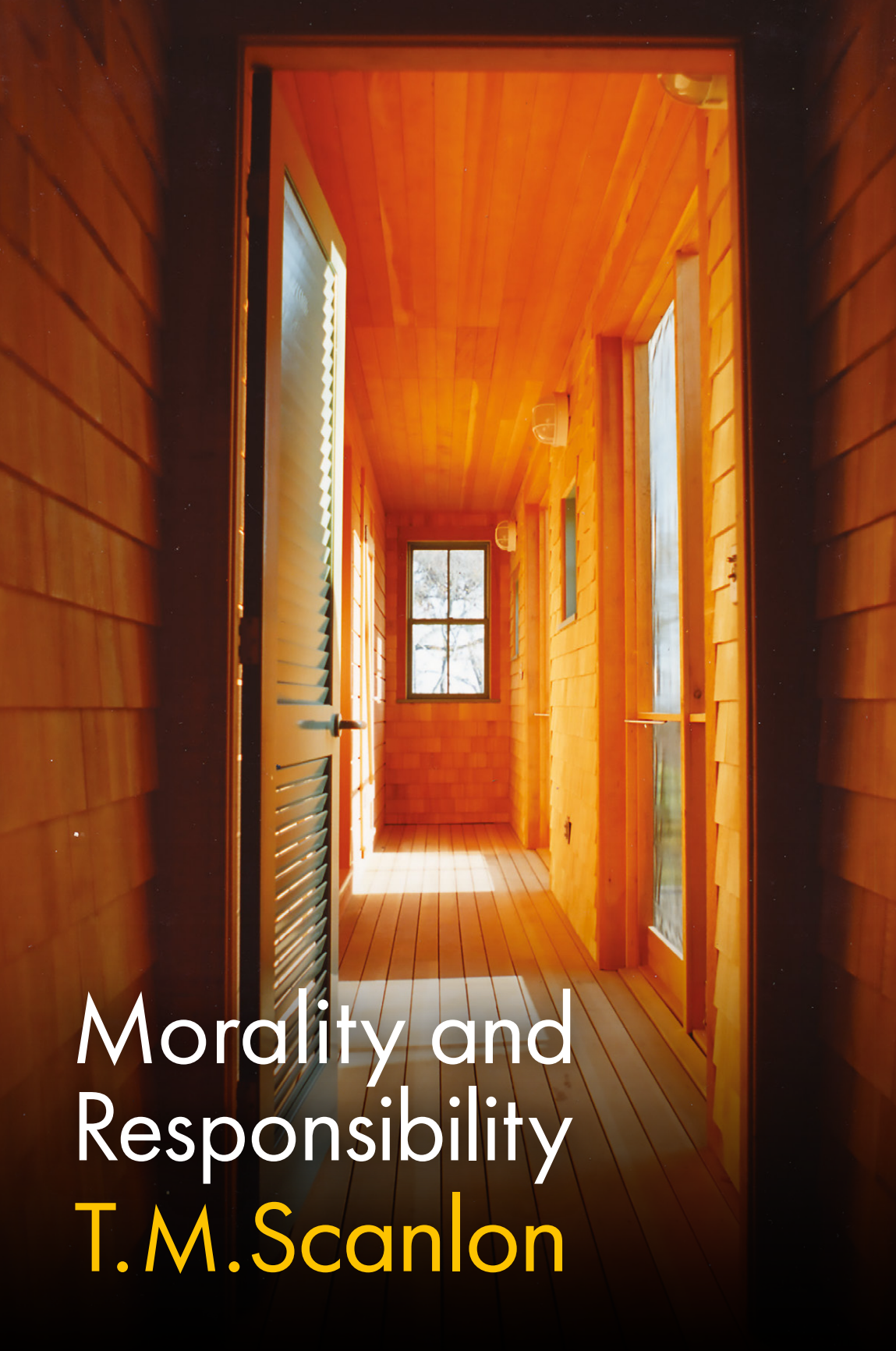

Morality and Responsibility

T. M. Scanlon

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To Lucy, as ever

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polity

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Contents

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Introduction

The papers on morality and responsibility collected here were written between 2001 and 2021. Most of them originally appeared in Festschrifts or conference proceedings. "What Is Morality?" is somewhat different. It is a summary of an introductory course in moral philosophy that I gave at Harvard for many years, written for a volume of summaries of courses in Harvard's general education curriculum. I include it here because it sounds several themes that I think are important.

