

Two Moralities of Recognition

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Comments welcome

Abstract

A morality of recognition maintains that moral norms have their authority in virtue of the ways in which those norms enact an ideal moral relationship. T.M. Scanlon argues 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, we argue that Scanlon's own account of it — recognition as justifiability, conceptualized as adherence to principles no one could reasonably reject — cannot deliver what he claims for it. Such justifiability is compatible with indifference to actual people, cannot explain what it is to wrong someone, and cannot accommodate the specific reasons that recognizing another person requires. Developing Scanlon's own analogy between morality and friendship, we argue that mutual recognition instead consists in living in caring solidarity with others as human. This more positive alternative retains the advantages of a morality of recognition while avoiding these concerns with justifiability. We close by addressing three outstanding questions, concerning moral responsibilities towards strangers, the boundaries of moral community, and the relationship between these two moralities of recognition.

Section One: Moralities of Recognition

In the preface to *A Theory of Justice*, John Rawls famously wrote that “we often seem forced to choose between intuitionism and utilitarianism” (1971, viii). His work develops an alternative based on “the social contract tradition as represented by Locke, Rousseau, and Kant” (ibid). On this approach, the question of how we should live together is the foundational question of morality. The issue isn't merely how each of us severally should live, or what sorts of things we should do, or not do, but how *we* should 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. 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.¹ At the heart of his 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)

Some of what we find most appealing about contractualism has been deemphasized by interpretations of it as a first-order moral decision procedure – a straightforward alternative to consequentialism and other versions of deontology – rather than an account of what rightness is.² Many aspects of Scanlon's recognition-based approach to theorizing about morals strike us as attractive and important elements of a satisfactory approach to moral life. This approach involves a systematizing two-level explanatory structure that preserves the complexity of first-order norms; it yields an attractive account of moral motivation; and it centers the importance of a kind of unity with others.³

¹ For alternative contractualisms, see Southwood 2010, Hill 2012, Parfit 2011, Bourguignon (2025).

² See especially Parfit 2011, vol.2, p. 192; also Kamm (2007, 7), Wallace (2002, 45), 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 deepest 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). This essay attempts to develop this alternative approach to contractualism, drawing out Scanlon's own arguments at the heart of his (1998).

³ In an interview, Scanlon says that after studying Kant's moral theory he came to reject his arguments from freedom and autonomy but accept their conclusions as substantive moral ideals about "our relations with other people": "initially I found Kant's formulations of the categorical imperative extremely appealing as moral ideas. I struggled for a number of years about how to understand his attempt, in Part III of the Groundwork, to give these ideas a basis in the idea of individual freedom, or autonomy. After some time, I concluded that this argument really does not work, but that the forms of the Categorical Imperative stand on their own, because they express extremely appealing moral ideas. They present an appealing picture of our relations with

Scanlon's vision of morality has its roots in readings of Kant that emphasize the formula of the realm of ends (such as Darwall 2009, Hill 2012, and Wallace 2019), and in the adjacent moral approaches of Rawls and Habermas.⁴ 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.

Scanlon offers a particular version of the moral relationship, based on the ideal of being justifiable to others, explained, in turn, in terms of acting only on principles that are not reasonably rejectable. We agree with Scanlon, and Rawls, that theorizing in terms of moral recognition, and of desirable forms of social life, yields an attractive and fruitful approach to moral theory. But we will argue that Scanlon's own specification of this approach — recognition as justifiability — cannot deliver what he himself claims for it. His account is compatible with indifference to actual people, cannot explain what it is to wrong someone, and cannot accommodate the specific reasons that recognizing another person requires; and these are not incidental omissions, but consequences of trying to capture a positive ideal using categories built only to mark a threshold of justifiability. Our argument, in other words, is not only that we prefer a different picture of moral life, but that Scanlon's own theory does not succeed on its own terms.

The alternative we develop, drawing on socialist and feminist thinking about care, solidarity, and humanity, conceptualizes mutual recognition as an ideal of caring solidarity with others as human. This alternative retains the overall benefits of the moral recognition approach, while offering a profoundly different – and more attractive – vision of moral life.

The structure of this paper is as follows. In Section Two, we introduce the relevant elements of contractualism. In Section Three, we present three concerns. In Section Four, we develop our alternative account of mutual recognition as caring solidarity, building on Scanlon's own analogy between morality and friendship. In Section Five, we contrast the two views. In Section Six, we address three outstanding questions. The primary goal of the paper is to make this alternative morality of

other people as fellow members of the Kingdom of ends, who should be treated as ends in themselves and not as mere means." (Foisneau 2020, 6)

⁴ There is, of course, an ongoing tradition of emphasizing recognition amongst theorists influenced by Hegel and Marx. These include Charles Taylor (1992); Frederick Neuhaus (2000); Axel Honneth (2020); Nancy Fraser (2003); Robert Brandom (2019); Daniel Brudney (2013); Jan Kandiyali (2020); and Pascal Brixel (2023). Our positive approach is a complement to some work in this tradition. The ideal of caring solidarity that we introduce is one way of interpreting the communist slogan 'from each according to their ability to each according to their needs.'

recognition available for theorists attracted to this more Rawlsian strand in Scanlon's moral thought.

Section Two: Contractualism as an Explanation and Standard for the Morality System

Scanlonian contractualism (henceforth just: contractualism) offers a general explanation of moral right and wrong. In citing reasons for which actions are right or wrong we appeal 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 form: when an agent is in circumstance *c*, fact *r* constitutes sufficient reason to ϕ . Taken together, our moral principles form what might be called 'the morality system'. A moral theory, according to Scanlon, should answer two primary questions about this morality system: the question of content and the question of authority. In answering the question of content, a theory should characterize what morality is about and provide "a method for thinking about its content." In answering the question of authority, a theory should explain "why people should care about morality" (Scanlon 2021, 23). Contractualism offers an account of the content and authority of the morality system, which in turn provides a unifying explanation for moral judgement and motivation.

