

INTENTIONS, PERMISSIBILITY, AND THE REASONS FOR WHICH WE ACT

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If you injure me, it matters morally whether it was an accident or you did it intentionally, and whether you did it because you thought it would be fun. I take it that any ethical theory will have to include some explanation of why this is.

There are two dominant views in the current debate about the moral significance of an agent's intentions: The one is that the intention with which someone acts at least sometimes determines whether what she does is right or wrong (permissible or impermissible). Proponents of the so-called doctrine of double-effect (DDE) hold that an action which has certain bad outcomes may be permissible if the bad consequences are only foreseen, even if the same action would be morally wrong if they were intended as a means. This is not the only way in which intentions could make a difference to an action's permissibility, but it is the best-known defense that they do.

According to the second view, intentions don't matter in this way: they do not determine the permissibility of an action. They do matter, but in a different dimension of normative assessment: They determine whether the agent is a good or a bad person; or alternatively: they determine the "moral worth" of an action¹ or its "meaning", including its praiseworthiness or blameworthiness², or the severity of a wrong-doing.³ The main thesis is what Thomson called "The Irrelevance-of-Intentions-to-Permissibility Thesis" (for short: *IIP*)

[IIP] "It is irrelevant to the question whether X may do alpha what intention X would do alpha with if he or she did it."⁴

IIP is driven in part by skepticism about DDE: since – according to proponents of IIP - DDE is false, we must explain the relevance of intentions and reasons in a different way. Proponents of IIP tend not to consider the possibility that intentions might matter to permissibility in ways that are different from DDE.⁵ In this paper I will not focus on the arguments for or against DDE, but investigate IIP itself more closely, and look at some of the arguments for and against it.⁶

1. Some preliminary clarifications

¹ Markovits (2010).

² Scanlon (2008).

³ Thomson (1991)

⁴ Thomson (1991), p. 294

⁵ Hanser (2005) expounds such an alternative: according to him, permissibility traces the quality of a person's deliberation. He explains both how his view differs from Scanlon's account of the meaning of an action (i.e. why it doesn't simply replace 'meaning' by 'permissibility'); and how it differs from DDE.

⁶ For recent defenses of DDE, see McMahan (2009) and Wedgwood (2011a&b).

I will start from some assumptions that I am not going to argue for – but which, I hope, will appear innocuous. They will also explain why I'm looking at intentions and the reasons for which we act at the same time.

1. *Reasons for actions.* I will assume that we have reasons for actions, and that those reasons are facts (rather than beliefs or belief-desire pairs). I don't think that this begs the question against any of the major theories of practical reasons. Even reasons-internalism can be, and – I think – should be, interpreted in a way that is perfectly compatible with this assumption.⁷ Since reasons are facts, we can generally be mistaken about what reasons we have. The *reasons for which a person acts* are the reasons she *believes* to have and for which she acts. It follows that the reasons for which a person acts may be no reasons for so acting at all in case she is mistaken about the facts.
2. *Acting for the right reasons.* This expression has at least two different senses. One is that the 'right reasons' are simply the reasons that there are. So a person acts for the right reasons, when her beliefs about her reasons, her reasoning, and the intention it leads to don't contain any mistakes. But there is also a different sense of 'right reasons': some Kantians for instance use 'right reasons' to refer to moral reasons (rather than, say, merely self-interested ones). The 'right reason' in this sense will be identified by the moral content of the proposition that describes it. A person may act for the 'right reason', and yet be mistaken about her reasons (i.e. she may believe that there is a moral reason for acting as she does, even when there is no such reason). I will use 'right reason' in the first sense.
3. *Intentions.* A further assumption concerns intentions. The intention with which a person acts – i.e. the intention that guides her action (or the 'intention in action', as it is sometimes called) – is based on the reasons the person believes to have. There is no algorithm which explains how a person's intentions relate to the reasons she believes she has. It is not true, for instance, that a person necessarily intends to do what she believes to have most reason to do. Weakness-of-will cases prove the point.
4. *Acting intentionally/ acting with an intention.* 'Intention in action' contrasts with a different sense of acting intentionally. Acting intentionally is more basic than 'acting with an intention'. It may only require that the person is aware of what she does, or perhaps: that she

⁷ Take the following interpretation of reasons-internalism: the fact that p is a reason to ϕ for agent A , if and only if there is a sound deliberative route from A 's existing motives and p to the conclusion that A has a reason to ϕ . Compare Williams's famous gin-petrol example: Ralph wants a gin and tonic, and believes that the liquid in the bottle is gin. It is, however, petrol. Ralph doesn't have a reason to mix the stuff in the bottle with tonic and drink it. Instead he has a reason not to drink it, Williams tells us. Why? There is no sound deliberative route from Ralph's desire for a gin and tonic, and the fact that this is petrol to the conclusion that Ralph has a reason to ϕ . The view that reasons are facts can make sense of Williams's verdict about the case. Note that Williams does not even require that Ralph could have known that the content of the bottle is petrol – it is simply the fact that it is that explains why Ralph doesn't have a reason to drink the mix, and has a reason not to drink it. (Williams 1980, p. 102)

can become aware of it, and can control it. Take scratching one's head, or biting one's fingernails: as opposed to falling down the stairs these are actions, but they are not done with an intention. I will not be concerned with this broader and more basic sense of acting intentionally, but only with 'intention in action'.⁸

