

## *Can Scanlon avoid redundancy by passing the buck?*

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Scanlon suggests a buck-passing account of goodness. To say that something is good is not to give a reason to, say, favour it; rather it is to say that there are such reasons. When it comes to wrongness, however, Scanlon rejects a buck-passing account: to say that  $\phi$  ing is wrong is, on his view, to give a sufficient moral reason not to  $\phi$ . Philip Stratton-Lake 2003 argues that Scanlon can evade a redundancy objection against his (Scanlon's) view of wrongness by adopting a buck-passing account of wrongness. We argue that this manoeuvre does not succeed.

Scanlon's notion of wrongness rests on the idea of a reasonably rejectable principle. As Stratton-Lake points out, Scanlon offers two accounts, one in terms of permission, the other in terms of proscription. The permission account is tricky to formulate. Scanlon's account (quoted in Stratton-Lake 2003: 71) might suggest any of the following four formulations (where the principles in question are principles 'governing how one may act' (Scanlon 1998: 195):

- ( $\alpha$ )  $\phi$  ing is wrong iff (for any principle P) (if P permits  $\phi$  ing then P is reasonably rejectable)
- ( $\alpha'$ )  $\phi$  ing is wrong iff (for any principle P) (if P permits  $\phi$  ing then P is reasonably rejectable because it permits  $\phi$  ing)
- ( $\beta$ )  $\phi$  ing is wrong iff (there is some principle P) (P permits  $\phi$  ing and P is reasonably rejectable)
- ( $\beta'$ )  $\phi$  ing is wrong iff (there is some principle P) (P permits  $\phi$  ing and P is reasonably rejectable because it permits  $\phi$  ing)

( $\beta'$ ) is perhaps the one Scanlon intends. ( $\alpha$ ) and ( $\alpha'$ ) fail because a principle banning gratuitous torture is not reasonably rejectable but permits murder for hire, thus, on ( $\alpha$ ) or ( $\alpha'$ ), murder for hire is not wrong. And ( $\beta$ ) fails because a principle ( $\mathbb{W}$ ) banning gratuitous whistling is reasonably rejectable but permits truth-telling, thus, on ( $\beta$ ), truth-telling is wrong. (This latter objection does not apply to ( $\beta'$ ) because the reason for rejecting ( $\mathbb{W}$ ) is not that it permits truth-telling. And murder for hire is wrong on ( $\beta'$ ) because there is a principle that permits murder for hire – namely, 'murder for hire is acceptable' – that is reasonably rejectable because it permits murder for hire.)

Stratton-Lake suggests that, on Scanlon's account, we can understand

(1) The fact that torturing others for fun is cruel ... makes this act wrong ...

and

(2) The fact that torturing others for fun is wrong provides us with a reason not to do this act

... as

(1\*) The fact that torturing others for fun is cruel ... provides us with a reason to reject principles that permit such acts ...

and

(2\*) The fact that torturing others for fun is permitted by principles that others could reasonably reject provides us with a reason not to do this act. (2003: 75)

We doubt this. Torturing others for fun is permitted by (W). But the fact that torturing others for fun is cruel does not provide us with a reason to reject (W). And the fact that torturing others for fun is permitted by a principle – (W) – that others could reasonably reject does not provide us with a reason not to torture others for fun.

We favour the proscription account (Scanlon 1998: 153) since it is easier to work with:

( $\gamma$ )  $\phi$  ing is wrong iff (there is a principle P) (P forbids  $\phi$  ing and P is not reasonably rejectable)

As we have seen, Stratton-Lake appeals to a permission account, but this does not materially affect his discussion, which can be viewed as concerning the relation among:

(A)  $\phi$  ing is wrong

(B)  $\phi$  ing is forbidden by principles that are not reasonably rejectable

(C) There are sufficient moral reasons not to  $\phi$

On one interpretation, which Stratton-Lake rejects, Scanlon claims that when (A) holds, it does so because (B) holds, in the sense that (B) is the ground of (A). This account is perhaps open to a *Euthyphro* objection, but, like Stratton-Lake, we set that aside. The concern here is a redundancy objection:

Suppose  $\phi$  ing is forbidden by P, where no one could reasonably reject P. Thus  $\phi$  ing is wrong because forbidden by P. But P must either be basic or supported by some reasons R. In either case, adverting to reasonable rejectability is redundant: either P is basic and  $\phi$  ing is wrong because forbidden by P, or  $\phi$  ing is wrong because forbidden by R.

