises because the cost of being found out as a promise breaker is far greater than the cost involved in keeping promises. Scanlon takes the view that neither kind of answer is satisfactory in itself.

> So a satisfactory answer to our question must not, on the one hand, merely say that the fact that an action is wrong is a reason not to do it; but it must, on the other hand, provide an account of the reason not to do it that we can see to be intimately connected with what it is to be wrong. Answers can thus be arrayed along one dimension according to their evident moral content, ranging from those that appeal to what seem most obviously to be moral considerations (thus running the risk of triviality) to those having the least connection with moral notion (thus running the risk of seeming to offer implausibly external incentives for being moral).[37]

Scanlon also points out that we can conceive of a second kind of difference in our account of the reason giving quality of moral principles and values. We can conceive of accounts that seek to explain the normative and motivational effectiveness of morality on formal or substantive grounds. These formal grounds would be independent of any particular ends or qualities, and therefore, in their formality, aspire to a wide, even universal application. Scanlon gives the example of Kant, where he understands Kant's theory to take the formal quality of rational autonomy to provide the basis for the formulations of the categorical imperative that express the content and the effectiveness of the "moral must." The alternative is to explain the "moral must," the normative reasons and

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[37] ibid., 150

their motivating efficacy, in substantive terms. A substantive explanation specifies a particular value with a substantive content and also explains what kind of violation we perform when we act wrongly. Examples of a substantive account might include an Aristotelian notion of the eudaimonia, or utilitarianism. Scanlon notes that formal accounts appear attractive not least because they directly address the problem of the priority and importance of morality and attempt to explain this by showing that the claims of morality follow directly from formal features that are supposedly necessary conditions of agency or rationality. But Scanlon suggests that a common problem with such accounts is to specify the nature of the moral claims in a clear and substantive manner, and also to explain the possibility of wronging and the kind of failure that wronging is from such formal conditions. Scanlon states that he prefers the possibilities offered by the substantive account of moral motivation, whilst acknowledging that such accounts face the difficulty of explaining the importance and priority of morality satisfactorily.

> What we need to do, then, is to explain more clearly how the idea
> that an act is wrong flows from the idea that there is an objection
> of a certain kind to people's being allowed to perform such
> actions, and we need to do this in a way that makes clear how an
> act's being wrong in the sense described can provide a reason not
> to do it.[38]

The dilemma that seems to face the justification of the authority of moral reasons is that appeals to other moral terms already involve a commitment to morality, and appeals to non-moral phenomena do not seem to connect to moral claims meaningfully. Scanlon refers to this as Prichard's dilemma. This problem

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[38] ibid., 153

seems to set severe limits on the scope of justification that is possible within contractualism.

Scanlon invokes an unhappy aporia in his account of normativity of contractualism. We have, on the one hand, a commitment to the objectivity of moral reasons, to the validity of moral judgment, and the authority of what we owe to each other. We have also, on the other hand, the view that we cannot justify moral contractualism to those not already committed to its values, reasons, and properties. I will set out the consequences for this unhappy aporia in terms of the importance and priority of the morality of right and wrong.

b) The Priority of What We Owe to Each Other

For Scanlon, the value of the practical personhood takes first priority in our moral reasoning about what we owe to each other. As we saw in section one, it takes priority because the many plural expressions of human identity are premised on the powers fundamental to practical personhood. In other words, our identity as reason assessing, and self-governing persons lies at the origin of our particular identities as parents, partners, professionals, and citizens. However, whilst Scanlon might claim that there is a logical priority to the powers of practical personhood, it is not yet clear that there is a normative priority to these capacities. For many of us, what we owe to our friends qua friends takes normative priority over what we owe others qua practical individuals. For contractualism though, the special bonds and obligations of friendship derive from the logical and normative priority of respect for practical personhood as such. Scanlon intends to show that the moral reasons of contractualism take priority over other values in moral deliberation. On his view, friendship '...involves recognizing the friend as

a separate person with moral standing – as someone to whom justification is owed in his or her own right, not merely in virtue of being a friend.'[39]

We recall from chapter one, that the normative priority of the value of right and wrong depended on the presence of a special motivating desire. We valued our friends first and foremost as practical individuals because we were motivated by special desire to do so. Does Scanlon's picture of intentional practical agency provide us with a more satisfactory response to the person who denies the normative priority of the value of right and wrong? Can contractualism explain our motivation to prioritise the value of respect and the obligatory reasons derived from practical personhood?

Scanlon takes the example of friendship as emblematic of the general problem of the priority of the normativity of contractualism. The priority problem occurs when someone does not accept that the moral reasons of respect for persons take priority over the demands made by the value of friendship. Friendship is merely an example of a problem where different values are seen to have logical and normative priority over the more impartialist reasons of contractualism.

Scanlon's response to the priority problem consists in three parts. Firstly, Scanlon wants to allow that the plural values attached to various ways of life, such as friendship, can compliment or harmonise with what we owe to each other. Friendship is something that there are good reasons to want to pursue, and so reasons derived from the value of friendship can be included in the reasons we take into consideration when performing moral deliberation. For example, a

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[39] ibid., 164

principle that did not allow the special place of friends in a life could be reasonably rejected on grounds that it is incompatible with the respect owed to persons in virtue of their practical individuality. 'Therefore, there will be pressure within the morality of right and wrong to make room for these values.'[40]

The second step Scanlon takes is to argue that whilst the morality of mutual recognition and respect allows and includes moral reasons attached to special values such as friendship, there are limits that govern the extent to which these special values can diverge from what we owe to each other. If such a divergence does occur we '...have good reason to give priority to the demands of right and wrong.'[41] These good reasons are in part derived from the '...the great importance of justifiability to others and to the particular interests that moral principles protect...'[42] Scanlon implies that the respect owed to practical individuality not only generates prohibitions and admonishments against wrong, but includes positive benefits and endowments which enhance our lives, '...they are aspects of the positive value of a way of living with others.'[43] Scanlon seems to argue that the priority of moral reasons is derived from the '...joy or pleasure...'[44] that living in unity with others brings our lives.

Scanlon's third argument for the priority of respect owed to practical personhood is that the plurality of values that do contribute to the expression of our practical individuality have '...a built in sensitivity to the demands of right and wrong.'[45] That is, the particular values such as friendship will easily

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[40] ibid., 166
[41] ibid.
[42] ibid.
[43] ibid., 162
[44] ibid., 163
[45] ibid., 166

accommodate the demands of respect owed to practical individuality in persons, if they are understood correctly. If a value, such as friendship, dramatically conflicts with our obligations to persons as practical individuals, Scanlon argues that this person is not in fact a true friend.

These three arguments amount to the view that the morality of right and wrong must accommodate other values; these other values must in turn make room for the particular constraints of right and wrong; and if the two do collide, then the importance and attractiveness of the mutual recognition derived from the respect we owe to each other will assert itself and its priority will be apparent. Susan Mendus has described this as the Reductivist Response to the question of the priority of contractualism.

> This response argues that, although there may appear to be
> conflict between the reasons of morality and the reasons offered
> by other values (such as friendship), in fact the appearance is
> illusory because the reasons offered by other values are
> themselves grounded in reasons of morality... Scanlon's response
> is reductivist in the sense that it construes reason of friendship as
> compatible with, because grounded in, reasons of morality. And it
> further construes morality as necessary for differentiating between
> real friendship and contingent affection.[46]

Whilst Scanlon makes an important observation about the positive attributes of a life lived in mutual recognition of each other, it is questionable whether he has shown adequately why these benefits would take priority over the positive benefits of friendship. Scanlon may have shown that the respect for practical individuality and the value of friendship are not necessarily

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[46] Susan Mendus, 'The Magic in the Pronoun "My"', in *Scanlon and Contractualism*, ed. Matt Matravers, (London, Frank Cass, 2003), 39 – 40, and also the discussion in Susan Mendus, *Impartiality in Moral and Political Philosophy*, (Oxford University Press, 2002), 66-74

incompatible, and that we should not see the value of respect as comprised burdens and obligations in opposition to the evident pleasures and benefits of friendship. But these arguments do not, in themselves, establish the necessary normative priority of the respect for persons owed them in virtue of their practical personhood. The objector to the priority of contractualism could accept Scanlon's argument that what we owe to each other can harmonise with other values attached to a life well lived. They need not maintain that plural values are incompatible and incommensurable. But they could equally well maintain that there are no grounds on which to establish that one value is to take priority over all other values in the domain of what we owe to each other. It is certainly plausible that these reasons could take priority, but it is equally plausible that they could be in a more relative relation to other values. In fact, is it not more plausible that people choose to prioritise those values that attach to their close friends, relatives, compatriots, fellow believes, or comrades? Susan Mendus has described this helpfully as the '...normative problem of the moral.'[47]

Susan Mendus points out that Scanlon is right to draw attention to the moral dimension of friendship. The bonds of affection and attraction do not extinguish what we owe to our friends in virtue of their practical personhood. But Mendus goes on to argue that Scanlon's description of the nature of friendship and the priority of what we owe to each other is neither phenomenologically accurate or philosophically satisfactory. 'The agent may concede that friendship will not be genuine unless it acknowledges the claims of impartial morality [what we owe to each other], yet still wonder why those claims should matter more than the

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[47] Susan Mendus, *Impartiality in Moral and Political Philosophy*, 61

claims of friendship.'[48]   Mendus argues that Scanlon's argument presents an unsatisfactory understanding of friendship: for Scanlon a friendship which is not constituted by the priority of what we owe to each other is merely contingent affection, '...and not be a case of true friendship at all.'[49] This criticism is potent. It is neither phenomenologically obvious, nor more importantly, philosophically clear from Scanlon's argument, why what we owe to each other must take priority over all other personal values and relationships. Scanlon seems to suggest that there is never a conflict or dilemma between the obligations we may owe to others as friends and others in virtue of their practical personhood. Mendus presents a very powerful alternative view, which makes the case that Scanlon's argument is back to front. Mendus suggests that our special relationships, as friends and family members for example, constitute the possibility of relationships of impartiality regarding what we owe to each other. This is phenomenologically more plausible than Scanlon's, it seems to me, and does a better job of explaining, on philosophical grounds, the normative priority of what we owe to each other. The claim is that our special relationships ground the possibility of impartial morality. This argument suggests that the relationship between the mother and child is constituted by care, love, affection, protection, and strongly partial attitudes.   Immanent in this relationship between mother and child is a relationship between two people who will come to regard each other as moral agents due impartial respect.[50] Mendus seeks to show, as I understand it, that it is

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[48] Mendus, *The Magic in the Pronoun 'My'*, 45

[49] ibid., 46

[50] It should be noted that Mendus does not argue that such relationships will necessarily result in impartial commitments, rather that impartial morality must have reference to the partial commitments of persons. For example '...it is no part of my aim to show that caring necessitates morality... Rather, my claim is simply that if we are to get morality off the ground, we must make reference to what people care about, but clearly it

integral to establishing the priority of what we owe to each other that we recognise that partial relationships are a legitimate, indeed, necessary element of a functional commitment to the morality of right and wrong.

Scanlon seeks to show that there is no reasonable dilemma between the claims of morality and partial claims, because partial commitments are grounded on the logical and normative priority of what we owe to each other in virtue of our practical personhood as such. Mendus, however, seeks to explain how dilemmas between partial and impartial reasons can be reasonable, and can be reconciled into a functional moral life which premises the priority of impartial reasons on the original partial commitments of personal relationships.

> If we commit to a form of impartialism which takes our partial concerns seriously, then we will be better able to retain that commitment in cases where the dictates of morality conflict with other concerns... The advantage, then, of an impartialist morality grounded in what we care about is that it is more stable because less likely to generate moral affections which appear dysfunctional from the point of view of the agent. In short, if offers a way of demonstrating the priority of justice [as an instance of impartiality].[51]

Mendus argues that the priority of impartiality must account for a relationship between our partial and impartial commitments that is not dysfunctional, and which is addressed to agents in first-person terms that appeals to their own reasons and motivations. In the course of her argument, Mendus makes a striking comparison between the case of Huckleberry Finn and the mother of a sick child.

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does not follow from this that if we do make reference to what people care about we always will get morality off the ground.' in Mendus, *Impartiality in Moral and Political Philosophy*, 104
[51] Mendus, *Impartiality in Moral and Political Philosophy*, 121

The mother lives in a society that is committed to the priority of impartial reasons, and she endorses the priority of these reasons in first person terms too. Mendus argues that the commitment to such normative reasons is derived from the bonds of care derived from special relationships. But as noted, these bonds of care do not lead ineluctably to impartial morality. Whilst the impartial morality is not necessarily derived from special relationships, Mendus argues that there are good reasons why it would be. These good reasons are clarified in the case where the mother has a sick child. The child needs urgent medical care, and there is a long waiting list of other sick children. The mother has connections in the hospital, and is able to pull strings to jump the queue. In this instance, Mendus argues that an account of impartial morality that is grounded on the commitments and reasons of partial relationships is able to explain this dilemma in a way that does not produce a dysfunctional aporia. On Mendus's view, the mother is quite right to reflect on the reasons there are to jump the queue, and to feel their pull. But the mother will reflect that the reasons of impartiality are overriding. What explains this reflection in non-dysfunctional terms is the origin of the motivational and justificatory reasons in the original commitment to the relationship between the mother and child.

