COLLECTION MARK: 75

An excellent collection. The third essay is particularly good: it’s imaginative and pushes a bit deeper than the others, which stop a bit short of the depth they hint at and are in places just a little less clear than they might be. But all of them are first class. Well done.

‘Contractualism should be rejected on the grounds that it cannot explain why we ought to save the many rather than the few, all other things equal.’ Discuss.

Contractualism should not be rejected on the grounds that it cannot explain why we ought to save the greater number (SGN), all other things equal. This essay begins by clarifying the mechanism by which Scanlon’s contractualism determines what is required of agents, and presenting the argument that this mechanism fails to yield the intuitive judgement that we ought to SGN, all other things equal. I consider and reject Scanlon’s response that to not-SGN is to neglect the moral significance of members of the larger group. The contractualist has two other attractive strategies for escaping the SGN objection. I conclude that these strategies allow the contractualist to prevail.

Scanlon’s contractualism offers an account of “what we owe to each other” or the “morality of right and wrong”. According to Scanlon, “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 agreement.” A set of principles could not be reasonably rejected in this way if the strongest complaint any person could have against this set of principles is weaker than the strongest complaint any person could have against any alternative set of principles. Scanlon specifies further restrictions on the reasons for rejection that are admitted into the contractualist mechanism. Two are worth noting for the purposes of this essay. First, the reason for rejection must be a personal reason. This restriction is motivated by the thought that what we owe to each other is governed by how our behaviour or the principles under which we act bear on each other’s lives. A set of principles cannot be rejected by appeal to some impersonal good, such as beauty, although it may be rejected by appeal to a person’s engagement with such impersonal goods. Second, the reason for rejection must be an individual reason; reasons to reject a set of principles cannot be aggregated across individuals. This restriction is motivated by the thought that reasons for rejection must belong to individual persons; we do not ordinarily think that reasons can belong to a group.

Scanlon’s contractualism appears to struggle in accounting for the ordinary intuition that we ought to save the greater number in situations where we can either save the few or save the many but not both. This is a result of the impersonal and individual restrictions on reasons for rejection. One reason we may reject a set of principles that does not require the agent save the greater number is that such sets of principles, if adopted for the general regulation of behaviour, would undermine the value of utility or the value of life. But this reason is excluded from the contractualist mechanism by the personalist restriction. Only the value of utility or life to the person whose utility or life it is can constitute reason for rejecting a set of principles. Members of the smaller group would reject any set of principles requiring SGN because they would certainly lose their lives if the agent’s behaviour were regulated by such a set of principles. Members of the larger group would reject any set of principles that required deciding by coin flip because they could possibly lose their lives if the agent’s behaviour were regulated by such a set of principles. Because only individual reasons are admitted into the contractualist mechanism, the many weaker complaints of each member of the larger group do not outweigh the fewer stronger complaints of each member of the smaller group. It seems then that any set of principles requiring SGN can be reasonably rejected: the strongest complaint against such sets of principles is stronger than the strongest complaint against some alternative. If this is correct, then contractualism does not require SGN because any set of principles requiring SGN could be reasonably rejected. But we ordinarily think that agents are required to SGN, all else being equal.

Taurek argues further that contractualism appears committed to deciding by coin flip under such circumstances. Deciding by coin flip gives each person the maximum chance of being rescued, consistent with all persons having an equal chance of being rescued. If each person’s complaint appeals to the value of his life and the greater the probability of rescue the weaker the complaint, then deciding by coin flip minimizes the strength of each person’s complaint, consistent with all persons having equally strong complaints. The strongest complaint against deciding by coin flip is weakest of the strongest complaints against any other decision procedure. A set of principles requiring agents to decide by coin flip under such circumstances cannot be reasonably rejected on that basis. But we do not think that this matter should be decided by coin flip; we ordinarily think that the agent is required to save the larger group, all else being equal.

