



The Significance of Choice

An Interview with Tim Scanlon

Yascha MOUNK

T. M. Scanlon is one of the most highly regarded moral philosophers working today. The prime architect of contemporary contractualism in ethics, he has, besides his masterwork, *What We Owe to Each Other*, written transformative treatises on topics ranging from the significance of choice to the nature of permissibility, meaning and blame. With Yascha Mounk, he thinks back on his intellectual upbringing, tolerance, free will, morality, and the future of liberalism.

This interview is published in collaboration with [The Utopian](#).

Intellectual Biography

Yascha Mounk: What did your parents do?

Tim Scanlon: My father was the son of an Irish immigrant family. The first generation to get an education. He put himself through college delivering a very large paper round.

Became a lawyer and was very successful as a litigator and—loved, loved the American constitutional system. So an awful lot of the conversation at dinner was always about constitutional issues... My mother was very sharp and smart, and had graduated from college—where, among other things, she had studied philosophy. But she was a homemaker, as most women in that generation would have been. But that certainly had a big impact on me. They encouraged me, as they say in Indiana, to go East to college.

Yascha Mounk: And you yourself started more in math and the sciences?

Tim Scanlon: That is right. I went to a very, very large public high school in Indianapolis—about 2,000 students. A wonderful place, I loved it. It was like a little city: so much variety. When any given class was being given, you could choose between three or four different versions of it, with teachers who were known to be difficult or easy. So you really had a lot of choice. It was very liberating as compared to the neighborhood grade school I had gone to, which was much more indoctrination in Republican orthodoxy. But I was mainly interested in math. They had very good math teachers there and I just loved that. So I thought that I would major in math, and I did take a certain amount of math in college, but I did not go on with it.

I started taking philosophy from the beginning partly just because it was something my parents had mentioned as interesting; that maybe I would like it. And I did like it—although I never thought of it as a possible career until my very last year in Princeton, when I was writing my Senior Thesis on the philosophy of mathematics. My Senior Thesis advisor was Paul Benacerraf, a well-known philosopher of mathematics, who encouraged me to apply to graduate school. I was very flattered at the suggestion, but it was such a departure from anything I had ever considered doing that I could hardly summon up the courage to do it. But under his prodding and coaching I applied. I got in at various places, but I could not quite make the break to do it. I applied to go abroad to kind of get a break year, but I did not get in, so I signed up to go to Law School, here at Harvard. And then, at the last minute, I got an alternate Fulbright Fellowship to go to Oxford. And so I went to Oxford and worked mostly with Michael Dummett—which was

really great. But by that time I was beginning to get more interested in political philosophy. When I was a Senior, I had been required to take some courses in moral and political philosophy. I had thought that they were terrific. But now, during that year in Oxford, I decided that philosophy was something I just could not give up.

So I came back to the US, and started my PhD Program here at Harvard—which, again, probably was a mistake. I probably should have finished the B.Phil at Oxford. But it seemed to me: why do two things, if I could just get going? So I came here, and I was still interested in logic, so I wrote a thesis in logic with Burt Dreben. I was not much influenced by his philosophy, but he was very kind and encouraging to me. And I became friendly with John Rawls. And then I left after three years and started teaching in Princeton. Then, gradually, I kind of shifted over into moral and political philosophy, although I published a few things in logic. Because I enjoyed the techniques, I was good enough to learn them pretty quickly, but I did not have any originality. I did not have much instinct about what was the next thing to try to prove. Whereas I found that I had many more ideas in moral and political philosophy. The first things I published were on freedom of expression, which was, in a way, a continuation of the things I had talked about with my father back in Indiana—which was no accident. So I gradually made that transition without ever saying: “I am giving up this, I am going to do that.” It just sort of happened.

Yascha Mounk: When did you first meet John Rawls?

Tim Scanlon: He came and gave a talk at Princeton invited by Gregory Vlastos, who had known Rawls when he was a junior faculty person at Cornell. Vlastos was a classical philosopher, one of my first teachers in political philosophy when I was a Senior at Princeton. At the end of the semester, he invited Rawls to come down and give a talk in the speakers’ series, and encouraged all of us from the class to go. And Rawls gave this paper called “Justice as Reciprocity,” a later re-working of “Justice as Fairness,” which had come out the year before. So I saw him, and heard

him. But I did not really meet him until I came here as a graduate student in the fall of 1963.

