

COMMENT ON T.M. SCANLON, 'IDEAS OF IDENTITY AND THEIR NORMATIVE STATUS'

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T.M. Scanlon pursues the question whether we have reasons to act in certain ways because of our identities, such as being of a certain race or gender, or being a family member or a teacher. The answer is a qualified 'yes'. If having and continuing to have an identity of a certain kind is worthwhile, then, yes, there may be reasons that follow in its wake. In addition, there are reasons that stem from the justified expectations of others. There are also reasons that we have because the best way to deal with some (derogatory) ascriptions of identity is often 'to stand up for oneself', or because we all have reasons to oppose unjust discrimination as well as not to 'free ride' in those cases where we stand to benefit from identity ascriptions. At the same time, he warns that some invocations of identity are instances of bad faith: they evade the question why there is a reason to act by citing a feature of one's identity as reason-giving, when in fact one has reason to abandon the identity.

Identities, Scanlon argues, play a role in explaining which reasons a person has, but they don't do much all by themselves.

There is a sense in which this seems trivial. That I am an X – for any X – does not provide me with a reason to do something unless other conditions obtain. That someone is a chef doesn't give her a reason to prepare a meal unless she has a reason to serve a meal in due course. Even a chef doesn't have a reason to cook 24/7. But acknowledging the need for further conditions in this way is not what Scanlon is concerned with.

Scanlon focuses on certain kinds of conditions that need to be in place for identity to become relevant in determining reasons. Let me comment on these, focusing on two specific issues: (1) the role of choice; (2) the relevance of the buck-passing account of values.

Many identities are not chosen. We may be able to embrace or deny them - but we have them all the same. Do they provide us with reasons? The yes-answer might say something like this: it is constitutive of the identity that the one who has it is subject to expectations or obligations. Scanlon objects: not so, he says. It depends on whether there are reasons to continue being an X. If not, there are no

reasons. But what if I continue being an X, whether or not I want to? Can I then ignore the obligations or expectations that are woven into the identity? I can, says Scanlon. But this is not my only option. I can openly resist, for instance, without failing to comply with reasons that apply to me. But what determines whether I have reason to do so? Take someone who jumped stupidly into parenthood – it was a bad choice at her stage in life, if a choice it was at all. She has reasons to secure the child's welfare nonetheless. It doesn't matter whether she ignores her reasons, or protests against them. The reasons won't go away.

Scanlon seems to say that identities which are not chosen and bad for the person can be rejected. The parent-identity may well be like that, but it cannot simply be rejected. Scanlon says that reasons depend on the worthwhileness of having and continuing to have the identity. I want to explore an alternative way of thinking about the role of identity: The reasons for acting as Xs are expected to act depends on whether acting in this way is worthwhile. But if the value of the action settles the matter, is there any role for identities in this? Well, yes. Some actions don't even make sense unless you are an X. Others change their value depending on whether they are performed by an X or not. Take again being a parent: anyone may have reason to act in a way which is good for a child. But if you're the parent, the reason is stronger.

I. The role of choice

Scanlon's bad faith allegation is directed at regarding features of one's identity as reason-given when the identity is choice-based and there are sufficient or conclusive reasons against the choice. Scanlon interprets Christine Korsgaard's emphasis of practical identities in this way: the practical identities Korsgaard is concerned with are chosen or adopted, and the person who has them "must accept responsibility for these choices" (3). I have a reason to act as my role as a teacher or friend of Jim (etc) requires only if I have reason to be and to continue being a teacher or a friend of Jim.¹ In addition, one has reason to act in certain ways because of the warranted expectations of others, "but only if a relationship of this kind is something one has reason to remain a part of." (5). Thus, if a role or a relationship is based on choice it is possible to reconsider, and if there are sufficient reasons to reconsider then there are no reasons to act as the role or relationship requires. This seems mistaken to me in at least two ways:

¹ "A person has reason to do what is required to succeed in her profession, for example, provided that it is one that she had sufficient reason to adopt in the first place and sufficient reason not to abandon." (4)

- (1) Relationships and roles that *can* result from choice needn't involve an actual choice. Whether they provide reasons does not depend on whether they are in fact chosen.
- (2) Even if the history of a role or a relationship involves choice, it does not follow that one can abandon it at will once it has been established. Whether the role continues to provide reasons does not depend on whether or not it can be abandoned at will.

Let me briefly explain these points:

Take parenthood again. It can involve choice and reasons for so choosing. But it needn't. One can stumble into it. But even if one stumbles into it, it provides sufficient reasons to secure the welfare of the child. This remains true, even if there was a choice, but a bad one, based on insufficient or defeated reasons. Thus, reasons from parenthood do not depend on choice, whether or not the role is in fact chosen. It is also clear that abandoning the role is not an immediate option. One can give a child up for adoption, but until this has happened, the reasons for looking after the child apply. The same is true for reasons from different relationships: being someone's child, someone's grandfather etc.

