

Interview:

Tolerance, Reasonableness, Contractualism, and International Justice: An Interview with Thomas M. Scanlon

You started your academic life working in the area of mathematical logic. What brought you to moral and political philosophy? Who do you count as your most important influences?

When I was an undergraduate at Princeton, I was interested mainly in logic and the philosophy of mathematics. I had at the time what you might call a quasi-positivist outlook, according to which moral and political philosophy were subjects about which there was not much of interest to be said. But in order to graduate I had to take two courses in this area, and the first one I took was a course in moral philosophy given by Jordan Howard Sobel, who had then just received his PhD from Michigan. The course dealt mainly with meta-ethics and with generalisation arguments, which had been the subject of Sobel's dissertation. It was a wonderful course (I still remember it well), and it

turned me on to the subject for life. I continued to be interested in both logic and in moral and political philosophy, and studied both of these at Oxford and at Harvard, where John Rawls had of course an important influence on my thinking. Later, while teaching at Princeton, I found that although I loved the techniques in the area of logic in which I had written my dissertation (proof theory), I had more ideas about moral and political philosophy, and I gradually shifted into working only in this field. During this period I had the good fortune to have a number of colleagues and friends working in moral, political, and legal philosophy, and I was much influenced by them, particularly by Tom Nagel.

*Your most recent book, *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, 2003), collects papers written between 1972 and 2001. How do you conceive of the problem of toleration for liberals? Do you think of a concern with this problem as animating all the papers in this collection? In your view, what is the solution to this problem?*

There are many kinds of intolerance. In many cases it flows from attitudes (such as racism) which are themselves objectionable, and the solution to the problem is (at least ideally) to bring it about somehow that people do not have these attitudes. One of my aims in the essay you mention was to identify one source of intolerance that is not susceptible to this response, because it is a concern that is not itself objectionable. This is the concern with the way in which one's society develops – with the kinds of values, commitments and styles of life that are represented, or even dominant, in that society. Since this is a concern which all of us, even the purest of liberals, are strongly moved by, tolerance is a problem for liberals as well as for bigots and racists. The solution, insofar as there is one, is to have stable and widely accepted ground rules, which manage this conflict by specifying the ways in which individuals and groups can compete to influence the evolution of the society that they share. But there is no single clear answer to the question of what these ground rules should be. (This was the second main point of the article.) This leads to a complicated form of political conflict, dealing with issues of substance and issues of process at the same time. The rights that define a system of freedom of expression, which make up one part of the 'ground rules' I just mentioned, are the subject of a number of essays in this collection. But other essays deal with different topics. I couldn't think of a non-

boring title for the volume that would describe all of the essays in it. So I chose 'The Difficulty of Tolerance' because it did not seem boring (at least to me) and because it called attention to what I think is an important theme in a number of the essays. (It also went well with the photograph by Andreas Gursky, which I chose for the cover.)

Do you believe that religions create special barriers to toleration?

Any value or pursuit has the potential to serve as a bond of unity among those who are committed to it and as a source of division between them and others who are hostile or indifferent to this pursuit. This is true of pursuits such as golf, football, opera, hip-hop music, philosophy, and mathematical physics, as well as of religions. But different pursuits create different kinds of divides, depending on the values involved. In some cases, commitment to one pursuit need involve no idea that alternatives are inferior or should be disapproved of. When a pursuit involves a high level of education and refined taste or skill, however, it may be more difficult for those who appreciate and take part in it to avoid a sense of superiority over those who do not. And this may naturally be resented by the latter, who see this attitude as a form of elitism. These divisions need not create severe problems as long as the pursuits in question involve a limited aspect of life (a sport, hobby or intellectual interest) that people can choose to simply ignore. But some religions raise this problem in a particularly serious form. In many cases, the sense of purity and rectitude that a religion offers to its adherents carries with it an implicit or even explicit condemnation of non-adherents, and the message that their lives are morally corrupt. The adherents of such a religion thus have strong reason to want their society to be one in which their religion is dominant, rather than one that is largely composed of non-believers, whose corrupt lives constitute the social norm. Correspondingly, non-adherents have strong reason to resist this quest for dominance, since no one wants to live in a society in which most of their fellow citizens regard them as morally corrupt.