Yascha Mounk: What was your first impression from Rawls' talk—was it obvious to you that this was something very important?

Tim Scanlon: Well, we had read "Justice as Fairness" in class. It was a lecture class in political philosophy. And at the end, once we had read Locke and various other things along the way, it did strike me as a really good article—although this was my first class in the subject, so I did not really know what was great. But it was impressive, and I was also impressed with the esteem that my teachers obviously held for Rawls. But I did not immediately have the sense that this person was going to change the subject.

Then, when I came here, I had fellow graduate students who knew him, and had a real sense of excitement that this was an important person. And so his lectures—one did have the sense, not quite of the magnitude of what happened, but one did have the sense that this was not just somebody else giving a lecture on political philosophy. You got the feeling that his way of describing how one ought to go, and its relation to other possibilities, was very appealing and eye-opening.

Yascha Mounk: And you grew a little closer to John Rawls when you were a graduate student here?

Tim Scanlon: Yes, yes. I was in awe of him, but he was a very modest and welcoming person, so I had very good conversations with him, and liked him a lot. I left here in 1966, and did not come back until 1984—when Rawls offered me a job. He came down to Princeton. He said that he was going down to Princeton to talk to me about some stuff we had been talking about. But what he really wanted to do is offer me a job. That was pretty moving. But I found it very hard to leave Princeton because I had very, very good friends there, and it was a very hard place to leave—

although I was feeling a little bit on the fringe of what was happening there by that time. But in the meantime we saw each other pretty regularly since, at least for part of the time, we used to belong to the same discussion group that met in New York and Cambridge, that a lot of us went to. So I guess my friendship with him, or acquaintanceship with him, developed and was kept alive because we would see each other there.

Yascha Mounk: Who else was part of that discussion group?

Tim Scanlon: Oh, it was a wonderful group! Tom Nagel, Marshall Cohen, Ronald Dworkin, Frank Michaelman, Owen Fiss, Charles Fried, Michael Walzer, Bob Nozick in the beginning, then later Judy Thompson, Susan Wolf, Frances Kamm, Michael Sandel, Chris Korsgaard when she came here, and others. It lasted into the last years of the 1990s. It was a shifting membership over those years—but never any larger than about ten or twelve people. Every month somebody had to send out a paper and then we would read it in advance. We would meet for lunch and gossip for an hour, or something, and then we would start with the meeting at about 1.30 and the discussion would go solid until 5.30. It used to be hard to get recognized. We debated about whether to have a chair who would recognize people, because it was such a hammer-and-tongs discussion. If it had been a larger group, it would have been impossible.

Yascha Mounk: In a lot of contemporary political philosophy, there is this tension. On the one hand, philosophers want to react to political developments, to pick issues to study in part because they think they are important in the society around them—and, on the other hand, they are sort of trying to write for eternity. And these two goals sometimes clash.

Tim Scanlon: James Kloppenberg, in the History Department here, recently wrote this book, *Reading Obama*. The second chapter in the book is about Rawls. And he talks about Rawls because he is interested in the trajectory from Rawls' discussion

of issues of distributive justice in the 1960s, when he was writing *A Theory of Justice*, to mainly a focus on the problem of religious diversity and instability, in the 1990s, when he was writing *Political Liberalism*. Kloppenberg thinks that this trajectory has to do with the trajectory of the country which, in the 1960s, was more occupied with issues of distributive justice and civil rights and, since the 1990s, has become more occupied with culture wars.

That raises a question. Did Rawls make that shift because he felt that those were the issues of the day, and he needed to address them? Kloppenberg does not say that, but the question is raised by his discussion. And I do not think it is true. I think it is pretty clear that the internal logic of Rawls' recognition of things that were flawed—flawed as he saw it, like his appeal to Immanuel Kant in Part III of *A Theory of Justice*—led him to look for some alternative. You know, maybe there was some influence, but...

