What We Owe to Each Other

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For my father

and in memory of my mother

Acknowledgments

In September 1979, I set out to write a book in moral philosophy. I had leave from Princeton for the year and a Visiting Fellowship at All Souls College in Oxford, and I expected, quite unrealistically as it turned out, to complete a draft of the book that year. Now, more than eighteen years later, I have finally finished the task. In the interval I have received more help than anyone could possibly expect, from my family, colleagues, and students, as well as from various institutions. Innumerable family activities during these years fell under the shadows of these chapters and their many revisions. My wife, Lucy, and our daughters, Sarah and Jessie, helped by providing these diversions as well as by understanding and accepting my need to work. I am grateful to them, and especially to Lucy for her endless support and understanding.

The influence of John Rawls and Thomas Nagel on the ideas presented in the following chapters will, I trust, be obvious. Their suggestions and encouragement have also made an enormous difference. Perhaps less obvious to the reader, but at least as pervasive, are the contributions that Derek Parfit has made. From that first year at All Souls through the seminar we gave together at Harvard in the fall of 1997, he has provided a constant flow of the most trenchant and detailed comments, combined with the friendliest encouragement and advice. These have led to significant improvements in every part of the book. Ronald Dworkin and Amartya Sen also provided great help in the form of comments on many chapters and stimulating conversations about the issues they deal with. I have also benefited from conversations about these matters with Frances Kamm, Christine Korsgaard, Joseph Raz, Judith Thomson, and Bernard Williams.

Many other friends, students, and colleagues have read drafts of all or part of the book and offered comments that helped me to improve

This book is dedicated to my parents, Thomas and Grace Scanlon, who first inspired my interest in philosophy and have supported it in every possible way.

Contents

Introduction

We all believe that some actions are morally wrong. But when we claim that an action is wrong, what kind of judgment are we making? Judgments about right and wrong cannot be straightforwardly understood as factual claims about the empirical world or about our own psychology. Yet they do seem to make claims about some subject matter, claims which are capable of being true or false. Moreover, while certain kinds of experience can be important in putting us in a position to make moral judgments, making these judgments themselves does not seem to be a matter of observation. Rather, we arrive at the judgment that a certain kind of action would be wrong simply by thinking about the question in the right way, sometimes through a process of careful assessment that it is natural to call a kind of reasoning. But what kind of reasoning is it? Finally, the fact that a certain action would be morally wrong seems to provide a powerful reason not to do it, one that is, at least normally, decisive against any competing considerations. But it is not clear what this reason is. Why should we give considerations of right and wrong, whatever they are, this kind of priority over our other concerns and over other values? The aim of this book is to answer these questions.

In one sense, the question of the subject matter of judgments of right and wrong has an obvious answer: they are judgments about morality or, more specifically, about what is morally right. Moral judgments have the form of ordinary declarative sentences and obey the usual laws of logic. Why not just take them at face value, as making claims about what they say they are about? I believe that we should take these judgments at face value, as making claims about their apparent subject matter, right and wrong. But we also have reasons for wanting a fuller

characterization of this subject matter. One possible reason arises from a metaphysical concern. If judgments of right and wrong can be said to be true or false, this must be because there is some realm of facts that they are meant to describe, and to which they can correspond, or fail to correspond. It might therefore seem that an adequate answer to the question of subject matter should, first and foremost, make clear what part of "the world" these judgments make claims about.

But this metaphysical question is not, for me at least, the primary issue. What drives me to look for a characterization of the subject matter of judgments of right and wrong that goes beyond the trivial one I mentioned above, is not a concern about the metaphysical reality of moral facts. If we could characterize the method of reasoning through which we arrive at judgments of right and wrong, and could explain why there is good reason to give judgments arrived at in this way the kind of importance that moral judgments are normally thought to have, then we would, I believe, have given a sufficient answer to the question of the subject matter of right and wrong as well. No interesting question would remain about the ontology of morals—for example, about the metaphysical status of moral facts.