2. How intentions might matter for permissibility

This brief sketch by itself may suggest that the reasons for which someone acts cannot be directly relevant to the normative assessment of her action: in particular, they cannot determine whether her action was morally permissible. After all, whether an action is morally permissible depends on the reasons that there are for or against the action, and not on the reasons that an agent *believes* to have. If an agent is mistaken about her reasons, but couldn't have been expected to know better – i.e. if the case is one of non-culpable ignorance - she may be excused and not be blameworthy, in case the action is wrong. The reasons for which the person acts are normatively relevant in this way. But whether the action is wrong would seem to be independent of her beliefs.

If intentions are based on beliefs about reasons (as I assume they are), you might expect something similar to be the case: they are not directly relevant to the permissibility of the actions. If an agent's beliefs about her reasons and her reasoning are correct and she forms an intention based on her reasoning, then the intention she forms is the intention she ought have formed, and the subsequent action is the action she ought to have undertaken. If her beliefs or her reasoning involve mistakes, the intention may not be the intention that she ought to have formed, and the action she performs may not be the one she ought to have performed. ('May not' because it is possible that a person does what she ought to do incidentally and as a result of flawed reasoning.) What is wrong with *both* the intention and the action would be explained by the reasons that there are – and not by any mental states of the agent.

Even so, it would be false to conclude that if the relations between the reasons for which a person acts, her intentions and the reasons that actually bear on the situation are as I described them, neither the reasons for which a person acts nor her intentions could be relevant to the permissibility of her actions. It does not follow from my initial assumptions that IIP is true.

What follows from the assumptions is, rather, that if the reasons for which someone acts or her intentions *are* relevant to the permissibility of her action, it must be because there is a reason (not) to act with a certain intention (or even: there is a reason not to act in some way unless it is done with a certain intention). Call reasons of this kind 'reasons to act (or not to act) with a certain intention', or RAWCIs.

One form this may take is that, while there is a reason to act in a certain way, there is also a (sufficient) reason not to perform the action with a certain intention. Take an example: Peter is drowning; Caligula considers rescuing Peter

⁸ For a similar distinction see Raz (2010) and Scanlon (2008).

in order to torture him to death more slowly. If it would be wrong to rescue Peter with this intention, then it must be true that (a) even though there is a reason for rescuing Peter, (b) there is also a sufficient reason for not rescuing Peter with the intention of torturing him to death more slowly. If Caligula were to rescue Peter to get him out of danger, he would rescue him with the right intention, thereby complying with both (a) and (b). If he rescues him to torture him, he does not comply with (b), and assuming that (b) defeats (a) when there is a conflict, the action is morally wrong. (I'm not suggesting that this is the right analysis of the example; I use it only to illustrate how the agent's intentions might determine the action's permissibility.)

This explanation of the relevance of intentions to permissibility doesn't appeal to DDE, since it does not rely on the foreseeing / intending distinction. But does it entail the truth of DDE nonetheless? It may seem so, because if there is a reason not to act with a certain intention, then presumably this is not a reason against acting in the very same way while foreseeing the outcome. But this, while true, is not enough to support DDE. DDE involves the much more specific claim that a bad outcome which is foreseen as a side-effect may be morally acceptable when the balance of good over bad is favourable, even when the same action would be impermissible if the bad outcome had been intended. Furthermore, the claim that there may be reasons against acting with certain intentions does not entail that it is wrong to act with these intentions. Whether or not it is depends on the other reasons for and against acting in this way. Thus, my suggestion is much more modest than DDE: I am not proposing an absolute restriction on acting in certain ways. The entailment does, however, hold the other way around: DDE entails that there are RAWCIs, but the existence of RAWCIs does not entail DDE.

Let's take a closer look at certain staple examples used by proponents of DDE: examples of actions where our moral assessment seems to vary depending on the agents' intentions. Take an example of Scanlon's: "Drug - Transplant - Drug/Transplant":⁹

DRUG. There isn't enough medicine to cure everyone who needs a certain drug: it could be used to either cure one who is in an advanced stage of the illness, or five who are in earlier stages. (All who do not get the drug will die.) There is a reason to, and it is permissible to, give the drug to the five.

TRANSPLANT. Five people are in need of organ transplants. It is impermissible to kill one who happens to be an ideal match for all of them.

DRUG/TRANSPLANT. Same situation as in TRANSPLANT, except that the one whose organs could be used needs a drug which is in short supply (same as DRUG) to cure his illness.

Many believe that it is impermissible in DRUG/TRANSPLANT to withhold the drug from the one in order to then use his organs as transplants. Applying the RAWCIs, the explanation could be the following: there is a reason to withhold

⁹ Scanlon (2008), p. 15f.

the drug (i.e. that it will cure the five), and there is a reason for procuring organ transplants, but there also is a sufficient reason not to let a person die with the intention of making use of her organs.