In your much anticipated What We Owe to Each Other (Cambridge, Mass.: Harvard University Press, 1998) you give an explanation of the force of moral judgements in terms of their acceptability to reasonable persons motivated to justify their actions to one another in terms that no

reasonable person could reject. You undertook a similar project in a very influential earlier paper of ('Contractualism and Utilitarianism', Amartya Sen and Bernard Williams (eds), Utilitarianism and Beyond (Cambridge: Cambridge University Press, 1982). Could you first of all describe what you take to be the key differences between this earlier paper and the book, and why you thought it was necessary to modify your view?

There are two main differences, both of which have to do with the question of 'moral motivation.' In 'Contractualism and Utilitarianism' I tried to avoid the question of whether there are 'external' reasons, that is to say, reasons for action that do not depend on the agent's desires. At the time that I wrote that article I believed that, although there are many cases in which an agent has a reason to do something only because it will satisfy some desire that he or she has, there are other reasons, including reasons to care about right and wrong, that do not depend on desires. But I did not want to get into this issue. So I characterised the source of moral motivation in terms of a desire to be able to justify one's actions to others, leaving aside the question of what reason, if any, people who lacked such a desire might have to care about right and wrong. As I worked on the book, I became convinced that this question could not be left aside, so I devoted quite a lot of time to studying the controversy over external reasons. After thinking about it, I was led, much to my surprise, to the conclusion, described in Chapter 1 of my book, that reasons for action almost never depend on desires. More generally, I came to believe that the idea of a reason is more basic than that of 'motivation' and that it is a mistake to view the problem I was addressing as 'the problem of moral motivation.' Rather, it is the question of what reason one has to do what morality requires. The second change in my thinking was that I came to believe that this question has no single answer, because what we commonly call 'morality' consists of a set of diverse values. In 'Contractualism and Utilitarianism' I described the view I was proposing as an account of 'the nature of morality.' But this now seemed to me a mistake. I believe that contractualism provides a good description of a central part of morality, concerned with obligations to others – hence the title of the book *What We Owe to Each Other*. But there are other matters, such as sexual conduct, industriousness, and ties to friends and family, which are commonly called moral but do not have this same normative basis. I

think that this question, of the degree of unity of the moral domain, and of the different understandings with which the term 'moral' is commonly used, is of some importance. These different understandings cause (or are exploited to cause) a certain amount of mischief in political discourse, for example, and it is therefore useful to bring this question out into the open as a topic for discussion.

The account of goodness you give in What We Owe to Each Other makes no use of the idea that correct moral judgements reflect facts about the world. By expunging metaphysics from your account of what is involved in making a moral judgement, do you run the risk of making morality somehow less 'real' than other practices involving judgement, for example, scientific enquiry? At the very least, in making the normativity of moral judgements a product of their acceptability to persons motivated in certain ways, do you thereby leave us with nothing to say to the amoralist who is not so motivated? Or is the figure of the amoralist now a defunct bogey-man for moral philosophers?

I am a cognitivist about normative discourse. That is to say, I think that statements about the reasons people have are 'truth apt,' and I take this same view of statements about right and wrong and statements about value, since I take these to be, at base, statements about reasons. Statements about reasons are not, however, reducible to statements about the physical world or about individuals' psychological states. If statements of these two kinds are the only statements that are 'about the world,' then statements about reasons are not 'about the world.' Some might say that this makes morality, and normative matters in general, 'less real.' But I do not see any reason to think that statements that are 'about the world' in this sense are the only statements that can be true and the objects of belief. (I discuss this question at greater length in my Presidential Address, 'Metaphysics and Morals,' in the *Proceedings of the American Philosophical Association*, 2003.) Turning now to moral judgements in particular (judgements about 'what we owe to each other'), on my view the claim that the fact that an act is wrong gives someone reason not to do it is doubly normative. First, the claim that an act is wrong is a claim about the reasons that someone who was concerned to find principles that others could not reasonably reject would have to reject a principle that permitted that act. So, second, the