> [The mother's] predicament arises from the fact that, in this case,
> she is required to marginalize those directly motivating concerns
> which themselves explain the appeal of impartial morality in the
> first place. *Ex hypothesi* she sees the demands of morality as
> legitimate, but her propensity to do that is traceable to the fact that
> they are demands that take seriously the partial concerns she has
> for others. Of course, in the specific case, she struggles to give
> them allegiance because, in the specific case, they conflict with
> her partial concerns. Nonetheless, we have here a form of

morality which is not dysfunctional because and insofar as it is grounded in partial concerns.[52]

Compared to this is the case of Huckleberry Finn. Huck lives in a community in which black people are legally and culturally regarded as property rather than persons. In this sense the community is different from that in which the mother of the sick child lives, as it does not endorse a commitment to impartial reasons of all persons, regardless of colour. Huck helps his friend, Jim, who is black, to escape from ownership of Miss Watson. As Jim finds freedom with Huck's help, Huck reflects on the morality of what he has done. He finds that the reasons to help Jim escape, which are derived from their special bonds of affection, conflict dysfunctionally with the social morality where Jim is Miss Watson's rightful property.

> The crucial contrast between the mother and Huck is therefore this: if the mother resolves to help her child, she can continue to see her own moral attitudes as appropriate, even if ignored on this occasion. And the reason is quite simply that the morality has built into it a recognition of the significance of partial concerns, including concern for one's friends and family. By contrast, when Huck resolves to help Jim, he thereby resolves to abandon morality, and the reason for this is that the morality allows no room for the significance of Huck's concern for Jim. It does, of course, allow room for other partial concerns Huck has: his concern for Tom Sawyer, or for Miss Watson, for instance. Concern for Jim, however, lies outside the scope of this morality and the morality itself is dysfunctional precisely because it cannot accommodate that concern.[53]

I would suggest that Mendus argument is more successful in establishing the priority of what we owe to each other than Scanlon's is. Mendus argues that

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[52] ibid., 123
[53] ibid.

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our special relationships and values constitute the possibility of impartial morality. This constitutive role partly explains why impartial morality will take priority in the appropriate cases, and so Mendus has good grounds to argue that what we owe to each other does take priority, but this priority is sensitive and potentially compatible with the partial reasons derived from our special relationships. Mendus argues that Scanlon's argument fails to even recognise, and let alone explain, how partial reasons are to harmonise with our impartial reasons, as on his view impartiality consumes all.

Scanlon hopes to show that what we owe each other must take priority in every instance of our relationship with others. But if we recall the three basic arguments that Scanlon presented, we find nothing that could provide any explanation for the necessity of this normative priority. In fact, in place of Mendus's argument which establishes the priority of impartiality, we find a highly contingent, heteronomous argument from the attractiveness from living in relationships of mutual recognition on the grounds of what we owe to each other. but as Mendus has shown in the comparison of Huckleberry Finn and the mother of the sick child, without an explanation of how partial reasons are compatible with impartial reasons, one is left facing a dysfunctional aporia. In the case of Huckleberry Finn, reflection on this dilemma forces Finn to conclude that '...what's the use you learning to do right, when it's troublesome to do right and ain't no trouble to do wrong, and the wages is just the same? I was stuck. I couldn't answer that. So I reckoned I wouldn't bother no more about it, but after this always do whichever comes handiest at the time.'[54] *Pace* Scanlon, the role of

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[54] Mark Twain, *The Adventures of Huckleberry Finn*, (London, Dent, 1950), 263 quoted in Mendus, *Impartiality in Moral and Political Philosophy*, 122

the attractiveness of impartial morality is a far less secure basis on which to establish any kind of normative necessity than the constituting role of partial commitments presented by Mendus. We can see more clearly how Scanlon's argument depends on a contingent, heteronomous commitment to the attractiveness of unity between agents, and as such fails to establish any kind of necessary normative priority for what we owe to each other, and leaves the relationship between partial and impartial reasons dysfunctional.

Mendus's argument is more successful than Scanlon's in showing the relationship between partial and impartial reasons, and most importantly, how impartial reasons take priority. However, it seems to me that there we should not adopt Mendus's argument as it stands. I agree with Mendus that we should seek to preserve the distinct quality of partial reasons, and show that they must fit harmoniously into what we owe to each other. Yet it seems to me that Mendus's account, whilst more attractive, is insufficient to provide what is lacking in Scanlon's argument: at least, what I argue is lacking, namely the quality of necessity. We recall that Scanlon seeks to establish the necessary priority of what we owe to each other. In the course of presenting Mendus's arguments, we have seen that Scanlon has presented an unsatisfactory account of the relationship between partial and impartial reasons. Whilst I have argued that Mendus's view of the relationship between these different kinds of reasons is much more convincing, does it provide us with the necessity that we are seeking in Scanlon's account? The necessary priority of what we owe to each must depend on something that is itself necessary, and I believe that there are two reasons to doubt that Mendus's argument presents the kind of necessity that we seek.

Firstly, which special relationships are necessarily constitutive of impartiality? Is it only familial relationships, or is it wider social and cultural relationships, including such features as race, nationality, gender, religion? It seems to me that very different kinds of moral obligations could be generated from different kinds of constitutive special relationships, not all of which would be compatible with the impartialist morality Mendus seeks. Mendus does address this question, particularly in the discussion of Isabel Archer from Henry James's *Portrait of a Lady*. Isabel Archer pursues relationships that are detrimental to her happiness, ambitions, and the '...investment of self...'[55] Mendus argues that our response to Archer's story rests on the essential critical component to relationships of care. Mendus argues that there is a difference between those relationships and values that are worthy of care and commitment and those that are not.

> The case of Isabel Archer is fully comprehensible only on the assumption that she has invested herself in someone not worthy of her care, and that she has come to see that that is what she has done. If we deny the critical dimension of care, we cannot appreciate the facts which James wishes to draw to our attention... we can have the reactions we do have to these cases only on the assumption that there is some distinction between what is worthwhile and what is worthless, even if the agent does not initially see it herself, and even if, when she does see it, she endorses values other than the ones we ourselves believe to be correct.[56]

We should note that it is not Mendus's main purpose to show which relationships will lead to impartiality, and neither is it her intention, as I

[55] Mendus, *Impartiality in Moral and Political Philosophy*, 118
[56] ibid., 118-9

understand it, to provide an account of the necessity of certain relationships and their production of impartial reasons. In fact Mendus seems very doubtful that such an account of the necessity of appropriately valuable relationships and their production of impartial commitments will be possible. I am sympathetic to Mendus's argument that there is a critical element to partial relationships, and also that this critical element should be understood in terms of an investment of self. However, it seems to me that these arguments do not, in themselves, explain why it is necessary to have certain relationships rather than others. This lack of an account of the necessary qualities of worthiness of certain relationships and values may lead to a similar indeterminacy in the priority of impartiality as we find in Scanlon. Mendus's account is more successful in explaining how what we owe to each other will have priority in a certain range of circumstances, but it has not, it seems to me, shown that what we owe to each other will have a necessary priority.

Secondly, is it possible for people who have not experienced these preferred partial relationships to have and ascribe moral standing? Is a relationship between two people who have avoided this constitution exempt from the constraints of what we owe to each other? If so the grounds of impartialist morality seem dangerously insecure, and vulnerable to pleas of exemption in virtue of omission of constitution into proper special and subsequent impartialist relationships. As I have mentioned, I am very sympathetic to the space made in Mendus's impartialist theory for the special relationships of family and friends. However, as I have tried to show, I am doubtful whether Mendus's proposals would establish the necessary priority of impartiality. In the next chapter I will suggest my own argument which I believe may be able to provide the necessary

priority of what we owe to each other, whilst remaining sensitive to the partial demands of our special relationships. I will therefore return to our discussion of Mendus, Scanlon, and priority, in the next chapter.

The most important conclusion of this discussion, for my purposes, is that we have seen that Scanlon does not establish the necessary priority of what we owe to each other. I have argued that the reason for this is Scanlon's view that the priority of the morality of right and wrong is derived from the commitment to the attractiveness of living in unity with others on terms they could not reasonably reject. This contingent and heteronomous foundation is incapable of providing an account of the necessary priority of contractualism.

c) The Amoralist

We recall from chapter one that the problem of the importance of what we owe to each other is brought out most starkly by the character of the amoralist. The amoralist is a rational person, a person who can even understand the vocabulary and meaning of moral reasoning, but who is unmoved by moral reasons. They do not recognise the normativity of these moral reasons. The amoralist poses a different problem from the person who challenges the priority of right and wrong. The challenge to the priority of right and wrong is premised on an acceptance of the normativity of what we owe to each other. But, as we have just seen, this person challenges the view that the morality of right and wrong has necessary normative priority over all other practical considerations and commitments. The challenge to the normativity of what we owe to each other in this instance is the relationship between the normativity of contractualism and the normativity of other reasons and values. The amoralist, on the other hand, questions the very

normativity of what we owe to each other. This is a challenge to the existence of reasons and values derived from contractualism, and their authority in their practical personhood. These people need not be immoral in their actions, that is, they may not do anything nasty or harmful. But that is merely a matter of coincidence, because their reasoning and their actions are not informed and constituted by moral reasons and the normative, obligatory, and prohibitive character of these reasons. As Bernard Williams says, the amoralist asks 'Why is there anything that I *should, ought* to do?'[57] The amoralist is rational, that is, he or she has and responds to reasons. These are people '...who can understand the difference between right and wrong but do not see, and perhaps even deny, that it is anything they have reason to care about.'[58]

Scanlon's concern with the amoralist centres on the nature of the rift that exists between a morally committed person and the amoralist. He first claims that the amoralist cannot merely claim exemption from the normativity of moral reasons on the grounds of taste or preference. According to Scanlon, moral reasons are different from reasons connected with enjoyment. Matters of personal preference and enjoyment are not considered morally relevant by Scanlon, and consequently '...unless their situation differs from ours in ways that are morally relevant, we must say that the moral reasons that apply to us apply to these people as well... [M]orality is not aimed at enjoyment, so the reasons to give it a place in one's life are not conditional in this way.'[59]

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[57] Bernard Williams, *Morality*, (Cambridge University Press, 1993), 3

[58] Scanlon, *What We Owe*, 158, it should be noted that there are many different ways of characterising the problem of amoralism, that will of course influence the kind of response offered. I will focus on the description given by Scanlon, as his arguments are my main concern.

[59] ibid.

The essence of the problem with amoralists is that they violate the kind of relationship that is constitutive of the unity of mutual respect in a moral association: they do not acknowledge the reasons for respect of practical personhood. The relationship of unity between those committed to the value of practical personhood stands at the foundation of the values and reasons of what we owe to each other. Scanlon notes that this relationship is of much wider significance than other kinds of relationships we may value. If we do not share recognition of the value of an artist or cuisine, we can still have a moral relationship with some that may not be aesthetically or gastronomically fulfilling.

> The effects of a failure to be moved by considerations of right and wrong are not, however, confined in this way. This failure makes a more fundamental difference because what is in question is not a shared appreciation of some external value but rather the person's attitude toward us – specifically, a failure to see why the justifiability of his or her actions to us should be of any importance. Moreover, this attitude includes not only us but everyone else as well, since the amoralist does not think that anyone is owed the consideration that morality describes just in virtue of being a person.[60]

The basic problem is that the core of the value of right and wrong is being ignored, and the core of that value is the practical personhood of individuals. They might be gentle, peaceful, and industrious, but they do not acknowledge the normativity of what we owe to each other, derived from the properties of practical personhood. 'The amoralist's failing seems so serious, Scanlon answers, because of its implications for his relations with the rest of us. He refuses to accord us moral standing, and that must affect our every interaction. That explains the

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[60] ibid., 159

depth of the divide between the morally blind compared to the musically insensitive.'[61]

Gerald Dworkin argues that the constructivism of Scanlon's contractualism provides the normativity of what we owe to each other.

> The essence of a hypothetical, contractualist scheme is that correct principles are defined as the ones that suitably characterized agents would choose or agree upon. Although there must be reasons why such agents would choose one principle rather than another – if they chose arbitrarily then we would have no basis for claiming a particular principle would be chosen – the relevant reasons (and the facts on which they are based) don't introduce the relevant normativity. That is introduced by the agreement or choice. There is a procedure of construction, and what emerges from that construction are the principles of [right and wrong].[62]

Dworkin is sympathetic to the ability of constructivist contractualism to provide determinate principles of right and wrong. But he is sceptical of the ability of constructivism to establish the normativity of principles on universally valid, objective grounds. His argument is that Scanlon's constructivism requires a particular prior motivational commitment. This is to the conditional commitment of wanting to live in a relationship of unity on the basis of mutual justification in terms of the properties of practical personhood. Dworkin asks: what of the disaffected, who have no commitment to such a unity?

