Towards a more Caring Contractualism?

Barry Maguire and Oded Na'aman

Draft as of October 2024. Kindly do not quote without permission.

Comments most welcome

Abstract (max 150 words):

A morality of recognition maintains that moral norms have their authority in virtue of enacting an ideal moral relationship. T.M. Scanlon has argued that this approach can yield an account of the distinctive force of morality and an attractive account of moral motivation. We find this approach to theorizing about morals extremely promising. However, Scanlon also offers a particular version of the moral relationship, based on the ideal of being justifiable to others. In this essay, we share five reasons why we find this particular relation unattractive. By exploring Scanlon's own analogy with friendship, we offer an alternative moral relationship based on an ideal of living in caring solidarity with others as human. This alternative is more substantively attractive while retaining the overall benefits of the moral recognition approach. We end by pointing to a tension between Scanlon's appeal to mutual recognition and the limited scope of contractualist morality.

Section One: Moralities of Recognition

Some moral theories consider the question of how we should live together as the foundational question of morality. The issue isn't merely how each of us should live, or what sorts of things we should do, or not do, but how to live together. We will say that a *morality of recognition* is one in which moral norms have their authority in virtue of the ways in which those norms enact some ideal for living together.

Not all moral theories have this structure. Some approaches explain the authority of particular moral norms by appeal to divine command, some by appeal to the badness of pain, some by appeal to the excellence of the soul, and some by the value of autonomy (Hieronymi 2011, 102). Yet moralities of recognition have had a significant role in contemporary moral theory. In an early paper that lays the foundations for his theory of justice, John Rawls writes that to recognizes another as a person one must "have the elements of morality" (Rawls 1958, 183). T. M. Scanlon has seized on this insight and developed his contractualism. We take Scanlon's contractualism to be the most systematic morality of recognition worked out as an individual morality rather than a theory of justice for large-scale societies.

In a crucial part of the argument for contractualism, Scanlon describes his view as a morality of recognition:

> The contractualist ideal of acting in accord with principles that others (similarly motivated) could not reasonably reject is meant to characterize the relation with others the value and appeal of which underlies our reasons to do what morality requires. This relation, much less personal than friendship, might be called a relation of mutual recognition. Standing in this relation to others is appealing in itself – worth seeking for its own sake. A moral person will refrain from lying to others, cheating, harming, or exploiting them, "because these things are wrong." But for such a person these requirements are not just formal imperatives; they are aspects of the positive value of a way of living with others. (1998, 162)

Many aspects of Scanlon's approach strike us as attractive and important elements of a satisfactory approach to moral life. One goal of the paper is to call attention to an interpretation of Scanlonian contractualism that makes the most of its recognitional resources.

Some of what we find most appealing about contractualism has been deemphasized by interpretations of contractualism as a first-order moral decision procedure – one that is a straightforward alternative to consequentialism and other versions of deontology – rather than an account of what rightness is.[1] It is as an account of rightness that contractualism appeals to the value of recognition (e.g. 1998, 162 and following). We wish to emphasize these more recognitional aspects of Scanlon's presentation of the view. This is a vision of morality that has its roots in readings of Kant that emphasize the formula of the realm of ends (such as Darwall 2009 and Wallace 2019), and in the adjacent moral approaches of

---

[1] See especially in Parfit 2011, vol.2, p. 192 and following – though see Kamm (2007, 7), Wallace (2002, 45), and Hieronymi (2011, 111). Scanlon developed contractualism in conversation with Parfit as well as other two influential moral theorists – Samuel Scheffler and Peter Railton – at the height of their deep engagements with consequentialism. And yet, we conjecture that there is a deep tension between this interpretation of contractualism and what is arguably its more authentic source in Rawlsian and other forms of contractarian thought (cf. Scanlon 2015). Without insisting on this speculation, this essay attempts to develop this alternative approach to contractualism, drawing out some of Scanlon's own arguments in the heart of his 1998.

Rawls and Habermas.[2] As this short list suggests, proponents of a morality of recognition have mostly been liberal theorists, working with a foundational ideal of respect for persons and some version of a distinction between a domain of morality and a domain of personal choice.

We wish to offer an alternative morality of recognition. On the view we develop here, to live with others on terms of mutual recognition does not mean living according to principles no one could reasonably reject, it means living in caring solidarity with others as human. Morality is not a normative system for the justifiable pursuit of personal good; it is a commitment to work together in order to live in relations of mutual care. To recognize another individual involves recognizing that we care about them as human and that, being human ourselves, we depend on their care.

Section Two: Contractualism as a Theory of the Morality System

Scanlonian contractualism (henceforth: contractualism) offers a general explanation of moral right and wrong. To understand the nature of the explanation on offer, start by considering moral right and wrong along three dimensions: structure, judgment, and motivation. With regard to moral structure, an action is wrong or right for a reason. An action might be wrong because it would hurt someone, because it would put someone at great risk, or because it would violate a promise — to give only a few examples. Such moral reasons explain *why* a particular action is wrong. That right and wrong actions are explained by reasons explains moral judgment and motivation. We make judgments *about* right and wrong *in light of* various reasons and we are morally motivated *to do* right and *avoid* wrong *for* various reasons.

For instance, the fact that A promised to return B’s binoculars is an explanation of why it is right of A to return B’s binoculars and why it would be wrong of A not to do so; it explains why A judges it right to return B’s binoculars and why A judges it wrong not to do so; and it explains why A is motivated to return B’s binoculars. To be sure, we are often mistaken about what is morally right and wrong, we are often mistaken about what considerations make an action right or wrong, and we often fail to be properly motivated to do what’s right or to do it for the relevant moral reasons. However, it is suggested, such mistakes and failures only confirm that in the good case judgment, motivation, and moral structure align.

---

[2] There is, of course, an ongoing tradition of emphasizing recognition amongst theorists influenced by Hegel and Marx. These include Charles Taylor (1992); Frederick Neuhouser (2000); Axel Honneth (2020); Nancy Fraser (2003); Robert Brandom (2019); Daniel Brudney (2013a); Jan Kandiyali (2020); and Pascal Brixel (2023). Our positive approach is a complement to some work in this tradition. The ideal of caring solidarity as human that we introduce is one possible way of interpreting the communist slogan ‘from each according to their ability to each according to their needs.’ (This connection is developed at length in [redacted].)

In citing reasons for which actions are right or wrong we resort to moral principles, which are, as Scanlon puts it, "general conclusions about the status of various kinds of reasons for action" (1998, 199). A simple principle is of the from: when an agent is in circumstance *c*, fact *r* constitutes sufficient reason to φ. For instance, when I say that I pushed you out of the way to save a child from being hit by a car, I am making a general claim that the goal of saving a child's life is sufficient reason to impose on a bystander the kind of burden I imposed on you by pushing you out of the way. I am thus invoking a principle to justify my action and explain why it was morally right. Moral principles are often quite complex and are subject to interpretation and judgment. Even principles that seem at first straightforward normally contain caveats and qualifications that are revealed upon further reflection.

There are, of course, many moral principles. But moral principles do not make up a random list of requirements and permissions; they are mutually dependent and reinforcing. Scanlon calls this 'holism': "in assessing one principle we must hold many others fixed" (1998, 214). Taken together, these moral principles make up what we will call: *the morality system*.

Now we may pose the question that moral theory, as Scanlon understands it, is called upon to address: Is there a general explanation for the principles included in the morality system? Is there an explanation for why the morality system is the way it is? The question is not historical or psychological; it is not about why we, in fact, accept certain moral principles. Rather, the question is about the basis of the moral principles themselves. Is there an explanation for why certain facts make certain actions right and others wrong, or are the content and shape of the morality system fundamental normative facts that admit of no further explanation?

