Contractualist Account of Reasons for Being Moral Defended

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ABSTRACT: I will begin this paper by identifying the problem within the theory of ethics, which contractualism is attempting to address. It is not that of solving the problem of moral motivation like the 'arch-contractualist', Thomas Scanlon, often claims, but rather that of describing a class of fundamental moral reasons – contractualist reasons for short. In the second section, I will defend the contractualist idea of how the nature of these moral reasons provides us with sufficient, independent tools to construct the content of public moral principles. The rest of my paper is defensive. It addresses the main challenges set to the contractualist account of moral reasons. In the third section, I will discuss a frequent objection according to which the contractualist reasons are a redundant addition to the space of moral reasons. In the fourth section, I will examine the worry that acting from these reasons would not lead to morally admirable action but rather to vice. In the last section, I will investigate the criticism according to which the normative force of the contractualist reasons is insufficient for rationalising our moral actions in certain difficult circumstances. In this section, we get to the heart of the matter – what the reasons contractualism describes truly are, and how can they explain the overriding strength of our moral requirements. I hope to conclude that even after these serious challenges contractualism remains as a philosophical viable account of morality.

1. Moral Motivation and the Reasons for Being Moral

In *What We Owe to Each Other*, one of Thomas Scanlon's goals is to defend a contractualist account of moral motivation (Scanlon 1998, 147). Scanlon is aware of the problematic connotations, which this unfortunate title for the considered problem has. The main problem is that "it suggests that the problem in question is one of understanding how people are motivated rather than of understanding the reasons they have (ibid.)." In actual life, different motivations lead people to

actions that can be described as moral. We keep our promises because we do not feel like doing anything else, or because we have solid dispositions for promise-keeping, or because we desire to do what our parents taught us to or to avoid the resentment of others, and so on. If charting these motivations would solve the problem of moral motivation, it would hardly be of philosophical interest.

The problem is then automatically transferred from motivation to the level of reasons for acting morally. Scanlon characterises this problem first in the following way: "we want to understand the reasons we are responding to when we are moved by moral considerations (ibid.)." Unfortunately this characterisation leads back to the previous problem. The reasons people *in fact* respond to when they are moved by moral considerations can vary from God's prescriptions to over-all happiness of everyone, from their egoistic interests to basic facts like the pain of others, from moral principles they regard as self-evident to social pressure, and so on (Pogge 2001, Sosa 2004, 361). Charting these moral reasons people think they to have when they act morally would not be more interesting than addressing the previous problem.

The question Scanlon wants to solve must thus be which of the reasons that we take to be reasons for us to act morally really *are fit* for being such reasons – which of them are not reasons at all, which are strong reasons and which weak, and which of them can direct us to specifically moral actions. To call this problem 'the problem of moral motivation' is highly misleading. Scanlon dismisses the options in the list above by claiming that they either are not reasons at all, or too weak or they lead to actions which cannot be regarded moral by their nature (Scanlon 1998, 149–153). After that he tries to provide a characterisation of a group of reasons he takes to be valid for rationalising morality (Scanlon 1998, 153–158).

Scanlon's basic idea is to explain the source of the reasons we have for avoiding morally wrong actions with the reasons we have for being able to justify our actions to others. Justifying our actions to others is something we owe to others. The prior reasons are, in this view, thus derived from the latter ones. The crucial part of the contractualist theory then is to elucidate what these latter reasons are (how and why we owe to others to act in this way), for they are the core of contractualist ethics. I will call the reasons we have for being able to justify our actions and attitudes to others 'C-reasons' for short. According to Scanlon, they ultimately are *the good reasons* we have

for acting morally that can always make moral action rational. I return to their exact nature later in the last section of this investigation.

I have now tried to describe the problem Scanlon sets out to solve – not the problem of moral motivation but instead what are the fundamental moral reasons that set us the strong requirement for acting morally. He seems to be aware of these details, for example, when he writes that he would rather call the problem of motivation that of "explaining the normative basis of right and wrong (Scanlon 2002, 516)." However, it is unfortunate that he does not make the difference between actual motivation and normative reasons always clear. There are places where Scanlon writes that "[C]ontractualism can also explain why the *motive* of 'not acting wrongly' plays more prominent role in cases in which we act badly or are tempted to do so" and "contractualism offers an account that accurately *describes* moral *motivation* as many of us experience it (Scanlon 1998, 157–8)." These must be unintentional lapses.