Among these themes is the idea that what is commonly referred to as "morality" includes a number of distinct values. In "Contractualism and Utilitarianism" I said that I was offering an account of "morality," both of its content and its "motivational basis"; that is to say, what reason we have to care about whether our actions are morally right or wrong. But, by the time I was writing *What We Owe to Each Other*, I had come to see that there were a number of things commonly called moral faults that are not covered by my contractualist account. Three that I mentioned there are the faults of not caring about the development of one's talents, of failing to care about one's children, and of some attitudes toward sex.[1] Recognizing this diversity, I said that I was offering an account not of all of what is commonly called morality but of only a part, to which I gave the name "what we owe to each other."

This move to a pluralist view of the content of morality comes with a risk of triviality. It may seem that, as Derek Parfit has suggested, I am claiming to account not for morality but, trivially, just

[1] See Scanlon, *What We Owe to Each Other*, pp. 171–177.

for that part of it that fits the theory I am offering. But, applying what I call the remorse test, it seems to me that the reasons we have to care about these distinct kinds of moral fault are different, and this leads me to believe that they constitute different normative subject matters. So the pluralist implication of my contractualist view seems to me a strength rather than a weakness. I discuss and reply to Parfit's objections in "Wrongness and Reasons."

"Contractualism and Justification" is part of my continuing reassessment of contractualism as a moral theory. It was written for a conference on my work, which explains its somewhat autobiographical character. In it, I describe the line of thinking that led me to contractualism, and consider both what I see as its strengths, and the problems that it faces. The strengths seem to me to lie in what I call its reductive character: the fact that it explains the rightness and wrongness of actions in terms of the sufficiency of reasons for rejecting principles that would permit them. This reductive analysis seems to me to provide both an enlightening way of thinking about the content of moral requirements and an appealing explanation of our reasons for taking these requirements seriously. The main problems with this reductive strategy lie in how facts about the sufficiency of reasons for rejection are to be understood, specifically in the amount of moral content that these facts already have. I am continuing to struggle with this problem.

Both my reductive account of the content of moral requirements and my answer to the question of why one should care about these requirements are based on claims about what an individual has reason to want, which are, in different senses, claims about what is good for an individual or good from that individual's point of view. In "Ideas of the Good in Moral and Political Philosophy" I discuss different ways of understanding an individual's good, and the tensions between these that arise in works of Henry Sidgwick, Karl Marx, John Rawls, and Bernard Williams.

The papers in the section on responsibility record steps in the evolution of my thinking about blame and responsibility. Two aspects of my view remain constant across these papers, however. The first is my understanding of "free will." As I understand it, we have free will if our thoughts and actions are not all caused, ultimately, by factors over which we have no control. I don't see how we could have free will in this sense. So, I am an incompatibilist about free will. But I believe that the lack of free will is not a problem for moral responsibility. I am led to this compatibilism about moral responsibility by the second aspect of my view that is

constant across these papers. Conditions of responsibility are conditions under which a fact about what a person is like or has done can have certain moral consequences. Therefore, to determine what these conditions are, one must first clearly identify the moral consequence that is in question and then consider the moral question of what is required in order for some fact about a person to have this moral effect.