An account of moral authority 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 salient rival, intuitionism. Intuitionism maintains that, at some point, the shape and content of the morality system admit of no further explanation; first-order moral facts are fundamental. Intuitionism therefore embraces the first horn of Prichard's dilemma. Utilitarianism attempts 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" (1998, 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) and therefore fails to provide a satisfactory answer to the question of content. Second, Scanlon argues that utilitarianism fails to account for morality's authority. Here Scanlon appeals to the phenomenology of wronging someone — what he sometimes calls 'the remorse test' (2021, 16): an explanation of the morality system must capture the distinctive basis for remorse or self-reproach that is involved in wronging another person. 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 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 reasonable objections to the way others act. This, in turn, constitutes a kind of relationship with others. According to Scanlon, moral authority is based in the importance of this 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).

To clarify this further, we can distinguish three formulations of Scanlon's 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; and more specifically to live justifiably; and even more specifically to live in accordance with principles no one could reasonably reject. The reason to want to live with others on these terms is not itself 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.

Section Three: Three Concerns with Contractualism

There is much we admire about this morality of recognition, including the two-level approach to moral explanation, the relationship between moral explanation and moral motivation, and the emphasis on mutual recognition as the distinctive value and source of the authority of morality. 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.

Contrast two notions of recognition. According to the first, to recognize another person amounts to conducting oneself justifiably such that the other person has no legitimate complaints against you. According to the second, to recognize another person does not amount to justifiability; rather, recognition involves an orientation toward another, specific, actual person.

Scanlon and other liberal moral theorists believe the only notion of recognition that can serve as the basis of morality is one that interprets recognition as justifiability. We shall argue that recognition as justifiability cannot accomplish the goals Scanlon sets for contractualism. When contractualism does seem to accomplish these goals that is because it implicitly relies on a notion of recognition that goes beyond justifiability.

3.1 Concern One: The Limitations of Scanlonian Recognition

Proposing mutual recognition as the foundation of morality faces the following problem: we seem to have reason to conform to moral requirements even when mutual recognition is impossible. Plausibly, we have reason to be moral even regarding people we have never met or interacted with, will never meet or interact with, and do not even know of their existence (Scheffler 2010, 65). As Scanlon himself acknowledges, “surely I have good reason not to throw debris out of my plane as I fly over places where I will never land, and reason to take care about sending hazardous waste to places I will never visit or hear from” (Scanlon 1998, 168). We also have moral obligations to those who violate their moral obligations to us. Wallace notes that there is “no prospect of realizing the literal value of mutual recognition in my interactions with those who have set themselves against me” (Wallace 2019, 140).

Based on these considerations, Scheffler argues that the relation of mutual recognition cannot possibly ground moral reasons in the way the relation of friendship grounds relationship-dependent reasons (Scheffler 2010, 63–68). Reasons of friendship arise, Scheffler argues, from the existence of an actual, ongoing, historical relationship, but no actual, ongoing historical relationship can ground moral norms and reasons. Wallace agrees (Wallace 2019, 144). As an alternative, Wallace proposes to ground morality in the “value of interpersonal recognition,” which does not involve mutual regard. This value is realized by those who “acknowledge the moral claims that other individuals have against them...in the understanding that their recognitional stance remains valuable even if it is not literally reciprocated” (141). On this view, the relation to others that underlies the authority of moral norms is a relation one can achieve independently of others. It is the relation of being justifiable to them

— regardless of whether they demand justification, accept it, appreciate it, or reciprocate it. Call this *actual solitary recognition*.

However, Wallace and Scanlon also appeal to another interpretation of the value of recognition, one that preserves mutuality. Scanlon often describes mutual recognition not as an actual relationship that already exists or that we can actually bring about, but as an ideal we have reason to aspire to (e.g., 1998, 162). It may therefore be proposed that the ideal of mutual recognition is our reason to adhere to moral norms designed to be properly responsive to every moral person's standpoint (Scheffler 2010, 66). Call this *transcendental recognition*.⁵

The two interpretations of the value of recognition can be seen as complementary. The transcendental ideal of mutual recognition gives us reason to be justifiable in non-ideal conditions where reciprocity is lacking and therefore entails the value of solitary recognition; the value of solitary recognition can be seen as playing a role in the transcendental ideal (Wallace 2019, 143). We thus have reason to aspire to the ideal of mutual recognition, and we also have reason to do our part when the ideal is not actually forthcoming because doing so is itself valuable.

When mutual recognition obtains, Scanlon says, quoting Mill's words, there is a kind of "unity with our fellow creatures" (Scanlon 1998, 154). However, both transcendental and solitary recognition seem underwhelming when understood in terms of justifiability. Consider transcendental recognition. For Scanlon, mutual recognition is mutual justifiability – which, in turn, implies that no one can reasonably object to the conduct of others. The achievement of this ideal, difficult as it is, requires very little actual regard for others. Two people can be perfectly justifiable to each other and care about the other person only insofar as this is necessary for the other person's lack of valid objections to their conduct. Each may lack an independent concern for how their conduct actually impacts the other, each may lack an independent interest in whether the other actually objects to their conduct, each may lack an independent appreciation of the other's justifiable conduct, and each may not acknowledge or mind that the other is justifiable toward them. In short, being perfectly justifiable is compatible with a lack of direct interest in the actual people with whom we interact and whose lives we impact in ways small and large. The ideal of mutual justifiability is not an ideal of positive unity but an ideal of life without conflict: I lack reason to reproach others, and they lack reason to reproach me.

Now consider solitary recognition. What is the value of being justifiable to others even when they are not justifiable to us? Why is this "a positive value of a way of living with others" (Scanlon 1998,

⁵ This is related to the role of hypothetical and idealised contracts, and their justifiability to each individual, often in terms of their reason or rationality, in the contractarian tradition.