2. From Reasons for Giving Justification to the Content of Morality

I will delay the full discussion of the C-reasons to the last section. Before that I want to first, at this point, to raise the question: Assuming that we have the C-reasons to act in a justifiable way, which acts do they exactly give us reason to do and which to avoid? Scanlon claims that the *mere idea of justification* behind the reason-providingness of wrongness can provide us with a privileged access to what is the content of morality, i.e. to which acts are wrong. This claim may sound too ambitious. Hardly anyone can dispute morality's connection to justification, and only few disagree with the claim that we have good reasons to act justifiably. But can the need for being able to give justification for one's actions in itself explain which acts are morally wrong?

The first issue here of course is what kind of considerations can be used for giving justification. Actually, we bring up all sorts of considerations when trying to justify our acts to others – everything from God's prescriptions to our own momentary desires. Often we disagree about the appropriateness of these alleged justifications. Some of the attempts to give justification others can reject for good reasons. However, as we are living together in the society together, there is pressure to seek unanimity (even hypothetical between idealized agents if actual unanimity is not possible)

about what considerations justify our actions. Therefore, we need to together reflect which considerations really are fit to do justificatory work. According to the contractualists, this aim creates a need for constructing public moral principles precisely for this very purpose.

How should we construct such principles? The critics claim that in the construction of such moral principles for giving justification to others, we would need to resort to independent and prior moral standards such as whether certain actions maximize general good or whether they are 'straightforwardly' wrong (Pettit 2000a). If this was true, the explanatory force of contractualism would be minimized. Contractualism would fall victim of the classic Euthyphro objection. It could not explain what constitutes the wrongness of certain acts, i.e., what makes these acts wrong, but instead it would need to assume a property of wrongness that explains the content of the moral principles we have C-reasons to follow.

There is a good reply to this objection. We can ask: What makes wrongness of the act or conduciveness to general good valid reasons to either accept or reject potential justificatory moral principles? Here the critics have two bad choices. They could defend goodness and rightness as simple, *sui generis* non-natural properties that always provide sufficient reasons to accept or reject potential principles. There are obvious objections against this line. The second option is to think that it is not wrongness and goodness *per se* that provide reasons to accept or reject principles, but rather the features of acts that make them wrong or good. Acts can be for instance wrong *because* they harm others. It is then such wrong-making features which provide reasons to reject potential moral norms that would allow these acts and not wrongness, even though we say that principles can be rejected for allowing wrong acts.

Contractualist can endorse this second answer. If the contractualist is able to get the critics to come clean about the concrete wrong-making considerations they are referring to, she can then demand that these considerations are weighted against the other concrete considerations that are reasons for and against the alternative moral principles. Contractualists can insist on this, because if the selected principles were not backed up by the best reasons, they could not be used to give justification for those who had valid reasons to object the chosen principles. When the considerations the critics point to fare well in such comparisons, the contractualist can claim that she has provided an explanation of why these acts had the property of wrongness in the first place

– the weighting of different considerations as reasons showed that the principles that attribute the property of wrongness to these acts are reasonable. Thus, the appropriate moral principles for giving justification are not a function of prior independent moral standards.

However, if the suggestion above is plausible, then the idea of justification would need to have independent explanatory force on what the principles used for giving justification are like. That issue was not settled with a reference to prior moral standards. How could that issue then be settled? Scanlon's begins from the claim that our reasons for acting morally follow from our reasons to give justification *to each and everyone* of the others distributively (Pettit 2000b). This can only be done if the constructed moral principles used in justification were such that no-one could reasonably reject them. A necessary condition for this is that everyone's perspective towards alternative principles is given *exactly* the same weight (Parfit 2003, 374, Scanlon 1998, 191–197). The best way of ensuring this is that we first imagine how life would be like for different individuals under the alternative norms and what kind of concrete, personal objections people would have from those perspectives. We then need to pick the norms, which are the least objectionable, i.e., receive the smallest possible most serious objections (Scanlon 1998, 202–6). Otherwise, we could not justify our actions with the moral principles for those to whom the unnecessary, more serious burdens are created. Hence, this procedure of comparing individual objections against alternative moral norms provides us with the principles appropriate for justifying actions to others. Therefore the idea of justification stands both behind our reasons for acting morally and the content of moral principles constructed for the purpose of giving justification.