Scanlon's defence of contractualism is a defence of a particular explanation for the morality system. Contractualism is a theory that purports to give structure and unity to the different moral principles, a theory that aims to guide us as we reflect on principles, as we interpret and specify them. What should we seek in such a theory?

An explanation of the morality system must avoid what Scanlon describes as Prichard's dilemma. An explanation of the authority of morality, or of its reason-giving force, as Scanlon calls it, either appeals to a further moral consideration or it appeals to a non-moral consideration. An explanation that appeals to a moral consideration seems uninformative since it does not go beyond the morality system itself; an explanation that appeals to a non-moral consideration, such as long-term self-interest, risks grounding morality in a consideration that is only coincidentally and externally related to morality. To avoid both horns of the dilemma, an explanation of the morality system must appeal to non-moral considerations that strike us as appropriately related to morality.

This challenge, Scanlon thinks, explains the theoretical appeal of utilitarianism over its most formidable rival, intuitionism. Intuitionism maintains that the shape and content of the morality system admit of no further explanation; moral facts are fundamental. Intuitionism therefore embraces the first horn of Prichard's dilemma. Utilitarianism, however, dares to offer an explanation that goes beyond morality but seems properly related to it. Utilitarianism appeals to "the greatest happiness", which is, as Scanlon explains: "a substantive value which seems at the same time to be clearly connected to the content of morality and, when looked at from outside morality, to be something which is of obvious importance and value, capable of explaining the great importance that morality claims for itself" (151).

However, Scanlon is unhappy with utilitarianism because, first, he believes it yields results that are, on reflection, morally unacceptable (e.g., the transmitter room case, 1998, 235). Second, Scanlon argues that utilitarianism fails another important desideratum that an explanation of the morality system must meet. It fails to account for the phenomenology of wronging someone. Scanlon sometimes calls this 'the remorse test' (2021, 16). An explanation of the morality system must capture the distinctive remorse or self-reproach that is involved in wronging another person. For example, Scanlon reports that his reaction to Peter Singer's utilitarian argument about the moral requirement to contribute to famine relief counts against a utilitarian explanation for the morality system:

> When […] I first read Peter Singer's famous article on famine and felt the condemning force of his arguments, what I was moved by was not just the sense of how bad it was that people were starving in Bangladesh. What I felt, overwhelmingly, was the quite different sense that it was wrong for me not to aid them, given how easily I could do so. It is the particular reason-giving force of this idea of moral wrongness that we need to account for. (1998, 152)

What moves us as we feel remorse about failing to act as morality requires is not, as utilitarianism holds, the badness that resulted from our failure; rather, it is the valid objection to our action of the person or persons we wronged. Scanlon's insight is that the wrongness of an action should be (at least partly) explained by the objections of those wronged by it. Compliance with the principles of morality ensures that no one has valid objections to the way others act. So, what explains the morality system is the value of a way of relating to others. It is this relation that is violated when one acts contrary to a moral principle: "What is particularly moving about charges of injustice and immorality is their implication for our relations with others, our sense of justifiability to or estrangement from them" (163).

Thus, there are three formulations of the contractualist answer to Prichard's dilemma, each a specification of the previous one. At the most general level, what explains the morality system, according to contractualism, is that *it makes possible relations of mutual recognition with others*. At a less general but still quite general level, the morality system *makes it possible to live in a way that is justifiable to others*, which means, in turn, and this is the third formulation, morality makes possible *living in accordance with principles no one could reasonably reject*.

According to contractualism, the reason to be moral, that is, the reason that explains the authority of moral principles, is the reason everyone has to want to stand in relations of mutual recognition to everyone else. This reason is not a moral reason but it is properly related to morality and it captures the distinctive value morality makes possible if and when it is properly observed. Contractualism further analyses the relation of mutual recognition as a relation that holds between individuals who live on terms that are justifiable to others, which are terms others could not reasonably reject insofar as they also are motivated by this ideal (1998, 154).

An important advantage of this moral theory is its two-level account of moral motivation. The moral person is normally motivated by moral reasons (such as, 'he needs help' or 'she relies on me') without having to explicitly invoke or consider the underlying reason to be justifiable to others and without appealing to the wrongness of pursuing the alternative. The fact you need help is often sufficient to motivate me to help you, I do not need to appeal to the wrongness of not helping you. However, when we are tempted by a morally objectionable alternative, when we have failed to do what's right, or when we are not sure what action is morally right, we do indeed appeal to wrongness and, in particular, to the question of what is justifiable and the value of conducting ourselves justifiably. Contractualism captures these facts: it explains why certain considerations are moral reasons and why we should care to conduct ourselves morally.

Furthermore, the reason to be moral that contractualism articulates shapes our reflection on principles of moral right and wrong but it also shapes the process of practical reasoning, for we may ask: what is a process of reasoning that others could not reasonably reject? The attention we give to various considerations and the weight we assign to them are themselves shaped by the idea of justifiability to others. This means that some considerations that may seem to count in favour of certain courses of action, such as the benefits of stealing someone's binoculars, would not be considered as reasons by the moral agent in the process of deliberation. As Scanlon puts it: "Being moral involves seeing reason to exclude some considerations from the realm of relevant reasons (under certain conditions) just as it involves reasons for including others" (157). So – and this is a feature that can be missed by overemphasizing the comparison with utilitarianism – it is important to keep in mind that the reason to be moral identified by contractualism is not only a reason to *act* morally but a reason "to govern ourselves in a way that others could not reasonably refuse to license" (ibid). Morality shapes our reasoning and motivation.

Relatedly, Scanlon emphasizes that the commitment to justifiability to others does not settle, once and for all, a system of moral principles; rather it calls for "a continuing process of revising and refining our conception of the reasons that are relevant and those that are morally excluded in certain contexts" (ibid). The relation between morality and various others values and commitments is one of mutual dependence, not strict priority. Our commitments to certain relationships and projects are restricted and shaped by morality but they also shape morality because they impact what conduct and form of self-governance could be reasonably rejected. Thus, moral shaping is a "dynamic process".

Section Three: Defending Contractualism

To explain what we find compelling and important about contractualism, we will defend it from an objection. Our defence will lead to another objection, which we will elaborate and develop in the next section.

Contractualism says that what explains the morality system is the reason everyone has to stand in relations of mutual recognition to others. This explanation purports to avoid Prichard's dilemma by identifying a reason to be moral that, unlike reasons of self-interest, is properly related to morality. However, one may object that contractualism has not avoided the dilemma after all.

Reasons of self-interest to be moral seem objectionable in two ways. First they seem unreliable because compliance with moral requirements often does not serve our self-interest. Since our reason to be moral persists even when being moral does not serve our self-interest, our self-interest cannot possibly be our reason to be moral. Second, self-interest seems like the wrong kind of reason to be moral in that it mischaracterizes appropriate moral motivation. Even when being moral actually serves the self-interest of the morally motivated person, self-interest is not what motivates her to be moral.