A proponent of DDE would describe the case differently: in DRUG, you may withhold the drug, foreseeing that the one will die, because the good of rescuing the five outweighs the bad, the death of the one. In DRUG/TRANSPLANT, you may not withhold the drug because you would do it with the intention of letting the one die, even though you further intend to help the five who need the drug, as well as the five who need organs. According to DDE, the crucial difference between DRUG and DRUG/TRANSPLANT is that in DRUG/TRANSPLANT you intend to let the one die as a means to acquiring the organs, whereas in DRUG you merely foresee that she will die. You may balance the outcomes only when the death is foreseen but not when it is intended.

Putting it in terms of the relevant reasons is different: (1) there is a reason to help the five; (2) there is a reason to procure transplants; but (3) there is a reason to not let one die with the intention of harvesting his organs, and (3) defeats (1) and (2), or excludes them in some other way. I'm not making the case that this is the right way of judging the case, but only describe how things would have to be for it to be true that withholding the drug in DRUG/TRANSPLANT would be wrong because of the intention with which it is done. We need a substantive argument to establish the truth of (3). (3) invokes the intention in determining the normative status of the action, but it doesn't turn on either the intending / foreseeing distinction, or the claim that balancing may come in when the bad outcome is not intended.

This gives us the basic shape of a view (different from DDE) that takes the reasons for which a person acts, or her intentions, to be relevant to permissibility. Denying that they matter in this way is denying that there can be reasons like (3); or more generally: that there can be reasons (not) to act with a certain intention (RAWCIs).

Why deny it? Proponents of IIP believe that we should explain the apparent role of intentions in different ways, rejecting not only DDE, but also RAWCIs. They also offer direct arguments for IIP. In the following three sections, I will first consider some alternative explanations for the apparent role of intentions, and then Thomson's and Scanlon's arguments in favour of IIP.

3. Towards IIP

3.1. A conflation?

There is a challenge that any defender of IIP will have to meet. She will have to explain the apparent relevance of intentions to permissibility as in DRUG/TRANSPLANT. Both Thomson and Scanlon take on the challenge.¹⁰

¹⁰ For a more detailed (and cautious) interpretation of Scanlon's view, see Kolodny (2011).

Scanlon offers not only an alternative explanation of the moral differences in the examples, but also an explanation of why the assessment of intentions and the reasons for which people act plays an important role in evaluating actions: he offers an account of their normative significance. As he sees it, intentions matter morally, just not for the permissibility of actions. Those who believe that intentions are relevant to an action's permissibility conflate two different kinds of normative assessment.

A similar suggestion has been pursued by Thomson early on: intentions matter if we ask ourselves whether someone is a good or bad person. They are crucial for assessing the agent's character, as well as for determining whether she was at fault in acting as she did.¹¹

Scanlon's view differs in some respects. He distinguishes between two usages of moral principles: a deliberative (first-personal) one which settles the question what to do in a certain situation. Intentions are irrelevant here. But there is also a critical (third-personal) use of moral principles which usually takes place after the fact. As Scanlon sees it, intentions matter in this second dimension of moral assessment: they determine the meaning of actions. Thus they are not only relevant to assessing the agent's character, but the action itself.

Thus one explanation why intentions appear to be relevant is that they are relevant – just not to assessing the rightness or wrongness of actions, but the character of agents or the meaning of actions, and we tend to conflate these different dimensions of assessment.

3.2. The apparent role of intentions: alternative explanations

We still need an explanation of the staple examples which seem to show that the permissibility of an action sometimes does depend on intentions. The general strategy is to find an explanation that does not depend on attitudes, but on objective differences. To illustrate the strategy, here is an example of Scanlon's:

Buying rat poison is generally permissible. But is it permissible if you buy it in order to supply your neighbor, who – as you know – will use it to poison his wife? If the answer is no, doesn't this show that intentions do indeed determine permissibility in this case? Here is the alternative explanation: buying rat poison is generally permissible. But it is wrong to facilitate another person's wrongdoing. On this view, what is wrong with the buying of the rat poison is that it facilitates wrongdoing. But does it matter that you give it to the neighbor with the intention of assisting him? The defender of IIP denies this. Your action would have been wrong whether or not you intended to supply your neighbor. The intention with which you do it determines the meaning of your action (or its moral worth). If you intend to help him, your intention reveals that you didn't count being involved in the killing of an innocent person as a (decisive) reason against the action.

¹¹ Thomson (1999) p. 517; (1991), fn 10, p. 297

This case is meant – at a stretch – to cover the following: you are buying rat poison with the intention of killing your own wife. This again is wrong, not because of your intention, but because it facilitates wrongdoing – your own wrongdoing this time.

Is this alternative explanation better than its competitors (i.e. explanations according to which wrongness depends on the intention)? Not obviously. It does not provide an argument for IIP. It just shows that – if there are independent arguments for IIP – its proponents may be able to deal with counterexamples. Of course, this illustration of the strategy doesn't suffice to show that it can deal with all apparent counterexamples.