3. The Redundancy Problem

One repeated objection against the C-reasons for being moral is that these reasons seem redundant (Kamm 2002, 329 – 335, Wallace 2002, 455, Stratton-Lake 2003). Imagine a situation where agent A is reflecting on whether to φ or not. φing would cause consequences F for an other agent, B. Consequences F as a burden would be a good reason for B to reject any moral principles that allowed anyone, including A, to φ. A, or anyone else, would not have as good reasons to reject the norm that forbids φing. Therefore, A could not justify his φ-ing on reasonable grounds to B. Because A has the C-reasons to act in a way justifiable to B, A really should not φ morally speaking.

Let's now say that F – the burden and reason for rejection – was pain. It seems self-evident that we already have good reason not to act in a way that is painful for others independently of the C-reasons. Pains, as feature F, seem to provide strong moral reasons for A not to φ.

If this is true, we seem to already have sufficient normative guidance for acting morally in these circumstances prior to the C-reasons. And, this generalises too. Whatever burdens the consequences F are, it generally seems to be true that we have antecedent reasons to care that F are not produced. This seems to follow straight from our talk of the consequences F as *burdens*. Even Scanlon admits that "[A] good person is moved to do what morality requires not only 'because it would be wrong not to' but also by more concrete considerations such as the fact acting in a certain way would kill or injure someone, or the fact that someone needs help, or the fact that someone is counting on him or her to do something (Scanlon 2002, 516–7)." If morally admirable agents are moved by these concrete considerations, it seems clear that they must be reason-providing. Thus, the C-reasons appear to be redundant in addition to these concrete reasons already present in each situation.

Scanlon and Michael Ridge have argued that the C-reasons are simply not redundant (Scanlon 1998, 156 and 214–7, Scanlon 2002, 517, Ridge 2001 and 2003). Independent of this, my thesis is that the redundancy of the C-reasons cannot imply that there are no such reasons. Consider a simple analogy of orange juice. It both tastes good and is healthy. Both of these can be my reasons (and good reasons they are) for drinking a glass of juice. The fact that I would choose, in every incident, to drink it for the reason that it tastes good not knowing that it is also healthy does nothing to undermine the fact that I also have a reason to drink it because it is healthy. Similarly, the fact that I have a reason not to do some act because it would be painful for someone does nothing to undermine my reason for not doing it because I cannot justify this act. Redundancy is not a criticism against the C-reasons by itself. Valid criticism would be that the C-reasons lead to acts that are not moral by the standards of our considered judgments[1], that there are no such things as C-reasons,

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[1] It has been argued that in situations where aggregations are involved the C-reasons lead to acts that conflict with our moral intuitions (see Hooker 2003, Norcross 2002, and Parfit 2003). For a contractualist reply, see Suikkanen 2004.

or that the nature of the C-reasons makes them inappropriate for acting morally. That it is the issue I'll discuss next.

4. The Fetishism Problem

In this section, I will investigate whether the C-reasons are of the wrong kind for the purpose of acting in a morally admirable way. Bernard Williams expressed his doubts against specifically contractualism in this fashion, when he hinted that persons acting from their thoughts about the C-reasons would have 'one thought too many' in order to act morally (Voorhoeve 2004). To illustrate this line of thought, I will apply Michael Smith's fetishism argument (Smith 1994, 71–6). This argument for the so-called *moral judgment internalism* is one of the focal points in the debate between the internalists and the externalists (see Toppinen 2004 for an overview). Their disagreement is about the connection between moral judgments and motivation. Externalists claim that if one makes a sincere moral judgment ("this is right") one only contingently becomes motivated to act morally. Smith argues that externalists have to assume a general, *de dicto* desire to do what is right, whatever that happens to be, to explain the fact that people are reliably motivated to act according to their moral judgments. Being motivated by this desire then does not fit our conception of how an admirable moral agent would be motivated – by a direct desire to act in the particular way that is right. Internalists, on the other hand, can explain such a direct desire by claiming that one is necessarily motivated by the first-personal moral judgment. My aim here is not to take stand on this disagreement or to place Scanlon in the externalist camp and criticize him for that reason, but to show that a resembling argument can be used to argue that there may be something wrong with the C-reasons. I borrow Michael Stocker's classic example here (Stocker 1981, 751–4).

