Lexical Dominance in Reasons and Values

Iwao Hirose and Kent Hurtig

April 2003

Thomas Scanlon (1998) has recently claimed that his version of contractualism can explain why the right to do is sometimes determined by "aggregative" considerations and sometimes it is not. In this paper, we provide an alternative account of why considerations of aggregation only matter sometimes; an account which we believe is not only much simpler than Scanlon's, but also more likely to be supported by the advocates of a value-based ethical theory.

1

According to Scanlon's contractualism:

> an act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behaviour that no one could reasonably reject as a basis for informed, unforced general agreement.[1]

Scanlon claims that the justifiability of a moral principle depends only on various individuals reasons for objecting to that principle and alternatives to it. By grounding the wrongness of an act in that act's being unjustifiable to some individual, contractualism seems to avoid some of the very counter-intuitive implications of utilitarianism and other forms of consequentialism. According to these theories, the disvalue of imposing heavy burdens on some

---

[1]Scanlon (1998, p. 153).

limited number of people will always be justified by the fact that this brought benefits to others, no matter how small these benefits may be as long as the recipients are sufficiently numerous. However, as Scanlon himself notes:

> ...contractualism appears to go too far in the opposite direction, disallowing any appeal to aggregative benefits even in cases in which the right thing to do does seem to depend not only on the impact that various actions would have on particular individuals but also on the number of individuals who would be so affected.

Suppose that we are faced with a choice between:

(a) saving A and letting B and C die

(b) saving B and C and letting A die

According to Scanlon, it is right to choose (b): i.e. the numbers should count. On the other hand, if we are faced with a choice between

(a*) saving Jones from serious injury and inconveniencing a million World Cup viewers

(b*) letting a million World Cup viewers enjoy and letting Jones be in pain

According to Scanlon, it is right to choose (a*): i.e. the numbers should not count. We are neither for nor against Scanlon's contractualism. But we can reach the same conclusions without proceeding via contractualist argument, by appealing directly to the reasons why the relevant principles could or could not be rejected; thereby explaining in more direct way why we should do what Scanlon tells us to do. The main idea here is that some reason *types* lexically dominate other reason types in terms of normative force.

A plausible explanation of why a million World Cup viewers could not reasonably reject a principle which requires us to save Jones would be that the reason we have for saving Jones is of a significantly different type than the type of reason we have for not inconveniencing a single person in the group of a million people. Here is our proposed analysis of this structure: (Let m and p be reason tokens of type M and P, respectively.)

Lexical Dominance: if M reasons lexically dominate P reasons in terms of normative force, then for any two incompatible options supported by either M reasons or P reasons (and no other type of reason)

(1) if there is at least one m supporting an option, then we ought to choose the option that is supported by the greater number of m's; and

(2) if the number of m's supporting each option is the same, then we ought to choose the option that is supported by the greater total number of p's; and

By appealing to the idea that some reason types lexically dominate other reason types we can explain why the numbers count only sometimes. Let us suppose that considerations of serious harm provide us with reasons of a type which is such that it (the type of reason) lexically dominates reasons of the type which is provided by considerations of inconveniencing people. If this is the case, then in the first example, the fact that A would be saved by our doing (a) gives us a reason to do (a). The fact that B would be saved by our doing (b) gives us a reason to do (b), and the fact that C would be saved by our doing (b) gives us another reason to do (b). Since these reasons are all of the same type, what we ought to do is to choose the option which is supported by the greater number of reason *tokens*, i.e. (b). This is because, according to lexical dominance, if the relevant reason tokens are all of the same type, then we ought to choose the option which is supported by the largest number of reason tokens, i.e. (b). So the first example is a situation, where the numbers count.

In the second example, the reason we have for saving a person from serious injury is of a different type than the reasons we have for allowing a million people to enjoy. Again, if we suppose that the reason we have for saving Jones from serious injury is of a type that lexically dominates the type of reason we have for allowing a million people to enjoy: The fact that Jones would be relieved of his pain by our doing (a*) gives us a reason to do (a*). The fact that World Cup viewer one would be able to enjoy the match by

our doing (b*) is a reason to do (b*); the fact that World Cup viewer two would be able to enjoy the match by our doing (b*) is another reason for doing (b*) and so on. Viewed this way, if there are a million World Cup viewers, we have a million reasons for doing (b*). However, according to lexical dominance, we ought to choose (a*). This is because if reasons of the former type lexically dominate reasons of the latter type, we should indeed save the single person from serious injury, regardless of how many World Cup viewers will be inconvenienced. So the second example is a situation in which the numbers do not count with regards to determining what we ought to do. Again, Scanlon could appeal to lexical dominance as the explanation for why Jones could reasonably reject a principle which required us to not to inconvenience a very large number of World Cup viewers. But, what does contractualism add to any of this?