These same objections might be raised against the view that our reason to be moral is our reason to stand to others in relations of mutual recognition. First, we are very often subject to morality's demands even when there is no real possibility of relating to others on terms of mutual recognition. For instance, others' failure to conduct themselves morally does not immediately release us from the obligation to act morally toward them. Since they do not reciprocate, our moral conduct cannot establish relations of *mutual* recognition with them, so mutual recognition cannot be the reason we should comply with moral demands in this case. But even if everyone complies with morality's demands there is a problem. For we should conduct ourselves morally even with regard to people who will never know of our existence. To take Scanlon's own example, we have moral reason not to throw debris out of our plane as we fly over places where we will never land (168). These are cases in which moral reasons have force even though there is no chance of standing in relations of mutual recognition to others and therefore no reason to try to stand in such relations to others. If moral reasons have force in these cases, they cannot depend on our reason to stand in relations of mutual recognition with others.

In response to this objection, it is important to clarify how the reason to stand in relations of mutual recognition is supposed to support the morality system. The objection supposes, quite naturally, that compliance with moral principles is meant to *bring about* relations of mutual recognition. It follows from this interpretation that when compliance with moral principles cannot bring about such relations it is not supported by the aim of doing so. But there is a different and more plausible way to understand how the value of mutual recognition grounds moral principles.

We suggest that moral principles have reason-giving force even when relations of mutual recognition with specific individuals are impossible, but it is the *ideal* of mutual recognition that explains morality's force. The fact that our compliance with moral principles in a situation of full-compliance would enact relations of mutual recognition explains our reason to comply with moral principles in non-ideal conditions of partial compliance. To recognize the reason-giving force of moral principles in non-ideal conditions is to recognize the force of the ideal they embody. The principles of morality are essential to a vision of how people should live together. As Scanlon says, the familiar negative aspect of morality corresponds to a positive "pull": the positive value of living with others on terms of mutual recognition. The pull of this ideal is properly felt even when it is out of reach.

One might reasonably wonder: why should I be guided, in actual, non-ideal conditions, by principles that accomplish their goal only in ideal conditions? That is a serious question that arises whenever ideals are seen as action-guiding and it deserves more careful consideration then we can provide here.[3] Nevertheless, we believe that commitment to certain ideals involves, at least at times, living in accordance with these ideals independently of the likelihood of their realization. We also acknowledge that when the gap between ideal and non-ideal conditions is sufficiently large — when actual conditions are dire, or thoroughly corrupt, or downright vicious — the reason-giving force of moral principles may begin to waver. Some may find the latter consequence unacceptable, but we think it captures an important truth about the vulnerability of moral principles to actual conditions and the nature of moral catastrophe. It is not that the morality system loses its appeal when conditions are horrendous — it continues to embody the important value of mutual recognition — but the force of these principles is undermined by their complete disconnect form social reality.[4]

---

[3] This question is widely discussed in debates about ideal and non-ideal theory. For an overview and a conceptual map of the debate, see Valentini 2012.

We therefore believe that the ideal of mutual recognition is a compelling explanation for the reason-giving force of the morality system. We also think, contrary to the second objection noted above, that mutual recognition is the right kind of reason to comply with moral principles. But Scanlon does not stop at mutual recognition. He explains this ideal in terms of justifiability to others, which he explains as acting on principles others could not reasonably reject. This is where we get off the contractualist train. Though we think that mutual recognition is the right kind of reason to be moral, we doubt the same is true of the reason to be justifiable to others or the reason to act on principles others could not reasonably reject. Here we find that Scanlon's contractualism, like utilitarianism, falls onto the second horn of Prichard's dilemma by offering a value that is not properly related to morality and which fails to capture the ideal of mutual recognition. In the following section, we motivate and explain our objection to contractualism's interpretation of mutual recognition.

Section Four: Objecting to Contractualism

There is much we admire about contractualism: the approach to moral theory, the importance of moral phenomenology, the idea that morality both shapes and is shaped by our various non-moral commitments, and the emphasis on mutual recognition as the distinctive value of the morality system. However, we find implausible that mutual recognition is best analysed in terms of justifiability to others, understood as living on terms no one could reasonably reject.

We offer five objections to this interpretation of mutual recognition. Taken together, these objections lead to the conclusion that is our main thesis: the reason to stand in relations of mutual recognition with others is not properly specified as a reason to be justifiable to others, or to live on terms others could not reasonably reject, but as a reason to live in caring solidarity with others as human. Morality is not about "securing our independence from each other by giving each other equal discretion over whether and how we interact" (Fix, 2023, 1), but about living for each other in mutual dependence.

---

[4] What we have in mind is similar to what Jonathan Lear describes as the end of a 'form of life' in his powerful and illuminating book on the Crow Nation (2008). Lear claims that material conditions can change so radically that the concepts by which we understand ourselves and the world in which we live lose their application. Something similar might happen to an honest civil servant who finds herself in a thoroughly corrupt bureaucracy or to a moral person who finds herself in Hobbes's state of nature.

4.1 Wrongful Permissions

Consider Singer's claim that we ought to give to famine relief in Bangladesh until we reduce ourselves "to very near the material circumstances of a Bengali refugee" because only then would we reach the level at which by giving more, we would cause as much suffering to ourselves and to our dependents as we would relieve by our gifts (Singer 1972, 241). According to contractualism, Singer is correct only if a principle for the general regulation of society that requires such an extreme degree of sacrifice could not be reasonably rejected. Given what he says of principles of mutual aid (207), Scanlon would hold that contractualism yields a less demanding moral requirement. Contractualism does not require that we bring ourselves to the material circumstances of those whose extreme need we ought to alleviate because such requirement could be reasonably rejected. We concur. We therefore side with Scanlon's contractualism on this issue against Singer's utilitarianism.

However, we submit that even when one has sacrificed as much as one could reasonably be required to sacrifice, permissibly declining to assist those in need can nevertheless be wrong. It is wrong not merely because there continues to be moral reason to assist but because, more generally, those in need are left without remedy. Thus, one might have sufficient reason to decline to provide further help yet still fall short morally. To recognize those starving in Bangladesh as individuals equally real as oneself it is not sufficient to act in ways they could not reasonably reject, one must recognize the persisting reason-giving force of their suffering and anguish.

The idea of permissible wrongs might seem paradoxical. For Scanlon, to be wrong is to be impermissible and to be right is to be permissible, so permissible wrongs are impossible. But we submit that a permissible action can be wrong if it falls short of what is morally desirable. Unlike impermissible wrongs, a permissible wrong action does not merit blame, remorse, or punishment, but it merits moral dissatisfaction, regret for not doing more, and concern for those for the sake of whom one does not act. Moreover, one has moral — indeed, political — reason to take action to change conditions in which people in need are permissibly abandoned by individuals and impermissibly abandoned (or, worse, denied crucial resources that were once available to them) by collectives. Ideally, we would live in a global society in which permissible action is always right because what we are required to give others aligns with what they need. But this ideal is a long way away.[5]

---

[5] The moral standards within contractualism are deontic: consisting in the "privative opposites" of permissibility and prohibition (see Berker 2022. 27). Such deontic categories leave room for a category of the 'supererogatory' almost by definition. Our alternative is not restricted to the private deontic standards, but employs a broader range of aretaic standards, including the "polar opposites" of the morally desirable and undesirable. For now, we simply wish to draw the reader's attention to this contrast, and to point out that the restriction to deontic ideology is optional at this level in moral theorising.

Cases of permissible wrongs demonstrate that neither justifiability to others nor living according to principles no one could reasonably reject capture the recognition of another person's moral status. Relations of mutual recognition involve a commitment to others that does not end at justifiability to them.