3.3. Thomson's arguments

Thomson offers a number of direct arguments for IIP. As a first approach to showing what is wrong with the idea that intentions determine permissibility, Thomson tries to bring out the absurdity of DDE. It is absurd, she claims, that an action, which has O_1 and O_2 among its outcomes, may be permissible if the agent intends O_1 , but impermissible if she intends O_2 .¹² Why would intentions have this role? Why would it depend on the agent's state of mind whether her actions are wrong? Take DRUG/TRANSPLANT again: the outcomes of withholding the drug from the patient are that the patient will die (O_1), that the drug will be used to cure five others (O_2), and that the organs will be used as transplants (O_3). A defender of DDE would claim that the action is permissible if the doctor intends to bring about O_2 , but impermissible if she intends O_1 – and therefore impermissible if she intends O_3 because she cannot realize O_3 without making O_1 happen, and therefore would be rationally required to intend O_1 as a means.¹³ However, if the doctor only intends O_2 , and as a foreseeable consequence O_1 happens, and she later decides to use the deceased patient's organs as transplants (an intention she hadn't formed when deciding to withhold the drug), her actions may be morally permissible. Thomson finds this unacceptable: we are not interested in the doctor's state of mind, when trying to determine whether or not she may withhold the drug from the one.

Claiming that DDE is absurd isn't helpful. But Thomson makes clear that we need an explanation why intentions would play any crucial role in the assessment of the permissibility of actions.

Thomson offers two further arguments for her view: intentions are crucial for determining fault. But fault is neither necessary nor sufficient for impermissibility. An agent can act impermissibly without being at fault. The ordinary practice of offering excuses is based on this assumption. More controversially, an agent can be at fault without acting impermissibly (if, say, a person intends to poison someone, spooning what she believes is poison into

¹² Thomson (1999), p. 515

¹³ Fiona Woollard suggested to me that a defender of DDE may deny that the doctor must rationally intend O_1 as a means to O_3 even though O_1 it is a condition of permissibly performing O_3 . Thus, DDE may permit withholding the drug after all, even if it is done with the intention of getting the transplants. This suggestion is based on Kamm (2000).

the would-be victim's tea – but in fact the substance she takes to be poison is sugar). Thomson assumes that intentions have run their course in determining fault – and since fault and impermissibility can come apart, there is no role for them to play in determining permissibility. Recently, Matthew Hanser has rejected this argument by pointing out that intentions may well have more than one role to play: As Thomson rightly claims they determine fault, but they may also be relevant to determining permissibility.¹⁴

Thomson's third argument is that when a person deliberates whether a certain action would be permissible, she would not ask herself which intention she would be doing it with. She would ask about the consequences of the action, or whether in acting in this way she would be violating someone's rights. She wouldn't look 'inward' but 'outward'. But this argument again seems doubtful: on the one hand, an agent may well look 'inward', as e.g. when, being suspicious of her own motives, she asks herself 'really, what would be my reason for doing this?' On the other hand, it is not clear that, if permissibility depended on intentions, a deliberating agent would be required to think in terms of her reasons or her intentions.^{15/16}

3.4. Scanlon's argument

Scanlon's guiding question is whether what we ought to do is: do the right thing for the right reasons. In one sense this is trivial: not making mistakes about one's reasons is a good thing. But this isn't enough to defend the view that some actions are permissible if and only if they are done for the right reasons. Scanlon rejects this view.

Let us focus on the following case: "[Adèle] hates [Bernie] who needs help and would be happy to see him die, but she saves him anyway because she does not want him to die right then, since that would mean that his heir, with whom she is locked in a bitter political contest, would have more money to spend on his campaign."¹⁷ Would it be impermissible for Adèle to save Bernie? Hardly. You may even think she is morally required to save him. But why not think: she is required to save him for the *right* reason?

Scanlon offers the following argument against this suggestion. The answer to the question 'is it permissible?' guides the agent's choice. 'Permissible' applies only to options that an agent can choose – otherwise they are neither permissible nor impermissible. But Adèle cannot choose to save Bernie for the right reasons, because she cannot choose her reasons. Thus if the only permissible option were rescuing Bernie for the right reason, this would be an option which Adèle cannot choose. But there must be a permissible action that Adèle can choose.

¹⁴ As Hanser (2005) sees it, Thomson's argument is question-begging: While she is right that intentions determine fault, and fault does not track permissibility, intentions could *also* be directly relevant to the permissibility of actions.

¹⁵ For a more comprehensive discussion of this argument see Hanser (2005), 458-64.

¹⁶ Enoch (2007) develops a version of Thomson's argument which he calls 'the appropriate question test'.