> Remember that *the* reason that the fact that an action is wrong provides me with reason not to do it *is* just the fact that the action cannot be justified to others on grounds I could expect them to accept. But this is exactly the reason that the disaffected cannot

[61] Gary Watson, 'Contractualism and the Boundaries of Morality' in *Social Theory and Practice*, Vol. 28, No. 2 (April 2002), 237

[62] Gerald Dworkin, 'Contractualism and the Normativity of Principles', in *Ethics*, Vol. 112, No. 3, (April 2002), 476

see the force of, because they cannot see the value of being in unity with their fellow creatures. The very thing which explains our motivation to act rightly has no motivational force with them, and cannot, given their (defective) appreciation of the value of being in a certain relationship with others... If the right is constituted by the reasons people have for accepting or rejecting principles (when suitably motivated), then the authority of such principles for those who do not have such reason is put more centrally into doubt.[63]

It seems to me that Dworkin has identified the most serious flaw in Scanlon's contractualism, but somewhat mistated the origin of the problem. Dworkin argues that the problem with establishing the normativity of the principles of right and wrong derives from a motivational difference between the amoralist and the contractualist. But I think that the problem is deeper, and somewhat different. We recall from our discussions in chapter two, that Scanlon takes an internalist view of motivation, which means that individuals must take a reason as a consideration in order to be motivated by it. But whether or nor a person takes a reason as a consideration is different from the more philosophical question of the basis of the normative authority of moral reasons. The problem is not that Scanlon cannot show how people would come to be motivated to act on what we owe to each other, but rather that he cannot, by his own admission, explain why what we owe to each other has objective normative validity. If the problem of normative validity is not derived from a contingent motivational commitment, what is its source?

The amoralist is not someone who happens to have a different set of motivations from the contractualist. The amoralist is an expression of a

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[63] ibid., 481-2

philosophical scepticism regarding contractualism. It seems to me that the amoralist, as characterised by Scanlon, is someone who does not accept the justification of the foundations of contractualism, and therefore does not accept the justifications of the principles derived from contractualist reasoning. In other words, the amoralist denies that the morality of right and wrong applies to them. It is the view that contractualists may ascribe the origin and conclusions of what we owe to each other as they wish, but there is no objectively verifiable reason why this ascription applies to them also. In this sense, I think that the problem with amoralism is better described as a scepticism about the ascription of moral reasons. When understood as a scepticism regarding the ascription of moral reasons, the limits of the scope of Scanlon's contractualism are revealed most strikingly. On the one hand, Scanlon believes that the normativity of contractualist reasons are constituted objectively. This is clear from our earlier discussion of internal and external reasons. There Scanlon argued that the normativity of moral reasons is not constituted subjectively, that is, subjective motivations do not exempt individuals from the ascription of moral reasons. But Scanlon also believes that contractualism, or any moral theory it seems, cannot justify the ascription of moral reasons to those who do not accept their normative validity. I argued in chapter three that the space between the weak externalist account and the objectivity of moral reasons allowed for amoralism. In the discussion in chapter three I pointed out that this was a structural inconsistency because it seemed to invoke two contradictory claims: firstly that moral reasons are universal and necessary in scope and ascription; and secondly, that an agent could claim exemption from the same moral reasons because they were not

motivated by them. This structural problem is now revealed strikingly in the case of the person who denies that reasons against wronging apply to them. it seems to me that the problem of the amoralist is derived from two aspects of Scanlon's theory. Firstly, the formal space allowed for amoralism in the combination of objectivism and weak externalism about normative reasons. Secondly, Scanlon's choice of a heteronomous commitment to a life in unity as the source of the normativity of what we owe to each other.

The normativity of contractualism seems to turn on an assertion, rather than a justification. The assertion is that practical personhood is the origin of moral reasons and evaluations. Scanlon can explain why this rift is of profound importance to the kinds of relationships we can have with someone. But he cannot explain why the amoralist is mistaken to take the view he or she does. Scanlon is aware that this seems to place a limit on the scope of contractualism. But it seems as though he regards this limit as a necessary consequence of the problem posed by Prichard's dilemma. The amoralist might accept Scanlon's full account of practical reasoning as rational, but still reject the normative significance of the moral reasons of what we owe to each other. Contractualism, on Scanlon's view, cannot present an explanation of the validity of the universal and objective scope of moral reasons. We are not asking Scanlon for an account of how everyone actually will come to be motivated to act according to contractualism, we are not asking for an account of how contractualism would give everyone motivation to be good and act according to right. But we do need to resolve the paradox of the claim of the objective, necessary ascription of the normative authority of moral reasons, with the apparent inability to provide a

justification of this foundational ascription. This inconsistency could be resolved by taking either side of the paradox to its logical conclusion. We could accept either an explicitly limited and constrained in scope contractualism that accommodated amoralism, or, a thoroughgoing commitment to the objective validity and universal scope of normative reasons that declared claims to amoralism as mistaken and invalid. Unfortunately, neither resolution is found in Scanlon's contractualism.

4. Conclusion

Our discussion of Scanlon has come full circle. We began in chapter one by making the case against contractualism on the basis of its failure to answer the problem of amoralism and relativism. The developments in Scanlon's theory offer new and attractive insights into the nature of practical reasoning the nature of moral wrongness in particular. But Scanlon has still not found the resources with which to attain his explicitly stated aim of establishing the universal scope, the objective validity, and the normative necessity of contractualism. Perhaps the most general conclusion to be drawn from our survey of his arguments so far is that these problems cannot be addressed within the scope of contractualism as drawn by Scanlon currently. We have encountered often his reluctance to engage in a metaphysical argument in order to refute the forms of scepticism that we find in amoralism and value relativism. And this, I would argue strongly, is the problem. Scanlon's arguments against implausible metaphysics are entirely valid and appropriate. But there seems to me an alternative metaphysical tradition that could begin to answer the kinds of scepticism that confound contractualism. The explanation of this metaphysical alternative is the topic of the next chapter.

Chapter Six

TRANSCENDENTAL CONTRACTUALISM

Introduction

In the previous chapter we discussed the normative problem in Scanlon's contractualism. I argued that Scanlon was unable to establish the necessary normative authority, and necessary normative priority, of what we owe to each other. Scanlon's contractualism has failed to establish that the properties of practical personhood are ascribed objectively and a priori. If we can show that the ascription of practical personhood is objective, the amoralist is refuted; if we can show that the ascription of practical personhood is a priori, we have shown that what we owe to each other must take priority. This is the purpose of our final chapter.

1. Strawson and Persons

Scanlon states that his contractualism has the advantage of being able to establish objective reasons against wronging whilst avoiding metaphysical questions. I have argued that Scanlon has not adequately established the necessary a priori objectivity of the reasons against wronging. I will suggest that one possible route to establish the required a priori objectivity is to seize the metaphysical nettle. I will argue that one of the most promising rebuttals of the kind of scepticism that we are confronted with lies in Peter Strawson's descriptive metaphysics. The project begun in *Individuals* is an attempt to establish that the concept of a person is primitive, and that this concept necessarily includes the ascription of

personhood to self and other selves. I will explain that Strawson attempts to show this through transcendental arguments. My central claim is that the method of transcendental argument is the most promising means to establish the nature and substance of personhood. I will argue that Strawson's transcendental arguments are complementary to the contractualist project, but that they are incomplete for our purposes. I will combine Scanlon's arguments for reasons as primitive, with Strawson's arguments for persons as primitive. This will be a transcendental argument for practical personhood as the necessary condition for the possibility of self-consciousness; this will be an argument for the objective normativity of what we owe to each other. In order to make the case for the transcendental argument for practical personhood, we will step back from the discussion of morality, and look at the more basic question of persons.

a) Particulars

Strawson distinguishes two kinds of approach to metaphysics: revisionary and descriptive. Revisionary metaphysics aims at revolutionising the structure with which we see the world, whereas descriptive metaphysics aims at correctly describing the actual structure of our thought and experience. Strawson's approach is descriptive. He is concerned to describe the necessary conditions for the possibility of human thought and experience. *Individuals* 'aims at establishing the central position which material bodies and persons occupy among particulars in general. It shows that, in our conceptual scheme as it is, particulars of these two categories are the basic or fundamental particulars, that the concepts of other

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types of particulars must be seen as secondary in relation to the concepts of these."[1]

Our experience of the world consists, at least in part, in the experience of particulars. Some of these particulars we conceive of as separate from ourselves. Our perception of own lives will contain particular memories and incidents. But we also experience other people, objects, and episodes in history, as particulars independent from ourselves. Strawson's concern is to show that the experience and identification of particulars is a necessary feature of our experience of the world; that the world as we experience it must be composed of particulars. To say that the existence of particulars in our conceptual experience of the world is necessary is another way of saying that particulars are objective. The task of *Individuals* is to show in what way particulars are objective, and to describe those particulars that are most basic and fundamental to our experience and perception. We began this thesis by asking if Scanlon's reasons are objective, and I argued that they are not shown to be objective. We are now searching for a definition and account of the necessary conditions of our experience, an account of the nature and content of the objectivity of our experience.

The importance of particulars to our experience of the world is evident from an examination of our ordinary speech. If I speak to my friend Jamie about our mutual friend Richard, I have referred to Richard as a particular person. If Jamie has understood my reference to Richard and understood that I refer to Richard rather than another friend Gareth, Jamie has identified the particular in question, Richard.

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[1] P. F. Strawson, *Individuals: an essay in descriptive metaphysics*, (London, Routledge, 2002), 11

It is not merely a happy coincidence that we are often able, as speakers and hearers, to identify the particulars which enter into our discourse. That it should be possible to identify particulars of a given type seems a necessary condition of the inclusion of that type in our ontology. For what could we mean by claiming to acknowledge the existence of a class of particular things and to talk to each other about members of this class, if we qualified the claim by adding that it was in principles impossible for any one of us to make any other of us understand which member, or members, of this class he was at any time talking about? The qualification would stultify the claim.[2]

When I refer to Richard he is a particular person in himself of course. But there are other particular features that contribute to the particular that is Richard. Some of these particulars are more fundamental than others to our identification of particulars, and to the constitution of those particulars. The identification occurs within a unified framework, which encapsulates every kind of particular. This unifying framework is the spatio-temporal structure. The ubiquity and unity of the spatio-temporal structure means that every particular will have a relationship to every other particular within this structure. 'It cannot be denied that this framework of knowledge supplies a uniquely efficient means of adding identified particulars to our stock. This framework we use for this purpose: not just occasionally and adventitiously, but always and essentially.'[3] Strawson notes that if we referred to a particular that did not exist in any distance from this space or at any distance from this time, we would have to concede that this particular did not really exist. 'We are here dealing with something that conditions our whole way of talking and thinking, and it is for this reason that we feel it to be

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[2] ibid., 16
[3] ibid., 24

non-contingent.'[4] We might be struck with the anxiety that there exists a multitude of spatio-temporal frameworks, and that whilst me might concede that space and time are necessary to the identification of particulars, we cannot establish that there is a unique framework of space and time. But Strawson notes that this anxiety neglects the fact that we ourselves exist within the spatio-temporal framework, and we know of ourselves uniquely, and therefore we can be assured that there exists one spatio-temporal framework that constitutes our experience of reality. We can be confident, at least to begin with, that our shared identification of particulars within a common spatio-temporal framework affirms that we are not each of us existing in a unique private spatio-temporal framework.

A sceptic might suggest that whilst we can establish that a common ubiquitous spatio-temporal framework is necessary for the identification of particulars, we cannot establish the reidentification of particulars. Each particular identification might be unique and discontinuous. This reminds us perhaps of Parfit's arguments about the self in *Reasons and Persons* where our identification of ourselves in the past and future is discontinuous. We do not reidentify ourselves; we are identifying different selves.

Strawson responds that this sceptical view of reidentification is contradictory: it allows itself something that it means to deny. If experience were discontinuous and reidentification impossible, there would be no *doubt* about the reidentification of particulars. The notion of doubt about the reidentification of particulars only makes sense is there if the concept of reidentification in which to state those doubts. Thus the sceptic needs to invoke the very concept he doubts in

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[4] ibid., 20

order to state his case. 'He pretends to accept a conceptual scheme, but at the same time quietly rejects one of the conditions of its employment. Thus his doubts are unreal, not simply because they are logically irresoluble doubts, but because they amount to the rejection of the whole conceptual scheme within which alone such doubts make sense.'[5] (Strawson, 1959, p. 35). Thus we can establish that the spatio-temporal system is a necessary part of our conceptual scheme, and is partly constitutive of the reality that we experience.

Space and time are part of the necessary structure of our conceptual framework, and are necessary for the identification and reidentification of particulars. But as we saw from the example of the identification of my friend Richard, we can ask if there are any particulars which are fundamental and basic to the identification of other particulars. If I refer to my friend Richard, does this depend on the more basic particular of friend, male person, human animal, and so on? The existence of space and time as the basic framework of particular identification still leaves us with the question '...is there any one distinguishable class or category of particulars which must be basic from the point of view of particular-identification?' This question has two aspects: firstly, is there a class or category of particular which is fundamental to the identification of all other particulars but which can be identified independently of all other kinds and categories of particulars; and secondly, can this class or category of particular be derived or deduced from the necessary spatio-temporal structure of our conceptual framework? Strawson answers affirmatively to both.

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[5] ibid., 39

We have seen that identification rests on the location of objects in particular space and time. Space and time is fundamental to the identification of particulars. But the notions of space and time can only be given meaning, can only be conceptualised, in terms of objects with a particular location in space and time. Space and time are not separate from, or extraneous to, objects with spatio-temporal qualities. We cannot conceive of objects without spatio-temporal qualities, and we cannot think of space and time without the concepts of particulars. If space and time and spatio-temporal objects are interdependent, we can ask: which, if either, is fundamental and constitutive? Strawson's answer is that the framework, as the general scheme, is constituted by those objects. The most basic kind of object that could serve as the basis for the identification of other particulars, but could not be identified on the basis of any other kind of particulars, is a material body.