Harry lies sick and depressed in a hospital. As a friend I could cheer him up by visiting him. This is something I would want to do, but I am also afraid of hospitals. In this situation, I am trying to make a judgment about what I have reason to do all things considered. I begin from weighting my own fear and my friend's depression as conflicting reasons. If the fear outweighs the depression in my deliberation, it would not be wrong for me not to go there. Of course, this would not be morally acceptable. Even I would admit that anyone lying sick in a hospital would have a reason (the

depression) to reject the norm that allows me to stay at home. This reason is stronger than my reason of minor inconvenience of overcoming the fear of hospitals to demand the allowing norm. So, I cannot justify my acting on reasonable grounds if I do not go to the hospital. However, presumably I do have the C-reasons to be able to justify my acts. Because of this, I do have a strong moral reason – the need for being able to justify my acts to others – to go to see my sick friend.

When I realize this, I go to visit Harry in good spirits. But now Harry cries: "You did not come here for the reason that I am ill and in the need of cheering up, but because you thought you had reason to act in a way that would be justifiable. That is not a morally admirable reason to go visit a sick friend." The contractualist framework seems to be morally objectionable because the C-reasons for doing particular moral acts are only derivative and not born from the situation and the actual persons involved. From Harry's point of view, it looks like I do not want to cheer him up because he needs it – this should be a sufficient reason for me, but only because I think there are the C-reasons to follow the moral norms. This external motivation following from the reason-judgment with this general content is too reluctant and alienated. Thus, the C-reasons seem inappropriate for morally admirable action.

The first strategy to answer this objection would be to make the incentive that originally made it tempting for the agent to do the act a part of the act's description (Kumar 1999, 291). It is the act of 'going-to-cheer-a-friend-in-hospital-out-of-friendship' that I am deliberating about. This is a different act than, for example, 'going-to-hospital-to-get-treatment'. In other words, the end for which the act is done is a part of the act's identity. The test of reasonable rejection is then applied to the norm, which determines the normative status of this act – whether it is the act I am required to do.

As it was already shown, the norm requiring this act is not reasonably rejectable, and therefore there is a valid moral principle requiring me to do the act in question. If I then choose to do the act I can justify to others, I go to hospital to cheer Harry up because he is a friend of mine. Cheering Harry, a depressed friend, is the end of my act and simultaneously the reason I act out of in this case. It must be, or otherwise I would be doing a different act. Therefore, Harry cannot accuse me of wanting blindly to fulfil my obligations for which he, as a friend, would be only instrumental. According to this account, C-reasons then mainly function as 'normative backstops' in acting out

of other reasons that antecedently define each act-type (Scanlon 2002, 517). Because I do not then, in the actual situation, really act from C-reasons, my acting cannot be objectionable from Harry's point of view.

I am not convinced by this response. It is problematic to include the reason for the action in the individuation of its action-type. Here I quote Joshua Gert: "It does seem possible to do the same action from different motives. If so, then not all the motives that contribute to an action need be regarded as relevant to the action (Gert 2003, 69–70)." So, if it seems plausible and intuitive that different ends *can* be reasons to do the same act, then the specific ends cannot individuate acts. Second problem is that it ought to be at least possible to do some acts only for the reason of trying to act in accordance of moral norms without caring about any of the other reasons for such acts. This becomes impossible if some inherent reasons for each action always belong to the identity of those acts. There would be no basic acts left to do merely for the reasons of acting morally. The first attempt to solve the fetishism problem does not look promising, but fortunately there is an alternative solution to it, which does not require this kind of fine-grained act-individuation. I will turn to this account next.