4.2 Reasonably Rejectable Permissions

Whether a principle could be reasonably rejected is determined, says Scanlon, by the implications of its acceptance in general. We must consider how people in different positions would be affected by the acceptance of the principle. And since we cannot know which particular individuals would be affected by the principle and how, we cannot make this assessment on the basis of the particular aims, preferences, and other characteristics of specific individuals (204). Rather, we must appeal to "generic reasons," namely, reasons people have independently of their idiosyncratic characteristics. Such are reasons to avoid bodily injury, to be able to rely on assurances, to have control over what happens to one's own body, and to give special attention to one's own projects, friends, and family.[6] Moreover, the generic reasons relevant to reasonable rejectability are restricted to those that are 'personal', that is, reasons related to "the claims and status of individuals in certain positions" (219). These personal reasons do not include, for example, direct reasons to promote or protect impersonal values or reasons to benefit the greatest number of people.

Suppose that A acts in accordance with a principle that could be reasonably rejected by B given B's personal, generic reasons. Suppose, more specifically, that A decides something that bears on B without consulting him, and B has a general interest in having a say about such matters, so that the burden of denying B a choice is more significant than whatever benefit doing so might yield. Maybe A and B share equal ownership of resources and A decides to contribute the resources to some cause without asking B. B could reasonably reject a principle that permits such action. Therefore, according to Scanlon, A's action is impermissible.

But suppose that B does not object to the principle that permits A's action. B *could* reasonably object, but he does not *in fact* object. In fact he *accepts* A's action and the principle it is based on. Now, in some cases, it might be unreasonable to accept a principle that imposes great burdens on oneself or others. If this is the situation B faces, then B's actual acceptance would not seem to bear on the permissibility of A's action. But there are surely cases in which a principle that could be reasonably rejected *could also* be reasonably accepted. We submit that if an action is based on a principle that could be reasonably rejected but is in fact reasonably accepted, then it is permissible. No one is wronged by this action and there is no reason against it in this particular instance.

---

[6] Scanlon 1998, 204. See Kumar (2000) for further discussion.

The upshot is that generic reasons do not exhaust the considerations that bear on permissibility (or rightness and wrongness generally); specific reasons matter as well because those are the reasons of the actual people impacted by the conduct in question.

4.3 Specific Reasons

Specific reasons are reasons a specific actual person has but most others in the same situation do not or would not have. As suggested in the previous objection, specific reasons, which contractualism discounts from moral consideration, are in fact crucial to relationships of mutual recognition. To recognize another as equally real it is not sufficient to consider the reasons most people in the other's position would have; one must also consider the other person's specific reasons. It is also important to attend to the *specifics of reasons*, that is, to the specific facts, persons, and features that give rise to another's generic and specific reasons. Finally, it is crucial to consider one's own specific reasons vis-à-vis the other as well as the specifics of one's own reasons. A relation of mutual recognition is one in which specific individuals, equally real, see each other as such. Abstracting away from the particularity and specificity of those who would be affected by our conduct is a form of *evasion*, not recognition.

In a horrible predicament described by Charles Fried (1970, 227) and Bernard Williams (1981, 17), a man faces the choice of saving either his spouse or a stranger from drowning, without the possibility of saving both. Invoking generic reasons to give special attention to one's spouse, contractualism may explain why saving one's spouse is permissible. Williams famously complained that the question of permissibility, with the impartial point of view associated with it, is out of place in this case, given the man's "deep attachment" to his spouse. Unlike Williams, we think the issue of permissibility is indeed pertinent, even if the man's commitment to his spouse would (permissibly) crowd out any deliberate consideration of permissibility.

However, Williams is correct that thinking of the options in merely generic terms, as we do when we consider impartial moral principles, would be a kind of failure vis-à-vis one's relationship with one's spouse. To respond to one's spouse in a way that reflects one's deep commitment to her requires considering her as the specific person she is, not merely as 'a spouse that may be rescued in such scenarios.' To this we add that thinking of the stranger in merely generic terms would also be a failure, namely, a failure to recognize the stranger as a specific person, as real and important as oneself (and one's spouse).

The moral reality of the situation is one in which the lives of two specific, real individuals depend on this man, the so-called 'rescuer.' It is not merely the particularity of his spouse that the man must bear in mind if he is to grasp the significance of the choice he is about to make, but also the particularity of the stranger. He might know very much about his spouse and very little about the stranger, but each one of them has specific reasons and concerns that are crucial to an appreciation of the moral stakes. Considering either of them merely in terms of their generic reasons would be a failure of proper moral regard.

Another example of the importance of specificity comes from a familiar notion of moral repair. It is often said that in the course of moral repair, wrongdoers should learn details about the lives of the people they wronged. Learning about a person may be crucial for recognizing them as specific and real and thereby recognizing the true moral significance of the wrong one did to them.[7] A merely generic attitude toward others makes it easier to see people as mere instantiations of general categories, which is antithetical to moral recognition. By learning about the specific reasons of those we wronged and about the specific facts that gave rise to their generic reasons, we come to recognize their particularity. Specificity is essential to mutual recognition.

4.4. Wronging

Scanlon's contractualism is meant to capture the distinctive reason-giving force of wronging someone. Our remorse and sense of loss after committing a wrong, Scanlon says, involve "a feeling of estrangement, of having violated the requirements of a valuable relationship with others" (162). In fact, Scanlon writes that his contractualism is concerned with "one particular way in which an action can be morally wrong, the way that involves wronging someone or […] violating 'what we owe to others'" (2007, 6).

But contractualism is ill-equipped to explain the phenomenon of wronging. The distinctive experience of remorse that Scanlon invokes in his 'remorse test' involves attention to those who were, in fact, burdened by our actions. It is the actual burden one imposed on actual people that explains one's sense of having *wronged them*. However, according to contractualism, the wrongness of an action is entirely independent of whether anyone is actually impacted by it. What makes an action wrong is the fact that it *would* be disallowed by a principle for the general regulation of society no one *could* reasonably reject. This fact is a counterfactual fact about the action. It holds if there is a possible reasonable objection regardless of whether someone is actually burdened by the action on a particular occasion. This means that the people who are actually burdened by a wrong action are entirely irrelevant to the wrongness of the action, according to contractualism. But, as we said, the people the action actually burdened are essential to the *wronging*. So contractualism cannot explain the moral significance of wronging another person because it cannot explain the relevance to the person wronged. Its ability to explain victimless wrongs by appealing to general principles for the regulation of society undermines its ability to explain the moral significance of victims.[8]

---

[7] For example, Griswold writes: "The offender must show that she understands, from the injured victim's account, the damage done by the injury. This entails listening to her victim's account, and to grasping it with compassion" (2007, 51).

This shortcoming can be discerned in a striking example offered by Scanlon. Scanlon suggests his theory explains "the transformation of the moral and political atmosphere of the United States in the late 1960s and early 1970s" (163). In the 1950s, Scanlon hypothesizes, Americans enjoyed the benefits of their institutions while believing those institutions were justifiable — that is, closer than any other institutions to being ones that no one could reasonably object to. The civil rights movement and the anti-war movement that arose in response to the war in Vietnam shattered these illusions. Various reactions to these movements had in common a deep sense of shock and loss that testified, Scanlon suggests, "to the value people set on the belief that their lives and institutions are justifiable to others" (ibid). Scanlon concludes that when we "look carefully at the sense of loss occasioned by charges of injustice and immorality we see it as reflecting our awareness of the importance for us of being 'in unity with our fellow creatures'" (ibid.)