> It seems that we can construct an argument from the premise that identification rests ultimately on location in a unitary spatio-temporal framework of four dimensions, to the conclusion that a certain class of particulars is basic in the sense I have explained. For that framework is not something extraneous to the objects in reality of which we speak. If we ask what constitutes the framework, we must look to those objects themselves, or some among them. But not every category of particular objects which we recognize is competent to constitute such a framework. The only objects which can constitute it are those which can confer upon it its own fundamental characteristics. That is to say, they must be three-dimensional objects with some endurance through time... Of the categories of objects which we recognize, only those satisfy these requirements which are, or possess, material bodies – in a broad sense of the expression. Material bodies constitute the framework. Hence, given a certain general feature

of the conceptual scheme we possess, and given the character of
the available major categories, things which are, or possess,
material bodies must be the basic particulars.[6]

It is commonly supposed in the history of philosophy that material bodies

are not the most basic kind or particular. Material bodies, it has been suggested,

are the agglomeration of the more fundamental particular of the personal

experience of sense data. Strawson argues that the private experiences of sense

data are themselves dependent on the material body of a person (or perhaps

animal) who is the locus of these perceptions. We cannot think of the notion of a

private experience of a red thing, or a hot thing, without the conceptually prior

notion of a material body of a person who is able to sense and perceive these

experiences.

The principles of individuation of such experiences essentially
turn on the identities of the persons to whose histories they belong.
A twinge of toothache or a private impression of red cannot in
general be identified in our common language except as the
twinge which such-and-such an identified person suffered or is
suffering, the impression which such-and-such an identified
person had or is having. Identifying references to 'private
particulars' depend on identifying references to particulars of
another type altogether, namely, persons.[7]

In summary, Strawson argues that particulars are the basic unit of our

experience and understanding. The identification of particulars rests on their

unique occupation of spatio-temporal location. The spatio-temporal framework is

common and singular. The spatio-temporal framework does not exist

independently or extraneously from particular objects. In fact, the notion of a

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[6] ibid.
[7] ibid., 41

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spatio-temporal framework is constituted by material bodies. Material bodies can be shown to be the most basic kind or category of particular in terms of which every other individual particular must be identified. Strawson adds that persons, in their most fundamental aspect, are material bodies, and further, intends to show that persons are in fact the most basic material bodied particular. The argument now proceeds to establish that persons are the basic particulars, and what the nature of personhood, that the basic particular is.

We have so far been discussing the notion of the identification of particulars in speech and thought. We saw that Strawson specified that the particulars should be publicly available and observable to meet the objection of privacy in identification. Strawson now asks if we can establish a much stronger identity for basic particulars, a sense that is independent from the speaker-hearer relationship. Can we establish the necessary conditions for the possibility of identification of objective particulars:

> ...I intend it as a question about the condition of the possibility of identifying thought about particulars distinguished by the thinker from himself and from his own experiences or states of mind, and regarded as actual or possible objects of those experiences. I shall henceforth use the phrase, "objective particulars" as an abbreviation of the entire phrase, "particulars distinguished by the thinker etc."[8]

Strawson's approach to this question is to ask if material bodies are necessary to the identification of objective particulars. Previously, Strawson argued that basic particulars as material bodies can be derived from the spatio-temporal nature of our conceptual framework. If material bodies are not

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[8] ibid., 61

necessary to the identification of objective particulars, this could be shown by the valid proposition of a world of experience from which a feature of material bodies is absent. Can we propose a world of objective particulars by taking away the notion of spatial identity to see if objective particulars could be identified without material bodies. 'I suggest that we inquire whether there could be a scheme which provided for objective particulars, while dispensing with outer sense and all its representations. I suggest that we explore the No-Space world. It will at least be a world without bodies.'[9]

b) Objective Particulars, Solipsism, and Persons

The notion of a No-Space world would be a world of sounds. The notion of a spatial location for sound is not intrinsic to its existence. Sounds may be to our left, or behind us, but their intrinsic qualities are rather pitch, volume, and timbre. We can conceive of an auditory world which has no spatial relations, but we cannot conceive of a purely auditory conception of space. Pitch, volume, and timbre cannot between them provide for any spatial location. 'The question we are to consider, then, is this: Could a being whose experience was purely auditory have a conceptual scheme which provided for objective particulars?'[10]

The discussion of a purely auditory world of sounds might sound a very unlikely route through which to refute the normative sceptic. We recall, however, that we are enquiring into the possibility of objective particulars. Our question is: are material bodies necessary conditions for the existence of objective particulars? The notion of a world of sounds is an attempt to construct a world of objective

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[9] ibid., 63
[10] ibid., 66

particulars without the existence of material bodies, thereby showing that objective particulars are not dependent on material bodies. In the process of asking the question, we are in fact raising a more general question about the nature and possibility of objectivity. The more general question about the nature and possibility of objectivity is raised in two senses. Firstly, we are considering the possibility of a kind of particular without material embodiment: the nature of objective particulars. Secondly, we are addressing the more general question of the existence of a consciousness that has a distinction between him or herself, and particulars that are not him or herself. We are enquiring into the possibility of objects as the basis of objectivity. If we cannot establish the conditions for objective particulars, we have neither established the conditions of possibility for objects, nor of a consciousness that could make a difference between him or herself and objects that are not him or herself. The discussion of the nature and possibility of a world of sounds is one way to begin to answer the problem of solipsism.

> So I shall provisionally interpret the question, "Can the conditions
> of knowledge of objective particulars be fulfilled for a purely
> auditory experience?" as meaning: "Could a being whose
> experience was purely auditory make use of the distinction
> between himself and his states on the one hand, and something not
> himself, or a state of himself, of which he had experience, on the
> other?" This question, for the sake of a convenient phrase, I shall
> re-express as follows: "Can the conditions of a non-solipsistic
> consciousness be fulfilled for a purely auditory experience?" That
> is to say, I shall mean by a non-solipsistic consciousness, the
> consciousness of a being who has a use for the distinction between
> himself and his states on the one hand, and something not himself
> or a state of himself, of which he has experience, on the other; and

by a solipsistic consciousness, the consciousness of a "being who had no use for this distinction."[11]

Strawson's discussion of the sound world is rich and complex. His conclusions are that it is possible, through extended analogies with the world as it is, to conceive of the possibilities of the reidentification of particulars, and the notion of a non-solipsistic consciousness. But even though the possibilities can be constructed, it remains unclear if they amount to a certainly affirmative answer to our two questions. The discussion of the no-space world is not an attempt to construct an alternative reality, but rather a technique to tease out the necessary conditions for our experience of the world as it is. Whilst the no-space world can provide room for the notion of a non-solipsistic consciousness, this consciousness would be sound itself. Thus there does not seem to be an adequate distinction between a subject and object in order to provide for the possibility of non-solipsistic consciousness. One of the main purposes of this discussion is to show that the no-space world presents a general problem of solipsism, of other minds. What is the nature of the conscious subject, and what is the nature of the relationship of consciousness to basic particulars? The question of the non-solipsistic consciousness in the no-space world forces us to ask whether

> ...to have the idea of himself, must he not have the idea of the
> subject of the experiences, of that which has them? So it might
> begin to look impossible that he should have the idea of himself –
> or at any rate the right idea. For to have the idea at all, it seems
> that it must be an idea of some particular thing of which he has
> experience, and which is set over against or contrasted with other
> things of which he has experience, but which are not himself. But
> if it is just an item *within* his experience of which he has this idea,

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[11] ibid., 69

how can it be the idea of that which *has* all of his experiences and now we seem to have come upon a form of problem which is completely general, which applies as much to the ordinary as to the auditory world. It must, it seems, be soluble for the ordinary world.[12]

When we refer to ourselves we use many notions such as tall, hot, awake, determined, unfit, worried. We ascribe to ourselves properties and qualities which we would only ascribe to objects we consider persons. There can often occur schisms in conception of self however. Our spirit might be willing but the flesh weak. We may look at ourselves in the mirror and ask, in what sense is that object me?

> Now there seems nothing needing explanation in the fact that the particular height, colouring, physical position which we ascribe to ourselves should be ascribed to *something or other*, for that which one calls one's body is, at least, a body, a material thing. It can be picked out from others, identified by ordinary physical criteria and described in ordinary physical terms. But, so long as we keep that for the present indispensable sense of strangeness, it can and must seem to need explanation that one's states of consciousness, one's thoughts and sensations, are ascribed *to the very same thing* to which these physical characteristics, this physical situation, is ascribed. That is, we have not only the question: *Why are one's states of consciousness ascribed to anything at all?* We have also the question: *Why are they ascribed to the very same thing as certain corporeal characteristics, a certain physical situation, &c.?*[13]

It would be uncontroversial to assert that material bodies perform a crucial role in our sense perception. My vision relies on my eyes, my touch on my skin, taste on my mouth. This explains perhaps why persons are particularly

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[12] ibid., 89
[13] ibid., 89-90

attached to their bodies. But the notion of a person as a locus of particular consciousness is not explained by the mere responsiveness to stimuli. The existence of a material body does not explain the concept of a self, nor the ascription of selfhood to material bodies. 'They do not explain the concept of a person.'[14]

Strawson's argument for the nature of personhood begins with a rejection of a Cartesian and no-ownership view of persons. The Cartesian view suggests that the notion of a person consists in two different kinds of substance: corporeal and incorporeal. On this view, states of consciousness can be ascribed to one or other kind of substance, but not both. The no-ownership view holds that consciousness cannot be ascribed to material bodies at all. On this view, the material body is the subject of empirical experiences, but there is no self or ego that owns or has these experiences, there are only material bodies with experiences. We will examine Strawson's refutation of the no-ownership view first, before turning to the question of Cartesian dualism.

It is normal for us to assume that the experiences of particular persons are particular to them. In other words, Richard's toothache is Richard's toothache, and clearly distinguishable from Jamie's toothache. In this sense, Richard 'owns' the experience of his toothache. The no-ownership view, on the other hand, asserts that items of consciousness, such as toothaches, are only the result of causal effects on material bodies. The material body of a person stands in a causal relationship with other materials bodies, as cause and effect. The no-ownership view reduces the notion of consciousness down to the experiences had by material

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[14] ibid., 94

bodies. The particularity is located in the experience and not in the consciousness of the experience. So, the particular experience of toothache *x*, could be had by body *a*, but the particular experience of toothache *x* could, as a matter of empirical causal effect, be had by body *b*. The notion of ownership of particular experience *x* by *a* or *b* is a fiction derived from the mistaken view that the particularity of the experience of *x* is given by particular consciousness of it, rather than its material and causal particularity. 'The no-ownership theorist... clams that items of consciousness are only causally related to the bodies which are persons. They are independent entities in their own right, which could be the particular items they are, even if they were causally related to other bodies than they in fact are.'[15] In a famous passage, Strawson says that the no-ownership theorist supposes that persons as material bodies are the subject of experiences as material causal effects, and opposes the view that there is something else, an ego or noumenal self, which is necessary to own those experiences.

> Suppose we call the first type of possession, which is really a certain kind of causal dependence, "having$_1$", and the second type of possession "having$_2$"; and call the individual of the first type "B" and the supposed individual of the second type "E". Then the difference is that while it is genuinely a contingent matter that *all my experiences are had$_1$ by B*, it appears as a necessary truth that *all my experiences are had$_2$ by E*. But the belief in E and the belief in "having$_2$" is an illusion. Only those things whose ownership is logically transferable can be owned at all. So experiences are not owned by anything except in the dubious sense of being causally dependent on the state of a particular body; this is at least a genuine relationship to a thing, in that they might have stood in it to another thing. Since the whole function

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[15] Cale John Crowley, *Strawson's Theory of the Person in Individuals*, (London, University Microfilms International, 1980), 76-77

of E was to own experiences, in a logically non-transferable sense of "own", and since experiences are not owned by anything in this sense, for there is no such sense of "own", E must be eliminated from the picture altogether. It only came in because of a confusion.[16]

This position amounts to a scepticism about the self as embodied persons to whom states of consciousness can be ascribed. As such, Strawson attempts to show that it is incoherent. His initial strike against the no-ownership view is similar in nature to the refutation of the sceptic who questioned the reidentification of continuous particulars. There, we recall, Strawson pointed out that the sceptic relies on the notion of the reidentification of particulars in order to state the doubt. In the no-ownership case, the no-ownership theorist relies on the notion of a self as owner of states of consciousness in order to state the no-ownership theory. The no-ownership theorist says that 'All *my* experiences are had_1 by (i.e. uniquely dependent on the state of) body B.'[17] But this is an ascription of consciousness to a body. It is necessary to ascribe consciousness, or ownership, in order to make the sentence sensible, although the *my* is precisely what the no-ownership theorist is attempting to refute. If our theorist did not use the notion of *my*, this would make no sense, as it is clearly not the case that 'All experiences are had_1 by body B.' The no-ownership theorist arrives at this predicament because he or she has located the contingent particularity of the experience in the body and not the consciousness. The theorist also cannot make all particular experiences of a person, *x*, identical to the experiences of a body, B, because this would be an analytical statement that would not succeed in

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[16] Strawson, *Individuals*, 96
[17] ibid.