¹⁷ Scanlon (2008), p. 57

Scanlon contends that it is permissible for her to rescue Bernie, even if she does it for a very bad reason. Her reason for doing so does not affect the action's permissibility. He writes:

“This conclusion about choice and reasons explains why it is odd to say, in the case of the person who thinks that *the only good reason* to save a person is the advantage to her of that person's staying alive, that the only permissible course of action for her is to save the person for the right reason. Saying this is odd because it presupposes that it is open to her to choose to act out of concern for the person's well-being. It is open to her to choose whether to save the person or not, but not open to her to choose to see a certain consideration as a reason for doing so.” (p. 61; my emphasis, UH)

The argument rests on the assumption that an option that an agent cannot choose is neither permissible nor impermissible for her. Answers to questions about permissibility must be at least potentially action-guiding. An option that an agent cannot choose is just not one of the options to be considered when deciding what to do.¹⁸

- (1) 'Permissible' applies only to the actions an agent can choose.
- (2) An agent cannot choose her reasons.
- (3) So, an agent cannot choose to- ϕ -for-R.
- (4) Therefore, 'permissible' does not apply to options of the form: to- ϕ -for-R.
- (5) An agent can choose to ϕ or not to ϕ .
- (6) 'Permissible' only applies to options of the form: to ϕ .¹⁹

(1) is a claim about the meaning of 'permissibility' that I will simply assume to be correct for the sake of the argument. (I will, however, come back to some ambiguities in (1) below.) (2) seems innocent enough in one interpretation: if Adèle doesn't believe that there is a reason to rescue Bernie out of concern for his well-being, then she cannot choose to believe that there is such a reason.²⁰ This is simply an instance of the more general, plausible claim that we cannot choose what to believe, i.e. it may be based on a rejection of doxastic voluntarism. I take it that this is what Scanlon has in mind: quite in general, no one can simply choose to believe that there is a reason R to ϕ .

But, on this interpretation of (2), (3) is problematic. Why can Adèle not choose to- ϕ -for-R? Isn't that exactly what she does: she chooses to rescue Bernie for the reason that doing so is, at this time, advantageous to her? (2) does not support

¹⁸ Scanlon contrast the 'ought' of [im]permissibility with Thomson's 'objective ought' which is based solely on the relevant facts with no consideration whether an agent could know about or be guided by them.

¹⁹ For a somewhat different analysis (and criticism) of Scanlon's argument see Kolodny (2011), and Lillehammer (2010).

²⁰ It may seem extraordinary that Adèle does not believe that there is a reason to rescue Bernie to save his life. Lacking knowledge of a common reason of this kind may show the agent to be a psychopath.

(3) if (3) is meant to exclude that Adèle chooses to rescue Bernie for her self-interested reason. If the point is that Adèle cannot rescue Bernie for the reason that doing so will save his life, since she does not believe that there is such a reason, the claim is true, but of limited relevance. Scanlon's opponents – those who defend DDE, for instance – do not maintain that agents should act for reasons they don't believe they have. The claim is, rather, that they should act for certain reasons that they believe to have, and not for others that they also believe to have.²¹ Since Scanlon takes his argument to show that we should reject DDE (and other principles that make permissibility depend on intentions) he has to show that this kind of choice is impossible too.

Here is how the argument might go: When Adèle chooses to rescue Bernie for the reason she believes to have (that it would be advantageous for her to do so), she only chooses to ϕ - she does not choose [to- ϕ -for-R]. Of course she chooses to ϕ for R (that is: R explains her decision), but she does not choose the reason for which she acts. And, as (3) tells us, she cannot do that. If this is how we should read (3), then it does not follow from (2) (on the interpretation of (2) that I suggested above). We need to interpret (2) quite differently to get to (3):

(7) If an agent believes she has a reason R_1 and a reason R_2 to ϕ , then she cannot choose to ϕ for R_1 alone.²²

That is: even if less-wicked Adèle believed that there is not only reason R_1 (to rescue Bernie because it is advantageous to her), but also reason R_2 (to rescue Bernie to save his life) she could not rescue Bernie just for R_2 (the right reason), but any of the reasons she believes to have will be a reason for which she acts. It does not matter that Adèle sees only one reason for acting as she does – it is not because of that that she cannot choose her reason (and therefore cannot choose to act for the right reason). It is because of the general claim expressed in (7) that agents cannot choose to act for one reason rather than another when they consider ϕ -ing, and believe that both reasons count in favour of it. It is not, as it were, that you could survey the reasons you believe you have for a particular action, and then choose one of them as the one for which you act.

²¹ I'm not sure whether this really is what the proponent of DDE thinks, since the view is normally not stated in terms of the reasons that the agent believes she has. Does an agent who follows DDE acknowledge, in DRUG/TRANSPLANT, that there is a reason for procuring organ transplants, as well as an instrumental reason for letting the one die because it is a means to procuring transplants, but maintains that these are reasons the agent mustn't act for, and they mustn't determine her intention? Or does she deny that there are those reasons – which, in turn, may explain why an intention formed on the basis of these considerations would be objectionable: it would be an intention formed for no reason? Since the latter would be a very odd way of explaining what is wrong with the impermissible action (is it impermissible to act for no reason at all?), I take it that the DDE proponent affirms the former – but I am not very confident about this.

²² Scanlon explicitly endorses something like this: "when one sees several considerations as counting in favor of the same action, one cannot choose to act on one of them rather than another... there is no such thing as choosing, or 'singling out,' one of them as *the* reason that one is acting on." (2008: 60).