This question is not directly addressed as often or as fully as I believe it should be. It is often assumed, without moral argument, that blame is appropriate only for things that are under a person's control. Galen Strawson, for example, simply states: "But to be truly responsible for how one is, mentally speaking, in certain respects, one must have brought it about that one is the way one is, mentally speaking, in certain respects."[2] I believe, on the contrary, that blame does not require control, and that the things that, at the most basic level, make it appropriate to blame a person are generally facts about how the person is "in certain mental respects" that are not under that person's control. I reach this conclusion not simply by considering examples, but rather by examining the moral question of why it should be the case that control is a condition for moral reactions such as blame.[3]

I followed this strategy in chapter 4 of *Moral Dimensions*, offering a somewhat novel account of blame, and investigating the conditions necessary for blame, so interpreted, to be appropriate. I continue this investigation in "Interpreting Blame." In "Forms and Conditions of Responsibility" I take a slightly different view. It now seems to me that blame is too broad a concept to be the starting point for an investigation of the conditions of responsibility. Blame can involve many different things, including many different reactive attitudes, and it seems to me pointless to argue about what blame really is. I still believe that the reactive attitudes having to do with the modification of relationships, which I discussed in *Moral Dimensions*, are important and have not been sufficiently recognized in discussions of blame and responsibility. But I no longer see any point in arguing that they are what blame really is. Rather than starting from an analysis of blame, it seems to me that an investigation of the conditions of moral reaction responsibility should begin

[2] Strawson, "The Impossibility of Moral Responsibility," p. 213. I discuss Strawson's views in *Moral Dimensions*, pp. 182–184, and 190–192.

[3] I consider reasons for thinking that blame requires control and explain why they do not seem to me convincing in *Moral Dimensions*, pp. 179–198.

with more specific moral reactions and then consider the conditions required in order for these reactions to be morally appropriate.

This pluralism about blame brings with it a risk akin to the threat of triviality I discussed above in the case of morality. I argue that certain moral reactions, such as a modification of a relationship of the kind that I discuss, can be appropriate reactions to facts about a person that are not under that person's control. Even if I am correct in this, however, it would not follow that there is in general no problem about free will and moral reaction responsibility. Other reactions may have different preconditions, and some forms of blame that we have reason to care about may require some form of control. To reach the conclusion that lack of freedom or control does not represent a problem for moral reaction responsibility in general one needs to show that this is true about all the moral reactions that we have good reason to hold.

As its title indicates, "Giving Desert its Due" reflects a change in my view of desert. In earlier work[4] I had rejected appeals to desert altogether because I identified them with what I called "the Desert Thesis." This is the idea that facts about what a person is like or has done can, in themselves, make it a good thing for that person to suffer some loss, or at least less bad that some innocent person should suffer that loss. This thesis struck me as morally repellent. I believe that (whether we have free will or not) it is never a morally good thing, in itself, that someone should suffer some loss. This is still my view, but my wholesale rejection of desert on this basis now seems to me to have been too quick. I believe that there are cases, what I call "pure desert cases," in which certain reactions, such as forms of blame, can be made appropriate simply by facts about what a person is like or has done. "Giving Desert its Due" explores conditions under which this can be so.

In "Reasons and Passions," I discuss Harry Frankfurt's various attempts to characterize, among the things that occur in a person's mental life, the ones that "belong to" a person in the sense required for moral responsibility. In "Learning from Psychopaths" I examine Gary Watson's arguments that some moral reactions require more than the attributability to a person of morally deficient actions and attitudes, and in "Korsgaard on Responsibility" I consider Christine Korsgaard's view that a person's being responsible is not just a fact about that person.

[4] My Tanner Lectures "The Significance of Choice," and ch. 6 of *What We Owe to Each Other.*

These papers are all concerned with what I call moral reaction responsibility, that is to say, with the conditions required to make forms of blame and other reactive attitudes appropriate. "Responsibility and the Value of Choice," and "Responsibility for Health and the Value of Choice," on the other hand, deal with what I call substantive responsibility, that is to say, form of responsibility that is required in order, for example, for some fact about a person to have the kind of moral significance involved in giving consent or undertaking an obligation. These two chapters examine the conditions that this form of responsibility requires, and illustrate the importance of distinguishing between these two forms of responsibility.

Part I

Morality

1

What Is Morality?