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specifying the particularity of the experiences independently of the person who has those experiences. The point of the no-ownership theory is to show that particularity is not given by the person's experiences, but by the body's causal state and effect. The statement that all x's particular experience are experiences of body B relates the person and the body through identification, but the no-ownership view is that there is no such relationship, and that the body's experiences are particular as part of the causal material system, and these particular experiences could be had by x or y or z equally. The no-ownership theorist cannot say that body A, B, and C's experiences are all identical, as that would fail to individuate them as particular causal events. The particularity has to be ascribed to a particular experience had by a particular body. But as the causal experience is un-individuated unless it happens to a particular body, so too the body is un-individuated unless it is the unique bearer of particular experiences. And so the particularity of experiences cannot be maintained if they are not individuated by being the experience of a particular body and none other. This kind of individuating particularity is anathema to the no-ownership theorist as they want to maintain that the causal experiences of bodies could be had by any other body, thus they are not owned by a particular body exclusively. But as we have just seen, the particularity of the causal experience cannot be dependent on the connection between the body and the experience. Experience r by body B is not equal to experience r by body C. It is either B's experience, r, or C's experience, r. It cannot be both Br and Cr. That amounts to saying that Richard's toothache is Jamie's toothache. Toothache might be essentially toothache, but Richard's toothache is his own, and Jamie's is his and not Richard's. And so

Strawson argues that the no-ownership view cannot form a coherent notion of a particular experience had by a body that is also transferable in identity.

> ...the theorist cannot consistently argue that 'all experiences of person P' *means the same thing* as 'all experiences contingently dependent on a certain body B'; for then his proposition would not be contingent, as his theory requires, but analytic. He must mean to be speaking of some class of experiences of the members of which it is in fact contingently true that they are all dependent on body B. The defining characteristic of this class is in fact that they are "*my* experiences" or "the experiences *of* some person", where the idea of possession expressed by "my" and "of" is the one he calls into question... States, or experiences, one might say, *owe* their identity as particulars to the identity of the person whose states or experiences they are. From this it follows immediately that if they can be identified as particular states of experiences at all, they must be possessed or ascribable in just that way which the no-ownership theorist ridicules; i.e. in such a way that it is logically impossible that a particular state or experience in fact possessed by someone should have been possessed by anyone else. The requirements of identity rule out logical transferability of ownership. So the theorist could maintain his position only by denying that we could ever refer to particular states or experiences at all; and *this* position is ridiculous.[18]

For Strawson, the alternative of Cartesian dualism is equally unattractive. The dualist suggests that there are two different substances, say, mind and body, and that states of consciousness can only be ascribed to one and not the other. In first person terms, I may be aware of my physical existence and its experiences, and of my thoughts and cognitions. I might find the two so different in kind that I ascribe my consciousness to my thinking self, as it is in thought that I arrive at the notion of self in the first place. Strawson objects however that to be able to

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[18] ibid., 97

ascribe states of consciousness to oneself, one must be able, in principle to ascribe them to others. If I want to express an experience to another, I must be able to ascribe my experience to myself, distinguish it from the other's, and explain that it is my experience I am referring to. If I wish to identify an experience of another person, I must be able to identify that other's conscious experience as theirs, and different from mine. If I was unable to do this, I could not be said to be ascribing states of consciousness at all, as those states would relate to no body, and no self. The ascription of consciousness to an ego, as self, relies on the identification of the particular ego and its distinction from other egos. But if we ascribe consciousness to an ego as a self, how are we to distinguish other egos and selves? If an ego is incorporeal, how do we distinguish other selves?

> If, in identifying the things to which states of consciousness are to
> be ascribed, private experiences are to be all one has to go on,
> then, just for the very same reason as that for which there is, from
> one's own point of view, no question of telling that a private
> experience is another's. All private experiences, all states of
> consciousness will be mine, i.e., no one's. To put it briefly. One
> can ascribe states of consciousness to oneself only if one can
> ascribe them to others. One can ascribe them to others only if one
> can identify other subjects of experience. And one cannot identify
> others if one can identify them *only* as subjects of experience,
> possessors of states of consciousness.[19]

The dualist might suggest that there is no problem in ascribing states of consciousness to others as we recognise what it is to ascribe states of consciousness to ourselves. Why cannot a person say that just as my consciousness stands in a special relationship to this body, so does that other ego stand in special relationship to that other body? But this gets the argument the

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[19] ibid., 100

wrong way around. It uses the very notion of self-ascription that we are trying to explain. We may also ask, on what basis do we assume that one ego is only ever ascribed to one body?

Strawson's objection to the no-ownership view and the dualist view of the self prepares the ground for his theory of persons. The no-ownership view could not establish the particularity necessary to self-consciousness from the mere fact of material embodiment. The dualist view on the other hand was unable to establish the particularity of embodied selves, as it could not establish why consciousness would be ascribed to any particular self. Strawson proposes a different conception of the self which is able to avoid the problems of dualism and no-ownership. This is the embodied self as basic particular.

c) Embodied Self as Basic Particular

> What we have to acknowledge, in order to begin to free ourselves
> from these difficulties, is the primitiveness of the concept of a
> person. What I mean by the concept of a person is the concept of
> a type of entity such that *both* predicates ascribing states of
> consciousness *and* predicates ascribing corporeal characteristics, a
> physical situation &c. are equally applicable to a single individual
> of that single type.[20]

Strawson notes that although it is common to speak of persons as composed of a corporeal subject and a conscious subject, this dualism likely ends in an incoherent no-ownership view. A person must be a fundamental unity of an embodied self-consciousness, fundamental in the sense that it cannot be broken down into further notions of ego and body. We can of course make distinctions between egos and bodies, but these are secondary distinctions, derived from the

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[20] ibid., 101-2

original primitive concept. They depend on the prior notion of an embodied, differentiated self, which, as we have seen, is unobtainable from an original distinction between egos and bodies. The previous arguments have shown that the identification of the self requires the ascription of consciousness to material bodies. This premise is required for the concept of a consciousness to have any meaning at all. Both arguments inevitably relied on a notion of the self as a concept to which predicates ascribing physical characteristics and predicates ascribing consciousness are applicable.

Not all material bodies are persons. All material bodies, however, can have certain physical characteristics or predicates ascribed to them. Their mass, size, location etc. Strawson calls these M-predicates. There are other predicates that we ascribe to persons only, such as angry, clever, is suffering. These are P-predicates. We can ascribe both M- and P-predicates to persons. P-predicates imply consciousness to the object in question. We have seen from the previous section's arguments, that the identification of self-conscious persons relies on the ability to ascribe consciousness to oneself, and to other selves. Thus Strawson's notion of the primitive nature of the self must be able to explain how we are to identify and ascribe P-predicates to ourselves and other selves. We begin this ascription through self-reflection on our experiences and behaviour, and then observe the experiences and behaviour of other. But this observation amounts to more than speculative deductions from patterns of experience. These ascriptions are derived from logically adequate criteria for the ascription of states of consciousness. For if they were not logically adequate criteria for ascriptions of

states of consciousness, then we would be in the same dilemma as that faced by the dualist.

> There is no sense in the idea of ascribing states of consciousness
> to oneself, or at all, unless the ascriber already knows how to
> ascribe at least some states of consciousness to others. So he
> cannot argue in general "from his own case" to conclusions about
> how to do this; for unless he already knows how to do this, he has
> no conception of *his own case*, or any *case*, i.e. any subject of
> experiences. Instead, he just has evidence that pain &c. may be
> expected when a certain body is affected in certain ways and not
> when others are. If he speculated to the contrary, his speculations
> would be immediately falsified.[21]

Thus the ascription of P-predicates is derived from the primitive notion of the self as a concept to which corporeal and consciousness predicates can be ascribed. The self is once again shown to be an essential condition for the possibility of ascription of consciousness to oneself, and to other selves.

The necessity of self-and other ascription of P-predicates on the basis of logically adequate criteria, is part of Strawson's answer to the problem of other minds. The other minds sceptic suggests that we may be able to ascribe states of consciousness to ourselves, but that we are unable to ascribe them correctly to others. Strawson has been at pains to show that it must be possible to ascribe P-predicates to both ourselves and to others. The other minds sceptic suggests that there is logical gap between the criteria we use to ascribe P-predicates and the actual state referred to in the P-predicate. In other words, the other minds sceptic says that there is a divide between the criteria we have for judging that someone is depressed, and the actual state of being depressed itself. The sceptic would assert

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[21] ibid., 106

that the outward behaviour of being depressed is merely a sign of anger. But if there is doubt about the relationship between the ascribed P-predicate and the behaviour in others, why is there any greater confidence in its ascription to the self? This could only be if the sceptic was using a special insight into their own consciousness that invoked the use of self. We have seen from the no-ownership argument that this cannot be sustained without the notion of self and other ascription. The other minds sceptic is in an even more incoherent position than the no-ownership theorist, who at least did not privilege their own states of consciousness.

> ...if this logical gap is allowed to open, then it swallows not only his depression, but our depression as well. For if the logical gap exists, then depressed behaviour, however much there is of it, is no more than a sign of depression. But it can only become a sign of depression because of an observed correlation between it and depression. But whose depression? Only mine, one is tempted to say. But if *only* mine, then *not* mine at all. The sceptical position customarily represents the crossing of the logical gap as at best shaky inference. But the point is that not even the syntax of the premises of the inference exists, if the gap exists.[22]

The methods of application of the logically adequate criteria are different, in that we ascribe P-predicates to ourselves on a non-observational basis. That is, we do not need to observe the behaviour of depression in ourselves in order to ascribe the predicate of 'is depressed' to ourselves. But our ascription to others is done on the basis of logically adequate criteria applied through observation. This does not imply that there are two different kinds of P-predicates that are applied to self and others. It is rather that the P-predicate of 'is depressed' is applied on

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[22] ibid., 109

different grounds, both of which are logically adequate and are derived from the necessity of self and other ascription of P-predicates.

We recall that Strawson raised two questions with regard to the nature of persons: why are states of consciousness ascribed at all, ascribed to anything; and why are they ascribed to the very same thing as certain corporeal characteristics? Strawson's discussion so far has aimed at showing that states of consciousness are ascribed because of the primitiveness of the concept of a person, and the unique nature of P-predicates. But this is not a fully adequate description of the concept of a person. Strawson says that the remainder left by these two argument amounts to the question: 'How is the concept of a person possible?'[23]

Strawson's answer is not fully comprehensive. But he does make three arguments that help us ground the notion of an individual person as a basic particular: '...it is easier to understand how we can see each other, and ourselves, as persons, if we think first of the fact that we act, and act on each other, and act in accordance with a common human nature.'[24] Persons, as particulars to which M- and P-predicates can be ascribed, have the capacity for intentional physical action, whether coiling a rope, or dancing a jig. When we notice others coiling a rope or dancing a jig, the expression of intentional human bodily movement is distinctive, according to Strawson, and helps us ground the concept of a person. The concept of a person for Strawson intrinsically includes the notion of intentional action. Our interaction with others proceeds on the basis that we ascribe to them the notion of personhood, of practical persons.

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[23] ibid., 110
[24] ibid., 112

It is important that we should understand such movements, for they bear on and condition our own; and in fact we understand them, we interpret them, only by seeing them as elements in just such plans or schemes of action as those of which we know the present course of future development without observation of the relevant present movements. But this is to say that we see such movements as *actions*, that we interpret them in terms of intention, that we see them as movements of individuals of a type to which also belongs that individual whose present and future movements we know about without observation; it is to say that we see others as self-ascribers, not on the basis of observation, of what we ascribe to them on this basis.[25]

And so we have an account of the nature of persons. In summary, Strawson argues that there are certain necessary conditions, and necessary structures to our understanding of persons. Firstly, they are material bodies located in time and space. Secondly, these material bodies can be shown to be a basic particular in our conception of the world. Persons are a primitive concept. The nature of the primitive concept is that it is a material body to which we can ascribe both material predicates and predicates of consciousness. The dual notion of mind and body are derived from this prior primitive concept of the self as a materially embodied person. Solipsism can be refuted as we could not conceive of a world in which there is no distinction between self, other selves, and world. Our concept of a person includes the notion of practical intentional agency, which is given in our personal actions, our interactions with other persons, and our recognition of a shared human nature.

My intention in turning to Strawson's argument about persons was to help us refute the normative sceptic. This work is yet to be done. But before these

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[25] ibid.

arguments can be successfully employed against the normative sceptic, I will discuss Strawson's argument further. I will first discuss Strawson's argument as a transcendental argument. I will then examine the content of Strawson's argument, and ask if it is sufficient for our purposes. I will first examine some well known objections to transcendental arguments before looking at the application of Strawson's argument to contractualism and the refutation of normative scepticism.

2. The Validity of Transcendental Arguments

Although Strawson uses the term only in passing, many of the arguments in *Individuals* are transcendental in structure. Transcendental arguments are perhaps most famously associated with Kant's critical philosophy. Strawson has of course written about Kant's transcendental idealism, and argued that certain transcendental arguments can be split off from Kant's idealism. It is not my intention to discuss Kant's transcendental idealism. The question of Strawson's interpretation of Kant's idealism does not directly concern the argument for the nature of persons in *Individuals*. The question of the relationship between Strawson's transcendental arguments for persons as primitive and Kant's notion of the self and personhood is important and fascinating, but I will leave it to one side. I will instead focus on the arguments as we find them in *Individuals*, and ask if they work in their own terms.