Scanlon argues that the complaints of members of the larger group have been understated. Any member of the larger group would have an additional complaint against deciding by coin flip because this seems to attach no moral weight to the value of their lives. It seems appropriate to decide the 1-1 case (where the agent can either save one person or another) by coin flip. To decide the 2-1 case (where the agent can either save two persons or one person) by coin flip is to decide as though the second person in the group of two had not been present at all. If this second person’s presence does not bear on what is required of our agent, this seems to deny the moral significance of the second person. This second person would then have two complaints against the Taurekian solution: first, that he could possibly lose his life, and second, that his life is not afforded moral significance. The Taurekian solution fails to minimise the strength of each person’s complaint, consistent with all persons having equally strong complaints; it fails to minimise the strength of the strongest complaint. If the Taurekian alternative to SGN fails to minimise the strength of the strongest complaint, we might think that SGN prevails (cannot be reasonably rejected), and contractualism would require SGN.

However, as Otsuka argues, deciding the 2-1 case by coin flip does not deny the moral significance of the second person in the larger group. The agent’s response to the 2-1 case is not identical to his response to the 1-1 case. In the 1-1 case, the agent would save one person if the coin landed heads and save the other person if the coin landed tails. If the agent responded to the 2-1 case in the same way, he would save one person in the larger group and if the coin landed heads, and save one person in the smaller group if the coin landed tails. This would be to disregard the moral significance of the second person in the larger group, because the agent would fail to save this second person even though it is possible to do so at trivial cost. But this is not the Taurekian solution; Taurek would require that the agent save all the persons in the larger group should the coin flip favour this group.

One solution for the contractualist would be to abandon the individualist restriction on reasons for rejection in the contractualist mechanism. This could be motivated by the thought that “we” in “what we owe to each other” refers not merely to individuals, but also groups. An individual may have group-regarding duties, groups may have individual-regarding duties, and groups may have group-regarding duties. To abandon the individualist restriction is to broaden the conception of what we owe to each other to include what groups owe to each other and what groups and individuals owe to each other. To broaden the scope of “we” in this way does not seem to undermine the essential insight of contractualism: that what we owe to each other is to act in ways that we can justify to each other. Under this broader contractualism, the agent could be required to SGN because the larger group has a stronger complaint against any set of principles that does not require SGN than any other group would have against any set of principles that does require SGN.

An alternative strategy available to the contractualist is to concede that contractualism does not require SGN, but reject that this undermines the plausibility of contractualism. Contractualism offers an account of the morality of “what we owe to each other”. Perhaps the agent does not owe it to any person to SGN. We might think this to be the case because it is not clear at all to whom the agent would owe SGN if the agent did owe it to some person to SGN. It would be odd to suggest that the agent owes it to members of the larger group to SGN; we do not think that any member of the larger group would be wronged by the agent’s decision to save the smaller group. If this is correct, then even if morality required SGN, this requirement lies beyond the morality of what we owe to each other; that contractualism does not require SGN would not count against the plausibility of contractualism.

Contractualism should not be rejected on the grounds that it does not require SGN. While we ordinarily think that agents are morally required to SGN, all other things equal, it is not clear that this lies within the scope of “what we owe to each other”. It does not seem that the agent owes it to any other person to SGN. If we think that the individual owes it to the larger group (though not to any of its members) to SGN then cotnractualism can escape the SGN objection by abandoning the individualist restriction and admitting the complaints of groups into the contractualist mechanism. If we do not think that the individual owes this to the larger group, then it seems in not-SGN, the agent does not fail to make good on “what we owe to each other”.

This is very good. It would be improved by picking one solution to defend—there are objections to both that would merit attention, and you could usefully elaborate a bit more on either—so that there was a bit more depth to the discussion. It would also be good to compress the early exposition a bit to make more room for discussion of other proposals, such as Kumar’s claim-balancing approach. But this is well written and structured and precisely argued.

Mark: 71

‘We are apt to panic at the thought that we ourselves, or other people, might stop caring about the things we do care about, and we feel that the categorical imperative gives us some control over the situation. But it is interesting that the people of Leningrad were not struck by the contingent fact that other citizens shared their loyalty and devotion to the city [that] stood between them and the Germans during the terrible years of the siege.’ (FOOT) Discuss.