Stratton-Lake argues, however, that Scanlon is best interpreted not as claiming that when (A) holds, it does so because (B) holds, but as claiming, rather, that, when they hold, (A) and (B) report the very same fact. But this does not evade a redundancy objection:

Suppose  $\phi$  ing is forbidden by P, where no one could reasonably reject P. This is to say that  $\phi$  ing is wrong. But P must be basic or supported by some reasons R. Thus adverting to reasonable rejectability is redundant: either P is basic and provides sufficient moral reason not to  $\phi$ , or R is sufficient moral reason not to  $\phi$ .

Stratton-Lake suggests that Scanlon can evade this objection if he abandons the thought that ‘the fact that an action would be wrong constitutes sufficient reason not to do it (almost?) no matter what other considerations there might be in its favour’ (Scanlon 1998: 148). Rather than claim that,

(D) when it holds, (A) gives a sufficient moral reason not to  $\phi$ ,

Scanlon should adopt a buck-passing view of wrongness<sup>1</sup> and claim, rather, that (A) reports that there are such reasons – i.e.:

(E) when it holds, (A) reports the very same fact as reported by (C).

That is, on Stratton-Lake’s view, Scanlon should adopt a view on which, when (A) holds, (A), (B) and (C) all report the same fact. But does this render appeal to reasonable rejectability non-redundant?

Consider Stratton-Lake’s argument (2003: 74–75; reformulated in terms of proscription rather than permission):

In relation to torturing other people for fun it seems that Scanlon would say that:

- (1) The fact that torturing others for fun is cruel (a) makes this act wrong and (b) provides us with a reason not to do it.

and

- (2) The fact that torturing others for fun is wrong provides us with a reason not to do this act.

Since Scanlon identifies wrongness with his contractualist principle, (1) and (2) can be understood as:

- (1\*) The fact that torturing others for fun is cruel (a) provides us with a reason [not] to reject principles that [forbid] such acts and (b) provides us with a reason not to do it.

<sup>1</sup> As Stratton-Lake has pointed out to us in correspondence, he claims merely that Scanlon should abandon (D) – he does not claim that Scanlon should adopt (E). One issue, then, is whether Scanlon has conceptual space to abandon (D) without adopting (E). We think he does not. (We, however, deny both (D) and (E) in McNaughton and Rawling, forthcoming.)

and

- (2\*) The fact that torturing others for fun is [forbidden] by principles that others could [not] reasonably reject provides us with a reason not to do this act.

But with (1\*) and (2\*) we seem to be back where we started. For Scanlon's critics could once again insist that the only reason we have not to do such acts is provided by (1\*). The fact that such acts are reasonably rejectable does not provide an *additional* reason not to do them. So (2\*) is false and Scanlon's contractualist principle is still redundant.

But although Scanlon is still vulnerable to the redundancy objection, he now has a way of escaping from it that enables him to retain his central claim. All he need do is abandon the view that wrongness is a reason-providing property – that is, he need only reject (2).

But does the rejection of (2) evade the redundancy of an appeal to reasonable rejectability?

On Stratton-Lake's amendment, Scanlon persists in holding (1), and hence, given the identification of (A) with (B), (1\*). It is crucial to Scanlon's contractualist project that (1\*) (a) play a significant role. But to say that the cruelty of torturing others for fun provides us with a reason not to reject principles that forbid such torture does not seem to add anything to simply saying that its cruelty provides us with a reason not to engage in it. To say that  $\phi$  ing is forbidden by principles that cannot be reasonably rejected is supposed to add something to the thought that there is sufficient moral reason not to  $\phi$ . But it does not seem to. If, when they hold, (B) and (C) report the same fact, (B) appears to incorporate redundancy (at least on Stratton-Lake's interpretation of Scanlon): to say that there is sufficient reason not to reject principles that forbid  $\phi$  ing is a prolix way of saying that there is sufficient reason not to  $\phi$ , and the reasons are the same in both cases.<sup>2</sup>

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<sup>2</sup> We thank Philip Stratton-Lake for allowing us to read his paper prior to its publication, and for enlightening subsequent correspondence.