But the concern with the justifiability of one's institutions to others is crucially *not* a concern with those wronged by one's institutions. After all, white Americans might have found out that their institutions are unjustifiable independently of the particular identity and experience of those wronged by them. The importance of being in unity with our fellow creatures must go through a concern with the actual creatures who are our fellows. Moreover, it is not the case that, in the 1950s, Americans believed their institutions *were* justifiable to black Americans, and in the 1960s they found out they were not. Rather, white Americans did not take the idea of justifiability to black Americans seriously because many never saw black Americans as real people with whom they must stand "in unity." The concern with justifiability to black Americans is not the source of shock and loss, it is a *consequence* of the emerging recognition of their moral reality.

4.5 A Sad Ideal

---

[8] In Moral Dimensions, Scanlon speaks to the moral significance of actual victims in the course of offering an account of blame and discussing cases of moral luck, where the same wrong action has very different consequences (2008, ch. 4). According to Scanlon, blame is called for by attitudes that impair relationships and different impairments call for different manifestations of blame by different agents, depending on their place in the relationship. Thus, a wrong action often impairs different relationships in different ways. Which relationships are impaired by a wrong action and how they are impaired by it partly depends on historical circumstance and luck. So, two equally negligent drivers might merit very different reactions of blame depending on whether one of them happened to kill a child as a result of his negligence. This is because in one instance but not in the other, the wrongness of the driver's negligence has impaired his relationship with the child's parents as well as others impacted by the child's death. This account of blame is naturally extended to remorse and the phenomenology of wronging another person. But that means that the contractualist account of wrongness is not itself an account of wronging; it must be complemented by an account of the relevant relationships impaired by wrong action. We return to this concern later.

Scanlon compares his contractualist ideal— that of being able to justify your actions to others on grounds that they could not reasonably reject—to Mill's appeal to "the social feelings of mankind; the desire to be in unity with our fellow creatures" (154). What does Scanlon's ideal of unity look like?

Living in accordance with Scanlon's ideal of justifiability to others entails no attitude toward anyone in particular. A and B might both meet the contractualist ideal and still be entirely unaware of each other's existence. And even if A knows of B and B knows of A, they need not take any direct interest in each other. What they aspire to, fundamentally, has nothing to do with the other person but with the absence of possible objections to their conduct. One wishes to live without remorse, knowing that one pursues one's projects and relationships without giving anyone grounds for complaint.

This strikes us as a grim interpretation of the ideal of mutual recognition. One's interest in others is generic, abstract, and hypothetical, and there is no concern for an actual relationship with anyone. But it seems to us that the desire (or reason) to be in unity with others involves a desire (or reason) to be in an actual relationship with others.

Section Five: Mutual Recognition as Solidarity in Caring for Others as Human

5.1 Disanalogy with Friendship

In light of the objections we raised to contractualism, we seek an alternative interpretation of mutual recognition: of what it involves and why it is valuable. Again, we think Scanlon offers an important initial insight, but we propose to carry it to a different conclusion. Scanlon develops the idea of mutual recognition by drawing an illuminating analogy with friendship. We will retrace his steps and follow the analogy to a notion of mutual recognition that is very different from contractualism's.

Scanlon suggests that the duties of friendship, such as the duty to be loyal to our friends, are properly understood in light of the value of friendship. Though the duties of friendship are non-instrumental — a good friend is not loyal merely in order to attain the benefits of friendship — the fact they are constitutive of friendship and of what makes friendship good explains their non-instrumental normative force. Thus, the good of friendship is a satisfying answer to the question 'Why be loyal?' because it is a value that is properly related to the duties of friendship without itself being a further duty. That is why "being a friend involves both feeling friendship's demands and enjoying its benefits" (162).

Analogously, Scanlon says, the good of mutual recognition is the answer to the question 'Why be moral?'. Moral requirements are essential elements of this valuable relation to others, which contractualism is an account of. “The contractualist ideal of acting in accord with principles that others (similarly motivated) could not reasonably reject is meant to characterize the relation with others the value and appeal of which underlies our reasons to do what morality requires” (ibid). While mutual recognition is “much less personal than friendship,” it is analogous to friendship in being valuable and involving non-instrumental requirements. By appreciating the value of mutual recognition, understood according to the contractualist ideal, we come to understand the normative force of the requirements that constitute it.

But notice that the value of friendship — indeed, what friendship is — is not fully explained by the duties of friendship. Friendship is not constituted by duties alone and any plausible characterization of friendship and its value would invoke various affective, motivational, and ethical elements that cannot be captured in terms of requirements or duties. The diverse ingredients of friendship play a crucial role in explaining its value, which in turn explains the normative force of its duties. If friendship were *entirely* made up of duties, it would be difficult to see the value and appeal of the relationship as well as the force of the duties that constitute it.

Mutual recognition is admittedly different from friendship, but it is supposed to be similar in being a form of valuable relationship to others that is partly constituted by requirements. However, if contractualism indeed provides a satisfying characterization of mutual recognition, then mutual recognition amounts to living on terms others could not reasonably reject. As such, mutual recognition seems not merely less personal than friendship but also dramatically more impoverished.

We do not deny that there is something appealing about living in a community where, despite many deep and varied differences between its members, no member has a reasonable complaint against any member. But what seems appealing here is mostly the principled absence of interpersonal conflict, such as blame, and intrapersonal conflict, such as remorse, rather than the presence of a positive relation to others (apart from the common endorsement of living without blame).

The “positive pull” of the moral relationship is supposed to be contractualism’s primary contribution to our understanding of moral motivation and the normative force of moral requirements, yet Scanlon never explains what *is* the positive pull of the moral relationship as contractualism understands it. The issue is not whether acting on justifiable principles is essential to mutual recognition, but whether it can be all that mutual recognition amounts to. Once the question is raised, it strikes us that the answer is ‘no’, though we realize what answer one gives is partly a matter of moral temperament and orientation. In our eyes, mutual recognition must involve more than acting on justifiable principles if it is to be a deeply valuable relationship.[9]

To discern what mutual recognition might include, we propose to take another look at the analogy with friendship. We ask: What is distinctively valuable about friendship and are there analogous elements in relations of mutual recognition? Our answer will be that friendship combines two elements that are also crucial to mutual recognition: care and solidarity. Relations of mutual recognition share these features with friendship, but they differ in scope: mutual recognition involves *solidarity in caring for others as human*.

5.2 Analogy with Friendship

To begin, let's consider friendship more closely. Friendship, it is widely agreed, involves caring for one another (Helm 2023). We do not intend to argue for a specific account of care but to denote certain features that are plausibly part of care; these features are common to friendship and other relationships. According to the phenomenon we have in mind, caring for a person involves *a broad non-instrumental motivation to meet the person's needs*.

There are limits to what one can do to meet the other's needs, but a person who is not willing to do what they can to meet another's needs does not really care about the other person. Moreover, meeting the needs of the person we care about crucially involves *attentiveness* to the person's needs. We do not merely gather information about the person to discern their needs, we *engage* them directly. We are attentive to their needs by being attentive to *them*. So understood, attentiveness is a participant stance, an "engrossment" in the other, as Nel Noddings famously put the point – a relationship that involves really listening to the other, and taking them and their views about their needs seriously.[10]

---

[9] As mentioned at the outset, Rawls, in his early work, gave expression to the idea that morality is a condition for relations of mutual recognition. Rawls draws an analogy of his own, not with friendship but with the recognition of suffering (1958, 182):

> In the same way that, failing a special explanation, the criterion for the recognition of suffering is helping one who suffers, acknowledging the duty of fair play is a necessary part of the criterion for recognizing another as a person with similar interests and feelings as oneself. A person who never under any circumstances showed a wish to help others in pain would show, at the same time, that he did not recognize that they were in pain; nor could he have any feelings of affection or friendship for anyone; for having these feelings implies, failing special circumstances, that he comes to their aid when they are suffering. Recognition that another is a person in pain shows itself in sympathetic action; this primitive natural response of compassion is one of those responses upon which the various forms of moral conduct are built.