Whether or not the lexical dominance of some reason types over other reason types captures Scanlon's thinking in the examples above, it picks out not only a possible explanation of the theoretical structure underlying his contractualism, but it also provides, in its own right, an intuitively attractive way of understanding how considerations of the numbers are relevant in different cases. We take this to be an advantage of the proposal. Furthermore, since the proposal can explain why we ought to choose the options Scanlon says we ought to choose without appealing to the more complicated argument he puts forward, our proposal has the virtue of being relatively simple.

2

Another advantage of our proposal is that it can be accepted by both those who take reasons to be the most basic normative concepts and those who take a similar view about value(s) (or the good). Scanlon takes the idea of a reason as primitive. For him, the notion of a reason is the most fundamental normative entity. However, he does not deny that there is a correlation between reasons and values. He says:

> being valuable is not a property that provides us with reasons.

4

Rather, to call something valuable is to say that it has other properties that provide reasons for behaving in certain ways with regard to it.[2]

This view has become known as the *buck-passing account of value.* Some philosophers disagree with this. According to those who do, it is the positive value of an object, action, or state of affairs that provides us with reasons to behave in certain ways with regard to it. We have no argument for or against either view here. However, regardless of whether we endorse a value-based or a reason-based theory of ethics (or practical reason), the idea of lexical dominance is compatible with either view. The basic idea of lexical dominance can be applied to a value-based theory as well. Scanlon says he wants to avoid the counterintuitive implications of various implausible forms of aggregation such as utilitarianism. By introducing the idea of a lexical ordering of reason types, we can certainly avoid these implications. However, it is certainly possible to retain the idea that values are the fundamental normative element of ethics and/or practical reason, while endorsing the view that some value types lexically dominate other value types.[3]

A slightly modified, value-based version of our proposal would run as follows:

Lexical Dominance (V): if M values are discontinuously more valuable than P values, then for any two incompatible options to which either M values or P values attach (and to which no other type of value attaches)

(1) if there is at least one m value attached to an option, then we ought to choose the option that has the greater number of m values attached to it; and

(2) if the number of m values attached to each option is the same, then we ought to choose the option that has the greater total number of p values attached to it; and

---

[2]Scanlon (1998, p.96).

[3]J. S. Mill's distinction between higher and lower pleasures would be an example of this.

So our proposal here is, at least on the face of it, neutral between value-based and reason-based theories of ethics. However, if it can be shown that the structure of reasons differs from the structure of value(s) (or the good) — e.g. if some reason types are discontinuous with other reason types but all values (or value types) are continuous with each other (or vice versa), — then there may be reasons for preferring one model over the other. If, on the other hand, reasons and values have the same structure, then for all practical purposes it will not matter which model we appeal to in order to justify our actions. There may of course be deeper metaphysical, epistemological, or semantic reasons for saying that either reasons or value are more basic. But we have nothing to say about these issues.

By appealing to the idea that some reason types lexically dominate other reason types, we can explain why the numbers count only sometimes. The numbers count when and only when the relevant reason types allow it to. We have also said that this idea can be accepted by both reason-based and value-based theories of ethics and practical reason, provided these theories allow not only for the existence of different reason types and value types but also for the existence of lexical orderings between these types. For these reasons, the model we have presented here should be attractive to a wide variety of ethical theorists.

We should also note that our proposal here may be seen as another version of the redundancy objection to Scanlon's contractualism.[4] The redundancy objection holds that we can reach the same moral judgement as Scanlon without committing to his contractualist formula, and hence that his contractualism is redundant or a spear wheel. The value-based version of lexical dominance can reach the same moral judgement as Scanlon's reason-based contractualism, given the buck-passing account of value. This means that even if we do not have Scanlon's contractualism in hand, we reach the required moral judgement via the value-based ethical theory.

---

[4]See Ridge (2001) and Stratton-Lake (2003).

References

[1] idge, M. (2001). "Saving Scanlon: contractualism and agent-relativity", *Journal of Political Philosophy* 9.

[2] canlon, T. M. (1998). *What We Owe to Each Other*, Cambridge, Mass.: Harvard University Press.

[3] tratton-Lake, P. (2003). "Scanlon's contractualism and the redundancy objection" *Analysis* 63.