In a little essay he wrote—a little autobiographical essay which has not been published so far—Rawls describes his experiences when he was young. In a family that was well-to-do but that had a little bit fallen on hard times—not very hard times. And in fact he describes having a job carrying bags of flour in a big mill. That was in Baltimore in the summer, when it was very hot. He was working with a man who had done this all his life, and would do it all his life. And Jack's father felt sorry for him working so hard, so he sent a car to pick him up after work. And Jack describes this feeling of—he says in this little essay this was in a certain sense the only job he ever had—but the thought that most of the world involves people who do that all the time. And how can we justify this?

So the question of social justice... Even before he went to college that sense of how you could have the kind of purity of heart that is described in the moving final paragraph of *A Theory of Justice*, where he talks about the original position being a mode of thought you can enter at any time; that purity of heart would be to live by this... I think the idea of overcoming these class tensions was on his mind

from an early time. But of course, as that indicates, political philosophy has got to be about some experience of the political world and the problems that are raised by it. That certainly has got to be part of any realistic engagement with the subject. Although one can think that the way certain problems are being pitched at a particular time really is a distraction. Maybe what is being presented now as the main problems we ought to be thinking about, or the main things we are debating in politics, are not really the important things. So you want to think about the things that *are* important.

On Utilitarianism, Libertarianism and The Nature of Rights

Yascha Mounk: We talked a bit about your companions and allies. What about your intellectual adversaries, or enemies?

Tim Scanlon: Adversaries? Well, I suppose I spent a certain amount of time arguing against Robert Nozick. I did not particularly think of him as an adversary—maybe I did. And my original article about contractualism and utilitarianism was directed against consequentialism. I tell students that, if possible, coming into a course of political philosophy one should not think of oneself as identified with some position, and try to think of some argument that is going to defeat your nasty opponents. You have got to write about something where, to some degree, you feel the plausibility of some other position—and the question is: why not that? And so if some position has no appeal to you at all, so there is no need for you to explain why not that, then in a certain way it is not a philosophical question; it is something else.

In the case of utilitarianism, or consequentialism, I was not necessarily trying to defeat my opponents—although it does help to have somebody else there who represents the view you are attacking effectively. So an early article of mine, “Rights, Goals and Fairness,” was certainly shaped by the fact that Peter Railton and Samuel Scheffler were graduate students in Princeton around 1975/1976, when I was working on it. And they kept saying: look, consequentialism can explain all those things. So that paper is, to some degree, styled as a kind of Mill-like defence

of rights within a basically consequentialist framework. I was also interested in the question of how I should think about something being a right because Nozick's book and Judith Thompson's articles were part of our common discussion. And I thought I wanted to believe in rights, but on the other hand this idea that one could just intuit what rights are did not seem right to me either—so I wound up writing this article, which was an attempt to resolve this question of how I could think about rights, and how that was related to consequences, and so on.

My answer was that to say something is a right is to say it is a principle that is seen to be necessary in order to prevent some unacceptable loss of certain important values, *and* that it is a feasible way of doing that. That is, a right is a principle we ought to accept in part because it does not unacceptably constrain other things we ought to do. Rights, I said, are limits on people's discretion to act, which are justified by being necessary in order to promote or protect important values—but are also a feasible way of doing that. I still sort of believe this. But back then I described rights from a kind of consequentialist perspective. And I remember I talked with Rawls about it, and Rawls said in his usual hesitant, quiet way: “Well, this seems right to me, but I do not know why you call it consequentialism.” I took that under advisement, but I did not quite know what to do with it. By 1979 or 1980, when I began to work on contractualism, I began to see that there was another way—another framework—within which to place the kinds of arguments that I had been giving there. A framework that worked better: I could handle all the same kinds of objections, and so on, but was not actually a consequentialist.

Yascha Mounk: What about libertarianism? You just published a takedown of libertarianism in the [Boston Review](#)...