Whilst it is now quite common to speak of transcendental arguments, there is wide controversy and disagreement about their nature, status, and employment. We may begin with a very broad generalisation that transcendental arguments are meant to show that certain conclusions are necessarily connected with certain premises. Such arguments are often phrased in terms of: *P, if P then Q, therefore*

Q, where Q is said to be a necessary condition for the possibility of P. The point of this approach is to show anyone who accepts P that they must accept Q as a necessary condition for the possibility of P, therefore P and Q are necessarily entailing. Scepticism of P must include scepticism of Q, and so no-one can employ Q in order to sceptically doubt P. These kinds of arguments are frequently found in discussions of epistemology, and the refutation of the sceptic about the external world. The sceptic might want to deny the necessity of causality whilst affirming the reality of the natural world, whereas the transcendental philosopher would try to show that causality is a necessary condition for the possibility of the experience of the natural world. This outlines the basic epistemological structure of transcendental arguments. But transcendental arguments can be employed with a more overtly metaphysical intention. Their aim is not solely to explain what is the case by entailment or induction. Their aim is to establish objective, necessary, features of the world and our cognition of it, a priori. This aim is derived from the challenge that all knowledge of the world is a posteriori, and the further extension of this claim that we cannot establish any objective features of the world. The transcendental ambition is to show, through reasoning, that the structure of apprehension and understanding takes a determinate and necessary form, and that the world as we experience it is imbued with certain objective and necessary features. Transcendental arguments state that knowledge of the world is not constituted solely by experience of the world; rather, experience of the world is constituted, in part, by our prior, a priori, categories, concepts, categories, and faculties. These in turn have a necessary structure and application. The distinctive feature of

transcendental arguments is therefore that the object of analysis is dissected for its necessary, a priori features. The validity of the arguments depends on their ability to show that all kinds of thought and experience of the world are constituted by certain features and imbued with a determinate structure. The hope is, that by a forensic examination of these necessary, a priori structures, these objects (conceptual schemes, features of the world) are shown to have an inescapable essential nature. It is in this sense that transcendental arguments hope to establish the necessary, objective, a priori nature of their objects.

It should be of no surprise that such arguments are controversial. Barry Stroud has raised perhaps the most famous contemporary objection to the employment of transcendental arguments. He suggests that transcendental arguments can only provide a contingent and even hypothetical conclusion: the most they can prove is that a belief, *that Q*, is a necessary condition for the possibility of *P*.

> An examination of some recent attempts to argue in analogous
> fashion suggests that, without invoking a verification principle
> which automatically renders superfluous any indirect argument,
> the most that could be proved by a consideration of the necessary
> conditions of language is that, for example, we must *believe* that
> there are material objects and other minds if we are to be able to
> speak meaningfully at all.[26]

They can show that *Q* is a necessary condition for the possibility of *P*, but they can say nothing about the reality, nature, or status of either *P* or *Q*. The supposed necessity of the conclusions of the transcendental arguments is in fact nothing more than a contingent conclusion. This objection does seem to have

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[26] Barry Stroud, 'Transcendental Arguments' in *Understanding Human Knowledge*, (Oxford University Press, 2000), 25

great force when applied to questions of empirical reality.[27] Does Stroud's objection hold for transcendental arguments in their entirety, and therefore to Strawson's arguments for persons?

We can identify several different kinds of transcendental arguments.[28] The kind that we have just described in the example of the external world may be described as world-directed transcendental arguments (these are sometimes described as truth-directed, but I think world-directed is more accurate). They aim to deduce the necessary conditions of our true experiences of the world, thereby establishing the true nature of the world itself. But transcendental arguments may begin with a different kind of premise, and may be oriented towards our selves. Self-directed arguments concern both our experiences and the conditions necessary for those experiences. Self-directed transcendental arguments can be directed at our experiences, our beliefs, and our conceptual scheme. It should be noted that self-directed transcendental arguments do not necessarily aim to show the actual beliefs, experiences, or conceptual schemes of people. Individuals may have any kind of confusion, misapprehension, idiosyncrasy, or disorder, but self-directed transcendental arguments are aimed at the philosophical necessity and validity of our notion of persons. In this sense, self-directed transcendental arguments have the possibility of avoiding Stroud's objection. They can aim at objectivity in the form of a priori universality and necessity in the conditions of personhood. And here we return to Strawson's arguments regarding persons. Without rehearsing the details of the arguments, it

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[27] It should be noted in passing that Kant's transcendental idealism might be more resilient to Stroud's criticism, as there is an inherent contingency derived from the ineffability of the noumenal.

[28] This taxonomy is derived, in revised form, from that offered in Robert Stern, *Transcendental Arguments and Scepticism*, (Oxford, Clarendon Press, 2000), 6-9, and Quassim Cassam, 'Self-Directed Transcendental Arguments' in Robert Stern ed., *Transcendental Arguments: Problems and Prospects*, (Oxford, Clarendon Press, 1999), 83

should be clear that Strawson is providing a self-directed transcendental argument about our experience, beliefs, and concepts of individuals and persons. The world directed transcendental argument occurs first, when Strawson argues that space and time are the necessary conditions for the identification of particulars. He then proceeds to argue that space and time cannot be experienced or conceptualised prior to, or independently from, material objects. Material objects are therefore the most basic kind of particular, and constitute the concepts of space and time. Identification and reidentification are therefore shown to be dependent upon the prior existence of material objects as basic particulars. It is instructive to note that Strawson employs different techniques in the process of making his transcendental arguments. Christian Illies has noted that transcendental arguments can have exploratory and retorsive characteristics. [29] Exploratory transcendental arguments are found when Strawson uses alternative worlds to tease out the necessary conditions; retorsive arguments are use to refute the sceptical challenges by showing that the sceptic relies on a condition in order to state the doubt of the condition. Used in tandem in this manner, we can see that Strawson's arguments for the nature of personhood are self-directed transcendental arguments of an exploratory and retorsive kind. It seems to me that Strawson's premises are so bare and uncontroversial, that Stroud's objection would not hold. Strawson does assume the identification of particulars, and does assume consciousness (he does not assume self-consciousness as his argument is from material bodies to the primitive concept of the person as self-conscious material body). No doubt we could conceive of a special scepticism which

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[29] Christian Illies, *The Grounds of Ethical Judgment: New Transcendental Arguments in Moral Philosophy*, (Oxford, Clarendon Press, 2003), 30

doubted the identification of individuals and the existence of any consciousness, but this is besides our point. We approached Strawson's argument in order to address the problem of normative scepticism. Can Strawson's self-directed transcendental argument for the primitive concept of a person be employed against the normative sceptic?

3. The Objectivity of Practical Personhood

The arguments for the basic particulars of material bodies were an integral part of the arguments for persons as material bodies. Strawson argued that the concept of a person is primitive, and that it is a concept which entails the ascription of M- and P-predicates. This ascription necessarily includes the notion of the self and other selves. Thus individual self-conscious personhood, mutual recognition of self-conscious personhood, and non-solipsistic self-consciousness, are necessary conditions for the possibility of experience. Does Strawson's argument amount to a refutation of the normative sceptic? It seems to me that as offered by Strawson, the argument does not yet refute the sceptic.

We recall that the normative sceptic expresses two objections to Scanlon's contractualism. The first questions the necessary priority of the morality of right and wrong; the second questions the objectivity of normative reasons. I characterised both these objections as scepticism regarding the ascription of the properties of practical personhood, and the subsequent contractualist characterisation of what we owe to each other. In the light of our discussion of Strawson's arguments regarding persons, we can say a little more about these sceptical objections. The priority problem is an objection to the a priori status of the properties of practical personhood. The priority sceptic argues that other

properties, perhaps those associated with being a parent, or friend, have either or both logical and normative priority. Scepticism regarding the objectivity of normative reasons is a doubt about the necessary and universal status of the properties of practical personhood. The objective reasons sceptic rejects the claim that the arguments that ascribe normative reasons to some persons apply to them, and that they are not in a relationship of mutual ascription of the properties of practical personhood that ground the morality of right and wrong. We can now, hopefully, be more precise about the arguments we need to provide in order to refute this normative scepticism. We need to establish that the properties of practical personhood are a priori, and necessary and universal; that is, we need to establish that the properties of practical personhood are objective.

a) Strawson's Individuals and Practical Personhood

In section one, we set out Strawson's arguments for the concept of a person as primitive. It seems to me that Strawson's description of the person is importantly incomplete. At the very end of our discussion we encountered Strawson's argument that practical intentionality is included in the concept of person. Practical intentionality is a physical expression of the primitive concept of a person as a material object to which physical experiences and self-consciousness can be ascribed. Intentional action is an expression of the unity of the concept of a person as a self-conscious material body. Strawson's discussion of practical personhood is very fleeting.

Peter Hacker points out that, in answer to the question, 'how is a concept of a person possible', Strawson '...invites us to give a central position to a sub-class of P-predicates which has barely been mentioned hitherto, namely predicates

of conscious and intentional action... We see them as *actions*, interpret them in terms of intentions...'[30] It is clear that Strawson regards the characteristics of persons as intentional actors as central to the notion of common human nature. Persons are material bodies in motion. The ascription of M-predicates explains the physical properties of this motion, and Strawson argues that the ascription of P-predicates requires us to ascribe intentionality to this movement. Therefore, part of Strawson's argument for the necessary features of the primitive concept of a person is that the ascription of P-predicates entails the ascription of intentional action. But he does not provide detailed arguments for the nature of this intentional action. Strawson's transcendental argument omits a detailed account of the nature of intentional action; that is, Strawson omits a detailed account of the practical dimension of the concept of a person. Whilst this omission is significant, it is of the greatest importance to our thesis that Strawson nevertheless argues that the practical dimension of personhood is a necessary feature of the primitive concept of a person. Strawson's argument therefore includes a transcendental argument for practical personhood.

Strawson's analysis of the contours of intentional agency may be spare, but Scanlon's is detailed. We have examined the various arguments that Scanlon presents as a description of the necessary features of intentional action and their role in the constitution of moral reasons. These were the constructivist, contractualist arguments for the nature of right and wrong derived from the properties of practical personhood. What we discovered that Scanlon lacked however, was the ability to explain the a priori and objective ascription of these

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[30] Peter Hacker, 'Strawson's Concept of a Person' *Proceedings of the Aristotelian Society*, Vol. 102, No. 1, (September 2001), 27

properties. The notion of a transcendental contractualism is the view that the combination of Strawson's transcendental argument for the concept of a person as primitive should be combined with Scanlon's argument for the necessary features of intentional action and the constructivist contractualist understanding of the nature of right and wrong. I will now say a little more about how this synthesis provides a response to the normative sceptic.

b) The a priori Priority of Practical Personhood

We recall from chapter five that the normative sceptic challenges the priority of what we owe to each other. This challenge does not involve a scepticism of the existence of contractualist moral reasons, but it does involve a scepticism that these reason have a necessary priority over other practical commitments. I argued that Scanlon is unable to show that the reasons of right and wrong must always and necessarily take priority over other practical reasons. We found that the cause of this failure was Scanlon's argument that the priority of right and wrong is based on a contingent and heteronomous commitment to the attractiveness of living with others in a unity of justification on contractualist grounds. In order to establish the necessary priority of what we owe to each other, we would have to establish that the properties that ground the morality of right and wrong are a priori. We also need to show, following our examination of Susan Mendus's arguments, how partial and impartial reasons can be related harmoniously. Transcendental contractualism, as a synthesis of Strawson and Scanlon, aims to establish just that.

Strawson argued that the concept of a person is primitive. It is primitive in the sense that we cannot describe persons in any more basic terms (for example as a Cartesian duality of body and mind). It is also primitive in the sense that it is

the repository of the necessary, mutual ascription of both M- and P-predicates. To provide any other predicates is to specify and draw upon this a priori concept of a person. In other words, the (re)identification of a person as a boy, or a parent, or a loved one, is an application of the a priori concept of a person. This application should not be interpreted simply as a logical priority (although it is that too). It is, more importantly, an ontological priority. To be a boy, or to be a parent, or to be a loved one, is to be a person in a special and determinate way, a way that depends on and is constituted by the properties of practical personhood.

We recall from chapter five that I disagreed with both Scanlon and Mendus's account of the priority of right and wrong. I agreed with Mendus's complaint against Scanlon that he does not present an adequate understanding of the nature and role of special relationships and the partial reasons that may derive from them. Scanlon's contractualism, as an instance of impartialist morality, seems deaf and blind to the filaments and textures of special relationships such as friendship; Scanlon conceived them as contingent affection suitably moralised. I also argued that Scanlon's grounds for the priority of right and wrong are insufficient, as based on a contingent, heteronomous commitment to the value of right and wrong. I also argued that whilst Mendus has a more attractive and coherent account of the relationship between partial and impartial reasons and values, Mendus's account does not explain sufficiently the necessity of the basis on which we adjudicate between worthy and unworthy partial relationships; neither does it ground the necessity of these relationships as constitutive conditions of impartial morality, nor the necessary derivation of impartial morality from them. The transcendental argument for the a priori status of

practical personhood can, I suggest, accommodate Mendus's important insights, whilst providing an account of the necessary priority of what we owe to each other.