Terms such as "moral," "morality," and "morally wrong," occur frequently in personal discourse and political argument. But it is often unclear what the people using these familiar terms have in mind, and unclear whether they are all even referring to the same thing. For example, many people seem to believe that sexual conduct is a central element in morality. When you read in the newspaper that there is a question about some politician's morals, you know right away that it has to do with sex. But others believe that, although some moral wrongs, such as rape, or infidelity, involve sex, these things are wrong because they are instances of more generic wrongs that are not essentially concerned with sex, such as coercion, or promise-breaking. When no other form of harm or wrong is involved, sex itself is not a moral issue, according to this view. Differences such as this, which are not so much about the content of morality as about its scope – the range of actions it applies to – suggest that people disagree not just about which things are morally wrong but also about what it is to be morally wrong.

These different views of morality agree in taking moral standards to be ones that we all have good reason to accept as a normally conclusive basis for deciding what to do and for assessing our claims against others. Some people who believe morality is authoritative in this way may have specific ideas about the reasons why this is so – for example, that these standards are commands of God. But different people may have different ideas about this, and I believe that many people, even though they take moral standards seriously, are quite unclear about exactly why one should do so.

Answering this question has been one of the central aims of moral philosophy since its beginning. Plato's dialogue *Gorgias*, for example, is devoted to the question of why we should act justly, and whether there are correct answers to basic questions of morality and justice, or whether, as some participants in the dialogue maintain, these are matters of opinion rather than knowledge, and mere persuasion rather than argument. Callicles, the toughest of these participants, holds that the best life, if one could attain it, would be a life in which one was able to persuade other people to do whatever one wanted them to, without regard to considerations of justice or morality. Socrates' response to this challenge illustrates several important features of this central question of moral philosophy.

The first is that any attempt to answer the question, "Why be moral?" faces a dilemma. On the one hand, a satisfactory answer to this question cannot be based on any avowedly moral claim. It would be obviously circular to argue that one should obey moral requirements because it would be morally wrong not to do so, or because one would be morally bad if one did not. On the other hand, a response to this question that appealed to some consideration that was obviously unconnected to morality – such as that being moral would make one rich, because "honesty is the best policy" – would offer the wrong kind of answer, which would fail to give morality the kind of significance that it is generally thought to have. It would be more like a bribe, making what had been thought of as noble behavior in fact self-interested.

Socrates' answer responds to this dilemma. He maintains that immoral or unjust action is only possible if one has a disordered soul, and that the health of one's soul is the most important thing in life. Because of this, he says, acting unjustly is worse than suffering even the most severe injustice at the hands of others.[1] This answer may not be very convincing, but it has the form required to avoid the dilemma I just described. Socrates' conception of the health of one's soul is not simply a circular appeal to morality, but rather offers an independent reason for being moral, and one that does not seem like a bribe.

When Socrates offers this answer, Polus, another participant in the dialogue, says that it is ridiculous. He adds that if Socrates were to go into the assembly and say that committing an injustice is worse for a person than suffering an injustice, people would laugh at him, and no one would agree. Socrates responds that the kind

[1] *Gorgias*, 472–473, 477.

of inquiry he is engaged in is not settled by taking a vote. The only relevant way to show him to be wrong, he says, would be to offer an argument refuting what he has claimed.[2]

This illustrates a second important point about philosophical inquiry into morality (or into any other philosophical issue). However plausible or implausible Socrates' thesis may be, *any* answer to the question he is addressing is bound to be controversial. Given any account of the reasons for taking moral requirements seriously, there are bound to be some people who reject this account and are not convinced by the arguments we offer (as, indeed, the opponents in Plato's dialogue seem in the end not to be really convinced by the argument Socrates has offered).

This would be discouraging if the aim of philosophical inquiry were to find an argument that would force any imagined opponent to accept one's conclusion. But this is not the aim of philosophy, not only because it is unrealistic to think we could attain it, but also because it is not the main thing we have reason to aim at. Philosophical inquiry is a process of making up one's own mind what to think. It is not, primarily, about convincing others. After all, one does not know what one wants to convince others of until one figures out what to think oneself.[3] The dialogue format of Plato's writings can be confusing on this point. It is natural to read dialogues as debates, in which Socrates is trying to "defeat" his "opponents." But this is not the way Socrates himself sees it. He emphasizes that being shown to be wrong is not defeat, but something to be welcomed, because one will have benefited by learning something.[4] He sees his interlocutors not as opponents but as co-investigators. This is why he insists that he is interested in talking only with people who will say what they themselves believe, and will submit to questioning about what they say.