Tim Scanlon: Yes, I certainly disagree with libertarianism, and it distresses me that it gets so much credibility. I did not write that piece just because I thought that libertarianism was getting a lot of attention in the academy, but because it was

getting a lot of attention outside, with Ron Paul and so on. Not that I thought that all those people were going to read the Boston Review—but I wanted to say something about that. My idea was that libertarianism appeals to people—or is marketed to people—on the grounds that they care a lot about their own liberty. So my question was: what is the idea of liberty on which this appeal is based? And it seemed to me not easy to say what the idea was.

First, there is an argument for free markets based on their efficiency. But this gives individual liberty a purely instrumental value. And it might lead to policies that do not particularly maximize people's liberty in the sense of control over their lives. Second, there is the idea of liberty in the sense of control over your life, but this is not something that most libertarians actually favour. In fact, Friedrich Hayek, for example, definitely says you should not identify liberty with power—that is a very big mistake. And then you might have a libertarianism that started off with the idea that it is important for individuals to have certain kinds of control over certain parts of their lives. What sets of institutions could we design that would most serve that? That is a really interesting question, but I do not feel that that is really being directly addressed.

Yascha Mounk: Because then you would be arguing towards a regime of property rights, whereas libertarians take a pre-political regime of property rights as their starting point?

Tim Scanlon: Yes, you would be asking: what regime of property rights, and of other kinds of rights, would best fulfil this goal—among other things; you do not want it to be too inefficient, so you have to balance—of giving people genuine forms of control over certain aspects of their lives. There is an equation there, somehow. There is a problem to solve. And then, third, I start from some pre-given idea of property, and I wanted to say that there was not a pre-given idea of property. I should have mentioned that even Milton Freedman said that property is a social institution. There is a question of what form it should take.

Tolerance and The Future of Liberalism

Yascha Mounk: What about adversaries beyond philosophy? Liberalism certainly has won out the debate in political philosophy, by and large. Even in purely political terms, there are not any real alternatives to liberal democracy. And yet there is a sense that liberal ideals are losing the battle—not just in places like China, but even within Western societies themselves. Do you think that liberalism will continue to be as ascendant in the world as, for now, it is in philosophy?

Tim Scanlon: That is a good question, and of course I am not well-equipped to answer it. I do not have any data, only anecdotes. But peoples' sense of what kind of general political outlooks—like liberalism—they can accept and live by is very heavily influenced by what they see as possible and feasible. I think part of the problem of selling something like liberal values—which encompasses a wide variety of different things—rests on getting people to believe that living this way is actually feasible; that it is not going to have some kind of unacceptable cost to them. Religion is an example of that: insofar as people start thinking that making everybody live by my religion is overwhelmingly important, there is a problem. If they think: in a society of free exchange, people are going to be led away from the true path, and my daughters are going to marry the wrong kind of people, and that is not an acceptable cost—then they are also going to feel that these institutions are unfeasible.

That, I think, stands or falls among two sorts of dimensions: One is the dimension of political experience—of saying: “Well, other people have done it. It could work here. We are not that different.” The other dimension is a matter of relative evaluation: of coming to hold what Rawls calls a “reasonable comprehensive view.” Of coming to think: “Look, the justifiability of our institutions to others is important enough that we should be willing to cooperate with them on terms other than the ones that require them to accept the idea that all women have to cover their faces when they go out in public,” and so on.

Yascha Mounk: Another area where liberalism is under attack is the question of who is a member of your moral community. Especially in Europe, more and more people are saying: the condition of membership in our community is that you should live like we do, or even have the same ethnicity as us...

Tim Scanlon: That is something I have not really written anything about, but I wish I had. It is one of the things that I think was a main flaw in that article on the difficulty of tolerance, because it takes as given the idea of membership. It says: we want to have this relation of being fellow members of the community with our fellow citizens. And so it just takes citizenship as being the relevant boundary. If you just accept that, it gives you a reason to keep people out because to let them in as citizens would be to entitle them to a voice in where the society is going to go. And I thought about that, and my thought is that if you try to trace back the claim that people have to be participants in shaping their environment, it comes down really to residency rather than citizenship. That is, if people are entitled to an expectation of continued residency in a place, then they are entitled to their role in shaping what the environment in which they have to live is going to be like.