This is because, in contrast to everyday empirical judgments, scientific claims, and religious beliefs that involve claims about the origin and control of the universe, the point of judgments of right and wrong is not to make claims about what the spatiotemporal world is like. The point of such judgments is, rather, a practical one: they make claims about what we have reason to do. Metaphysical questions about the subject matter of judgments of right and wrong are important only if answers to them are required in order to show how these judgments can have this practical significance. It may be said that we need a metaphysical characterization of the subject matter of morality in order to establish that moral judgments are about something "real," but it is worth asking what kind of reality is at issue and why it is something we should be worried about.

One worry would be that there may be no right answer to questions of right and wrong. This is a serious challenge, and it may seem that in order to answer it we must provide a metaphysical account of the subject matter of judgments of this kind. I believe that this is not what is necessary, however. The question at issue is not a metaphysical one. In order to show that questions of right and wrong have correct answers, it is enough to show that we have good grounds for taking certain conclusions that actions are right or are wrong to be correct,

understood as conclusions about morality, and that we therefore have good grounds for giving these conclusions the particular importance that we normally attach to moral judgments.

A second interpretation of the charge that judgments of right and wrong are not about anything "real" would take it as the claim that they should not have this importance. This is a charge that any account of the reason-giving force of judgments of right and wrong needs to meet. But it is again not clear that an adequate response requires an account of the metaphysical status of the subject matter of such judgments, because it does not seem that the reason-giving force of facts about right and wrong derives from their metaphysical status. This is shown by the fact that it is not clear how an account of this status—for example, one showing that judgments of right and wrong are about some aspect of physical and psychological reality—would, simply in virtue of the "reality" it would give to the subject matter of judgments of right and wrong, bolster their reason-giving force.

The view I will defend takes judgments of right and wrong to be claims about reasons—more specifically about the adequacy of reasons for accepting or rejecting principles under certain conditions. It might be objected that this is to explain right and wrong in terms of something else—the idea of a reason—that is equally in need of philosophical explanation. As I will argue in Chapter 1, I do not believe that we should regard the idea of a reason as mysterious, or as one that needs, or can be given, a philosophical explanation in terms of some other, more basic notion. In particular, the idea of a reason should not be thought to present metaphysical or epistemological difficulties that render it suspect. As long, therefore, as we have suitable ways of determining whether there would or would not be good reasons for rejecting a principle under the relevant circumstances, and as long as we have reason to care about this result, a characterization of judgments right and wrong in terms of such reasons provides a satisfactory account of the subject matter of these judgments.

Thus, of the three questions about right and wrong with which I began—the questions of subject matter, method of reasoning, and reason-giving force—it is the second and especially the third which I take to be of primary concern. Accordingly, I take the reason-giving force of judgments of right and wrong as the starting point of my inquiry. I begin by offering a characterization of the reason-giving force of such judgments, and then take that characterization as the basis for an account of their subject matter.

When I ask myself what reason the fact that an action would be wrong provides me with not to do it, my answer is that such an action would be one that I could not justify to others on grounds I could expect them to accept. This leads me to describe the subject matter of judgments of right and wrong by saying that they are judgments about what would be permitted by principles that could not reasonably be rejected, by people who were moved to find principles for the general regulation of behavior that others, similarly motivated, could not reasonably reject. In particular, an act is wrong if and only if any principle that permitted it would be one that could reasonably be rejected by people with the motivation just described (or, equivalently, if and only if it would be disallowed by any principle that such people could not reasonably reject).

This description characterizes moral wrongness in a way that is appropriate for our purposes. First, it bears the right relation to our first-order moral beliefs. Those actions, such as wanton killings, that strike us intuitively as obviously wrong are also clearly wrong according to this account, since any principles that permitted these things could reasonably be rejected. More generally, it is plausible to take our intuitive judgments of right and wrong to be judgments about the subject matter just described. But this description of the subject matter of our judgments of right and wrong also has the appropriate degree of independence from our current first-order beliefs, since it leaves open the possibility that some of these beliefs are mistaken and that the authority that we now attach to those beliefs in fact belongs to others instead.