162)? Scanlon speaks of the distinctive kind of remorse that acting wrongly can give rise to and he takes his account to capture the appeal of relating to others without such grounds for remorse. Wallace proposes that being justifiable to others “immunizes us from legitimate complaints about the effects of our conduct on them” (Wallace 2019, 144). So, the appeal of being justifiable is the appeal of invulnerability to justified remorse and the ability to normatively defend one's conduct when faced with challenges from others.

However, as we already mentioned, aspiring to justifiability does not entail an interest in any specific person; it entails only an interest in the objections that could be made against one's conduct by people who would be impacted by it. It similarly entails no interest in any actual objection made against one's conduct, but only in the possibility of objections that would prove one's conduct unjustifiable. Thus, the value of being justifiable is the value of justifiably rejecting possible objections, not the value of relating to actual others in a certain way. As Scanlon explains: “When we think of those to whom justification is owed, we naturally think first of the specific individuals who are affected by specific actions. But when we are deciding whether a given principle is one that could reasonably be rejected we must take a broader and more abstract perspective” (Scanlon 1998, 202).

The stakes of this abstraction become vivid once we turn from the general structure of justifiability to a case in which it is meant to settle something of real weight. 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). Scanlon notes that “the condemning force” (152) of Singer's arguments does not arise from how bad it is that people are starving but from the reasonable objections these people have to a principle that allows us not to help them. And according to contractualism, Singer is correct about the aid we should provide only if a principle for the general regulation of behavior that permits sacrificing less could be reasonably rejected.

When Singer points out that we can save someone from this calamity with comparatively insignificant cost to ourselves, his arguments reveal our failure to show the most basic concern for others. But utilitarianism fails to capture the condemning force of the example because, as Cora Diamond puts it, “utilitarianism does not care about whether someone's desires are frustrated [or whether someone is suffering]; it cares about whether there are frustrated desires [or whether there is suffering]” (Diamond 1990, 153). A version of this worry applies to contractualism: it does not care whether someone is starving; it cares about whether there are reasonable objections to us not helping them.

Suppose you give enough such that those starving in Bangladesh cannot reasonably reject a principle that permits you to give as much as you do. For Scanlon, this means you do not wrong them by declining to give more; you are justifiable to them. Nevertheless, what you give might not fundamentally change the predicament of those in need; people might still be preventably starving. Starvation is a harrowing process by which the body slowly consumes itself: once the blood's glucose and the liver's small glycogen stores are spent, the body turns to its fat, and then, as the fat runs out, to its own muscle, breaking down protein for fuel, including the muscle of the heart; the person grows weak, cold, and listless, apathetic and withdrawn, their attention narrowed obsessively to food. Death, when it comes, is usually the heart giving out. If we are indifferent to others' starvation whenever allowing it seems necessary to minimize suffering overall, we manifest a lack of basic concern for others. And if others' suffering concerns us only to the extent that it bears on our justifiability to them, we again manifest a lack of basic concern for them. To put it bluntly, the moral problem we face when confronted with the fact that people are currently dying of hunger is not, primarily, the question of our justifiability to them or their objections to us, but the very fact that these specific, actual people are suffering and dying. When we focus on aggregate suffering or justifiability we miss the moral point and thus fail to recognize others as "equally real as ourselves," to use Nagel's famous phrase (1970).

3.2 Concern Two: The Problem with Scanlon's Explanation of Wronging

Scanlon's contractualism claims to succeed where utilitarianism fails by capturing 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" (1998, 162). More recently, Scanlon writes: "The kind of remorse made appropriate by wrongs of the kind I had in mind in developing my contractualist view is grounded in the sense that an individual who is affected by our action has a reason for objecting to it that cannot be answered satisfactorily" and he adds in a footnote: "this makes it plausible to say this person has been wronged by such an action, not just that the action is wrong" (2025, 40 n21). 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..." (2007, 6).

The idea that contractualism explains not only what makes an action wrong, but what makes it a wronging, might seem plausible because contractualism purports to explain the wrongness of an action by appeal to the reasonable objections of those affected by it. If the objections of those wronged by an action explain why it is wrong, it may seem that the wronging of these people explains the action's wrongness.

But in fact, contractualism does not appeal to the objection of those wronged by an action to explain why it is wrong and it is therefore ill-equipped to explain the phenomenon of wrongdoing. According to the letter of contractualism, the wrongness of an action is entirely independent of who and indeed whether anyone is impacted by it. What makes an action wrong is the fact that it *would* be disallowed by a principle for the general regulation of behaviour no one *could* reasonably reject.⁶ This fact is a counterfactual fact about the action. It holds if there could be a reasonable objection to a principle allowing the action regardless of whether someone is burdened by the action on a particular occasion. The objections of the actual burdened people matter only inasmuch as a reasonable person in that position could make these objections against a principle permitting the action.⁷

Consider a variation on Scanlon's example of air travel waste. Throwing garbage out of my car window onto the highway is wrong; we can easily identify reasonable objections to a principle that allows doing so. It would therefore be wrong to throw garbage out of my car window even if on a specific occasion no one is burdened by my act and no other damage is caused by it. This is plausible. However, the flip side is that whether someone is impacted by my throwing garbage out of the car window is irrelevant to the wrongness of my doing so. When someone is burdened by an action and reasonably objects, this fact does not bear on the nature or degree of the action's wrongness. The fact that my wrong action in fact harmed or burdened someone is beside the point; what makes it wrong is that someone could reasonably object to a principle permitting it. Thus, contractualism's ability to explain victimless wrongs by appealing to general principles for the regulation of behaviour undermines its ability to explain the moral significance of victims. When I swerve and almost drive my car off the road to avoid a piece of garbage tossed by another driver, the problem with the other driver is not anything he did *to me*; the problem is that the principle that permits the driver's action could be reasonably rejected as a principle for the regulation of behaviour. This is yet another way of making the point that Scanlon's notion of recognition does not involve actual persons.⁸

⁶ On the basis of their *generic* reasons – more on that point next.