We can now complete an argument that Scanlon may have had in mind.²³ (7) supports

- (8) For any agent whose beliefs about her reasons are partly mistaken: she cannot choose to act for the right reasons.

And from (1), (7), and (8) we get:

- (9) It is false that an action is permissible only if done for the right reasons.

(7), if true, might indeed undermine DDE. The proponent of DDE may have to assume that agents can choose to act for some reasons they believe to have but not for others. Take Drug/Transplant again: the agent believes that one reason for withholding the drug is that it is necessary for saving the lives of the five. Another reason to withhold it is that if you do so, the five who need organs can also be saved. Now perhaps, the defender of DDE would want to deny that withholding the drug to save the five who need organs is a reason for doing so (cf. fn 21). But we only need an agent who falsely believes that there is such a reason: such an agent couldn't choose to act for the right reason if (7) is true, and since an action is permissible only if the agent can choose it, it can't be impermissible for our partly mistaken agent to act for the wrong reason.

But should we accept (7)? (7) may rest on the assumption that 'acting for a reason' is a causal notion. The reasons for which a person acts are those of the reasons she believes to have that are causally efficacious. But whether a reason is causally efficacious is not a matter of choice. Causes can't be turned on and off like water taps.

Nonetheless, (7) does not seem very plausible to me. It often appears as though we can choose to act for certain reasons, and not for others. I could promise you, e.g., not to act for some reason R – and I think that it is within my power to keep this kind of promise. Thus if R is a reason to ϕ , and I know that, and I ϕ , it may still be true that I didn't ϕ for R. Imagine I promise you that I will not abandon my work for your charity for the reason that I can make more money elsewhere. Let's assume that I believe both that I can make more money elsewhere, and that I have a reason to earn more money. When I stop working for your charity, isn't it nonetheless at least conceivable that I didn't stop because of the money, but for quite a different reason: because I found that the charity's work is really inefficient and doesn't benefit those whom it is meant to help (say)? But for it to be even possible that I kept my promise in this case, (7) has to be false. I'm not denying that we are prone to self-deception in cases of

²³ While (7) is presumably the relevant interpretation of (2), (3) doesn't follow from it either. After all, (7) only applies to cases in which an agent sees more than one reason for acting in a certain way. (3) would apply to cases where the agent believes to have only one reason. Might it be possible that she can decide to-act-for-that-reason? I am doubtful that it makes sense to speak of choosing to ϕ when there is no alternative. But I don't think that settling this is relevant to Scanlon's argument, and I will therefore not pursue (3) any further. Thanks to Matthew Hanser for pressing me on this point.

this kind. I'm only denying that it is conceptually impossible that I could have kept my promise.²⁴

But if (7) is false, then a proponent of DDE needn't worry about Scanlon's argument, because it might then be possible for an agent who believes that she has several reasons to ϕ , to choose to- ϕ -for-one-particular-reason. And if the right reason is among the reasons she believes to have, then she can also choose to- ϕ -for-the-right-reason. Thus, if (7) is false, so are (8) and (9).

But we are still stuck with Adèle: she believes that she has only reason R_1 for rescuing Bernie. So even with (7) gone, *she* can't act for the right reason since the only reason she believes she has isn't the right one. But can she not at least choose to-rescue-Bernie-but-not-for-the-wrong-reason? This may be irrational: choosing to act for no reason. But it would still be enough to provide her with a choice to not act for the wrong reason. But this is impossible too as Scanlon sees it, because he endorses a further premise:

(10) An agent cannot choose to act for no reason.²⁵

Should we accept (10)? I think, we should – at least in one sense. While agents can probably *act* for no reasons, they cannot *choose* to do so. It's not just that we make choices for reasons – this may generally be true, but perhaps we can 'just choose', for no reason, to buy this particular can of tomato soup (say), rather, rather than its brother to the right. But the relevant choice for our purpose is not the choice (for no reason) to act in a certain way – but a different kind of choice: the choice to- ϕ -for-no-reason. If the question is about choosing reasons, and not about choosing actions, then Adèle cannot choose to act for no reason. Choosing "no-reason" as one's reason is perhaps not something that an agent can do.²⁶ If (10) is true, then Adèle cannot even choose not to act for the wrong reason (granted anyway, that she cannot choose to act for the right reason).

Hence, she cannot choose to- ϕ -for- R , because there is only one reason that she believes she has for ϕ -ing,²⁷ and even with the crucial premise (7) gone (but the quite plausible (10) added) there is no choice of reasons open to her. So we get

(11) For any agent whose beliefs about her reasons are thoroughly mistaken: she cannot choose not to act for the wrong reasons (understood as a choice of reasons, not of actions).

²⁴ For a different criticism of (7), see Walen (unpublished).

²⁵ "One can adopt an end only if one sees some consideration as counting in favour of it..." (Scanlon 2008: 59f).

²⁶ It is not clear to me, however, that a proponent of DDE would need to make a case for (10) in this interpretation. It may be sufficient for her purposes that Adèle can choose to rescue Bernie for no reason (i.e. there is no reason for her choice), even if she cannot choose 'no reason' as her reason.

²⁷ I simply assume here that choice requires options. Cf. fn. 24.