This strategy does not require that we take the purpose of an action to be a part of its description. Instead, it requires us to take a closer look on the relevant reasons in the situation. First, it must be remembered that initially I set off to see Harry because he is my depressed friend. So, his depression and our friendship were the first reason-providing features of the situation. What made me hesitate about going to the hospital was my fear. It can be something I do not desire to feel, because it is based on a false thought about some allegedly dangerous features of hospitals. It is clear that in no way does this fear express any objectionable attitudes towards Harry. In any case, I can count the fear as a reason not to go to the hospital. To overcome it would be psychologically stressing. The third relevant reason in this situation is the fact that it would be clearly morally wrong for me not to go the hospital; I could not justify my actions to Harry (or to anyone else for that matter) on reasonable grounds if I did not go there. Harry could hardly object the fact that I regarded him as someone for whom justification is owned on grounds he can accept. He would probably be glad about this. It expresses the fact that I recognise his equal moral status by adopting also his perspective towards my own actions.

What seemed to be the problem according to the fetishism critique was that, if I *chose* to go to the hospital for the C-reasons, this would have meant that I did not see the reason my friendship provided as relevant for my action. I would have gone to the hospital only to do my duty, and make me unable to act like a friend in a way that our moral intuitions would require. It looks like that to do the right thing (to go to the hospital) is not enough; one needs also to do this for right reasons and choosing to act from C-reasons seem to be the wrong choice. They do not enable me to act morally. What goes wrong in this argument is that it is based on the idea that we could choose the reason for which we do the individual acts. None of the reasons in the situation seemed objectionable as such. The action became questionable only after the decision was made, in the story, to act out of the C-reason instead of the reasons our friendship provided. However, it is not correct that we can choose an individual reason for our action out of many that we have recognised, or so will argue shortly in the following.

In our example, I had realized that both Harry's condition and the C-reasons are reasons for me to go to the hospital. In other words, I have a belief that these are the facts that objectively favour the act of going to the hospital. If I did not think that the first fact was reason-providing for me, we might question my friendship with Harry. If I did not think that moral wrongness provided me a reason for me, we could say that I was mistaken about Harry's status as a person to whom justification is owed. But, I know that I am a friend of Harry and that I owe moral justification for him, so I know I ought to go to the hospital for both of these reasons. If I were to choose to act on only one of these reasons, this would mean that I could somehow deliberately forget that I knew one of these existing facts. This kind of self-delusion is first of all very difficult to achieve, and then, if I was successful, I would be open to rational criticism for not taking a proper attitude towards a fact that is a reason for me. As Scanlon puts it there is not the kind of "free play" here that is required for an act of choosing (Scanlon *manuscript*). If this is true, then I can act out of friendship even when I act also out of morality, and when I act out of morality, this is only because I want to express that I also recognise the moral status of my friend. Fetishism then seems to pose no problem for contractualism – the agent acting also for the C-reasons seems to have just the right number of right kind of thoughts.

5. The Priority Problem

Last, I want to consider criticism according to which the normative force of the C-reasons appears to be insufficient in comparison to our intuitions of how strong our reasons for being moral generally are. Scanlon calls this issue "the problem of the *priority* of right and wrong over other values," and describes it in the following way:

> 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 favor. If there are circumstances in which an agent could have sufficient reason to do something that he or she knew to be wrong, these are at best rare. But if right and wrong always or even almost always take precedence over other values, this is something that requires explanation. (Scanlon 1998, 148.)

Scanlon believes that his account of the C-reasons provides an explanation for the fact that moral judgments have priority in deliberation over other reasons. Scanlon has three strategies for arguing for this claim. According to the first strategy, the moral principles which we have C-reasons to follow are highly sensitive to other important practical reasons. Sometimes it is assumed that the reasons given by the moral principles used for giving justification would often conflict with the reasons we have based on our deep commitments to other persons (Williams 1981). This is a mistake. Scanlon argues that if we consider the nature of the constructed principles, it is clear that these norms cannot require impartiality on the level of actions. Any proposed moral norms that did not leave sufficient room for acting for the reasons springing from our deep commitments could be reasonably rejected just because of the burdens related to not being able to live in important relationships in a normal way (Scanlon 1998, 160). The fact that principles used for justification must be selected impartially does nothing to undermine the fact that these norms can allow acting partially (Baron 1991). This means that the cases where C-reasons and reasons connected to personal commitments would conflict would be rare.[2]

Scanlon's second strategy is to argue that the reasons that could in principle conflict with C-reasons also have build-in sensitivity towards the requirements of the non-rejectable principles. Here, Scanlon uses again the example of friendship (Scanlon 1998, 161–8). Our friends are the