⁷ Note that the objection applies even to a recently proposed variation of the view, Act Contractualism, where “an act is permissible iff it is allowed by a set of principles such that acting on it is appropriately justifiable to everyone” (Bourguignon 2025, 763). On this view, an act is wrong because disallowed by principles appropriately justifiable to everyone and independently of whether anyone is impacted by the act on a particular occasion.

⁸ In *Moral Dimensions*, Scanlon speaks to the moral significance of actual victims in cases 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 and how they are impaired partly depends on historical circumstance and luck. So, equally negligent drivers might merit

The same shortcoming can be discerned in a striking example offered by Scanlon in support of his appeal to mutual recognition. 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 reiterates 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 identity and experience of those wronged by them. The importance of being in unity with our fellow creatures must involve some concern about 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. If the sense of loss occasioned by charges of injustice and immorality reflects our awareness of the importance for us of being in unity with those making these charges, then this sense of loss — our remorse — must be explained by what we did to *them*.

3.3 Concern Three: The Implausibility of the Generic Reasons Restriction

very different reactions of blame depending on whether one of them happened to kill a child. 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. This impairment account fits more comfortably within a morality of caring solidarity.

A person has many different reasons — which of those reasons bear on our moral conduct toward her? Contractualism provides an answer to this question. It determines wrongness by appeal to principles for the general regulation of behaviour and restricts the reasons that are taken into account in assessment of possible objections to such principles. Scanlon writes:

[Since an] assessment of the rejectability of a principle must take into account the consequences of its acceptance in general, not merely in a particular case [...] our assessment cannot be based on the particular aims, preferences and other characteristics of specific individuals. We must rely instead on commonly available information about what people have reason to want. I will refer to this as information about generic reasons. (204)

These generic reasons are reasons people (allegedly) 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.⁹

Let us say that *specific* reasons are reasons a person has that are not generic reasons. Scanlon assumes that moral right and wrong can be determined for all rational beings based on a determinate notion of generic reasons. But how we draw the distinction between generic and specific reasons depends on various contingent facts about the group whose general behaviour the principles in question are meant to regulate. "Commonly available information about what people have reason to want" depends on various contingent facts about the people in question. What counts as bodily injury, when, and why one has reason to avoid it can vary widely between cultures and societies. So does the nature and need for assurances and the significance and meaning of having control over one's body, not to mention conceptions and value of projects, friends, and family. Without a specification of the group whose general regulation contractualism evaluates, the distinction between generic and specific reasons remains indeterminate and so do the verdicts of contractualism. It follows that any fully determinate notion of justifiability to others must rely on some concrete, contingent, cultural, historical facts about the others in question. Although someone can be justifiable without being recognized as such, to be justifiable is to be justifiable given certain historical, contingent facts. Any a-priori notion of justifiability is indeterminate in specific contexts. This suggests that any account of justifiability must presuppose an actual community and therefore an actual relation to actual others.¹⁰

⁹ Scanlon 1998, 204. See Kumar (2000) for further discussion.

¹⁰ Scanlon developed his contractualism from earlier reflection on more specific political and legal contexts: freedom of expression (1972), the right to due process (1977a), and institutionally defined systems of rights (1977b). A related concern runs through 'Preference and Urgency' (1975), which

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

But in addition to generic reasons, B also has specific reasons. For instance, suppose he has an unusual aversion to making decisions about how to use resources at his disposal and he finds A, specifically, exceptionally trustworthy and capable in making such decisions. Suppose, also, that based on these specific reasons, B accepts a principle that permits A to make decisions about their shared resources without asking him first (and without communicating his acceptance of the principle to A). So, while B could reasonably object to such a principle, he does not in fact object. Though A never asks for B's consent and the relevant principle for the regulation of behaviour is never discussed between them, B accepts A's action and the principle it is based on and has reason to accept it.

Now, maybe in the absence of the specific reasons mentioned above, B's acceptance would be unreasonable. 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 in light of generic reasons could also be reasonably accepted in light of specific reasons. We submit that, according to contractualist reasoning, if an action is based on a principle that could be reasonably rejected but is in fact reasonably accepted, then it is permissible. The upshot is that generic reasons do not exhaust the considerations that bear on contractualist-permissibility (or contractualist rightness and

examines the standard of well-being that judgments of urgency must presuppose — a standard to which, Scanlon notes there, we must appeal in applying principles of distributive justice and in defending systems of rights. In such contexts, general information about what people have reason to want is indeed available. Problems begin when moral theory abstracts away from these historically situated contexts. Rawls makes a parallel point about justice: "...since principles are consented to in the light of true general beliefs about men and their place in society, the conception of justice adopted is acceptable on the basis of these facts. There is no necessity to invoke theological or metaphysical doctrines to support its principles, nor to imagine another world that compensates for and corrects the inequalities which the two principles permit in this one. Conceptions of justice must be justified by the conditions of our life as we know it or not at all" (Rawls 1971, 454).

wrongness); specific reasons matter as well because those are the reasons of the actual people impacted by the conduct in question.¹¹

We argued that justifiability is compatible with indifference to actual others. We can now locate a specific source of this indifference in contractualism's official method for determining permissibility. Suppose, as Scanlon's remarks suggest, that contractualist-permissibility is determined by generic reasons alone. Moral recognition, we submit, requires responsiveness to specific reasons: to recognize another morally is to recognize them as equally real as oneself, and not merely as an occupant of a position, and this requires attending to the reasons that may be distinctive to her— the specific facts that bear on her needs, her concerns, and one's own particular relation to her. It follows that Scanlon's account of permissibility cannot be an account of moral recognition, since it determines moral conduct without any responsiveness to specific reasons. Underlying both difficulties with the distinction between generic and specific reasons, then, is this claim about recognition itself. To recognize another as an individual it is not sufficient to consider the reasons most people in the other's position would have. A relation of mutual recognition is one in which specific individuals, equally real, see each other as such; abstracting away from the specific features of those who would be affected by our conduct is a form of evasion, not recognition.¹²

Section Four: A Different Morality of Recognition

4.1 Scanlon's Analogy with Friendship

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 value 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 value of mutual recognition is the answer to the question "Why be moral?". "The contractualist ideal... is meant to characterize the relation with others the value and appeal of which underlies our reasons to do what morality requires" (ibid).