My argument for transcendental contractualism takes Strawson's notion of the concept of the person as primitive, and combines it with Scanlon's arguments for practical personhood. The transcendental argument for practical personhood is meant to show that the conditions of practical personhood are a priori. However, the transcendental argument for practical personhood is not an argument for the existence of a personhood that is independent from the expressions of that personhood in particular relationships. It is not an argument for the existence of a self that is prior to the practice of personhood in thick substantive relationships. The argument seeks to identify the necessary a priori conditions of personhood, but it does not assert that there is a chronological priority to a self that is independent from the practice of partial relationships. My argument is that the conditions of practical personhood are only expressed in substantive relationships. It may help to clarify this point by making an analogy with Kant's argument for the transcendental deduction of the categories. Kant presents a transcendental argument for the a priori necessity and universality of the categories of the understanding. These categories are a priori in the sense that they do not depend for their existence on experience. The categories structure the possibility of our perceptual experience. But we do not perceive the world primarily in terms of the categories, the categories are understanding's contribution to the constitution of experience. Experience is also constituted by intuition. Together, understanding and intuition provide experience. This experience is united in our empirical

categories, or concepts. Concepts are not a priori in themselves, they are constituted in terms of the categories, together with the content of intuition. Whilst transcendental arguments aim to establish the necessary conditions for the possibility of experience, experience is not constituted solely by these conditions. Substantive experience is simultaneously a combination of the conditions and their embodiment in the world. In terms of the act of perception a table is simultaneously and object with categorial and empirical qualities.

My argument for transcendental contractualism aims to show that what we owe to each other, that is our impartial reasons, are derived from the necessary conditions of practical personhood. As Scanlon argues, the terms of justification are set in accordance with our nature as reason guided self-governing creatures. The arguments from Peter Strawson placed Scanlon's understanding of intentional agency within a picture of the necessary conditions of mutual ascription of self-conscious persons. The transcendental argument for practical personhood aims to show that the properties of practical personhood are the original moral properties of an augmented buck-passing argument which provides the structure and substance of contractualist moral reasons. But this argument does not propose that persons are self-conscious mutual ascribers of practical personhood only. Practical personhood is the necessary condition for the expression of our personhood. There are no pure persons, devoid of empirical properties, just as there are no pure concepts, devoid of empirical properties. There are the necessary conditions for the possibility of concepts and persons, and there are the actual concepts and persons as the embodiment of these conditions in practice. Practical personhood is the condition of the possibility of moral experience, but it

is not yet moral experience. Moral experience is the combination of its conditions in substantive practice. This means that our partial, particular relationships are the very embodiments of our experience. They are not independent from the conditions of practical personhood, although they are dependent on them. But just as substantive moral experience is dependent on the conditions of practical personhood, so the conditions of practical personhood are dependent upon substantive practice in order to constitute experience. Practical personhood is the condition for the possibility of moral experience, but it is in a relationship of mutual dependence with practice in order to constitute moral experience. I believe that this allows us to preserve the important insights of Mendus's arguments whilst meeting the criticisms I made of both Scanlon and Mendus's accounts.

Mendus criticised Scanlon's reductive account of special relationships as based on contingent affection suitably moralised. I agreed with this criticism. In my account special relationships are not reduced to contingent affection suitably moralised, they are instead understood as the embodiment of the conditions of practical personhood. As such they contain the necessary conditions of practical personhood as the original moral properties that are the basis of what we owe to each other. But the conditions of practical personhood are not sufficient to constitute the experience of personhood. Practical personhood is experienced empirically in the particular relationships we have. Therefore friendship is a distinctive embodiment of the experience of practical personhood that will have its own reasons and require particular evaluative attitudes. Parenthood, neighbourliness, and other special relationships will be similarly distinctive. On

this view, these relationships are not mere contingent occurrences; particular substantive relationships are the necessary contribution of practice to the experience of practical personhood. There is no experience of personhood independent from the practical embodiments in empirical relationships. I believe that this retains the moral specificity of these relationships that Mendus advocated. They are at once constituted by the original moral properties that are the basis of what we owe to each other; and simultaneously and mutually interdependently constituted by the particular empirical practices of these relationships, thus yielding particular partial reasons alongside the impartial. Just as in Mendus's argument, I would wish this account to explain the reality of the feelings of conflict that may arise between partial and impartial reasons, whilst reconciling them within a harmonious picture of practical relationships and moral reasons. To be a practical person is, on the my view of transcendental contractualism, to have particular partial relationships and reasons and values necessarily. However, these are based on the condition of practical personhood, and therefore are in a necessarily dependent relationship with the impartial reasons of what we owe to each other.

Whilst I hope that this argument for the necessary interdependence of empirical practice and the conditions of practical personhood allows us to improve on Scanlon's reductive argument, and retain Mendus's insights into the relationship between partial and impartial reasons, I also hope that it addresses the two problems I raised in Mendus's account. We recall that I argued that Mendus does not show which relationships are worthy of self expression, and why they

would necessarily lead to impartial reasons and commitment to what we owe to each other. I will take each in turn.

Transcendental contractualism is intended to explain the necessary and a priori ·nature of the conditions of practical personhood. The transcendental argument provides a quite formal, but nevertheless necessary and a priori, account of the nature of personhood. Whilst personhood may be embodied and expressed variously, according to the contractualist construal of the moral significance of these properties, only certain kinds of embodiment and practice will be compatible with the necessary conditions of practical personhood. These formal properties of practical personhood relate primarily to the embodiment of persons as objects to which we can ascribe M- and P- predicates. This ascription is necessarily mutual. The properties of embodiment and intentionality which constitute practical personhood therefore provide a limit on what is allowed in the treatment of selves. Physical integrity and the promotion and protection of intentional embodied agency are two basic features of the appropriate treatment of practical persons.[31] The argument for the necessary conditions of practical personhood provide grounds for the discrimination of worthy expressions of self in particular practical relationships. However, these conditions are quite formal and would allow for the experience of practical personhood in a plurality of appropriate ways. This is the argument for the necessary conditions of practical personhood providing terms of adjudication of partial relationships.

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[31] I should point out here that this is one of the many ways that my argument for transcendental contractualism differs from classically Kantian views which, it seems to me, are concerned with rationality, and practical personhood as embodiments of reason. On my view of transcendental contractualism, it is persons as embodied intentional actors that is the original ontological and moral property. This view included capacities of reflection, but is not based on an argument for persons as embodiments of reason.

The second objection was that Mendus does not provide an account of the necessary development of the commitment to partial reasons and values to impartial reasons and values. In my response to Scanlon's reduction of special relationships to contingent affection suitably moralised, I argued that moral experience was constituted by the combination of the practice and conditions of practical personhood. I argued that Scanlon is mistaken to imply that moral reasons can exist independently of partial reasons. Whilst the former are necessary conditions, they are dependent on practice in order to instantiate practical personhood. Likewise, it seems to me that we can argue that particular relationships and their reasons and values are dependent for their possibility on the conditions of practical personhood. Being a son, or a father, is possible because of the conditions of practical personhood. Being a son is, *inter alia*, being a person with all the moral reasons and values that this provides. Mendus seemed to argue that it was possible for particular relationships and their partial reasons to exist independently of impartial reasons and values. The transcendental argument for practical personhood includes the argument that the practice of particular relationships and the conditions of practical personhood are mutually interdependent and constitutive of moral experience. There is, therefore, a necessary connection between the partial and impartial reasons that together combine moral experience. However, within this moral experience, the transcendental argument for practical personhood states that there is a necessary priority of what we owe to each other. This is derived from the a priori nature of the conditions of practical personhood which are the original moral properties of

the augmented buck-passing argument within the contractualist account of the morality of right and wrong.

The transcendental argument for practical personhood, as a component of the wider argument for the morality of right and wrong of transcendental contractualism, aims to show that what we owe to each other has necessary priority. The transcendental ambition of establishing the necessary a priori nature of the conditions of practical personhood seeks to establish what is most valuable in both Scanlon and Mendus's arguments. The conditions of practical personhood are necessary and a priori. This provides their necessary priority over partial reasons and values. The constitution of moral experience is, necessarily, a combination of practice and the conditions of practical personhood.[32] Therefore, there is a mutual interdependence of the practice of personhood on the conditions of practical personhood. This interdependence constitutes the particular relationships as simultaneously discrete and distinct, and yet grounded on the a priori common conditions of the possibility of practical personhood.

c) The Necessary and Universal Ascription of Practical Personhood

The case of the person who challenges the priority of what we owe to each other is an instance of normative scepticism. But this normative scepticism concerns the relationship between our various moral reasons and commitments. The amoralist questions the very existence of those reasons, at least as they apply to him or her. The amoralist is of course a metaphor for the sceptical objection to

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[32] The sense of necessary is somewhat different here. It is of course possible for the conditions to exist independently of practice, and for their validity to persist in a world with no practice of personhood. However, such a world would not have morality, as there would be no contribution of empirical practice of practical personhood. This is analogous to the possibility of there being the categories of the understanding and no empirical experience. The categories of the understanding could exist independently, but there would be no experience. This is a possibility, but one that should not concern us, as we are reflecting on the nature of moral experience, just as Kant was reflecting on the nature of empirical (and practical) experience.

the objective ascription of normative reasons, that is, the necessary and universal ascription of normative reasons.

The notion of the amoralist is meant to capture the view that the ascription of moral reasons is not objective; that is, that there is a reasonable objection to the ascription of the normativity of what we owe to each other. We recall that Scanlon endorsed the notion of the objective normativity of moral reasons, but also believed that amoralism was possible as there were no grounds on which to justify contractualism to those who are not committed to its key principles. I believe that the arguments of transcendental contractualism are able to provide good grounds on which to show that the amoralist is in fact in error, and that the ascription of what we owe to each other is objective.

The objection we are considering is that a self-conscious rational person could reasonably object to the ascription of the normativity of right and wrong. Scanlon seems to argue that the ascription of the normativity of right and wrong is derived from a commitment to the components of contractualism. But in fact, the ascription of right and wrong has no subjective dimension at all. As we argued in the previous chapter, this is not a question of motivation (at this stage), it is a question of the explanation of the grounds and scope of contractualism. Personal endorsement is necessary to establish a motivational effect, but we are not so much concerned with the motivational problem in the first instance, as with the justification of contractualism (*quid juris* and not *quid facti* as it were). We will address the question of the relationship between the moral reasons and motivation in a moment.

Our response to the amoralist begins with pointing out two axioms which the amoralist must accept in order to make the objection: the first is that there are particulars; the second is that there is consciousness. These feature in the assertion of amoralism because the amoralist identifies themselves and others, and distinguishes between the validity of ascription between the two; consciousness is assumed in order to make the objection. Therefore, to anyone who accepts that there are particulars, and that there is consciousness, we apply Strawson's transcendental argument for the concept of a person as primitive. A key element of Strawson's argument was that the ascription of consciousness requires that consciousness be ascribed to others. This is not merely a view of logical entailment, it is a transcendental argument that a necessary condition of self-consciousness is the ascription of consciousness to other persons. The ascription of P-predicates to one self is an act of being able to identify the kind of object to which M- and P-predicates are ascribable. It is a condition for the possibility of being able to ascribe P-predicates, it is a condition for the possibility of being self-conscious, that one has and employs the concept of a person to all objects (on pain of error) that are persons.

> ...it is essential to the character of these predicates that they are
> both self-ascribable otherwise than on the basis of observation of
> the behaviour of the subject of them, and other-ascribable on the
> basis of behaviour criteria. To learn their use is to learn both
> aspects of their use. In order to *have* this type of concept, one
> must be both a self-ascriber and an other-ascriber of such
> predicates, and must see every other as a self-ascriber. In order to
> *understand* this type of concept, one must acknowledge that there
> is a kind of predicate which is unambiguously and adequately
> ascribable *both* on the basis of observation of the subject of the
> predicate *and* not on this basis, i.e. independently of observation

of the subject: the second case is the case where the ascriber is also the subject. If there were no concepts answering to the characterization I have just given, we should indeed have no philosophical problem about the soul; but equally we should not have our concept of a person.[33]

From the initial premises of the identification of particulars and the existence of self-consciousness, Strawson's transcendental argument aims to show that personhood is a mutual state, and not one of pure, solipsistic individualism. The very nature of personhood, on this view, is to be in a relationship of self- and other-ascription of the properties of personhood. The amoralist cannot, if using the notion of a person, state that the properties of practical personhood cannot be ascribed to them. The mutual ascription of properties of practical personhood is objective. We recall that we identified two features of objectivity in the ascription of the properties of practical personhood: necessity and universality. The properties of practical personhood are universal in the sense that it is a necessary condition of the possibility of self-consciousness; self-consciousness cannot be ascribed to objects ad hoc. This argument establishes the universality and necessity, that is, the objectivity, of these properties and their ascription.