Note that the sympathetic response to suffering Rawls is describing here is *not* an acknowledgment of or response to a moral requirement but an expression of care, a notion we will shortly explain. This suggests that, as we argue in the text, moral requirements are only one element of relations of mutual recognition.

[10] See especially Dillon 1992; Tronto & Fisher 1990; Kittay, 2019. On 'taking one seriously' see Dover 2022. It should be stressed, however, that engaged attentiveness doesn't imply that we always accept the person's own conception of their needs. As a result of our care and attentiveness, we may sometimes disagree with the other

The relevant notion of needs is substantive and normative. A person's needs correlate with the person's flourishing; what one needs in order to flourish is a substantive issue. We do not offer or rely on a general account of flourishing and needs, but we do suggest[11] that there is a universal need to care about others and be cared about by others, and thus that care is crucial for our flourishing.

In caring, one is directly *affectively* responsive to the other and to how things are for the other.[12] In caring non-instrumentally about another, one cares (non-instrumentally) whether they are doing well or badly, but one also cares (non-instrumentally) about what they think and feel, such that one is emotionally vulnerable both to the other *and* to what happens to them. These needs are important for one's own identity and sense of self. Our sense of who we are is shaped by the sense those we care about have of us; how they see us shapes how we see ourselves; how they see and understand the world shapes how we see and understand the world. In short, we recognize ourselves and our place in the world, significantly, by recognizing those we care about. To the extent that one shares the other's vulnerability to whether things go well or poorly for them, and to the extent one shares the other's perspective on the world and on oneself, one *shares one's fate* with the other.

Another important feature of our reliance on those we care about is that we cannot meet their needs on our own. Care is not merely bestowed on the other, it must be taken up or accepted by the person toward whom it is directed. In caring about a person we are vulnerable to them in this additional sense: we need them in order to successfully care for them.[13]

Finally, caring is not only non-instrumental but also *particularistic*, it is a *de re* relation to the other. Our care is focused on the particular individual as such: our motivation to meet their needs as well as our need for them are based on their particular identity. In this, caring is unlike a relation to another that is based on their being a fellow opera goer or a fellow union member. If I am committed to supporting fellow union members as such I take a *de dicto* attitude toward each union member since my commitment to each derives from my commitment to all. When I care about my friend as such, I see her *as* a friend but my care

---

person about what their needs are or offer an interpretation of their needs which they have not even considered. Those we care about rely on us to help them understand what their needs are. Indeed, sometimes deferring to the person we care about can be a form of abandonment, a failure of care.

[11] This is just a suggestion inasmuch as the presumptions about others from the perspective of the morality of caring solidarity are aspirational rather than merely descriptive. We discuss this in the main text shortly.

[12] Monique Wonderly writes that "theorists generally agree that caring involves a kind of emotional vulnerability to how the cared-for object is faring and certain desires to promote the object's flourishing" (2016, 233). Wonderly distinguishes this notion of care from the distinct notion of attachment, which involves "a relatively enduring desire for engagement with a non-substitutable particular" (232). Caring often but not always involves attachment. The moral relationship we are offering does not essentially involve attachment. Similar remarks apply to love: our conception of the moral relationship essentially involves care but not love; compare the helpful discussion in Brudney (2013a, 461).

[13] Cf. Noddings (1984, 4); Kittay 2019, chapter 8.

for her does not derive from my care for all friends nor from any other care or commitment. It is a non-derivative care for this particular person and therefore a *de re* orientation toward her.

These features of care are typical of friendship as well as other relationships of care.[14] But unlike other relationships of care, which may be asymmetrical, and unlike instances of care that are not mutual, friendship is symmetrical and mutual. To be sure, friendships are not entirely symmetrical since friends may take up different roles, and friends may care for each other and rely on each other in different ways. But unlike a parent-child relationship, or a teacher-student relationship, friendship is not essentially asymmetrical. Moreover, whatever the differences between the ways in which each participant is being a friend to the other, both friends bear responsibility for one another, which includes a commitment to being there for one another and standing by one another's side.

This leads us to another important element of friendship: solidarity. Andrea Sangiovanni has recently developed an account of solidarity, drawing on a deep and faithful survey of a range of solidary traditions. We act in solidarity, on his view, when, as a result of identifying with one another (2023, 17): we both intend to participate to overcome significant adversity by pursuing a shared goal; we are individually committed to relevant ends and means and to 'not bypassing each other's will' in pursuing them; we are committed to sharing our fate in relevant ways; and we trust one another to meet the other conditions

This approach to solidarity starts with identification: recognition of our common vulnerability in the face of a social obstacle. It entails a manifest and robust commitment to sharing our fates in the face of this obstacle, and to working together to overcome this obstacle, even at some cost to oneself — this is what 'being in it together' means. Solidarity also involves an associated notion of trusting one another, both in the relevant specific goals and in our plan for accomplishing them and in carrying out our parts in that plan.

Solidarity and care differ in two respects important to our purposes. First, solidarity, unlike care, involves a 'we-perspective', the perspective of one amongst many, or one of a group. In facing adversity together, each one of us asks: what are *we* going to do about it? This stance essentially involves trusting others to do their part. Second, unlike care, solidarity does not require a *de re* relation to others, since one's commitment to another (e.g., union member) is indeed derived from one's commitment to the group (e.g., union members) as a whole. Solidarity does not require a particularistic relation to others.

---

[14] Compare the Marxian conception of civic friendship in Brudney 2013b, and the take on Aristotelian civic friendship in McIntyre (1984: 156).

Friendship is an exceptional kind of relationship because it combines care and solidarity. Friendship is a *de re* relation, where each participant's commitment to the particular other is non-derivative; but it is also a commitment to a 'we', a commitment to facing adversity together. The distinctive value of friendship, we submit, emerges from these two elements, care and solidarity. Friendship is a collaborative enterprise, in which our caring about one another is itself the shared goal, and the relevant adversity is whatever inhibits us from caring about one another (as well as caring about whatever else we compatibly care about or have reason to pursue).[15]

Care and solidarity, we propose, are essential to the moral relationship, the relationship of mutual recognition. The difference between friendship and mutual recognition is fundamentally a difference of scope. While friendship involves solidarity in caring about one another as friends, mutual recognition involves solidarity in caring about one another as *human*. The idea of identifying as human is at the heart of the early Marx's writings about non-alienation[16] and it is also a common theme in Catholic social thought,[17] and in care ethics[18] as well as in ethical theory.[19] Let us clarify what we mean when we appeal to humanity as the scope of the moral relationship.

Start with the thought from Sangiovanni that solidarity is based in a common identification as sharing some cause, condition, way of life, role, or set of experiences. Identification is more than mere descriptive belief. It involves a combination of operative reasons (things taken to be reasons) and normative expectations about others. In an instance of exclusive caring solidarity, the relevant description might be 'friends' or 'men', or 'people-on-this-hill-not-those-over-there'.

Identifying as human, as we use the term, means recognising our common vulnerability and associated dependence on one another. There are three distinct senses of common vulnerability and dependence at work.

The first is that one is not entirely self-sufficient: one relies on the cooperation of others to meet one's basic and non-basic needs. This is a point about one's welfare narrowly construed, and our limited powers to guarantee it by ourselves as individuals.