¹¹ We are using the phrase 'contractualist-permissibility' to indicate that there might be other substantive standards of permissibility.

¹² Cf. Iris Murdoch's famous example of "loving attention", in which a mother-in-law comes to see her daughter-in-law not as undignified but spontaneous, not brash but fresh and direct (1970).

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 prohibitions and permissions that constitute it.

But notice that the value of friendship — indeed, what friendship is — is not fully explained by its duties. Any plausible characterization of friendship would invoke affective, motivational, and ethical elements that cannot be captured in terms of requirements; these elements explain the value from which the duties draw their force.¹³ Similarly, to appreciate the value of mutual recognition we must look past the moral obligations and permissions it gives us reason to uphold, toward the relationship as a whole. Otherwise, it is difficult to discern what the “positive pull” of mutual recognition might be. We now develop an account of the value of mutual recognition by following Scanlon’s example and looking, first, at the value of friendship.

4.2 Friendship Involves Care, Communion, and Solidarity

Friendship’s value, we will argue, is not a bare list of ingredients but has a systematic structure, generated by two independent questions we can ask of any orientation a person takes toward another. The first is familiar from debates about partiality: is the orientation *de re* — directed, non-derivatively, at this particular person — or *de dicto* — directed at her only derivatively, as an instance of some category one is antecedently committed to (fellow union member, fellow citizen)? The second question is less often separated out, but is equally fundamental: is the orientation aimed at the *other’s good* — at her having, receiving, or being given something — or is it aimed at *shared activity or experience*, something done or undergone together, whose value does not decompose into separate contributions each party makes to the other? Crossing these two questions yields the three elements that, we will propose, together constitute what is distinctively valuable about friendship: a *de re* orientation toward the other’s good, which is part of care; a *de re* orientation toward shared activity, which we call communion; and a *de dicto* orientation toward shared activity in the face of adversity, which is part of solidarity. We take each in turn.

¹³ Michael Stocker says that, though there are duties of friendship, “duty seems relevant in our relations with our loved ones and friends, only when our love, friendship, and affection lapse,” and that, generally, “the frequency with which a family member acts out of duty, instead of love, toward another in the family is a measure of the lack of love the first has for the other” (Stocker 1976, 465 n8). We agree that duties are a backstop, but they are relevant not merely when love or care lapses; they also govern situations in which our other commitments and concerns conflict with acting out of love or care.

To care for a person is (partly) to be motivated to meet the person's needs.¹⁴ This crucially involves attentiveness to those needs — and attention is itself the carer's first and most constant gift. We do not merely gather information about the person to discern their needs. 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 said — a relationship that involves really listening to the other and taking them and their views about their needs seriously.¹⁵

In caring, one is directly affectively responsive to the other and to how things are for the other: one cares whether they are doing well or badly, but also about what they think and feel, such that one is emotionally vulnerable both to the other and to what happens to them. And this vulnerability reaches 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 and understand the world shapes how we see and understand the world.¹⁶ 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.

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 — or a fellow rational agent. 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 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 them. And particularity runs in both directions: to accept care *as such* is to want it as an expression of this particular person's care, so acceptance of care is the receiver-side mirror of the carer's *de re* orientation.¹⁷

¹⁴ The relevant notion of needs is substantive and normative. A person's needs include whatever is necessary for their flourishing. But we wish to remain ecumenical concerning what one needs and what constitutes flourishing. On our approach, these are substantive issues, not decided by *a priori* moral theory.

¹⁵ Notice the deep contrast here with actual solitary recognition.

¹⁶ Cf. esp. Annette Baier on the importance of identity in caring and in morals (e.g. 2010, 152).

¹⁷ The qualification "as such" is crucial: it is possible to accept another's caring act without accepting it as care. For instance, I can be your friend to enjoy your

These features of care are typical of friendship as well as other relationships of care. Relationships differ in how far, and how symmetrically, that aspiration can be realized. In a parent–child or teacher–student relationship, mutual giving is realized asymmetrically, in different currencies. Friendship is the relationship in which it is realized symmetrically, between equals: whatever the differences between the ways in which each participant is 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.

Care, on the account just given, is one *de re* orientation friends have toward each other: a *de re* orientation toward the other's good. But friends are not only, or even primarily, oriented toward each other's good; they also simply want to be with one another — to talk, to spend time, to do things together — independently of any good thereby promoted in either party. Call this orientation *communion*. Communion is *de re*: my wanting to be with my friend does not derive from a desire to be with people in general, or with fellow enjoyers of some activity, but is non-derivatively directed at her. But unlike care, communion is not aimed at the other's good; it is aimed at shared activity or shared experience itself, valued for its own sake, not decomposed into separate goods each party gives the other. Telling a friend a story or a joke, going for a walk, sharing a meal together: these are not naturally described as goods exchanged or given, because there is no principled way to assign a direction to what is, most fundamentally, a shared thing two people are doing together. We mention communion to put it aside: we believe it makes friendship and other personal relationships distinctively valuable but deny it plays a necessary part in relations of mutual recognition more generally.

However, a third element of friendship's value does carry over to mutual recognition: 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 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 starts with identification: recognition of our common vulnerability in the face of a social obstacle. Solidarity is a manifest and robust commitment to face that obstacle together, even at some cost to oneself — this is what

fame or be your spouse so I can inherit your wealth. I might also enjoy the dinner you made me and disregard whether it is an expression of care — I'd enjoy it no matter who made it and why.

'being in it together' means — sustained by mutual trust that each will do their part.