The fact that philosophical inquiry aims at deciding what to believe oneself rather than at convincing real or imagined opponents does not mean that one is free to ignore what others think. It just alters the relevance of conflicting opinions. The question is not "How could I convince them?" "They" may be unreasonable, and refuse to accept even good arguments. The relevant questions, rather, are, "Why do they think that?" and "Do their reasons provide good grounds for me to accept their view?" If one can resolve

[2] Ibid., 474.
[3] Ibid., 466ff.
[4] Ibid., 461.

these questions satisfactorily, then one need not change one's mind, even if others continue to disagree.

Before taking up the question of the basis of morality, we need to consider the broader question of what makes a life a good life for the person who lives it. This is relevant to an account of morality in two ways. First, an answer to the question, "Why be moral?" must consider how morality is related to the kind of life that is desirable for the person whose life it is. Second, the content of morality depends in part on the answer to this question, since one thing morality requires of us is that we help others in various ways, and at least not harm them. So, to know what morality requires we need to know what is good for people – what makes their lives better, and what makes them worse.

In his argument with Callicles, Socrates considers and rejects two accounts of what makes a person's life better that still have appeal for many people today. These are *hedonism*, which is the view that the quality of a life for the person who lives it is measured by the amount of pleasure that it contains, and a *desire theory*, according to which the quality of a life for a person depends on the degree to which it fulfils his or her desires. Although each of these views has considerable appeal, neither is in fact a satisfactory account, for reasons that Plato recognized in *Gorgias*.[5]

Consider hedonism first. There is, of course, the difficult question of exactly what pleasure is, and which kinds of pleasure are most worth having. Advocates of hedonism may underestimate this problem, but there is a further objection to hedonism, which can be seen by noting that it is a form of *experientialism* – that is, it makes the quality of a life for the person living it depend entirely on the experience of living that life. Robert Nozick provided a famous argument against experientialism with his thought experiment of the "experience machine."[6] Suppose, he said, that it were possible to have oneself connected to a very powerful computer, which would stimulate your brain in a way that would make it seem to you exactly as if you were living whatever kind of life you take to be best. Would a life connected to such a machine actually be as good as a life could be? Nozick claimed, very convincingly I think, that it would not be. The quality of a life depends on what one

[5] The following summarizes arguments in ch. 3 of Scanlon, *What We Owe to Each Other*, which in turn draw on Derek Parfit's discussion in Appendix I of *Reasons and Persons*.

[6] Nozick, *Anarchy, State, and Utopia*, pp. 42–44.

actually does, and what *actually* happens to one, not just on what it seems like. The same point can be made without the science fiction involved in Nozick's example. Consider the possibility that the people whom I think of as my good friends are in fact not friends at all. Perhaps, just to make the point graphic, they are alumni of the Harvard *Lampoon* who have a project of deceiving me, and who meet every week to plot their strategy and laugh at how gullible I am. It seems clear that I have good reason to want this not to be the case. It matters whether I have friends or not. Similarly, it matters whether the arguments in my articles are really valid, rather than containing subtle errors. And these things are so even if I never discover the errors, or the falseness of my supposed friends.

So even though the experience of living a life – whether it is enjoyable, exciting, satisfying, and so on – matters to how good a life it is, and is perhaps one of the most important factors, it is not the *only* thing that matters. This weakness of experientialism also brings out how hedonism, as a form of experientialism, differs from a desire-fulfillment theory. The two may sound the same because "fulfillment" maybe taken to refer to the experience of having one's desires fulfilled. But this is not the way a desire theory should be understood. The relevant idea of a desire being fulfilled is like the idea of a belief being true: a desire is fulfilled, in the relevant sense, just in that case that the world is in fact (not just seems to be) the way the person desires it to be, whether or not the person is aware of the difference. So according to a desire theory the things that make a person's life go better include factors that lie outside that person's experience, as Nozick's experience machine example and the other examples I mentioned suggest. Indeed, these examples might be taken to support a desire theory, that is, to call our attention to the fact that *if* a person cares about whether he or she has true friends or whether his or her arguments are valid, *then* that person's life is going better if these things are in fact the case.

