

Comment on Scanlon on Identity

I find it difficult to comment on Scanlon's paper on identity for two, apparently conflicting, reasons. On the one hand, I agree with most of what he writes. On the other hand, I am not quite sure what is his main message. We agree that 'identities can give those who have them reasons for action' (2), and I would only add (presumably in agreement with Scanlon) that they also give reasons to others. He aims to explain how this could be so, and here is my difficulty. His explanation of how identities provide reasons consists in placing limits on how they can do so, conditions which must be met if they are to provide reasons. One point that is important to him is that they cannot do so on their own. They provide reasons only in the company of other reasons. So, when a person appeals to her identity in providing a reason to choose between options, she must combine whatever she has in mind by her identity with other reasons that establish that the option she chooses is 'worth doing' (2), and they rest on considerations other than her identity (alone). In part this might be thought to be too obvious to be worth saying: identity-constituting facts (or identities, in brief), as normally understood, are not related to any action and therefore cannot in themselves be a reason for anything. I am a teacher. Let us assume that this is one of my identities (at this stage, I will join Scanlon in not worrying which facts are identity-constituting and which not). So, what reasons does it provide me with? In itself, none. If one adds that tomorrow I am due to teach Descartes' first meditation, then the two facts, along with others, may give me a reason to make notes of questions to raise with my pupils etc. So, I will assume that Scanlon does not mean simply that identities on their own are not reasons for any specific actions, that they lack a connection with any specific action. The passage I am referring to suggests that he might mean that the other facts or considerations that combine with identities to provide reasons for specific actions establish that those actions

are worth doing, meaning that identities cannot make the difference between a pointless action and ones that have a point (are worth-doing). But it is unlikely that that is his meaning. Consider another example: I am a Roman Catholic, and it is Sunday. These facts give me reason to go to mass today. That it is Sunday is a necessary element in the reason, it establishes the connection with the action of going to mass, but it does not make the difference between a pointless and a worthwhile act. That I am a Catholic does that, but that is an identity-constitutive fact.

So, I conclude that Scanlon's message is not that identity cannot be a reason on its own. That is true and too trivial to be worth saying. His message is that only some identities can give reasons, or that only some identities can provide reasons some of the time. He explains: 'The reasons one has in virtue of identities such as friendships and family roles, and those one has in virtue of identities such as professions, are thus alike in depending (in different ways) on reasons for having the identities in question.' (5) This sounds so reasonable that it would be hard to envisage a class of identities to which it does not apply. But I believe that it does not apply to any identity. First, there are identities to which one cannot have a reason to belong or not to belong. E.g, being someone's child. It is commonly assumed that some reasons are provided by such identities. This may be a mistake. Possibly some children have no reason in virtue of being children. But that cannot depend on having or lacking a reason to be someone's child. No such reasons can exist.

Nor does the condition apply when there are or could be reasons to have that identity. I may be Norma's friend. I never had a reason to become her friend. It just so happened that we did become friends. It does not follow that reasons of friendship do not apply to me (regarding Norma). It may also be that I have no reason to maintain the friendship, indeed that I have reason to end it. But I do not do so (or have not done so yet). It does not follow that our friendship

while it exists provides me with no reasons. Perhaps the circumstances that are reasons to terminate the friendship also cancel some of the reasons that friendship normally provides. But there is no case to think that they cancel all of them.

Could it be that Scanlon has in mind identities that are necessarily bad?

Suppose that I belong with the people who are moral egoists, i.e. people who believe that all non-self-serving actions are wrong. Surely that identity does not provide me with reasons to refrain from non-self-serving actions. True, but arguably, neither does the fact that I belong to the fraternity of non-moral egoists, (i.e. those who think that there are various reasons to perform non-self-serving actions) provide me with reasons. This identity does not provide me with a reason to perform non-self-serving actions (though of course I have such reasons anyway, not due to any identity). The problem with such identities is that having a moral belief (as opposed to the facts in whose existence one believes if one has it) does not provide reasons. (This is exaggerated, it may provide a reason to consult a psychiatrist, or to confess to having it, etc.) If these are identity-constituting facts then there are a zillion others which do not provide reasons, without being subject to Scanlon's condition.

So, I concede: I do not know what Scanlon had in mind when he claimed that conditions have to be met for identities to give reasons. But don't I agree that there are such conditions? That depends on one's view of the facts that are reasons. Some people think that while perhaps it is possible to explain why some facts are reasons, those explanations run out, and ultimately, we rely on intuition or direct recognition that certain facts are reasons. I suspect that it is always possible to explain cogently (though not to guarantee that the addressee will accept the explanation) why the facts that are reasons are reasons, what makes them reasons. Given that assumption there will, of

course, be some conditions that all facts that are reasons, including identity-constituting facts, meet (not necessarily the same for all identities). These will show how they relate to the value of the actions for which they are reasons. If we know which facts are identity-constituting facts these conditions will help us distinguish reason-providing identities from non-reason-providing identities. But of course, these conditions will not be sufficient to distinguish which among the facts that provide reasons are identity-constituting facts. Here is the rub.

Scanlon's lecture includes numerous sensible observations about the reasons that one encounters in many varied contexts in which identities are sometimes invoked in practical discussions. Among other things they illustrate that people may have various identities, and their identities may be divided into different types or sub-categories. They also illustrate that many of the reasons often associated with identities are also encountered in other contexts, which do not involve identities. That is hardly surprising. The reasons one encounters as a caretaker of a building, for example, will include reasons that residents who are not porters also have. This does not show that there are no specific porter-role-defining reasons, nor does it show that those specific reasons do not have a special role in the life of a porter, and therefore that they have a special weight.

Scanlon's lecture should convince its audience that sometimes when considering the reasons one faces it matters little whether these reasons are identity-constituting or not. But it will not satisfy people who are curious to know whether identities play a special role in people's practical life. That they also involve reasons one would have in other contexts does not show that there are no special identity related reasons, nor that ordinary reasons do not have a special weight or significance when they are tied up with one's identity. To satisfy those who raise these issues one needs to identify which facts are

identity-constituting. And that Scanlon refuses to do.¹ His aim is to show that sometimes we need not be bothered with that question when wondering how we should behave. He refuses to face the question whether sometimes the fact that our identities are involved in matters affecting our conduct gives those occasions a special character, which affects the significance and weight of the reasons we face.

In assessing the normative significance of identities, we are hampered by the diversity of their use, and by a degree of band-waggoning to profit rhetorically from a popular idea. The debate is theoretical not rhetorical. I see theoretical invocations of identity as part of the reaction against the once dominant, and still popular, combination of utilitarian value theory and maximising consequentialism. Identity is added to the normative landscape. Its proponents aim to single out a distinctive kind of value-related factor, with implications for aggregation. Scanlon's contractualism joins battle against maximising consequentialism, but the lecture does not consider the aggregation aspects of identity theorising, which escape his gaze. And he declines to examine the meaning-giving role of Identity.

¹ He comes closest to doing so when defining what he takes to be one sub-category of identities: 'ascriptive identities': 'a person has an ascriptive identity in virtue of being seen by others as having characteristics that, in their view, provide reasons for treating him or her in certain ways, and sometimes also reasons for that person to behave in certain ways'. (10) I am inclined to believe that all identities are ascriptive in that sense. At least the typical range is: being an American, being a lawyer, being an Episcopalian, being a parent or a politician, and so on for all of them. There are special questions when false properties are associated with a certain identity (as often by those who have it as by others). But Scanlon does not focus on those cases. His interest is in unjust treatment of people because of their (real or assumed) identities.