However, as Scanlon rightly notes, even Adèle can choose to ϕ or not to ϕ - i.e. (5) is true of her. Her only rational choice is of course to act for the only reason bearing on the situation that she believes she has. But she could make an irrational choice: that is, she can't choose to ϕ for a different reason, but she can choose not to ϕ . Thus, as far as Adèle goes, Scanlon is right (even if we abandon (7)): she can choose to act or not to act, but she cannot choose-to-act-for-a-reason, let alone for the right reason.

Does Adèle's case pose an insurmountable problem for the view that (some) actions may be permissible only if done for the right reasons? Is it sufficient to show that the reasons for which an agent acts are irrelevant to permissibility?

This question brings us back to (1): the concept of permissibility, and one further claim which seems to be implicit in Scanlon's discussion; something like:

(12) Every agent at any time has at least one permissible option.

So we get:

(13) It is not true that Adèle's action is permissible only if not done for the wrong reasons.

If we reject (1), the argument breaks down anyway – but it also breaks down if we reject (12). Perhaps for Adèle, and those like her, who are thoroughly misguided, there is no permissible option that they can choose without acquiring different beliefs. This is, at any rate, what opponents of IIP may want to say in reply to Scanlon's argument.

There is a related problem with (1), which concerns the interpretation of 'can'. (1) helps Scanlon's argument only if we understand 'can choose' as 'can choose, given her current beliefs'. But it is far from obvious that this is the right way to understand (1). Of course an agent can choose to act for a reason only once she is aware of it. But 'not being aware' is not enough for 'cannot'.

I conclude that Scanlon's argument does not, in the end, help IIP. So thus far we lack a convincing argument for IIP. In the remainder of the paper I will consider objections to IIP.

4. Counterexamples to IIP? - Actions which have intentions as constitutive parts

Some philosophers think that actions which have intentions as constitutive parts (e.g. murder, forgery, wrongful attempts) are clear counterexamples to IIP.²⁸

I will focus on wrongful attempts. What it is that a person attempts when she tries to do something, but fails, depends on her intention: someone fires a gun, but the bullet doesn't hit anyone or anything. If she fired because she intended to kill a person, the action may have been attempted murder. Attempted murder is wrong; firing a gun with a different intention may not be wrong. Is that

²⁸ The examples are Husak's (2009).

enough to show that the permissibility of attempts depends on intentions? Is the action wrong, because – while the agent didn't cause any harm – had things worked out as she planned, she would have murdered a person?

Imagine someone intends to kill another by sticking needles into a voodoo doll which represents the intended victim. This too may be attempted murder. After all, had things been as the agent believed them to be, and had they worked out as she intended, she would have murdered someone. But in this case, it is much less obvious that the action is wrong. If it isn't, then attempted murder isn't wrong simply *qua* attempted murder. One difference between the two attempts is that in firing a gun the agent endangered other people, but not by sticking pins into a doll. Thus, perhaps, attempts are wrong only if what the person actually does creates a risk and endangers others.

Husak²⁹ objects that we wouldn't 'label' some (perhaps unintentional) endangering of another person 'attempted murder'. And that is of course right. An action isn't attempted murder unless the agent intends to kill someone. We cannot identify what an agent attempts without referring to the intention. But when a person attempts, but fails, to do something, there is always something else that she does. We are asking whether what she does is wrong – not whether what she failed to do would have been. Firing the gun may be wrong because you endangered others, but in that regard it is not different from firing a gun accidentally. That too endangers others.

Is attempted murder worse than the accidental firing of a gun? If so, the endangering of others cannot explain why that is. So again: we need the intention to explain the difference. But even if the one is worse than the other, both are impermissible. Hence the intention, which marks the difference, is not needed to explain (im)permissibility. This is true if the impermissibility of the endangerment simply depends on the risk of harming that the action creates. The intention may explain the *gravity* of the wrongdoing. Why would intention make this kind of a difference if it doesn't affect permissibility? The answer may be the one that Thomson and Scanlon offer: the gravity of a wrongdoing concerns how blameworthy the agent is – and that does depend on the reasons for which she acts, as well as her intentions, and the availability of excuses. In this way, the proponent of IIP may well be able to explain why and when attempts are wrong.

In general, even if the intention is a constitutive part of an action, it doesn't follow that the intention explains the action's wrongness (when it is wrong). It may be other features of the action that do. Thus I take it that the observation that certain actions have intentions as constitutive parts does not, by itself, provide an objection to IIP.

5. Objections to IIP

Let me raise two objections to IIP that seem more powerful to me.

²⁹ Husak (2009).

5.1. The 'meaning' of actions

Scanlon explores a dimension of the moral assessment of actions (not just of persons) under the heading 'the meaning of actions.' Take Adèle's case again: the reason for which she rescues Bernie gives her action a certain meaning (for Bernie, but potentially for others).

The meaning of an action is what the action indicates about the agent's attitudes to others and her relationship to them. It can vary without change in the permissibility of the action.³⁰ But isn't it at least possible that an action could be impermissible in virtue of its meaning, and therefore – since the meaning depends on the reasons for which the acts – in virtue of those reasons?