But it is also true for friendship or loving relationships. While friendship comes about through a number of choices, the friendship itself needn't be chosen. It rarely is. It just results from the ways in which one spends time with a person. Regardless, once I am someone's friend I have reasons to act in certain ways. But it is true that friendships can be abandoned at will (even though here too a deliberate choice may be a bit of a rarity). Sometimes there are perhaps reasons not to continue with a friendship. But the reasons to act as a friend would presumably obtain as long as one hasn't in fact abandoned the relationship. Thus, a person who acts as a friend, even though there are reasons to abandon the friendship, needn't act in bad faith. It is in this case the nature of the relationship and not just the expectation of the other that explains the reason.

The case that Scanlon is guarding against is the case of member of a member of a mafia family (say) who cites this feature of his identity as a reason to follow orders from the head of the family. There is no reason, so the idea, to continue with this relationship. Hence there are no reasons to follow the command. Whether someone can abandon this kind of a relationship at will strikes me as moot. If there are no reasons to act as commanded, it is not because the relationship can be abandoned, but because, in general, relationships cannot provide just any kind of reasons. They might provide reasons to greet one's elders respectfully, because doing so (as well as failing to do so) has a certain kind of

expressive value in the community. But they cannot endow, e.g., murder with value. Identity is not a magic wand that can turn wrong actions into right ones. But identities can shape one's reasons in a different way, and that's what I would like to explore next.

II. Buck-passing

I suspect that Scanlon's view is somewhat affected by his buck-passing account of value. I want to pursue this idea here briefly.

Scanlon suggests that identities provide reasons only if and because there is value in having and continuing to have them. If one is (say) a member of a certain culture, and a particular time comes around when members come together for a celebration, one has reason to join them – provided there is reason to continue the tradition. Thus, so Scanlon's suggestion, one has reason to act as an X, provided being an X (and continuing to be one) is of value or worthwhile. Perhaps one has reasons to perform certain actions which symbolically express one's identity, but they depend on the value of a continued form of membership or identity.

But there is a different kind of relation of identity and action which strikes me as more important. The relation I have in mind may perhaps not appear on Scanlon's radar because of his buck-passing account of value which is the idea the value of an action consists in there being reasons for the action. The value of expressing one's identity would then consist in the reasons for expressing it. Those reasons are conditional on the worthwhileness of being and continuing to be an X of a certain kind.

If we suspend buck-passing, it would seem natural to suggest the following: some actions have value (or have a particular kind of value) if and only if they are performed by someone who has a certain identity. The value of the action is the reason for performing it. Think of a father who spends time with his child. The action has value because he is the father. It might have some value too if it were a mere acquaintance who spends time playing with the child, but its value would be different, and therefore the reasons are different. At the very least, the father's reason would be stronger.²

Scanlon would presumably not be happy with this formulation since his buck-passing account of reasons for action commits him to the view that the reasons for acting do not depend on the value of

² See Joseph Raz's comments for similar observations.

the action. Hence his suggestion that the *identity* must be worthwhile or have value – and if it does, then there are reasons to act as the identity demands. Thus, the value of the identity seems to be a condition on reasons which in turn determine the value of the action.³ But this seems wrong-headed in those cases in which the value of the action depends on a person's identity. It does not depend on the value of that identity.

Even reasons for actions which are expressions of an identity needn't depend on the value of the identity. E.g. symbolic gestures of amend for the Holocaust make sense and have value if one is German, but not if one is American. So, the value of the action depends on the identity. It does not depend on the value of being or continuing to be a German. I wouldn't know how to answer the question whether being German (and continuing to be so) is worthwhile. I just am – and as any other identity of this kind, this comes with its benefits and burdens.⁴

Being a member of the mafia isn't worthwhile in the stronger sense that it is most likely bad (for mafia member as well as others). But it too makes certain actions worthwhile and meaningful in a way they wouldn't be if performed by an outsider. Think of compensating the victims, or taking up a non-mafia related job.

So, my main objection is that a salient kind of reasons to act are due to the fact that actions of a certain kind have value, and therefore provide reasons if and because they are performed by someone with a certain identity. The reason does not depend on the value of the identity but on the value of the action.

³ Whether that idea is compatible with the buck-passing account is a question in its own right. After all, it makes reasons depend on value in some way rather than explain value in terms of reasons. But it does at least not contradict it outright, since the value in question is not the value of the action.

⁴ For a vivid account of those, see John Skorupski's comments.