In a second sense, our individual flourishing does not only instrumentally depend on cooperation but is constituted by a certain kind of cooperation with others. Cooperation is more essential to our flourishing and welfare on this second sense of vulnerability to (and dependence on) others, but individual welfare is still the focus of vulnerability and dependence.

---

[15] This would be an 'internal and intertwined' goal in Brudney's language (in various places, e.g. in his 2013a).

[16] Especially in the Comments on James Mill, in Marx (1975/1844). See also Kandiyali 2020 and Brixel 2023.

[17] E.g. Clark (2014, 112-3); for overviews, Stjernø 2005 and Sangiovanni 2023.

[18] This idea is developed with nuance in Kittay 2019.

[19] See especially Rorty 1989, Wiggins 2008, and Sangiovanni 2017, as well as the literature on dehumanisation, e.g. Killmister 2023.

In a third sense of vulnerability and dependence, one identifies as one among others who together flourish in the context of a certain kind of cooperation and who together face a range of kinds of injustice. This is a thought about a kind of unity amongst us, rather than a thought about the basis of welfare (narrowly construed). One can identify as such even if one knows that one's own welfare narrowly construed would be less affected by this or any injustice than many other people.

We believe this third notion of common vulnerability nicely captures the ethos of solidary movements. We are socially vulnerable but not powerless — we flourish when we work together. Translating this into needs: we have needs to do what we can together to meet one another's needs. We have reason to work with others and flourish together even when doing so requires individual sacrifice. This is what we mean by being human and this is what one identifies as by standing in relations of mutual recognition with others.

Being human thus understood is a property of individuals, albeit a social property. Yet it is not a descriptive property.[20] First, the notion of humanity is analytically linked to notions of harm, needs, and flourishing. Moreover, the specific content of the kind of vulnerability in question is substantively contentious. It would beg the question to take the claim that we are vulnerable in this way to be an independent premise in an argument for caring solidarity. But appeal to human vulnerability is not intended to play any such independent epistemic role. Rather, it is part of an overall approach to morality that is to be assessed on its merits as a way of living altogether.

Second, to identify as human involves a normative expectation about others rather than a descriptive presumption about them. To see someone as human is not to make a quasi-scientific assumption about their non-moral nature. It is to see them in essentially evaluative terms: as such as to suffer, or to flourish, under conditions along the lines of the ones spelled out as good or bad by the moral theory itself.[21] This normative expectation is, in part, an *aspiration* to common humanity.[22] This means that the question of who *is* human in the relevant sense is left unsettled by the view we are putting forward, but it is principally unsettled. For anyone who is committed to extending caring solidarity to all those who are human must continually face the substantive moral question of how to apply the category: who might share with me the vulnerability that is the basis of my community with others?

---

[20] Compare Sangiovanni 2017.

[21] Compare Killmister (2023) on the distinction between *Homo sapiens* as a species and human as a social and normative kind.

[22] Compare the Strawsonian approach to humanity in Sangiovanni 2017.

To summarize, by considering what makes friendship valuable and thereby explains the normative force of its requirements, we have come to a proposal about what makes the moral relationship — the relationship of mutual recognition — valuable so as to explain the normative force of its requirements. Moral requirements are part of an ideal of mutual recognition in which one lives in caring solidarity with others as human. The relationship is characterized by a recognition of a shared vulnerability, individually and as a group; it involves *de re* caring for others as human and *de dicto* solidarity with them due to one's identification with all those who are human. To be human is to depend on others, instrumentally and constitutively, for one's personal welfare, but it is also to be a member of a community that aspires to flourish and faces adversity. The moral relationship holds between all those who need others in order to flourish individually and who are members of a community, the flourishing of which is important in itself.

Section Six: Doing Better than Contractualism

Recall that we presented five reasons why we are not attracted to Scanlon's contractualism. We said that sometimes doing what is permissible can still be wrong; that acting on principles others reasonably accept is permissible even when the principles are reasonably rejectable; that recognizing another's moral standing involves attending to the person's specific reasons and to the specifics of the person's generic reasons; that an explanation of wronging must explain the significance of actual victims; and that an appealing ideal of social unity with others must involve an actual, not merely hypothetical, relationship.

We believe our notion of mutual recognition as solidarity in caring about others as human accommodates each one of these points. Permissible actions, such as declining to help those in need when the cost of doing so is great, may manifest a failure of care or solidarity with others and therefore be wrong despite being permissible. Alternatively, an action based on a reasonably rejectable principle may be permissible and not wrong because it may manifest proper care and solidarity. Such action would manifest care and solidarity not with anyone, or with anyone in the relevant position, but with specific others. Care involves attentiveness to specific others with specific needs, not to possible others with generic needs. This explains why a specific permissible action can fail the reasonable rejectability test, which appeals to possible objections.

Attentiveness to needs also explains why recognizing another's moral standing involves attention to specific reasons. The rescuer who must choose between saving his spouse and saving a stranger already cares about his spouse, but he should also care about the stranger, albeit not as a loved one but as a fellow human being. Such care involves attentiveness, especially in situations where the stranger's needs intersect with the rescuer's ability to meet them. The conflict in which the rescuer finds himself is horrible because a dire failure to meet the needs of those one cares about is inevitable, whether or not it is permissible to save his spouse. Doing the right or permissible thing in such a situation is little comfort.[23]

Wronging and the feeling of remorse, on our view, are crucially connected to the impact of the wrong on specific people for whom the wrongdoer has a responsibility of care. To be sure, our solidarity in caring for one another yields a system of general prohibitions and permissions that determine the fittingness of blame, indignation, guilt, remorse, and apology. However, underlying these general requirements is a commitment to a specific, historically situated community. By thinking about systematic failures of care we devise general requirements, which are part of a large-scale system for mutual care. Violating these requirements is wrong even when, coincidentally, no one is impacted by the specific violation, but what makes them wrong is that when such violation burdens someone it constitutes a failure of care and therefore a wronging. So wronging is prior to wrong-doing; victimless wrongs are explained by the significance of actual victims. Finally, our account of mutual recognition explains social unity as an actual relationship with others and, as we argued in the previous section, it makes clear why mutual recognition is a compelling ideal.

Conclusion: A Scanlonian Rejoinder

We have argued that contractualism fails as an account of relations of mutual recognition, which involve more than a system of requirements and permissions. In later work, Scanlon comes close to acknowledging this issue. He writes that while standing in a moral relationship with others puts us under certain requirements, such a relationship includes attitudes that are not required of us:

> [G]ood moral relations with others involve being disposed to have certain other attitudes. These include, in general, being disposed to be pleased when we hear of things going well for other people. We are not morally obligated to have these feelings, just as we are not obligated to be pleased when things go well for a friend. But one is deficient as a friend if one does not have such feelings, and it is a moral deficiency to hope that things go badly for others, even strangers, or to be pleased when they do. These attitudes and dispositions define what I am calling the moral relationship: the kind of mutual concern that, ideally, we all have toward other rational beings. (2008, 140)

Scanlon seems sympathetic to an account of the moral relationship that goes beyond what we are required to do. Indeed, he seems open to the idea that caring about others is essential to a good moral relationship. So, perhaps we have not strayed very far from the path of contractualism after all?

---

[23] See the rich discussion of conflict between cares in Baier 2010, ch. 8.

If our view turns out to be a version of contractualism, this is all for the better. As we noted at the outset, our intention is to stay faithful to certain crucial insights at the heart of Scanlon's contractualism. So, if solidarity in caring about others as human is a version of contractualism, we would not be disappointed. However, it is not obvious to us that Scanlon can easily accommodate a notion of mutual recognition that goes beyond moral requirements.

