

**Phil 104, March 13, 2007**  
**Scanlon: Contractualism as an Alternative to Utilitarianism**

Utilitarianism

- “the view that [many] find themselves pressed when they try to give a theoretical account of their moral beliefs”
- “in spite of the fact that the implications of act utilitarianism are wildly at variance with firmly held moral convictions.”

*Distinction:* normative moral theory vs. a philosophical account of the nature of morality

*A normative moral theory:*

A set of moral principles of the form, “One is morally required to do such-and-such in such-and-such circumstances.”

- Examples:
  - *Normative utilitarianism:* One is morally required to produce the greatest possible sum of pleasure less pain.
  - *Normative intuitionism:* A list of commonsense principles, like: One is morally required to keep one’s promises, not to tell lies, etc.

*A philosophical account of the nature of morality:*

Would answer:

1. In virtue of what are moral judgments true?
2. How can we come to know moral judgments, if not by experience and observation?
3. Why should we care about moral judgments?

Scanlon is mainly interested in the third question. A satisfactory answer:

- does not need to show that morality helps to satisfy desires or interests no matter what they are,
- “will not leave concern with morality as a simple special preference, like a fetish or a special taste, which some people just happen to have,”
- but instead will “make it understandable why moral reasons are ones that people can take seriously, and why they strike those who are moved by them as reasons of a special stringency and inescapability.”

*Philosophical Intuitionism:*

Morality concerned with a class of non-natural properties of “fittingness” or “moral suitability.”

- Truths about these are recognized as self-evident.
- They cannot be analyzed or explained in other terms.
- This might leave concern with morality a mere fetish.
- Philosophical intuitionism is compatible with many different normative moral theories, including normative utilitarianism.

*Philosophical Utilitarianism:*

“the only fundamental moral facts are facts about individual well-being.”

- Its appeal:
  - Uncontroversial that there is such a thing as well-being, that individuals can be made better or worse off.
  - Uncontroversial that individual well-being matters, that we care about it.
  - Uncontroversial that individual well-being is relevant to morality.
  - Indeed, how could anything else be relevant to morality?
- Philosophical utilitarianism makes normative utilitarianism plausible.

*Contractualism:*

An act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement.

*“Reasonably”*

Reasonably *given the aim* of finding principles that could be the basis of informed, unforced general agreement.

- It is not reasonable, for example, to reject a rule that imposes small burdens on you, when any other rule would impose much greater burdens on others.

*Who is included in the agreement?*

- Creatures with a good comparable to ours, otherwise there will not be any determinate answer to what can be reasonably rejected or not.
- To whom we can address justifications for certain rules, who can understand and accept or reject our justifications.

*Contractualism’s explanation of why we should care about morality:*

“According to contractualism, the source of motivation that is directly triggered by the belief that an action is wrong is the desire to be able to justify one’s actions to others on grounds they could not reasonably reject.”

- Not, directly, a desire to make others’ lives better.
- Not a desire that others *in fact* one’s justification.
  - It might be satisfactory, but they might be too narcissistic to accept it.
  - Or it might be unsatisfactory, but they might be so servile that they accept it.

*Contractualism explains why well-being should matter:* because someone could reasonably reject a principle that gave his well-being no weight.

- This does not mean that *every* desire (of equal intensity) will have (equal) moral weight.
- There may be some desires that others can reasonably refuse to help me satisfy.
  - Anti-social desires, religious desires

*Contrast with Harsanyi’s argument for average utilitarianism:*

- Question: What rule would you have been willing to choose, if you cared only about your own well-being, but you did not know who you would be?
- You would choose the rule that would maximize expected well-being, given an equal chance of being anyone.
- This would lead to average utilitarianism.
- As we have seen, this could justify great costs to a few in order to give smaller benefits to many. This was one of our problems with Aggregation.

Contrast Scanlon’s question:

- Could you reasonably reject average utilitarianism, if you were trying to reach free, informed agreement with others?
- Yes, you could reasonably reject a rule that imposed great costs on you in order to give smaller benefits to many.
- This is because contractualism is “nonaggregative.”
- We aim to justify rules to *each* person, not to sums of people. Whether you can reasonably reject a rule depends on a comparison of how it affects you with how any alternative affects *any other individual*.
- Thus, contractualism compares only *individual* losses and gains. Lots of little gains to different people cannot be summed together to outweigh a great loss to one individual.