claim that the wrongness of an action gives anyone a reason not to do it, is a claim about the reason-giving force of this normative fact about the reasons that people would have to reject certain principles. This second claim is a claim about the reasons that anyone has, not just people with a certain desire to justify their actions to others. (As I said in response to your question #4, this is one of the main differences between what I say in the book and in my earlier article.) As far as the amoralist is concerned, I believe that all one can do, in response to someone who claims not to care about whether his or her actions are right or wrong, is to try to describe what the relevant form of moral right and wrong amounts to in a way that makes clearer why this is something worth caring about. I do not think it is possible to construct a defence of morality that starts only from premises that absolutely anyone must accept, as long as he or she is not irrational or inconsistent.

Throughout What We Owe to Each Other reference is made to people making mistakes (the fan, the inattentive listener to Beethoven, the person who fails to value other persons). What warrants the language of 'mistake' as against, say 'difference'? At times, it seems to be long-term intersubjective agreement, but can that be enough?

As I indicate in Chapter 8 of my book (in discussing relativism), I am a pluralist about values, and I believe that there are some cases of apparent disagreement that are better described as cases in which people are responding to different values. But a claim that this is so in a given case, no less than a claim that these others are making a mistake, is a claim about what reasons people have. The difference is that the former is a claim that they *do* have reason to react as they do, whereas the charge of 'mistake' is a claim that they do not have reason to do this. So the question of whether a given case is one in which people are responding to different genuine values, or whether they are making a mistake, is a substantive question about the reasons people have. One might try to avoid ever charging that someone is mistaken about the reasons he or she has by taking the view that a person always has whatever reasons she thinks she has. But this is not a plausible view. One thing that makes it implausible is the constraint imposed by what I call the universality of reason judgments, which holds that if C is a reason for one person to do A then it is also a reason for another person to do A unless there is some relevant difference in their circumstances. This is a purely formal

constraint on reasons. It does not rule out any form of subjectivism, for example. But it does entail that if another person's thinking that she has a reason (perhaps after due consideration) makes it the case that she has that reason, then 'thinking makes it so' also in my own case as well. This conclusion is difficult to accept. I find it impossible to believe that what *makes* it the case that I have a reason is always just that I *think* that I do (or even that I think this after careful reflection.) It is true that the only way for me to *decide* whether something is a reason is to consider the matter carefully. But my deciding is not what makes it so. In order to decide whether a given claim about reasons (whether one's own claim or a claim made by someone else), one must arrive at a substantive judgment about the merits of this claim. Appeal to intersubjective agreement does not settle the matter. It is, however relevant in two ways. First, it is relevant evidence. If almost everyone thinks that something is a reason but I do not, I should consider carefully what they have in mind. I might well be making a mistake. Second, if there were no intersubjective agreement about reasons, if we all kept disagreeing and changing our minds, then this would lend support to the view that there is no substantive question we are addressing, and that it is just a matter of one's subjective momentary reactions. But, despite significant disagreement about reasons, things are not like that.

In What We Owe to Each Other you make it clear that Rawls' difference principle is not designed for the same subject matter as the principles you discuss in that book. For that reason it is not applicable to considerations of what we owe each other, simpliciter. This seems to imply a methodology where different moral principles are relevant to different subject matters or areas of concern. What, on your view, justifies that division of the moral world into different subject matters, and how do we determine the considerations relevant to each subject matter as we meet it?