Solidarity, like communion, involves shared activity. But unlike communion, and unlike care, solidarity does not require a *de re* relation to others: one's commitment to another (e.g., a fellow union member) is derived from one's commitment to the group (e.g., union members) as a whole, rather than being non-derivatively directed at her. This is also why solidarity involves a categorial 'we-perspective' — the participant perspective of being one amongst many, one of a group facing a common obstacle, where one's place in the "we" is derivative on the group as such. In facing adversity together, each one of us asks: what are *we* going to do about it?

There is solidarity when we identify as working together to face adversity. Solidarity is essential to one significant kind of friendship. Friendship includes care (*de re* orientation toward another's good) and communion (*de re* orientation toward being with another) — and we face all sorts of adversity in realising mutual care and communion. Good friends see themselves as working together to face adversities to care and communion in specific cases, e.g. by helping with each other's work and family lives, and even just working out how to spend time together — and also as a matter of principle: friends play an important role in working out together the specific terms of their friendships.

Friendship, then, combines these elements. Friendship is a *de re* relation, where each participant's commitment to the particular other is non-derivative, expressed *de re* both in care and communion. But friendship is also a commitment to a more active 'we': a commitment to facing adversities, large or small, together. The three are connected: mutual care, realized, becomes a joint project — the point at which each one's care acquires the we-perspective — and communion, too, can become something friends face adversity to protect and preserve, drawing solidarity around it. An important part of the value of friendship, we submit, emerges from these elements together. Friendship is a collaborative enterprise in which our caring about one another, and our simply being together, are among our shared ends, and the relevant adversity is whatever inhibits us from caring about, and being with, one another (as well as caring about whatever else we compatibly care about or have reason to pursue). Friendships implicate one's sense of oneself and involve unity with others.

4.3 Caring Solidarity as Human

The relationship between friendship and moral recognition is one of species to genus. While friendship is solidarity in caring about, *and communing with*, one another *as friends*, mutual recognition is, more abstractly, solidarity in *caring about others as human*; or for short, caring solidarity. Neighbours, doctors, teachers, engineers, bystanders — all these roles can realise caring solidarity; in their morally ideal forms, all can be species of the same moral genus with different differentia.

Communion is one such differentia; essential to friendship but not to other relations of caring solidarity.

To care about another as human is not to derive one's care from a commitment to humanity. Rather, the two elements divide the labor. Identifying others as human is the ground of our *de dicto* solidarity, and it marks each as an apt recipient of care. The care itself, when extended, is what care always is: a non-derivative, *de re* orientation toward the particular person encountered. Mutual recognition is thus *de dicto* solidarity in sustaining a standing readiness for *de re* care — the 'as human' fixes the scope and occasion of care, not its ground.

The idea of identifying as human is at the heart of the early Marx's writings about non-alienation and it is also a common theme in Catholic social thought, in care ethics, and in decolonial theory. Let us say a little more about how we are using the term. Identifying as human involves recognising our common vulnerability and associated dependence on one another. There are three distinct kinds of vulnerability at stake. 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. 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 all 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.¹⁸

Being human thus understood is not a purely descriptive property. 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

¹⁸ This aspiration to progressive humanity differentiates our approach from the 20th century communitarians with more parochial bases of identification.

question to take the claim that we are vulnerable in this way to be an independent premise in an argument for a morality of caring solidarity. But the appeal to human vulnerability is not intended to play any such independent epistemic role. Rather, this conception 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. This normative expectation is, in part, an aspiration to common humanity.

The aspiration has the structure of care itself. To care about another is to invite them to accept care as such.¹⁹ To extend caring solidarity to others as human is to extend such an invitation — one that most recipients will never take up and cannot be required to take up.

This means that the question of who is human in the relevant sense is left unsettled in principle by the view we are putting forward. 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? We will return to this question in the final section.

To summarize this section: by asking what makes friendship valuable, we have arrived, partly by abstraction, at an account of what makes the moral relationship valuable. Mutual recognition is an ideal of living in caring solidarity with others as human. The relationship is characterized by a recognition of shared vulnerabilities; it involves *de dicto* solidarity with all who are human, grounded in one's identification with them, and *de re* care extended to the particular others one encounters as 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 face adversity and to flourish together. To live morally together is to enact a way of life that conscientiously aspires to this ideal.

Section Five: Contrasting Two Moralities of Recognition

To explain the differences between contractualism and caring solidarity, it is useful to return to Scanlon's explanation of the value of human life. At the end of his discussion of values in *What We Owe to Each Other*, Scanlon argues that "recognizing the value of human life

¹⁹ Cf. Kittay 2019 ch. 8.

is a matter of respecting each human being as a locus of reasons, that is to say, recognizing the force of their reasons for wanting to live and wanting their lives to go better" (1998, 105). However, Scanlon is quick to qualify this claim:

We cannot respond to all the reasons that every human creature has for wanting his or her life to go well; so, we must select among these reasons; and we should do this in a way that recognizes the capacity of human beings, as rational creatures, to assess reasons and to govern their lives according to this assessment. In my view the best response to these two considerations is this: respecting the value of human (rational) life requires us to treat rational creatures only in ways that would be allowed by principles that they could not reasonably reject insofar as they, too, were seeking principles of mutual governance which other rational creatures could not reasonably reject. This responds to the problem of selecting among reasons in a way that recognizes our distinctive capacities as reasons-assessing, self-governing creatures. (106)

On Scanlon's view, to recognize the value of another person's life is to recognize her reasons, and contractualism tells us which, among the many reasons a person has, we are required to respond to. Since our account rejects the focus on justifiability and the idea that permissions and prohibitions define our moral interest in others, it might seem we are committed to the unrealistic goal of responding to all of a person's reasons, a goal Scanlon rightly warns is not just impractical but strictly unintelligible: we cannot even say what responding to *all* of someone's reasons would be.

