

Topic in Western Philosophy:
Moral Contractualism

Instructors: Alexandre Erler and Hon-Lam Li

T. M. Scanlon's contractualism has captured the imagination of the philosophical community since his book, *What We Owe to Each Other*, appeared in 1998. Contractualism is best understood as an alternative to utilitarianism. It offers an attractive moral vision that is different from utilitarianism or other consequentialist theories, and from purely deontological theories.

This course aims to cover a number of topics, namely (1) what is contractualism; (2) why contractualism might be a credible alternative to utilitarianism; (3) theoretical objections to contractualism; (4) aggregation; (5) the problem of future people, and (6) the practical implications of contractualism. Among these, the problem of aggregation will capture our main focus.

Topic 1: An Overview: What is contractualism?

- T. M. Scanlon, "Contractualism and Utilitarianism," in his *The Difficulty of Tolerance*.
- T. M. Scanlon, *What We Owe to Each Other* (henceforth "WWO"), chap. 4.

Topic 2: Why contractualism might provide a better motivational account than utilitarianism

- T. M. Scanlon, WWO, chap. 4.
- Pamela Hieronymi, "Of Metaethics and Motivation: The Appeal of Contractualism," in *Reason and Recognition*, ed. by R. Jay Wallace, et al.

Topic 3: Various objections:

- Hooker, Brad. "Contractualism, Spare Wheel, Aggregation," in Matt Matravers, ed., *Scanlon and Contractualism*, 2003, 53-76.
- Philip Pettit, "Doing unto Others," *Times Literary Supplement*, 25 June 1999, 7-8.
- Philip Pettit, "Two Construals of Scanlon's Contractualism," *The Journal of Philosophy* (2000) 96, 148-164.
- Philip Pettit, "A Consequentialist Perspective on Contractualism," *Theoria* (2000) 66, 228-236.
- Judith Thomson, *The Realm of Rights*, Cambridge, MA: Harvard University Press, 1990, excerpt.
- Nicholas Southwood, *Contractualism and the Foundations of Morality*, excerpts.

Topic 4: The Irrelevance of Intention to Permissibility

- T. M. Scanlon, *Moral Dimensions*, chaps. 1 & 2.
- Hon-Lam Li, "What We Owe to Terminally Ill Patients," *Asian Bioethics Review*, vol. 8, no. 3 (Sept 2016), section I.

Topic 5: Aggregation:

(a) Why contractualism might provide a plausible alternative to utilitarian aggregation

- T. M. Scanlon, *WWO*, chap. 5.

(b) Objections to Scanlon's account: social risk; *ex ante* vs. *ex post* accounts

- (i) Sophia Reibetanz, "Contractualism and Aggregation," *Ethics*, vol. 108, no. 2 (January 1998), 296-311.
- (ii) Elizabeth Ashford, "The Demandingness of Scanlon's Contractualism," *Ethics*, vol. 113, no. 2 (January 2003), 273-302.
- (iii) F. M. Kamm, *Intricate Ethics*, chap. 16, 455-490.
- (iv) Alastair Norcross, "Comparing Harms: Headaches and Human Lives," *Philosophy and Public Affairs* (henceforth "**PPA**"), Vol. 26, No. 2 (Spring, 1997), 135-167.
- (v) Derek Parfit, "Justifiability to Each Person", *Ratio* (2003), 16: 368–370.
- (vi) Derek Parfit, *On What Matters*, vols. 1 & 2, excerpts.
- (vii) Iwao Hirose, *Moral Aggregation*, 2014, excerpts.
- (viii) Nir Eyal, et al, eds., *Identified versus Statistical Lives*, excerpts.
- (ix) M. Fleurbaey & A. Voorhoeve, "Decide as You Would with Full Information!" in *Inequalities in Health*, ed. by Nir Eyal, et al.
- (x) Johann Frick, "Contractualism and Social Risk," *PPA*, 2015.
- (xi) Patrick Tomlin, "On Limited Aggregation," *PPA*, 19 December 2017.
- (xii) Joe Horton, "Aggregation, Complaints, and Risk," *PPA*, 15 May 2017.
- (xiii) Seth Lazar, "Limited Aggregation and Risk," *PPA*, 05 October 2018.
- (xiv) Joe Horton, "Always Aggregate," *PPA*, 1 October 2018.
- (xv) Kerah Gordon-Solomon, "Should Contractualists Decompose?" *PPA*, 4 November 2019.

Topic 6: Contractualism and Future People

- Rahul Kumar, "Who Can Be Wronged?", *Philosophy and Public Affairs* 31, 2 (2003), 99-118.
- Derek Parfit, *On What Matters*, chap. 22 (2011).
- Elizabeth Finneron-Burns, "What's Wrong with Human Extinction?", *Canadian Journal of Philosophy* 47, 2-3 (2017), 327-343.

Topic 7: Practical Implications of Contractualism

- Brettschneider, Corey. "The Rights of the Guilty: Punishment and Political Legitimacy," *Political Theory*, vol. 35, no. 2 (2007): 175–99.
- Hon-Lam Li, "Contractualism and Punishment," *Criminal Justice Ethics*, vol. 34, no. 2.
- Hon-Lam Li, "What We Owe to Terminally Ill Patients: The Option of Physician-Assisted Suicide," *Asian Bioethics Review* (2016).
- Hon-Lam Li, "Contractualism and the Death Penalty," *Criminal Justice Ethics*, vol. 36, no. 2.
- Hon-Lam Li, et al., "Reopening of Economies during the COVID-19 Pandemic: Reasoning about Value Tradeoffs," *The American Journal of Bioethics* (2020).

We might not get to discuss all topics by the end of this course. In particular, we may not have time to cover Topic 7.

Course requirements:

- Weekly readings. The average weekly reading (which is mandatory) will be about 50 pages.
- In-class presentations.
- One term paper (written in two drafts)
- Participation at the end-of-Term Workshop, where each student will present his/her draft paper in PowerPoint (after completing the first draft). The second draft will be rewritten in response to instructors' comments.