Unlike Rawls, I see political philosophy (specifically, questions of justice) as a subdivision of moral philosophy rather than as a 'free standing' subject. This difference may not be as great as it appears, however, since I see justice as a subdivision of the part of morality dealing with 'what we owe to each other,' and hence independent of some of the moral ideals that make up what Rawls calls 'comprehensive

views.' Questions of justice are, in my view, questions about what we can demand of our political institutions, that is to say, what we can demand of our fellow citizens in the way of participation in, and contribution to, these institutions. The distinction I draw in my book between Rawls's Original Position and my version of contractualism has to do with the fact that it is plausible to claim that what we can demand of our institutions is measured in terms of primary social goods, but not plausible to claim that all of our moral obligations to one another have to do with the distribution of such goods. But this is a substantive difference in the content of different moral requirements, like that between, say, obligations arising from promises and duties to aid that do not depend on any prior agreement. It thus does not indicate a general partitioning of the moral domain.

There is one article by you where you discuss questions touching on international justice ('Human Rights as a Neutral Concern'). The article is limited to discussing 'exportable' rights. Do you think, contra current cosmopolitan thought, that the same standards of moral appraisal do not apply universally across all societies? If so, how do you define a 'society' in the relevant sense?

I am, at the most basic level, a moral universalist, although I do think that, within this universal moral framework there can be differences in the obligations people have in different societies due to different circumstances, different institutional arrangements, and so on. I discuss this in more detail in Chapter 8 of my book and will not try to repeat that here. The question of human rights, however, is not only a question of how governments should treat their citizens but *also* a question about how certain rights can be institutionalised in international understandings that set the bounds of outside intervention. This was the question I was discussing in that article, and that is why 'exportable' rights were the focus of my discussion.

In your essay 'Value, Desire, and Quality of Life' you expressed scepticism about the plausibility of global principles of equality of well-being. Yet there has been increased interest in such principles (UN Development Report) and through philosophers writing about global justice. Do you still maintain your scepticism? How does your position differ from Rawls' view in this respect, as set out in his Law of Peoples?

I believe that there are principles of international justice. I do not have a well worked-out position on this question, but I think that these principles may well go beyond what Rawls discusses in *The Law of Peoples*. I doubt, however, that what these principles require is equality of well-being. To take an example, the life expectancy for men in Malawi is 37.1 years, whereas for men in the United States it is 73.4. This is appalling, and calls out for action. But what is appalling, it seems to me, is the *level* of life expectancy in Malawi, not the inequality. The fact that men typically live longer in the United States is relevant mainly in indicating that men need not die so young, hence that the situation in Malawi is something that could be improved very significantly. There are other countries in which life expectancy is *higher* than in the United States. But, again, what is relevant about this fact is not the inequality but the question of whether we should be doing better than we are.

You have worried over questions concerning freedom of expression for most of your professional life, and even planned to write a book on the subject at one point. Why did you abandon that project? And do you think that the revolution in information technology that the internet represents raises new issues for freedom of expression, perhaps warranting more regulation?

In 1975, I set aside the project of writing a book about freedom of expression because I thought that what I had to contribute to the subject, as a philosopher, was mainly an understanding of the underlying moral ideas, and that I needed to work out what I thought about these matters – about rights, for example – before writing such a book. I have continued to write articles on freedom of expression, and I still might return to the project of writing a book about it. This would be a large undertaking, however. When I first started to work on it, in the late 1960's, there was comparatively little literature on the topic, particularly from a philosophical perspective. But an enormous amount has been written in the intervening years. So I would have to spend a lot of time just catching up. The internet is undoubtedly an important development as far as freedom of expression is concerned, but my immediate reaction is that it does not warrant more regulation. Rather, there are so many calls for regulation of one kind or another that what is called for is renewed arguments *against* regulation.

What are you working on now?

I have been working for several years on a paper on the relevance of intention to the permissibility of action. It keeps getting longer, and may be turning into a short book. I hope to finish it this year. I have also written several papers on practical reason, extending ideas from Chapter 1 of my book. These concern, in particular, the distinction between claims about the reasons that an agent has and claims about what an agent must see as a reason insofar as he or she is not irrational. This has come to seem to me to be an important distinction, and I hope to do more work on in the near future. I have also been doing quite a bit of teaching in political philosophy, some of it jointly with Joshua Cohen and Amartya Sen. This has been very stimulating and I hope to work more in this area.