However, our view departs from Scanlon's at an earlier stage. We do not maintain that recognizing another person requires responding to all the person's reasons; on the contrary, we maintain that recognizing a person does not amount to recognizing their reasons to begin with.²⁰ Since we reject the first step, which reduces recognition to recognition of reasons, we do not face the problem of giving a general, a priori account of which amongst a person's reasons merit our regard. To be sure, standing in a relationship of caring solidarity to another person involves responding to some of this person's reasons and there are substantive questions about which aspects of the person's life are our responsibility or business. But these are thick ethical-political questions the answers to which we work out together in specific contexts and with specific people.²¹

What, then, does recognizing a person, as opposed to recognizing her reasons, consist in? The previous section set up the answer. Caring for

²⁰ This is to make a mistake analogous to the one Diamond showed the utilitarians making (see 3.1 above). For an example of the stakes here, see the application to public health, e.g. in Montori 2022.

²¹ Amartya Sen is good company here (e.g. 2004, 78).

a person involves attentiveness to her needs, and this attentiveness is a participant stance — an engrossment in the other. To attend to someone in this sense is not to identify and weigh her reasons; one attends to *her*, and *with* her — to how she is, what she is going through, who she is. Her reasons, where they matter, matter because she matters, not as the primary object of our moral regard.

The same point holds on the receiving side. Generally speaking, one accepts care as an expression of some *particular* person's care — not because the other person has reason to give it to us, but because they want to. Indeed, sometimes care can be most palpable and touching when it moves in the opposite direction to reason. That you are here for me, supporting me, despite having every reason to turn your gaze and walk on, is an expression of care, an indication that you really see me. Attention and acceptance are thus both *de re* orientations to the person, not assessments of her reasons — and this is why recognition cannot be reduced to responsiveness to reasons, however completely specified.²² The fundamental moral question is how are we to organize our (human) society such that we can care about others and be cared for.

Scanlon is led to the view that recognition of others is recognition of their reasons by the observation that the value of a person's life is determined by the person's reasons to live. Thus, Scanlon claims that in extreme and dire circumstances, euthanasia or suicide might be permissible since the person lacks reasons to live; and when euthanasia or suicide are not permissible this is because the person whose life is in question has reasons to go on living (1998, 104–105). Scanlon therefore thinks we need reasons to explain why life is important and we need the capacity to assess and act on reasons in order to explain the distinctive regard we owe to human or, more generally, rational life.

On our view, this line of reasoning is misguided. Even when a person has no reason to go on living, her death might be a horrible loss and our reluctance to assist her in dying *even when doing so is permissible* is not unreasonable or irrational. Indeed, that the person has no reason to live is itself a tragedy, and not because she is failing to identify reasons she in fact has.²³ Our disagreement with Scanlon is not, in the first instance, about what it is permissible to do, but about what recognizing the person consists in, and permissibility is not where that recognition begins or ends.

²² The point applies to specific as well as generic reasons. Even a person's specific reasons — hers alone, as a matter of fact — remain general in the relevant sense: they are the kind of content more than one person could in principle have. Recognition, on our view, is not responsiveness to reasons, however fully specified; it is a non-derivative orientation to the person whose reason it is.

²³ We thank [redacted for blind review] for discussion.

Nevertheless, as we already noted, we dismiss neither the significance of reasons nor the significance of obligations. Our solidarity in caring for one another plausibly yields a system of general prohibitions and permissions that determine the fittingness of blame, indignation, guilt, remorse, and apology.²⁴ However, underlying these general requirements is a commitment to a specific, historically situated community. By thinking about systematic needs of care, we devise general requirements, which are part of a large-scale system for mutual care. Violating these requirements is wrong even when, contingently, no one is impacted by the specific violation, but what makes them wrong is that, when such a violation does burden someone, it constitutes a failure of care and solidarity toward her as a fellow human being. So, wronging is prior to wrongdoing; victimless wrongs are explained by the significance of actual victims.

A failure of caring solidarity can be a failure to meet an obligation, on our view, but it need not be. Nevertheless, we maintain that a failure of caring solidarity is always morally undesirable, and hence, in that sense, wrong. On Scanlon's approach, these two claims are inconsistent. Scanlon analyzes right and wrong as permissible and forbidden, which are *privative opposites*: each is the absence of the other. If something is wrong, it must be forbidden or else it is permissible and therefore right. By contrast, we think of right and wrong as *polar opposites*: each is the inversely charged flipside of the other, not its mere lack or absence.²⁵ A painting that is not ugly might still be far from beautiful because ugly and beautiful are polar, not privative, opposites. We hold that an action can be permissible but wrong because it is still far from being right. A permissible but wrong action merits neither blame nor punishment, and the agent who performs it has not violated anyone's claim against her; but it does merit a kind of regret distinct from mere disappointment — a regret directed not at how things turned out, but at herself, for having done less than she could for the person before her. As such, caring morality rejects a threshold model of moral approval, endorsing, instead, a morality of ideals. We are never really off the moral hook because even when we are not doing badly, morally speaking, we can usually do better — and others can, too. Morality is not primarily a demand, but an aspiration; it is not a restriction, but a progressive direction.²⁶

Section Six: Three Outstanding Questions

²⁴ The permissions in question are not contractualist-permissions: they are the permissions a morality of caring solidarity yields, which is why an action can be permissible in this sense and still fall short of what caring solidarity asks.

²⁵ We take the distinction and its explanation from Berker 2022, 27. Berker himself offers reasons to doubt the right/wrong are privative opposites. For instance, "do the right thing!" doesn't obviously mean "do the permissible thing."

²⁶ This approach fits well within what Cheshire Calhoun calls 'positive moral philosophy' (posted online: <https://cheshirecalhoun.com/wp-content/uploads/2022/08/PositiveMoralPhilosophy6.20.22.pdf>).

To conclude the paper, we address outstanding questions. First, we said that Scanlon, Scheffler, and Wallace are sceptical of the idea that moral norms are grounded in an actual relationship of mutual recognition. We have moral obligations even toward those we have never met and never will meet, and even toward those who violate their moral obligations toward us. Since moral norms have force even when mutuality is absent, impossible, or violated, moral norms cannot depend on actual mutuality. Our own view is that mutual recognition holds between specific, actual people, so our view is vulnerable to this objection.