Second, this characterization describes wrongness in a way that provides plausible answers to the philosophical questions I mentioned at the outset. It describes judgments of right and wrong as judgments about reasons and justification, judgments of a kind that can be correct or incorrect and that we are capable of assessing through familiar forms of thought that should not strike us as mysterious. In addition, as I have just suggested and will argue at greater length in Chapter 4, these judgments are ones that we have reason to care about and to give great weight in deciding how to act and how to live.

Many people might agree that an act is wrong if and only if it could not be justified to others on grounds that they could not reasonably reject. But they might say that this is true only because what people could or could not reasonably reject is determined by facts about what is right or wrong in a deeper sense that is independent of any idea of

reasonable rejection. So, for example, some acts are wrong because they are acts of wanton killing or acts of deception, and because they are wrong it would be reasonable to reject any principle permitting them. But this last fact is to be explained in terms of the former ones, not the other way around.

My view denies this. It holds that thinking about right and wrong is, at the most basic level, thinking about what could be justified to others on grounds that they, if appropriately motivated, could not reasonably reject. On this view the idea of justifiability to others is taken to be basic in two ways. First, it is by thinking about what could be justified to others on grounds that they could not reasonably reject that we determine the shape of more specific moral notions such as murder or betrayal. Second, the idea that we have reason to avoid actions that could not be justified in this way accounts for the distinctive normative force of moral wrongness.

In the article in which I first presented this view, I referred to it as "contractualism."[1] I will continue to use this name, despite the fact that it has certain disadvantages. There are a number of other views, differing in various ways from the one I present, which are commonly called contractualist.[2] In addition, 'contract' and its cognates seem to many people to suggest a process of self-interested bargaining that is foreign to my account. What distinguishes my view from other accounts involving ideas of agreement is its conception of the motivational basis of this agreement. The parties whose agreement is in question are assumed not merely to be seeking some kind of advantage but also to be moved by the aim of finding principles that others, similarly motivated, could not reasonably reject. The idea of a shared willingness to modify our private demands in order to find a basis of justification that others also have reason to accept is a central element in the social contract tradition going back to Rousseau. One of the main reasons for calling my view "contractualist" is to emphasize its connection with this tradition.

The account of right and wrong presented in Part II is likely to strike many as a Kantian theory, and the idea that the rightness of an action is determined by whether it would be allowed by principles that no one would reasonably reject does have an obvious similarity to Kant's Categorical Imperative. In addition, my overall strategy resembles Kant's argument in the *Groundwork* in that it begins by characterizing the distinctive reason-giving force of judgments of right and wrong and takes this characterization as the key to understanding the content

of these judgments and the kind of reasoning through which we arrive at them. But my account of the reasons supporting our concern with the rightness of our actions is very different from Kant's. My strategy is to describe these reasons in substantive terms that make clear why we should find them compelling. While Kant sought to explain the special authority of moral requirements by showing how they are grounded in conditions of our rational agency, I try to explain the distinctive importance and authority of the requirements of justifiability to·others by showing how other aspects of our lives and our relations with others involve this idea. The result is an account of right and wrong that is, in Kant's terms, avowedly heteronomous.

In "Contractualism and Utilitarianism," I described my project as an investigation of the nature of *morality,* and I identified, as the motivational basis of my account, a *desire* to be able to justify one's actions to others on grounds that they could not reasonably reject. The structure of this book reflects the fact that both of these claims now seem to me to be mistaken.

The range of moral criticism, as most people understand it, is very broad. Various forms of behavior, such as premarital sex, homosexuality, idleness, and wastefulness, are often considered immoral even when they do not harm other people or violate any duties to them. Whether or not these forms of behavior are in fact open to serious objection, what those who believe that they are immoral have in mind is clearly not that they are wrong in the sense I described above. What I have presented is thus most plausibly seen as an account not of morality in this broad sense in which most people understand it, but rather of a narrower domain of morality having to do with our duties to other people, including such things as requirements to aid them, and prohibitions against harming, killing, coercion, and deception. This domain is the subject that has been most discussed (often under the name "morality") in contemporary moral philosophy. But while it is an important part of morality, as generally understood, it is only a part, not the whole.