Take friendship as an example: You are (I believe) my friend, and I am ill. You come to visit me. But you don't come to visit me, because you want to cheer me up or help me, but because you have, unbeknownst to me, accepted a bet that you will win if you visit me. If I find out that this is your reason for visiting me, I may be outraged, and take our friendship to be over. I may also think that what you did was wrong.

Extrapolating from Scanlon's response to what he calls 'expression- and expectation-cases'³¹ his analysis of the case might be the following: when I learn about your reasons, the meaning of our relationship changes: I find out that you are not a true friend, and I downgrade our relationship as a result. But was your action wrong? Perhaps. After all, you misled me to consent to your visit, knowing that I would do so only because I would misinterpret your intentions. Your intentions are derivatively relevant, because the misleading (which makes the action wrong) is done by allowing me to be mistaken about your intentions. The basic wrong is 'misleading' – the relevance of intentions to doing so is an incidental feature of the example.

Something seems to be missing here: The meaning-side of the evaluation and the deontic judgment may not be as unrelated as the analysis suggests. As Scanlon sees it, I believed that you were my friend, but then I discover that I was mistaken. The subsequent downgrading of our relationship is an adjustment to reality. But there is a different way of understanding what happens: perhaps you are my friend (I am not mistaken), but you act wrongly as a friend – and not only in misleading me (which would be wrong even if I were a stranger) but in failing to act like a friend. This very possibility seems to be excluded from Scanlon's analysis. For this kind of complaint, the reasons for which you acted are directly relevant. As a friend you ought to have acted for certain reasons but not for others. This can be a failure within a friendship, rather than failure of friendship.

Scanlon has to deny that, as a friend, you *ought to* have acted differently (i.e. for different reasons). The view is, instead, that as a friend, you *would* act for certain reasons, but not others – otherwise you aren't a friend. This flies in the

³⁰ Scanlon 2008: 52ff.

³¹ Ibid., 39ff.

face of the quite common understanding of friendship as being in part constituted by obligations to one another – at least if those are obligations (not) to act for certain reasons: if they involve RAWCIs.

5.2. Exclusionary reasons

Above I suggested that an intention can be relevant to the wrongness of an action if there is a reason [not] to φ with the intention, a RAWCI. If such a reason is conclusive because it defeats other reasons for or against φ -ing, then it would determine the action's rightness/wrongness: The action would be wrong if (or unless) done for a certain reason.

It seems that there is no argument for the impossibility of such reasons, and the friendship case may even suffice to show that they exist.

There is further class of reasons which requires that agents act [not] for certain reasons (or with certain intentions): 'exclusionary reasons'. Joseph Raz introduced the term to explain the nature of authority, the reasons we have to follow orders, legal reasons, and reasons from obligations and duties.³²

Sometimes, so the idea, an action is wrong if done for certain reasons, but may be acceptable if done for others. This is so when there is an exclusionary reason – a second-order reason – against acting for certain reasons. The excluded reasons are excluded only as reasons for which to perform the action – the same action, when done for other reasons, may well be permissible.

Take a rather mundane example: You have a reason to give your child the best education available, but you also have a reason to take the costs to yourself into account. However, you promised the child's mother not to act for reasons to do with your own convenience when deciding which school to send the child to. (Let's imagine you are a single parent and in charge of these decisions.) The reason to keep your promise is an exclusionary reason: it is a second order reason, a reason not to act for certain reasons. Thus it is not a reason for or against sending the child to a particular school. It doesn't conflict with the first order reasons for or against particular schools directly allowing you to send your child to any school as long as you don't do it for a particular reason. It may turn out that an inexpensive neighborhood school is the best school available. If you send your child to that school because it is the best, you comply with the exclusionary reason, even though it is also convenient for you to send her there.

Reasons of this kind bring back the structure I started with: the idea that the reasons for which we act can be relevant to an action's rightness or wrongness if there is a reason for (not) acting with a certain intention, or for certain reasons. Exclusionary reasons exhibit precisely this structure. And if there are such reasons, then the reasons for which we act can determine the rightness and wrongness of actions. Thus, some exclusionary reasons provide counterexamples to IIP.

³² Raz (1990/1999).

Since we need only one counterexample for IIP to be false, I conclude that IIP is false. But is the principle nonetheless broadly on the right track, since actions whose wrongness or rightness depends on intentions are only few and far between? I see no reason to think so. We still lack a comprehensive answer to the question how intentions are relevant to the rightness and wrongness of actions.³³

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³³ I presented earlier versions of this paper at a workshop on Legal Normativity and the Philosophy of Practical Reasons at the World Congress of Philosophy of Law in Frankfurt, a conference on Practical and Theoretical Rationality at the Institute of Advanced Studies at the Hebrew University in Jerusalem, and at the Moral Philosophy Seminar in Oxford. I would like to thank all these audiences for very helpful discussions, questions and comments. I'm particularly grateful to David Enoch, Matthew Hanser, George Pavlakos, Veronica Rodriguez-Blanco, and Fiona Woollard for their thoughtful and probing written comments.

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