This essay begins by presenting Foot’s argument for morality as a system of hypothetical imperatives (and clarifying what this means). One fear about Foot’s account is that it leaves much of what we value in our lives in a rather precarious state; these goods are built on a foundation of morality, and we might be worried if morality is merely a contingent fact. I examine Foot’s response to this fear and two related fears. First, that even if the contingency of morality is not itself troubling, it leaves our moral foundations on shaky ground. Second, that if it is not irrational to be unmoved by moral reasons, we could not justify our moral practices to the amoralist. I conclude that these fears should not trouble us.

Normative judgements appear to take the form of an imperative, which are statements to the effect that something ought to be done or that it would be good to do it. Kant argues that imperatives are either hypothetical or categorical. A hypothetical imperative is one that couches the normativity of some action in terms of some further purpose. For example, if one is hungry, one has a hypothetical imperative to retrieve a slice of cake from the fridge. Categorical imperatives, by contrast, present an action as necessary without reference to any further good or end. For example, that one should not torture innocent persons for sadistic pleasure appears to be a categorical imperative. We ordinarily think that the requirements of morality are categorical imperatives. When we think an agent should not torture innocent persons for sadistic pleasure, we do not think so in virtue of this agent’s having certain ends. This agent appears unconditionally bound by the normative force of the imperative.

Foot argues that morality is a system of hypothetical imperatives. According to Foot, rules of etiquette take a non-hypothetical form similar to the form of moral rules. Rules of etiquette do not cease to apply to agents who have good reason to disregard them. For example, delegates at the United Nations should refer to themselves in the third person, even if they had no regard for their own or their nations’ standing or membership. The rules of etiquette are not conditioned on delegates’ having certain ends. But the rules of etiquette do not appear categorical in the way that moral rules do. We think that moral rules are categorical because we think agents necessarily have reason to do what morality requires. But this is not true of the rules of etiquette; one can rationally ignore the rules of etiquette. The non-hypothetical form of an imperative is not sufficient for it to be categorical in the appropriate sense: as necessarily reason-giving. But if the non-hypothetical form of an imperative is not sufficient for it to be necessarily reason-giving, it is not clear what reason there is to think moral rules are necessarily reason-giving. Both the rules of etiquette and the rules of morality are normative. The person who flouts a rule of etiquette is gauche and commits a faux pas just as the person who flouts a moral rule is reprehensible and commits a wrong, regardless of the ends each person has. While the rules of morality are more stringently enforced, this does not appear sufficient to explain why moral rules are necessarily reason-giving while the rules of etiquette are not. The basis for thinking moral rules are necessarily reason-giving remains elusive. While we do feel bound by morality, given the elusiveness of reason to think that we are in fact so bound, this feeling is perhaps better accounted for by cultural, pedagogical, or evolutionary factors.

One fear about Foot’s account of morality as a system of hypothetical imperatives is that, under this account, rational agents are not necessarily bound by morality. We might “panic at the thought that we ourselves, or other people, might stop caring about the things we do care about”. If rational agents do not necessarily have moral reasons, then it seems to be a merely contingent fact that we have such reasons; it seems to be a kind of happy coincidence that we are moved by moral reasons and do act morally. But that rational agents are moved by moral reasons and do act morally is a source of tremendous value in our lives and societies. We are better off because we are governed by moral rules; we might otherwise find ourselves in a Hobbesian wall of all against all. In such a state, we could not be secure in our possessions, even in our possession of our lives and bodies, and we would not be able to enter into mutually beneficial arrangements for a lack of trust. A tremendous amount of value in our lives and in our societies is conditioned on our being bound by morality, it therefore seems troubling that, under Foot’s account, our being bound by morality is a merely contingent fact.