So that pushes it back to the prior question of what are the legitimate conditions for refusing not just citizenship, but residency. And then one idea is: well, look, if people are being brought in as guest workers, you cannot say that they are not entitled to live here. So that gives them the right I am talking about, on my way of thinking about it. My thought is that it is a flaw in that article that it takes citizenship, or membership, as its starting point—whereas I think the fact is that one has an interest in what the world is like in the place where you reasonably have an intention to make your life. People have good reason to care about what kind of relations they can form with other people, what other shared interactions they are going to have, and so on. So if I had to do it over, I would try to do it over on that foundation.

Free Will, Punishment, the Significance of Choice and the Nature of Morality

Yascha Mounk: One of philosophy's oldest worries is causal determinism: the fear that, if what we do and think is determined by physical processes beyond our control, then we should abandon moral categories like praise and blame and choice. But I take it that you are less worried about that than many of your colleagues?

Tim Scanlon: I think there are three ways in which this problem arises—the problem being the possibility that a causal explanation of a reaction we give would undermine its significance in one way or another. The most commonly discussed is the problem of so-called moral responsibility: the fact that there is a physical or causal explanation for what we are like would undermine the appropriateness of moral evaluations—of blame, in particular. The second, the more political version, is the fact that if our choices were caused by factors outside of us, over which we have no control, then that would undermine them as factors that can legitimate outcomes. The fact that I consented to something could not make it the case that I cannot object to it. Or the fact that I entered into a contract would not mean that I have to fulfill it. And the third, what I call the personal problem of free will, is that the causal explanations would undermine the significance *for me*. My sense of ownership, or whatever—that I am the person who is represented, as opposed to these just being things that happened for reasons that do not have anything to do with me. And I think that these three problems, what I call the moral problem, the political problem (although it is not solely political, but I'll put it that way), and the personal problem—those three problems have increasing degrees of difficulty as you go down that list.

I think the moral problem, which has received probably the most attention, is the least problematic, at least as far as moral blame and other reactive attitudes or reactions, whatever they are, are concerned. Because there I think what we are doing is reacting to the way the person is. The person is defined by his or her psychology. Here David Hume was right. Factors that make an action not revealing of my actual psychology undermine responsibility because I am not really like that. Stimulating my brain so that I say something that I never would have said means that it does not reflect anything about how

I feel toward you. Such factors undermine what Hume called the liberty of spontaneity. But the fact that there is some explanation for how I am what I am does not in general change the fact that I am that way.

Yascha Mounk: So we can judge people for being a particular way, even if it is not under their control that they in fact are like that...

Tim Scanlon: The degree to which that is true of course depends on what kind of response blame involves. If blame is purely evaluative, if it just involves judging me to be a good or bad person, then the conclusion I just mentioned follows immediately. That is essentially what was going on in Hume's treatise. He had in mind an essentially evaluative idea, a feeling of approval or disapproval toward that type of character. I think there is a lot—I do not want to call it confusion—a lot of uncertainty and unclarity out there as to what blame involves if it is not purely evaluative. At any rate, I think that the sanction idea is not a very good interpretation of blame: when we are blaming people, we are not acting as enforcers. But I also think that the evaluative idea of blame is too thin and weak. We must be doing more than that. Otherwise, the idea of there being a problem about what we do not being under our control would not seem like an issue, except in the Humean way.

So I've tried in the last chapter of my book *Moral Dimensions* to say: what more could there be to blame that is in this space? And I offer this relationship-based idea that to blame somebody is to decide that what he has done impairs your relation with him in a way that justifies you changing your intentions about how you are going to behave toward him, and how you are going to understand your relation with that person. If you give that account of what blame involves in addition to a matter of evaluation, then there is a first-order moral question about any particular way of revising my intentions about how I am going to behave toward this person. It is a first-order moral question whether that is justified, given what the person is like. And it may be that the free will problem will surface at that point, because it may be, with some particularly nasty ways of deciding how I am going to treat this person, that they are not permissible unless the

person had an opportunity to avoid running afoul of my deciding to treat him that way. But I think that, as I interpret blame, that first-order question does not arise. It is a matter, as I say, of pure desert: that simply the fact that a person is like this can justify my withdrawing intentions to become his friend, to trust him to enter cooperative activities, to help him in certain ways, to care a lot about what happens to him, and so on.