Contractualism is supposed to account for the part of morality that we called "the morality system" and Scanlon calls "what we owe to each other," or "morality of right and wrong," which is the part "having to do with our duties to other people, including such things as requirements to aid them, and prohibitions against harming, killing, coercion, and deception" (1998, 6).[24] In the longer passage quoted above, Scanlon says that we are not morally obligated to have good-willed motivations and feelings toward others, so such motivations and feelings seem to fall outside of the morality of right and wrong and the purview of contractualism. However, if this is true, then Scanlon's claim in *What We Owe to Each Other* that contractualism is an account of the moral relationship has been abandoned by the time he writes *Moral Dimensions*. For, by then, Scanlon relies on the part of morality that falls outside the scope of contractualism in order to account for the moral relationship. Admitting that contratualism alone cannot characterize mutual recognition would deprive contractualism of what Scanlon claims, in *What We Owe to Each Other*, is one of the most compelling arguments in its favor.

On our view, the moral requirements that make up the morality system are an important part of morality but they are not the most fundamental moral phenomenon and they are not the primary explanans of moral theory. A proper understanding of the morality system must place it in the context of a broader system of caring solidarity. We think this insight is baked into the very idea of morality of recognition, but it has been systematically overlooked. Care is essentially a *de re* relation to others in their particularity, which means that morality starts *in media res,* is hostage to many contingencies, and is not easily theorized in the abstract. To take the idea of mutual recognition seriously we must allow care, and therefore contingency, at the very heart of our moral theory. An anxiety about historical contingency has led many philosophers to interpret relations of mutual recognition as a system of requirements independent of relations of care. This flight from contingency has robbed moralities of recognition of much of their power to illuminate our moral world.

---

[24] Compare Rawls (1971, 479).

Works Cited

Baier, Annette. 2010. *Reflections on How We Live*. OUP.

Berker, Selim. 2022. 'The Deontic, the Evaluative, and the Fitting.' In *Fittingness*. Eds. Howard and Rowland. OUP.

Brandom, R. 2019. *A Spirit of Trust*. Belnap Harvard.

Brixel, Pascal. 2023. 'The Unity of Marx's Concept of Alienated Labor.' *The Philosophical Review*

Brudney, Daniel. 2013a. 'The Young Marx and the Middle-Aged Rawls.' *A Companion to Rawls*, Wiley, Hoboken.

Brudney, Daniel. 2013b. 'Two Types of Civic Friendship.' *Ethical Theory and Moral Practice*. 16:729–743.

Clark, Meghan, J.. 2014. *A Vision of Catholic Social Thought*. Fortress Press.

Darwall, Stephen. 2009. *The Second Person Standpoint*. HUP.

Dillon, Robin. 1992. 'Respect and Care: Toward Moral Integration.' *Canadian Journal of Philosophy,* vol, 22, no. 1, p. 105-132.

Dover, Daniela. 2022. 'The Conversational Self.' *Mind,* Volume 131, Issue 521, Pages 193–230.

Fraser, Nancy. & Honneth, Axel. 2003. Redistribution or Recognition. Verso.

Fried, Charles. 1971. *An Anatomy of Values*. HUP.

Griswold, Charles. 2007. *Forgiveness: A Philosophical Exploration*. Cambridge University Press.

Habermas, Jürgen. 191. *Justification and Application: Remarks on Discourse Ethics*. MIT Press.

Helm, Bennett, "Friendship", *The Stanford Encyclopedia of Philosophy* (Fall 2023 Edition), Edward N. Zalta & Uri Nodelman (eds.), URL =<https://plato.stanford.edu/archives/fall2023/entries/friendship/>.

Hieronymi, Pamela. 2011. 'Of Metaethics and Motivation: The Appeal of Contractualism.' In *Reasons and Recognition,* Wallace, Kumar, and Freeman, eds. OUP.

Honneth, Axel*. 2020. Recognition.* CUP

Honneth, Axel*. 2017. The Idea of Socialism.* Polity Press.

Kandiyali, J. 2020. 'The Importance of Others: Marx on Unalienated Production.', Ethics., 130 (4). pp. 555-587.

Killmister, Suzy. 2023. 'A Metaphysics of Dehumanization.' *Philosophers' Imprint, 23.*

Kittay, Eva. 2019. *Learning from my Daughter*. OUP.

Kumar, Rahul. 2000. 'Defending the Moral Moderate: Contractualism and Common Sense'. *Philosophy & Public Affairs* 28, no. 4.

Lear, Jonathan. 2008. *Radical Hope*. HUP.

MacIntyre, Alasdair 1984. After Virtue, 2nd ed. Notre Dame: Notre Dame University Press.

Marx, Karl. (1975/1844). *Marx Engels Collected Works,* Volume 3, New York, NY: International Publishers.

Neuhouser, Frederick. 2000. *Foundations of Hegel's Social Theory: Actualizing Freedom,* Cambridge, MA: Harvard University Press.

Noddings, Nel. 1984. Caring. UC Press.

Parfit, Derek. 2011. *One What Matters, Volume Two.* OUP.

Rawls, John. 1958. 'Justice as Fairness.' The Philosophical Review, vol.67, no. 2., pp. 164-194.

Rawls, John. 1971. *A Theory of Justice*. HUP.

Rorty, Richard. 1989. *Contingency, Irony, and Solidarity*. CUP.

Sangiovanni, Andrea. 2017. *Humanity without Dignity*. HUP.

Sangiovanni, Andrea. 2023. *Solidarity: Its Nature, Grounds, and Value*. Manchester University Press.

Scanlon, T.M. 1998. *What We Owe To Each Other*. HUP.

Scanlon, T.M. 2007. ‘Wrongness and Reasons: A Re-examination.’ In *Oxford Studies in Metaethics*, vol. 2.

Scanlon, T.M. 2008. *Moral Dimensions*. HUP.

Scanlon, T.M. 2015. ‘Ideas of the Good in Moral and Political Philosophy.’ *Oxford Studies in Normative Ethics*, volume 5. OUP.

Scanlon, T. M. 2021. ‘Contractualism and Justification.’ In *Reason, Justification, and Contractualism,* Themes from Scanlon. Edited by: Markus Stepanians and Michael Frauchiger

Singer, Peter. 1971. ‘Famine, Affluence, and Morality.’ *Philosophy & Public Affairs.*

Stjernø, Steinar. 2005. *Solidarity in Europe*. Cambridge University Press.

Taylor, Charles. 1992. ‘The Politics of Recognition’. in *Multiculturalism: Examining the Politics of Recognition*, A. Gutmann (ed.), Princeton: Princeton University Press, pp. 25–73.

Tronto, Joan. & Fisher, Berenice. 1990. ‘Towards a Feminist Theory of Caring.’ In Circles of Care, SUNY Press.

Valentini, Laura. 2012. ‘Ideal versus Non-Ideal Theory: A Conceptual Map.’ *Philosophy Compass.*

Wallace, R. Jay. ‘Scanlon’s Contractualism.’ *Ethics*, Vol. 112, No. 3, Symposium on T. M. Scanlon's What We Owe to Each Other

Wallace, R. Jay. *The Moral Nexus*, Princeton University Press, 2019, 306pp.

Wiggins, David. 2008. ‘Solidarity and the Root of the Ethical.’ University of Kansas Department of Philosophy.

Williams, Bernard. 1981. ‘Persons, Character, and Morality.’ In his *Moral Luck*, CUP.