But we should not be too quick here. The correctness of a desire theory depends on whether the "if clause" in the previous sentence is really necessary. A desire theory maintains that things such as friendship make a person's life go better only if he or she desires these things. Contrary to what a desire theory maintains, however, it may be the case that friendship would make a person's life better even if she or he doesn't desire friendship, and that because this is so the person *should* desire to have friends.

This brings us to another famous argument of Plato's, from his dialogue *Euthyphro*. In this dialogue, the title character tells Socrates

that he is going to the assembly to denounce his father because this is the pious thing to do. Socrates asks Euthyphro what piety is, and he replies that piety is doing what is pleasing to the gods. Socrates then asks Euthyphro whether actions are pious because they are pleasing to the gods or whether these actions please the gods because they are pious.[7] This is one of the most famous questions in all of philosophy because it has application to any attempt to explain a property in terms of the reaction that some person or persons would have under certain conditions. So, for example, if it is said that an object is red if it would look a certain way to a normal human observer in good light, then it may be asked whether things are red because they look that way, or whether they look that way because they are red.

In the case just considered the proposal was that certain things make a person's life better if that person desires them. The "Euthyphro question" is then whether these things make a person's life better because he or she desires them or whether the person desires them because they make his or her life better. And the answer seems to be that in most cases the latter is closer to the truth. That is to say, we do not generally think that we have reason to pursue things because we desire them, but, rather, we desire them because we see something about them that seems to us to make them worth pursuing.

These reflections strongly suggest that neither a hedonistic theory nor a desire fulfillment theory gives the full explanation of what makes someone's life better, although each contains an element of the truth. A plausible account of what makes someone's life better needs to recognize that the quality of a life depends at least on the following:

1. The quality of the experience of living it: the extent to which it includes more of desirable states such as pleasure, excitement, and challenge, and less of undesirable ones such as pain, sorrow, and frustration.
2. The person's success in achieving his or her main aims, provided that these are ones that there is reason to pursue.
3. The degree to which it includes other valuable things, including personal relations such as friendship and the development and exercise of valuable talents.

[7] *Euthyphro*, 10ff.

The first of these points gives hedonism its due: pleasure (or more broadly the quality of one's experience) is *a* good, and an important one, even though it is not *the only* good. The second point recognizes the truth in desire theory: the things that make a person's life better or worse depend on the aims that person actually has. But aims or desires do not, by themselves, make things valuable: they do so only if they are aims worth having. Achieving a foolish aim, such as getting up every day at exactly the same time, does not make one's life better. Finally, the third point recognizes that some ingredients in a life other than success in one's aims are worth desiring for their own sake, rather than being good only if one desires them.

These three points are just a list, not an overall theory of what makes a life better.[8] It is not at all clear that there could be such a theory. But the foregoing reflections seem to me to strongly suggest that, whether it is an overall theory or a list, a plausible account of what makes someone's life better will be a *substantive good* account: a claim or set of claims about what things are good in themselves, not good because they are desired. Hedonism is one such an account; it is just an implausibly narrow one, a list that includes only one element. Socrates' claim about the health of the soul is also a substantive good account, although not to my mind a very plausible one.

Any account of what makes someone's life go better, especially one that rests on claims about what is substantively good, is bound to be controversial. So one might ask (as some student in my course always does), "Who's to decide what makes a life better?" It is important to see that this is a facile debating move, not a serious question. To say of some person that he or she is "the one to decide" whether A is the case or not suggests that this person has the authority to settle this question: that their deciding that A is the case would make it so. Sometimes, in some institutional settings, for example, there is authority of this kind. The Supreme Court, for example, has the authority to decide whether something is the law of the United States. But with respect to the questions we are considering there obviously is no authority of this kind. So the answer to the question, "Who's to decide?" is "No one." That is to say, no one has the authority to settle the question.