Foot suggests that we should not be particularly troubled over this fact. For the citizens of Leningrad, their lives and all the value realized therein was secured against the German siege by the merely contingent fact that other citizens who shared their commitments stood between the city and the German forces. That the value in their lives was secured only by a merely contingent fact did not particularly trouble the citizens of Leningrad. Analogously, perhaps we ought not to be particularly troubled by the fact that much of the value in our lives is built on a merely contingent fact: that we are bound by morality.

Foot’s response does not assuage all the fears that one might have about her account of morality as a system of hypothetical imperatives. We care about morality not solely because of the value in our lives that is dependent on it and we might hope that even if our being bound by morality were merely a contingent fact, that it would be a somewhat robust one. There are other concerns one could have about the proposition that our being bound by morality is a merely contingent fact, that to be unmoved by moral reasons is not to be in some way irrational.

One such fear is that we could not reason an amoralist into being moved by moral considerations; if this is the case, then our being bound by morality does not appear to be sufficiently robust. While it is (trivially) true, under Foot’s account, that the amoralist has strong moral reason to be moved by moral reasons, the amoralist would not be moved by moral reason to be so moved because he is blind to, disregards, or rejects moral reasons. Because it is not irrational to be unmoved by moral reason, we seem to have no tools for reasoning the amoralist into acting morally. Foot’s Leningrad analogy is not particularly reassuring here. The citizens of Leningrad might be reassured by the fact that they could reason a demoralized soldier into remaining at his post. The lives of the citizens of Leningrad appear to be more robustly secured against the German forces than the goods in our lives built upon a moral foundation are against the threat of amoralism.

The fear that we could not reason an amoralist into acting morally is unfounded. Returning to Foot’s Leningrad analogy, the citizens of Leningrad would not be able to reason a demoralized soldier into remaining at his post by appealing to his attachment to the city if this soldier had completely abandoned his attachment to the city. Similarly, we would not be able to reason an amoralist into acting morally by appeal to moral reasons. The citizens of Leningrad would take comfort in the fact that they could offer the demoralized soldier other reasons to remain at his post, for example, that he would be severely disciplined were he to be caught leaving his post. We could offer the amoralist the same kind of reason for acting morally: he would be severely punished were he to be caught acting otherwise. The moral foundations upon which our societies are built are robust because of the practice of morality not merely the rationality of morality.

Because the practice of morality involves holding individuals to high standards and imposing costly punishments on those who do not live up to these standards, a related fear about the proposition that one could rationally reject moral reasons is that we would not be able to justify to the amoralist our blaming and punishing him when he acts wrongly. We ordinarily justify such practices by saying, for example, that “this is what you deserve”. But that would not justify to the amoralist our blaming and punishing him; the amoralist rejects the concept of desert. This could trouble us because when we blame and punish others for wrongdoing we also aim to help them see the mistake in their actions, and to recognize that punishment is appropriate. If we could not justify to the punished our punishing him, we might fear that our moral practices amount to little more than an exercise of power where neither party can satisfactorily justify what itself to the other.

We should not be particularly troubled by the difficulty in justifying to the amoralist our blaming and punishing him. We do not consider ourselves required to justify to children our blaming and punishing them for their wrongdoings; possibly, it would be impossible to justify this to them just as it would be to justify this to the amoralist. While blaming and punishing a child seems, to the child, to be no more than an exercise in power, it is clear to morally developed adults that the practice is justified. The analogy between the amoralist and the child is a reasonable one because both seem to be at the same stage of moral development; they are equally insensitive to moral reasons. We should not be troubled by the fact that our blaming and punishing the amoralist appears to him to be no more than an exercise of power.

Morality as a system of hypothetical imperatives does not leave the moral foundations of our lives on shaky ground, and we should not be troubled by the fact that our acting morally is a contingent fact, nor by the fact that we would not be able to justify our moral practices to the amoralist.

This is a really nice discussion of the questions raised by Foot. It’s not always as clear as it should be about how and whom morality is supposed to bind or give reasons to if it’s merely a system of hypothetical imperatives, and I think you’re too sanguine in some of your responses to the concerns you raise. I think questions about first-personal justification—about whether what we do is justifiable *to ourselves*—are just as important as the second-personal justification that you focus on, and perhaps more, so it would be good to see more discussion of them.