Consider first violations of moral obligations toward us. Does it follow from our view that someone who violates such an obligation no longer stands in relations of mutual recognition with us? We think not. Most friendships are flawed but are still friendships; a friend can fail us and still be our friend. Similarly, violating a moral norm does not immediately entail exiting the relevant moral relationship — though if a friend fails us consistently, showing no willingness to change, he might indeed cease to be our friend, and a similar anxiety is appropriate in the moral case. When someone sets themselves against our humanity by consistently violating the norms and ideals of mutual recognition, they test the boundary of that relationship. When it breaks down completely, as in Hobbes' state of nature or in times of total war and genocide, moral norms, we submit, are genuinely undermined: our ability to relate to others in caring solidarity depends on our social and political circumstances, and when the necessary conditions for mutual recognition are not met, we face a moral catastrophe we must do everything in our power to change.

This answers the case of the wrongdoer, where an actual, dyadic relationship — between us and one particular other — can survive or fail depending on that other's conduct. But what of the stranger under the flight path, or the person we will simply never meet? Here there is no dyadic relationship to survive or fail, since none was ever formed, and our answer does not require one. Caring solidarity involves not actual *de re* care toward the stranger, but a standing disposition to such care, grounded in *de dicto* solidarity with others as human — and what grounds that solidarity is something actual but not dyadic: our membership, and the stranger's, in an actual historical community.

Humanity is not merely a biological category. Human beings, despite their differences, share a history and forms of self-understanding, share languages and interacting lineages of practice, and negotiate their dealings, through common institutions, with people they have never met. That we can, in principle, engage almost any stranger in some kind of conversation is evidence of this shared belonging. A creature from another planet would share none of it with us — no history, language, or institutions, however attenuated. A human stranger always does, even when we know nothing of each other directly: we might never meet those over whose homes our plane flies, but we have a sense of what it means to have a home, and to have

waste fall from the sky, because we actually share with them a human history that makes such understanding possible. We know something of these specific people even without knowing who, specifically, they are. It is this shared membership in a common world — not any relationship between us and them individually — that grounds our aspiration to stand in caring solidarity with humanity as such.

This leads us to the second question. What are the boundaries of full moral community, of humanity? For Scanlon, the boundary is set by rational capacities to respond to reasons, this is why his morality applies to all rational beings. On our view, as we have already noted, the scope of humanity is a live, substantive ethical question, not settled by descriptive or biological discoveries. We should never treat the boundary of the moral community as fully resolved by our current conception of it, for we know from (human) history that our conception of these boundaries had often occluded our view of genuine members of humanity to whom we denied care and recognition.

However, our characterization of caring solidarity does impose certain constraints on who can stand in this relation. Solidarity, on our account, can be realized to different degrees with anything sophisticated enough to meet the threshold conditions of shared agency; care, in its more basic conceptions, can be extended to anything with needs. So, it is not mysterious, on our view, why we owe *something* to a dog we do not owe to a stone, or why cruelty to an animal capable of suffering is a moral failure in a way that snapping a twig is not. The bonsai tree can be cared for – we can tend to it, listen to it, want it to flourish — without any prospect of standing in *mutual* recognition with it.

However, the full ideal of caring solidarity is not applicable to a bonsai tree or a dog. The bonsai tree cannot in principle care for us or stand in solidarity with us. The dog can care for us but cannot endorse an ideal of caring solidarity with others. This does not mean dogs are entirely outside the moral community, only that important aspects of our moral ideals are not realizable with respect to them. In light of this inclusive approach to non-human animals, one might wonder why we insist that caring solidarity maintains between human beings as such.²⁷ We believe ‘humanity’ and ‘human being’ are thick ethical concepts that cannot be analysed in other terms and are important for systematic reflection about morality. Moreover, given the ideal of caring solidarity, humanity is to be thought of primarily as a matter of vulnerability: to see someone as human, as we use the term, is not to make a descriptive assumption about their biological nature, but to see them in essentially evaluative terms — as such as to suffer, or to flourish, under conditions of the kind our moral theory itself picks out as good or bad. Thus, biologically non-human animals can still be part of humanity in the moral sense. We should not outsource the

²⁷ We thank an anonymous referee for pressing this and the following point.

important question of the boundaries of human community to biological facts, although biological facts about different species are of course crucial for understanding our relations with other animals.

The final question: is our dispute with Scanlon merely terminological — are we offering an account of what Scanlon calls “broader morality” (1998, 172) while he offers an account only of “what we owe to each other,” so that the two views are complementary rather than rivals?

They are not. As we have argued throughout, our disagreement concerns Scanlon's own core cases, not merely morality's periphery: we deny that his account of justifiability, wronging, and the relevance of a person's reasons succeeds even on its own terms. These are not disputes about how far morality's boundary extends; they are disputes about what makes conduct within Scanlon's own subject matter right or wrong in the first place.

The deeper reason the two views cannot simply divide the territory between them is this. On Scanlon's account, moral prohibitions are not merely one part of morality; they are its explanatory core, from which any broader moral phenomena must, if they are to be moral at all, borrow their standing. Our account inverts this order of explanation. We agree that something like Scanlon's system of prohibitions is an important part of morality, but we deny that it is the most fundamental moral phenomenon or the proper starting point for moral theory. A proper understanding of these standards must place them within the broader system of caring solidarity from which they draw their force — not the reverse.

This is why care and solidarity, and with them contingency, belong at the center of moral theory rather than at its periphery. An anxiety about this contingency — a wish for morality to be grounded independently of any actual person, relationship, or society — has led many philosophers to interpret mutual recognition as a system of transcendent prohibitions. But this flight from contingency has cost moralities of recognition much of their power to illuminate the moral world.²⁸

²⁸ Thanks to (many people)

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