

## What We Owe to Each Other

by T. M. Scanlon

*Review by Dr. S. Matthew Liao on 6 January 2002.*

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Scanlon's book aims to offer us a moral theory of right and wrong and of our obligations to one another. The theory is called contractualism and its central claim is that an act is right or wrong if and only if it could or could not be justified to others on grounds that they could not reasonably reject (p. 4). Scanlon recognizes that so stated, his contractualism might seem empty in the sense that one might think that the aim of offering grounds that others could not reasonably reject is an aim to which all plausible moral theories would aspire (p. 4). For example, as Scanlon himself acknowledges, utilitarians, who hold the view that an act is right only if it would produce the greatest happiness, presumably would believe that their view is one that no reasonable person could possibly reject (p. 189). However, Scanlon believes that his contractualism is in fact substantive. According to Scanlon, his contractualism holds the process of justifying to others to be 'basic' (p. 5). In other words, Scanlon believes that simply by thinking about what could be justified to others on grounds that they could not reasonably reject, we can 'determine the shape of more specific moral notions such as murder or betrayal (p. 5).' As Scanlon explains, even though utilitarians may also accept that an act is right if and only if it can be justified to others, what makes an action right for utilitarians is that the action has the best consequences; 'justifiability is merely a consequence of this' (p. 189); whereas for Scanlon's contractualism, justifiability is what makes an action right or wrong. The aim of Scanlon's book is to elaborate and explicate this account of contractualism.

Scanlon's work is divided into the two parts. In Part I (Chs. 1-3), Scanlon explains why he takes reasons rather than desires to be 'primitive,' how reasons are related to values, and why well-being is not a 'master-value' as some consequentialists might believe it to be. In Part 2 (Chs. 4-8), Scanlon discusses the main claims of his contractualism and considers issues about responsibility, promises and relativism in light of his theory. Throughout the book, Scanlon also distinguishes his contractualism from Kant's contractualism by pointing out that his contractualism, unlike Kant's, is 'heteronomous' rather than 'autonomous' (p. 6); and from the contractualism of John Rawls, David Gauthier and R. M. Hare by arguing that unlike these other writers, his contractualism appeals to reasons rather than rationality as the sources of justification (p. 191).

Scanlon has offered us some interesting and well-formulated arguments on a number of central topics in ethics, e.g., his insightful discussion that the obligation to keep a promise need not derive its moral force from the existence of a social practice of promising (Ch. 7). I have however serious reservations about Scanlon's main project, namely, whether he has succeeded in providing us with a substantive account of moral theory where 'justifiability' is taken as basic. As far as I can see, rather than justifiability's doing the work in providing us with moral answers, what are doing the work in Scanlon's moral theory are Scanlon's moral intuitions; 'justifiability' seems 'merely a consequence' of these intuitions.

The book contains many instances where Scanlon seems to rely on his intuitions to arrive at moral answers, instead of his demonstrating that these answers are derived from the idea of justifiability (pp. 192-193, p. 227, p. 235, etc). To give just one example, Scanlon argues that if one has a piece of information that would be of great help to another person because it would save that person a great deal of time and effort in pursuing that person's life's project, according to Scanlon, even if the person is not in desperate need of this information,

it would surely be wrong of [one] to fail (simply out of indifference) to give her this information when there is no compelling reason not to do so. It would be unreasonable to reject a principle requiring us to help others in this way (even when they are not in desperate need), since such a principle would involve no significant sacrifice on our part. Call this the Principle of Helpfulness' (p. 224).

To me, this principle seems just to be a piece of Scanlon's moral intuition. Indeed, although Scanlon claims that it would be 'unreasonable to reject a principle requiring us to help others in this way,' but why is this so? Scanlon offers no further explanations and I do not see why it would be unreasonable to reject this principle. In fact, I believe that this principle of helpfulness is not morally obligatory. To see this, consider the following: Suppose a person needs a yacht so that he can sail around the world and achieve his dream project, and suppose that I am so wealthy that it would really cost me very little to buy him a yacht, I may just decide to do so on the principle of helpfulness in order that he can pursue this dream. But rather than the principle's being a moral obligation, this principle seems to me to be supererogatory, that is, beyond the calls of duty. The reason is that while it may be the case that we have an obligation to help people obtain the universally necessary conditions for a good life such as food, water, education, etc., it does not seem to me that we have an obligation to help people to obtain whatever necessary for their pursuit of a good life. Hence, Scanlon and I have different views regarding the moral obligatoriness of this principle. More pertinently though, I do not see how this principle is the result of taking the idea of 'justifiability as being basic.'

In only one instance in the book does Scanlon appear to give substance to his idea that justifiability can be taken as basic. As we shall see, though, this is more apparent than real. Scanlon considers a situation in which we must choose between saving two people versus saving one person from the same loss or injury. According to him, we can arrive at the answer that we should save the greater number by considering whether it would be permissible for one to be indifferent between saving two versus saving one. According to Scanlon, the second person in the larger group

[could] complain that this principle did not take account of the value of saving his life, since it permits the agent to decided what to do in the very same way that it would have permitted had he not be present at all . . . This is unacceptable, the [additional] person [from the larger group] might argue, since his life should be given the same moral significance as anyone else's in this situation (p. 232).

It follows, according to Scanlon, that saving the greater number is required because it is 'not *unfair* to the person who is not saved, since the importance of saving him or her has been fully taken into account' (p. 234).

Here it might seem as if Scanlon has illustrated how justifiability can be taken as basic, since the reason why one should save two is that this seems to be a principle no reasonable person can reject, whereas saving only the one person seems to be a principle which the additional person in the two person group can reject. However, I would argue that what is really doing the work here is not 'justifiability' but the principle of fairness. Recall that Scanlon's explanation of why the individual in the one person group could not protest to not being saved is that it is not 'unfair' to her. Without this principle, (and assuming, for argument's sake that fairness is the appropriate consideration here), I do not see why the person in the one person group could not reasonably object to a principle that requires one to save the greater group on the ground that it is her life which would be sacrificed. I agree that once the principle of fairness is taken into account, then this could override the individual in the one person group's claim that she should be saved. But, in such a case, it seems to me that it is the principle of fairness that is determining why one should save the greater number; justifiability seems only to be a consequence of this principle. Here it is worthwhile recalling something said in the beginning, namely, that in a trivial, empty sense, all moral theories aspire to provide grounds that others could not reasonably reject. Hence, I am not denying that justifiability plays no role in the example above. However, Scanlon's aim was to provide a moral theory that would show justifiability to be basic; that is, justifiability and nothing else would give us determinate moral answers. To the extent that he had to use the principle of fairness to arrive at a determinate answer, it seems that Scanlon has not succeeded in his aim.

Scanlon has admirably tried to surmount the shortcomings of our present moral theories by presenting us with his version of contractualism. Although I have misgivings about whether he has succeeded in outlining a plausible moral theory, the original, interesting and plausible arguments contained in this book should challenge and delight all who are interested in ethics.