Yascha Mounk: Part of the reason why the free will problem does not arise in the case of blame is that the burden imposed on other people is not that heavy. But what about cases where the burden is heavy—in punishment, for example?

Tim Scanlon: Right. Punishment is much tougher. Punishment involves not only, in the characteristic case, some kind of expressive judgment but also, as they say, some kind of hard treatment. And then it is a real question. I think there the permissibility of inflicting most of the kinds of hard treatment that are involved depends heavily on whether people have had an opportunity to avoid, of the relevant kind. That brings us to the second kind of problem with free will. That has to do with the licensing effect of somebody's having made a certain kind of choice. There is a value of deterability for the person who is deterred: it is a good thing for us if the prospect of having certain bad things happen is something we are warned about under circumstances in which that is likely to deter us. And if we have not been warned in situations in which we are likely to be deterred, then we have not been given sufficient protection against having that bad thing happen to us.

So I have this basic theory: the so-called Value of Choice view. If certain bad things are going to happen to us, or if there is a possibility of bad things happening to us, we have less of a complaint against that possibility if it is set up so that we could avoid them if we so choose. Now, the value of that protection is very sensitive to the conditions under which that happens, and if a lot of people are raised under conditions in which it is predictable and understandable that the threat of the law is not going to have any effect on them, that makes it much more difficult—or even impossible—to justify punishing them. So I think that opening for an objection to a system of punishment is clearly recognized on my view.

Yascha Mounk: So if causal determinism were true, and if a person's genes predetermined that they were going to commit a certain crime, then you would be very worried about whether or not it would be legitimate to punish them? It would, perhaps, be legitimate to blame them, but not to punish them?

Tim Scanlon: Well, you know, that is what I was about to say, because the free will problem does come back. So I want to say: no matter how good we make the conditions under which a person has the choice to avoid crime—he is not destitute, he has been given a good education, and so on—nonetheless some people are maybe psychologically born in such a way that they are going to commit crimes even if they are not deficient in other ways. Perhaps. Who knows. So you could imagine that person saying: “Okay, so you are saying that you offered me a valuable protection against the possibility of getting punished by offering me the choice, under any of these good conditions, to live right. It may have been valuable for some people. But it did not do any good for me.” And I sort of think that is like vaccination. Vaccination does not work for everybody. But one of the things we have got to do to protect people against being sick is to give them the chance to get vaccinated. There is a limit to how far we have got to go. It does not work for everybody, but if you have not done it then you have not done it. If you have done enough, then you have done enough. It is a question of how much you have got to do. That seems sort of hard-hearted, but that is the place where I bite the bullet.

Yascha Mounk: What about the third problem—what you call the “personal problem of free will”?

Tim Scanlon: I think it is a tougher problem. To explain how I can continue to think of my reactions as mine, as reflecting me, if I know that there is a physical story which leads to my saying the things I am going to say, my being like this, and so on. That seems to be the most perplexing of the three problems. How can I think of myself as a person if I also think of myself as somebody who is caused to act the way I do? And I think that is a puzzle, one that is not going to go away. But, at the end of the day, I think I feel about it

sort of the way I feel about the first one: that is, when I think about myself, what I am thinking about is my present psychology. And an awful lot of that is just spontaneous.

It is not only true that we do some things on impulse, or whatever. Some of those things maybe we do not think of as really being us, as being uncharacteristic and anomalous. But much of what happens in conversation is un-premeditated. You asked me a question and an answer comes out. So: that is me. Sometimes I find out who I am by seeing what I say.

So I am prepared to accept that, and I think: what alternative is there? It is not as if there is some other ectoplasm in there that is really me—to me, that idea doesn't seem to make any sense at all. So I think I have to be comfortable with that. But I can see why it is a continuing, perplexing problem.

This is a shortened version of Yascha Mounk's interview with Tim Scanlon.

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