

PHI 202 | Brief notes on Scanlon¹

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Readings:

Scanlon, T. (1998). *What We Owe to Each Other*. Chapter 5 (focus on §9 "Aggregation")

Two uses of "contractualism"

The term "contractualism" is sometimes used in a broad sense to refer to a view that morality is based on some form of agreement between all relevant parties. But it is also used in a narrow sense to refer to the view developed by Scanlon in *What We Owe to Each Other*.

The central claims

(a) *Interpersonal morality*. Here is Scanlon's definition of wrongness:

"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" (Scanlon 1998, p. 153).

Notice that this is only a sufficient condition. Contractualism aims to cover just one important part of morality, that which governs the interactions between persons. It makes room for explanations, but cannot itself explain, why it would be wrong to turn the Grand Canyon into a trash disposal site or torture animals, if it would not affect any person's interests.

(b) *Justifiability to each*. The guiding ideal of interpersonal morality is that of conducting oneself in a way that is justifiable to each person affected. An act is wrong when and because it does not meet the standard of justifiability to each person.

(c) *Reasonable non-rejectability*. An act is justifiable to each person affected just in case it would be permitted by principle that no one could reasonably reject or object to. What makes an objection reasonable?

First, it must be supported by *good reasons*. Note, for instance, that what is rational and what is reasonable can go apart. It may be rational for a producer of a life-saving drug to sell it to others at a very high price, but would not be reasonable.

Second, it must be *sufficiently forceful*. How forceful an objection is under contractualism depends on what alternative principles there are and what objections these alternative principles confront. We cannot determine whether an objection is sufficiently forceful by looking at it in isolation.

Third, it must subject to

The Individualist Restriction: Whether a principle is reasonably rejectable depends only on the objection raised by *single individuals* on the basis of their respective *personal reasons* for objecting to that principle and its alternatives.

That is, an individual's personal reasons for objecting to a principle are those having to do with the principle's implications for her *own* well-being, interest, or status. Impersonal reasons, such as those having to do with people's welfare in the aggregate, may not serve as a basis for an individual's objection. And objections from single individuals cannot be aggregated into any supra-objection.

¹ In preparing this, I benefited from Erik Zhang's (ms) "Limited Aggregation and Moral Contractualism".

Some similarities between contractualism and utilitarianism

(a) Both are *impartial* theories. They recognise that everyone who has moral status matters and that their interests matter equally.

(b) Both recognise that *consequences*, such as the effects of our actions on people's well-being, matter.

Some differences between contractualism and utilitarianism

(a) *Scope*. Contractualism provides only a sufficient condition for wrongness. It covers only a part of morality: the realm of what *we* owe to each other, of how we can wrong each other. By contrast, utilitarianism provides a *sufficient and necessary* condition for wrongness: an act is wrong *if and only if* it fails to maximise utility. It is intended to cover the whole of morality.

(b) *Aggregation*. Utilitarianism is committed to the claim that moral value is *additive*, that it can be aggregated and traded-off across persons. It is ultimately interested on what is good and bad. Contractualism wants to reject this claim and focus exclusively on what is good and bad *for* people.

(c) *Values*. Utilitarianism regards well-being as the sole non-instrumental value, and thus the only source of reasons in favour and against performing actions. Contractualism is more promiscuous as it allows for a wider range of values and reasons in favour and against performing actions. For example, it might matter on what basis (e.g., race) benefits and burdens are distributed.