Mark: 74

‘An agent’s integrity matters only to the extent that it is not based on mistakes about empirical or moral facts.’ Is this a good response to the ‘integrity’ objection to consequentialism?

That an agent’s integrity matters only to the extent that it is not based on mistakes about empirical or moral facts is a good response to the integrity objection to consequentialism. The response reveals that the integrity objection is premised on a prior break with consequentialism. This essay begins by presenting the integrity objection to consequentialism and the response that non-consequentialist commitments are only valuable if consequentialism is false, and so agents are not deprived of goods in their lives if consequentialism leaves no room for such commitments. This response appears to miss the mark because the value of agential integrity consists not merely in holding valuable commitments but also in having character. This objection is unsuccessful because consequentialism does leave room for agents to construct their characters from a palette of permissible options.

Consequentialism appears to be incompatible with agent’s having ground projects; it appears to demand that agents have no character and threatens agent’s integrity. Our ground projects are our identity-conferring commitments that constitute what we take our lives to be about. These include our convictions, goals, and special relationships. Consequentialism appears to demand that agents act contrary to their ground projects if and just because so acting would marginally promote the agent-neutral good. Consider the case of Birthday Cake. A parent is fetching a birthday cake from the store to his child’s birthday party when he is informed that a birthday party for another child in the city is missing a birthday cake. This latter child is a stranger to the parent, but more guests have been invited to the latter party. Suppose that the agent-neutral good would be (marginally) better promoted if the cake is delivered to the latter party than to the former, because fewer guests would be disappointed. Consequentialism would demand that the parent deliver the cake to this latter party rather than to his child’s party; it demands that the parent act contrary to his commitment to his child if and just because doing so would better promote the agent-neutral good. But to be committed to his child is ipso facto not to set aside this commitment if and just because doing so would better promote the agent-neutral good. Consequentialism is incompatible with agent’s having ground projects. An agent without ground projects, without commitments, is an agent without character. Consequentialism appears unsuitable for agents with character like ourselves, because it threatens our integrity.

One response to the integrity objection is that an agent’s integrity matters only to the extent that his commitments are not based on mistakes about empirical or moral facts. The fulfilment of our commitments in themselves are only valuable to us if our commitments are not based on some mistake about reality. For example, suppose that some music fan is dedicated to promoting the music of the Beatles because he believed that doing so would promote the flourishing of beetles in the wild and in turn mitigate the loss of biodiversity caused by climate change. His successful promotion of the Beatles would not in itself be of any value to him, although the satisfaction that he enjoys from his doing so would. We do not think that his commitment to promoting the Beatles’ music is of any value to him because he would readily abandon this commitment were he to find out that the Beatles’ music has nothing to do with the flourishing of beetles. Quite plausibly, when he does find out about this fact, he would wish that he had never formed such a commitment in the first place. The commitment that is valuable to him is the commitment to promoting biodiversity or combatting the effects of climate change. If commitments based on mistaken beliefs are of no value to us, then it seems that we would not lose anything of value were we unable to hold such commitments.

The consequentialist would argue that non-consequentialist commitments are based on mistakes about moral facts: that it is permissible to do the things that we are in fact committed to that do not (maximally or sufficiently) promote the agent-neutral good. According to the consequentialist, for example, if the father knew it would be impermissible to deliver the cake to his son’s birthday party given that greater good would be realized if he delivered it to the stranger’s party, his commitment to deliver the cake to his son’s birthday party would be of no value to him. The father would have strong (perhaps decisive) moral reason to deliver the cake to the stranger, he would not deliver the cake to his son, and might even wish that he had not committed to do so in the first place. Similarly, any such son-commitments would be of no value to the father if and just because greater agent-neutral good could be better realized otherwise. By consequentialist lights, we form non-consequentialist commitments based on mistakes about moral facts, these commitments are of no value to us, and our integrity would not be threatened were it to be the case that we could not have such commitments. The integrity objection therefore presupposes a prior break with consequentialism because the integrity objection would have no force were consequentialism true and non-consequentialist commitments of no value.