But in another, more relevant sense the answer to "Who's to decide?" is "Each of us." That is to say, it is up to each of us to

[8] Parfit refers to a hybrid account of this kind as an "objective list theory." See *Reasons and Persons*, pp. 499ff.

make up his or her own mind about questions such as what makes a life better for the person who lives it. This is not to say that each of us has any authority to settle this question. It is up to each of us to assess the merits of competing answers and arrive at our own conclusion as to which one is correct. But whether this conclusion is correct depends on its merits, not on our decision.

It may seem that each person has special authority to settle the question of what life is the best life for him or her. This may be true in a sense, but not in the sense relevant to our present discussion. It is up to each person to decide how to live, and each person has authority over this question in the sense that (within limits, at least) his or her decision has a claim not to be interfered with. But authority of this kind should not be confused with authority to settle the question of what makes a life worth living – to determine, by one's decision, what the right answer to this question is. We do not have this authority. We can be mistaken about what life would be best for us, although it is also true that our choices about how to live, even if misguided, ought not to be interfered with.

There is now a growing body of empirical investigations, by psychologists and economists, of what makes people happy, and it might be thought that their findings could provide an answer to the question we are considering. At the most fundamental level, this is not so, for a reason that goes back to our discussion of Socrates' philosophical method. Philosophical questions, such as whether the quality of a life for the person who lives it depends only on the person's experience, or only on what he or she desires, or also on something else, cannot be settled by taking a poll. The correctness of an answer depends on the merits of the argument supporting it, not on how many people believe it to be correct.

Our present discussion is, however, relevant to these empirical findings in two ways. The distinctions we have been making are important in deciding how to interpret survey data of this kind and in deciding what kind of importance it has. Consider, for example, a study by Betsey Stevenson and Justin Wolfers.[9] They report the results of surveys in which women were asked how happy they were with their lives. These surveys were conducted over a period of more than thirty years, from the early 1970s to 2006, and Stevenson and Wolfers report that over this period women's reported happiness declined both in absolute terms and relative to the reported happiness of men.

[9] Stevenson and Wolfers, "The Paradox of Declining Female Happiness."

The first question to which our present discussion is relevant is how to understand what the women in these surveys were reporting. They were sometimes asked to say how happy they were. In other cases they were asked how satisfied they were with their lives, or with how their lives were going in certain respects: as far as their family life was concerned, or their careers. The former wording suggests that in answering this question they were assessing their lives on the basis of a hedonistic standard. The latter suggests they were reporting how fully they thought their desires about their lives (or about some part of their lives) were fulfilled. This makes a difference to the significance of the results. If the subjects are assessing the quality of their experience then, presuming they know how they feel, and are being truthful, these results indicate a decline in at least this particular aspect of wellbeing (the first component on my list above). On the other hand, if the subjects are assessing how fully their desires are fulfilled, this is something they can be mistaken about, and what the data may indicate is not that the women in 2006 are worse off by a desire fulfillment standard but rather that they have a different view about the degree to which their desires are fulfilled, or a different idea of the level of fulfillment it is reasonable for them to hope for.

It is also quite possible that the women in the later period had different, perhaps more ambitious, desires than women interviewed in 1972. If so, then in order to decide whether the reported "decline in happiness" was a bad thing or not we would need to decide whether it was better or worse to have lives which led them to have these new desires if this involved having a lower level of desire fulfillment. That is to say, in order to assess the significance of this study we need to distinguish between the different aspects of wellbeing that we have been discussing and make judgments about their relative importance.

I return now to questions of moral right and wrong, which are our main topic. I will consider two theories that aim to give a general characterization of morality that, on the one hand, explains the authority and importance of conclusions about right and wrong and, on the other, provides an account of the kind of reasoning that leads to these conclusions. The two theories I will consider are John Stuart Mill's version of utilitarianism and my own version of contractualism. Both of these theories characterize morality in entirely secular terms. Before considering them, however, I want to consider why it might seem that morality must have a religious basis and that there can be no morality if there is no God. Many people seem