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[2] In Robert Adams's estimation this is enough to solve the priority problem. The strategy makes claims for priority sufficiently "humble" as no *reasonable* claims are left to contest the priority of morality (Adams 2001).

persons who set the kind of demands on our actions that we consider to be a strong source of reasons. These reasons can seemingly conflict with the requirements of C-reasons. Scanlon's insight is that we do not regard all of the demands friends pose as reason-providing. Our notion of friendship is inherently moralised. As Scanlon observes, there would be something very 'unnerving' about a friend, who would be willing to steal a kidney from someone for you if you needed one, and who would also without hesitation ask you to steal one for her (ibid.). This phenomenon suggests that our friendship to others is not solely based on our contingent affection, but prior to that on a conception of our friends as persons – as someone to whom moral justification is owned similarly as to others. Thus, the demands of friends can also be expected to conform to the public moral standards (see also Baron 1991, 164–5). This also limits the instances where the requirements of morality and important relationships clash.

However, these two strategies merely attempt to show that there are only few conflicts between C-reasons and other reasons. They do not show that C-reasons do sufficiently well in actual conflicts. For this purpose, Scanlon's third strategy is to describe the importance of the intrinsic value of living in a community where acts are justified on reasonable grounds (Scanlon 1998, 162). For Scanlon, this is a complicated way of saying that others in our community have features that provide us with C-reasons. In such community, our relationship to others is one of 'mutual recognition', when we recognise the C-reason-providing features of others and act on the reasons they provide. So, what are these C-reason-providing features of others? According to Scanlon, when we act in accordance with C-reasons, what we recognise in others, is their ability to assess reasons – their rationality. How is this so? Well, as rational persons we can see our actions and their consequences from the perspective of other rational beings. Usually we know how our actions would burden others and how they would object to these burdens for good reasons. And, we know how demeaning it would feel for them if we simply disregarded their objections based on the shared moral principles (Foot 1994, 211–1). Being able to justify one's actions on shared moral principles on which everyone has had their equal say and which could not be reasonably rejected by anyone is therefore a proper response towards the rationality of others – it is how we can recognise others' perspective towards our actions, and avoid that they are insulted by us overlooking their reasons

to object our acts. This, in the end, is the ground of our C-reasons and whatever normative 'pull' they have.

According to Jay Wallace the fundamental normative idea of this third strategy – rationality of others – is "rather bloodless, detached as it is from such tangible benefits as warmth and understanding and human emotional support (Wallace 2002, 454)." Therefore, there must also be something else behind the C-reasons. Wallace suggests that the third strategy can effectively be enforced with a fourth one that is already implicitly present in Scanlon's theory (Wallace 2002, 415–9, Scanlon 1998, 161–3).

Wallace's point is that in concentrating solely on the C-reasons provided by the features of others, we fail to observe what follows from acting morally to ourselves. He reminds us that by following C-reasons we also bring about both internal and external goods to ourselves. The role of these goods should not be underestimated as they are able to make our lives better in a similar was as success in our own personal projects. Philip Pettit describes these internal goods in a rather nice and illuminating way. He writes that "we shrink from the gaze of another when we realise that it is impossible for us to justify our behaviour (Pettit 2000b, 231)." In contrast to this, we are able to look in the eyes of others and stand behind our actions when we can justify our acts to them – and this is a clear and a substantial benefit. This good of certain kind of direct relationship with others can be grasped from agent's own deliberative perspective (Wallace 2002, 457).[3] In addition to this, acting on C-reasons also brings about many external goods such as safety from the burdens that were decisive on which moral principles we have, and those material goods that follow from circumstances favourable to co-operation (Pettit 2000b, 232). All these goods can then illuminate the ways in which acting out of C-reasons can improve the agent's own life.