The consequentialist response appears to miss the mark because the integrity objection identifies as problematic not the loss of value to agents from being unable to have non-consequentialist commitments in itself, but the loss of value to agents of being unable to construct a character (which commitments are constitutive of) from a palette of options. Commitments are valuable to us not merely in themselves, but because commitments are necessary for character. Commitments are constitutive of character when they belong to the person whose character it is as an autonomous agent. A set of commitments belongs to a person as an autonomous agent only if this set of commitments is constructed autonomously from a palette of options. Regardless of whether non-consequentialist commitments are in themselves of any value to agents, if consequentialism leaves agents with only one morally permissible set of commitments (consequentialist commitments), it leaves no room for agents to construct their own character. If they act permissibly, then they can hardly be described as constructing their characters at all because they could not have permissibly adopted any other set of commitments. The set of commitments from which their actions flow cannot be described as their characters, but merely as fulfilling the demands of morality that they are bound by. Even if the non-consequentialist commitments excluded by consequentialism are of no value to agents in themselves, these commitments must be available to agents in order for agents to have character, which is valuable.

The consequentialist could object to the proposition that consequentialism leaves only one permissible set of ground projects. We think it is possible for an agent to be committed to both his wife and his children. It is possible for an agent to be so committed even if at times, the two commitments conflict. For example, if the agent must leave his children at the daycare to celebrate his anniversary with his wife. Similarly, the consequentialist will maintain that it is possible to hold both ordinary, non-consequentialist commitments and the consequentialist commitment to promote the agent-neutral good. That ordinary commitments will at times conflict with consequentialist commitments does not eliminate this possibility in the same way that conflicts between wife-commitments and children-commitments do not eliminate the possibility of holding both. If this is correct, then any set of commitments which includes the consequentialist one, and where the consequentialist commitment has priority where it conflicts with other commitments, would be permissible by consequentialist lights. For example, an agent with the consequentialist commitment and wife-commitments, for whom the consequentialist commitment has priority where the two conflict, would act permissibly by consequentialist lights when his actions flow from his commitments. It seems then, that consequentialism leaves open a broad range of options from which agents can construct their identities, that it leaves room for character.

One worry about this response is that sets of commitments in which the consequentialist commitment is afforded priority over all others where they conflict are not different in a way that leaves room for agents to construct their characters. The consequentialist who has wife-commitments, one fears, does not have a different character from the consequentialist who has children-commitments, if the consequentialist commitment trumps both. This worry is understandable but ultimately groundless. Consider two consequentialists, one who is concerned for the welfare of his neighbours, with neighbour-commitments, and one who is concerned for the welfare of animals, with animal-commitments. Suppose that our consequentialists can save their neighbour’s dog from an accident by running to catch it before it reaches the street, and that this is demanded by consequentialism. The consequentialist with neighbour-commitments would do so because he is moved to help his neighbour, while the consequentialist with animal-commitments would do so because he is moved by the thought of the dog’s suffering. If the two consequentialists had identical characters, they would not be differently moved. Different sets of commitments are permissible by consequentialist lights and correspond to different characters. Consequentialism does not demand that agents abandon their characters, merely that agents should have consequentialist characters. This is unsurprising and unproblematic. The integrity objection is ultimately unsuccessful.

Consequentialism, by consequentialist lights, does not deprive agents of valuable commitments because non-consequentialist commitments, by these lights, are based on mistakes about moral facts. The integrity objection, if taken to allege that consequentialism deprives agents of this kind of value, is unsuccessful. The integrity objection may instead be taken to allege that consequentialism leaves no room for character. This objection is unsuccessful because consequentialism leaves room for a palette of consequentialist commitments from which agents can construct character.

An excellent discussion—well done. I have some doubts about the argument, but it’s clear, interesting, imaginative, and well controlled: a very fine exam essay.

Mark: 80