The consequence of this view is that amoralism is regarded as an error. It is not an error in logic. It is an error in conception of personhood and the ascription of the properties of personhood to self and others. One of the strengths and benefits of a transcendental argument against amoralism is that it begins with commitments explicitly endorsed by the amoralist. It does not attempt to ground an argument for the importance of morality in anything that is external to the amoralist him or herself. This, it seems to me, avoids the problems of addressing

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[33] Strawson, *Individuals*, 108

the amoralist that Scanlon raises. He seems to suggest that the commitments of the amoralist are separate from the commitments of moralists and contractualists. Given this separation we cannot begin to provide them with reasons to endorse what we owe to each other. This view was expressed, as we saw in chapter three, in Scanlon's weak externalism about normative reasons. I argued in chapter three, and again in chapter five, that Scanlon's commitment to both weak externalism and the objectivity of normative reasons is problematic. It allows for a structural conflict between the objectivity of a reason and the possibility of amoralism. Weak externalism allows for rational exemption.

At the end of chapter three I asked if we could combine a commitment to the objectivity of reasons and weak internalism. Williams offered a weak internalism along with a non-objective view of normative reasons. It seems to me that transcendental contractualism offers the possibility of combining objectivity and weak internalism in normative reasons.

Transcendental contractualism aims to establish the necessary conditions for the possibility of practical personhood. The claim of this argument is that these conditions are necessary, universal, and a priori. This is the nature of the transcendental claim to objectivity. The combination of the revised contractualist arguments for the nature of what we owe to each other with the transcendental argument for practical personhood, presents a view of normative reasons which is at once objective and internalist.

We recall the conditions of weak internalism. Weak internalism is the view that normative reasons exist only if there is a sound deliberative route from the agent's existing motivations to the actual recognition of the normative reasons.

Weak internalism denies the possibility, contained within weak externalism, that one could recognise a reason, and yet fail to be moved by it because one lacks the appropriate motivation. This is the view of the amoralist. On Scanlon's weak externalist view, the amoralist is not irrational, and yet can deny that the normative reasons of contractualism apply to them. Scanlon claims that the normative reasons of contractualism are still objective, and yet the amoralist rationally exempts him or herself from them. The weak internalism of the transcendental contractualist view I am offering agrees with Williams that reasons only exist if the agent is motivated appropriately. But it takes a quite different view of motivation from Williams.

On the argument for transcendental contractualism that I am offering, the conditions of practical personhood are the conditions of motivation, that is, motivation is defined in terms of practical personhood. Practical personhood is a condition of being motivated in the terms set out by the combination of arguments from Scanlon and Strawson. The transcendental arguments explain what the necessary conception of a person is, and the necessary terms of intentional action. Indeed, a sound deliberative route is partly constituted by the transcendental argument for practical personhood. In order to strengthen this conception of motivation, we recall Scanlon's arguments from chapter two regarding motivation. There, motivation was not regarded as a subjective state that was the combination of belief and desire, or the subjective state of believing. Motivation was the recognition of a reason as a consideration in favour of something. The transcendental argument begins from two basic premises. Firstly, that there are particulars, and secondly that there is consciousness. These basic assumptions of

transcendental contractualism are the basic features of any subject's motivations, in the sense that they are reasons that count in favour of them having any kind of conception of objects, including themselves. The sound deliberation of transcendental contractualism aims to show that the reasons of contractualism are necessary, universal, and a priori. Consequently, reasons are connected necessarily to motivation, and objective. Amoralism is an error because it must be based on an incorrect understanding of the nature of motivation. Being motivated, on the view of transcendental contractualism that I am suggesting, is being in the condition of recognising the reasons that count in favour of practical personhood. The transcendental argument aims to establish that there is a necessary and universal condition of practical personhood, and there are consequently necessary and universal reasons that count in favour of the recognition of the understanding of practical personhood. In other words, there is a necessary motivation. The claims of objectivity of Scanlon's contractualism are combined with Williams's claims of the necessity of a connection between motivation and normative reasons, and these are reconciled within an argument for the necessity of a certain motivation based on the transcendental argument for the objective, necessary, and a priori reasons that count in favour of practical personhood.

Transcendental arguments are, in their very nature, internalist.[34] They do not refer to anything beyond or independent from personhood. However, they combine this internalism with a claim to the objective validity of the necessary, universal, and a priori conditions of practical personhood. This combination of

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[34] self-directed transcendental arguments at least.

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objectivity of normative reasons together with a weak internalism rejects the possibility of rational and reasonable amoralism.

Conclusion

In this chapter, I have presented an argument which it is hoped will address the problems of normativity in contractualism. The approach suggested is to take a transcendental argument for the nature of personhood, and combine it with Scanlon's account of intentional action and the nature of wrongness. This is described as a transcendental argument for practical personhood. The intention of this argument is to show that amoralism and scepticism about the priority of right and wrong are based on a misconception about the nature of our personhood. The transcendental argument is meant to provide an account of objectivity that is not metaphysically queer, but is robust enough to justify the necessary universality and a priority of the properties of practical personhood.

The transcendental argument for practical personhood does not provide all that we need though: we also need a convincing account of the nature of right and wrong. I believe that we have such an account in Scanlon's contractualism. I argue, therefore, that to make the response to the normative sceptic complete, we need to combine the transcendental argument for practical personhood with (a somewhat revised account of) Scanlon's contractualism. This particular combination of arguments drawn from Strawson and Scanlon may be described as transcendental contractualism.

The ambition of transcendental contractualism is to show that the conditions of practical personhood are necessary, universal, and a priori. These conditions provide the original properties of the moral arguments within

contractualism. By combining and adapting Scanlon's contractualism and Strawson's transcendental arguments for persons, we are, I hope, able to show that the problems we encountered first in *Contractualism and Utilitarianism*, and again later in *What We Owe to Each Other*, are surmountable. These problems related to the necessity, universality, and a priori nature of the grounds of what we owe to each other. I have tried to show that the necessity, universality, and a priori nature of the grounds of what we owe to each other, that is, the objectivity of right and wrong, can be best established through a transcendental argument for the nature of persons as necessary mutual ascribers of practical personhood.

Conclusion

In the introduction to this thesis, I described my argument as an attempt to respond to the problem of scepticism regarding the normativity of what we owe to each other. I have attempted to show that the appropriate response to the fundamental question of the sources of normativity lies in a combination of transcendental arguments derived from Strawson, and contractualist arguments derived from Scanlon.

I hope that my admiration and commitment to Scanlon's contractualism has been apparent throughout my discussion. I believe that many of the commentators are correct in their judgment that *What We Owe to Each Other* is a remarkable work that will enrich the practice of moral theory. Whilst I believe that Scanlon's arguments for the nature of right and wrong are potent and important, it seems to me that there remains a pressing problem of the normativity of right and wrong. Rather than concluding that we should seek altogether different grounds to explain the nature of right and wrong, I have argued for an extension to Scanlon's theory, an extension that I believe is harmonious.

It seems to me that the prospects of combining transcendental arguments with contractualism are very good. I have argued that Scanlon and Strawson have similar views about the nature of personhood. Strawson seeks to explain the objectivity and necessity of the mutual recognition of persons, whilst Scanlon seeks to explain the right and wrong of our duty to live in a unity of mutual recognition. I suspect that Scanlon himself would reject my extension of his project on the grounds that transcendental arguments are unnecessary and

inappropriate to an account of right and wrong. Scanlon seems very confident that people do regard each other in terms of right and wrong that he has described. In fact, I am no less confident. The difference between us seems to turn on the terms on which we would explain the objectivity of what we owe to each other. It would be the greatest pleasure to believe that the objectivity of what we owe to each other was certain. However, I believe that this certainty is questionable, at least as presented in *What We Owe to Each Other*. My hope is that transcendental contractualism provides more reasons for us to believe that our moral relationships are not a matter of a special taste or preference. They are instead a necessary and universal feature of our nature as mutually regarding persons.

It has been a central claim of this thesis that transcendental arguments provide a promising, and hitherto unexplored, possibility for grounding the objectivity of constructivist moral reasons. I would like to conclude by making two comments on the relationship between transcendental arguments and constructivism. Firstly, I will argue that whilst varieties of constructivism may be compatible with varieties of transcendental arguments, the augmented buck-passing argument is integral to any combination; the second comment relates to the application of transcendental contractualism to questions beyond right and wrong, and towards topics in contemporary political theory in particular.

It seems to me that any combination of constructivist and transcendental arguments must include a version of the buck-passing argument, perhaps along the lines of the augmented version that I have presented here. The buck-passing argument is necessary both to constructivism, and to the application of transcendental arguments in moral theory.

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The augmented buck-passing argument is integral to constructivism because, as we saw in chapter five, constructivism is vulnerable to the charges of redundancy and circularity unless it denies that both the right and the good are not independent substantive first order properties. If the right and the good were such properties, it would seem that constructivism is little more than a procedure for clarifying and discerning moral reasons, rather than, as constructivists must surely claim, of constituting moral reasons. Therefore, constructivism must include a version of the buck-passing argument in order to avoid the charges of redundancy and circularity. As I argued in chapter four, this buck-passing argument must include an account of the coextensive relationship between the right and the good, as the buck must not be passed from the good to the right, or vice versa. The first order substantive properties must ground both the higher order properties of the right and the good. Buck-passing is, therefore, essential to constructivism. It provides an account of the nature of the normative properties of the right and good in constructivism. But the augmented buck-passing argument also provides an appropriate framework for the application of transcendental arguments to moral theory. The augmented buck-passing argument suggests that there are first order substantive properties that ground the higher order, abstract properties of the right and the good. This buck-passing move provides the substantive first order properties that serve as original premises in the transcendental argument. Transcendental arguments begin with a premise and seek the necessary condition for the possibility of that premise. The structure of the buck-passing argument means that our original premise in the argument for transcendental contractualism is a first order substantive property (in our case the properties of practical

personhood). The transcendental argument does not begin with a normative property: it is not a transcendental deduction of right and wrong. The transcendental argument applies to the substantive properties of personal identity, and not directly to the normative properties themselves. I would argue that this is a more promising premise from which to begin a transcendental argument, as it does not presuppose the properties of right or good as a premises in the argument. Instead it seeks to ground the objectivity of the first order substantive properties. The discussion of the nature of the normative properties is left to the constructivist part of the argument. In this sense, the buck-passing argument allows for the successful combination of transcendental arguments and constructivist arguments: constructivism needs a buck-passing argument to avoid problems of redundancy and circularity; whilst the transcendental argument requires the buck-passing argument to provide the original non-normative properties that are the premise for the transcendental argument for necessary conditions. In combination, we have a normative and a metaphysical argument that together hinge on the first order substantive properties of the particular buck-passing argument proposed.

In this thesis, the original properties are those of practical personhood. The properties of practical personhood are taken by contractualism to have normative significance; and by a Strawson inspired transcendental argument to have objective, universal, necessary, and a priori conditions. Variations of transcendental constructivism may be derived from alternative original properties in the buck-passing argument: we could imagine a more classically Kantian version that begins with the properties of rational cognitive experience (rather than my embodied mutually recognising practical personhood), or even a more

Humean version that begins with motivations to pursue desires and interests. Given further reflection on the various self-directed transcendental arguments available and the varieties of moral constructivisms, I would readily accept the prospect of revisions of the particular arguments used within, what seems to me, the promising general framework of a buck-passing transcendental constructivism. I have sought to develop and defend the combination of arguments from Strawson and Scanlon as a distinctive transcendental contractualism, but combinations of arguments from Cassam and O'Neil, or Grayling and McKinnon may provide more successful variants of transcendental constructivism.[1]

I turn now, finally, to the question of the scope of transcendental contractualism. This thesis is concerned with the objectivity of reasons against wronging. My concern with these questions was arrived at through a consideration of the question of justification in contemporary liberal political theory. I have argued that the constructivist notion of justification as constitution needs augmentation to avoid the possibility of amoralism and scepticism. The turn to transcendental arguments derived from consideration of their original employment as a response to scepticism. The goal of transcendental arguments is at once to refute the sceptic and to establish the necessary, universal, and a priori conditions for the possibility of their objects. It seems to me that many of the problems facing advocates of the importance and priority of liberal reasons, are in fact forms of scepticism. Our discussion of amoralism and the scepticism regarding the priority of reasons against wronging have their counterparts in

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[1] See for example, Quassim Cassam, *Self and World*, (Oxford, Clarendon Press, 1997), Onora O'Neill, *Towards Justice and Virtue*, (Cambridge University Press, 1996), A. C. Grayling, *The Refutation of Scepticism* (London, Duckworth, 1985), and Catriona McKinnon, *Liberalism and the Defence of Political Constructivism*, (Basingstoke, Palgrave MacMillan, 2002).

political discussions. In future work on transcendental contractualism as political theory, I would like to seek out objections to liberal reasons, and attempt to refute these scepticisms along the lines that I have presented here. This thesis has sought to present arguments for the objectivity of reasons against wronging; does the framework of transcendental contractualism allow us to present arguments for the objectivity of reasons against injustice? My ambition is that transcendental contractualism can be developed as a political theory, and provide new arguments from which the traditional liberal concerns for the necessary and universal moral equality of persons may be established. I would seek to pursue this ambition in future work on transcendental contractualism.

The goal of my argument for transcendental contractualism has been to draw on the work of two philosophers who are concerned with our identity as individuals, and our relationship with other persons. Transcendental contractualism is a metaphysical argument, and a normative argument. It is an argument for the necessity, universality, and a priori conditions of the mutual recognition of each other as practical persons due respect as individuals of equal moral standing. Transcendental contractualism is an argument for the objectivity of the reasons against wronging.

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