The question now is how well these four strategies explain the priority of C-reasons over other strong reasons. Susan Mendus argues that most pressing cases, where the normative strength of C-reasons can be tested, have not even been yet brought up (Mendus 2003, 37–9). She refers to a classic case by Marcia Baron (Baron 1991, 855–6). In this example, my child is seriously ill and in

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[3] In Scanlon's own description: "Unlike friendship, morality is commonly seen as a form of constraint, not as a source of joy or pleasure in our lives. I am suggesting, however, that when we look carefully at the sense of loss occasioned by charges of injustice and immorality we see is as reflecting our awareness of the importance for us of being 'in unity with our fellow creatures' (Scanlon 1998, 163)."

an acute need of medical treatment. Unfortunately the waiting list for the treatment is dangerously long. Somehow I could 'pull strings' and guarantee that my child is treated in time. This is a difficult moral case, and provides an excellent example. It draws our attention to the deliberative perspective of the parent and prompts us to ask the priority question "Why should I give priority to what the morality dictates rather than to the needs of my child? (Mendus 2003, 38)" This is a direct question about the strength of C-reasons in comparison to other, very strong reasons.

What can we learn from this case? First, Scanlon's two strategies of dissolving the conflict are not successful here. The requirements for action based on the needs of the child are legitimate independent of child's status as someone who assesses reasons. Even if my child would be reluctant, for moral reasons, to accept a place ahead in the queue this would not undermine my reason to secure early treatment. Neither does Scanlon's first strategy look promising. Moral principles that allowed me to 'pull strings' could be reasonably rejected for their unfairness by others whose own children are in similar need of help (and of course by the children ahead in the queue also). Therefore, I would have the C-reasons not to 'pull strings'.

Now, it would hardly be an embarrassment for contractualism if we had to judge that the reasons based on my child's needs outweigh the C-reasons in this case. Our original task was to try to explain why moral considerations *almost always* take precedence over other values. Maybe our example is one such instance where they do not. In this case then, others would morally resent the fact that I did not make an effort to act in a morally justifiable way, and yet they could understand my decision as reasonable and rational. They could find my action morally faulty, but still understand why I did what I did. Therefore, here, perhaps the moral wrongness should not be identified with the 'over-all-ought-not' kind of wrongness.

What is striking in this example is that, for me, it is in fact a good illustration of the strength of the C-reasons. Here is a passage from Baron quoted by Mendus:

> This much, I think is clear: we expect people to want very badly to pull strings in such a situation, and we think well of them for being tempted to do so. We would think less highly of someone who felt no such tug at all, and who immediately and easily ruled out that course of action, recognising that it would be unfair. (Baron 1991, 855–6).

Baron is here criticising those who make demands for impartiality on the level of individual reflection. Mendus's purpose is to use the same passage to criticise Scanlon's strategies of dissolving conflicts between the demands of morality and personal commitments. They are too effective – the view (if it was Scanlon's or not) that there are no such conflicts is implausible. However, what we can read from this passage is that there is a genuine, and somewhat tragic, conflict in the deliberation of the agent who would be unlucky enough to find himself in this situation. We would also think less highly of someone who would, without a further thought, favour the needs of the child without recognising that it would be morally wrong – something not justifiable on reasonable grounds to others. This natural reaction implies that we antecedently do regard the strength of our C-reasons, accounted for and explained by Scanlon's third strategy and Wallace's additional observations, considerable. They can challenge our most important and strongest reasons – those of parenthood. Thus, contractualism is able to meet the priority challenge satisfactorily.

6. Conclusion

Here is then a short recap of what I have done in this paper. First, I started by identifying what exactly is the problem contractualism sets out to solve. It is not that of solving the problem of moral motivation, whatever that is, but to describe a certain class of normative moral reasons. These are the reasons we have for being able to justify our acts to others. In the second section, I defended the idea that by starting solely from these reasons we can also find a way to construct the moral principles appropriate for giving justification. Therefore, contractualism has an independent story to tell of what constitutes the moral wrongness of certain actions, and is thus unaffected by the Euthyphro objection.

After this, I replied to three most threatening challenges for the contractualist project: That the moral reasons it characterises would be redundant, that they would be unsuitable for the purpose of acting morally, and that they would be too weak to rationalise our moral actions against actions required by other strong normative reasons. In a nut-shell my answers were; redundancy does not show that there are no such reasons; these reasons are suitable for acting morally, because when acting on them we express our respect for the equal moral status of others and we can still simultaneously act on the other relevant reasons; and once we truly grasp what these reasons are,

it is plausible to argue that they do have considerable normative force. So, I conclude that the

present challenges leave contractualism in good form.

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