It is not clear that this domain has a name. I have been referring to it as "the morality of right and wrong," and I will continue to use this label. But 'right' and 'wrong' are also commonly used in a broader sense, as when it is said that certain forms of sexual conduct or conduct that leads to the destruction of animal species is wrong. The part of morality that I have in mind is broader than justice, which has to do particularly with social institutions. 'Obligation' also picks out a

narrower field, mainly of requirements arising from specific actions or undertakings. So I have taken the phrase "what we owe to each other" as the name for this part of morality and as the title of this book, which has this domain as its main topic. I believe that this part of morality comprises a distinct subject matter, unified by a single manner of reasoning and by a common motivational basis. By contrast, it is not clear that morality in the broader sense is a single subject that has a similar unity.

I originally identified the motivational basis of "what we owe to each other" as a *desire* to act in a way that can be justified to others, because I took the idea of a desire to be clearer and less controversial than that of a reason. It seemed to me unproblematic (perhaps the least problematic claim about reasons) to say that a person who has a desire has a reason to do what will promote its fulfillment. I was inclined to believe that not all reasons are based on desires in this way, but defending this more controversial thesis did not seem necessary for my purpose, which was, primarily, to identify the reason-giving force that considerations of right and wrong have for those of us who are moved by them. I therefore characterized the source of this reason-giving force as a desire to act in ways that can be justified to others, thinking that I could leave aside such questions as what to say about those who lacked this desire and whether the fact that an act was wrong would give such people any reason to avoid it.

This strategy proved untenable, however. Many people pressed me to say whether, on my view, a person who lacked this desire would have any reason to avoid acting wrongly, and to explain how I would account for the fact that lacking this desire is a particularly serious fault. In addition, it became clear that the accounts I wanted to offer of the structure of reasoning about right and wrong, and of the relation between this part of morality and other values, were much more naturally put in terms of reasons. It was very difficult, perhaps even impossible, to present these accounts adequately within a conception of practical reasoning that took it to be a matter of figuring out how to fulfill various desires and how to balance these desires against one another. This forced me 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 to

be understood in terms of the idea of taking something to be a reason. Nor do desires provide the most common kind of reasons for action; rather, it is almost never the case that a person has a reason to do something because it would satisfy a desire that he or she has. I argue for these conclusions in Chapter 1, where I also set out the ideas of rationality, irrationality, and reasonableness that are relied on in subsequent chapters.

Chapters 2 and 3 take up the notions of value and well-being. It is commonly supposed that value (or "the good") and individual well-being are notions that are independent of the part of morality that is my main concern. They can thus provide grounds on which the requirements that make up this part of morality can be justified, but they also constitute a potential source of difficulty for it, since its requirements may conflict with the promotion of well-being and other forms of value. To be valuable, or "good," on this common view, is to be something that is to be brought about or promoted. The things that are valuable are thus states of affairs, or components of states of affairs, and one of the main things that contribute to the value of a state of affairs is the well-being of the individuals in it. Most other things are valuable because of the contribution they make to individual well-being. In Chapter 3 I argue that this common view of well-being as a "master value" is mistaken, and I argue against the idea that there is a single notion of well-being that should play a central role both in individual decision-making and in the justification of moral principles. Chapter 2 attacks the more general idea that to be valuable is to be "to be promoted." My argument proceeds by examining some of the things that are generally held to be valuable, such as friendship and intellectual and artistic accomplishment. Recognizing these things as valuable does involve seeing some states of affairs as "to be promoted," but I argue that not all the reasons that are involved in recognizing these values or most others are reasons to promote certain states of affairs. In particular, I argue that to recognize human life as valuable is, first and foremost, to see the reasons we have for treating others in ways that accord with principles that they could not reasonably reject. This connects the sphere of value, or "the good," with "what we owe to each other" in a way that reduces the apparent conflict between them.

Chapter 4 presents my account of the motivational basis of what we owe to each other and shows how this account can explain the priority and importance that moral considerations are generally thought to