

**EXPLOITATION IN PERSONAL RELATIONSHIPS:
FROM CONSENTING TO CARING**

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By

Tea Logar

Washington, DC

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PREVIEW

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Tea Logar

Thesis Advisor: Margaret Olivia Little, Ph.D.

ABSTRACT

While exploitation is a widely used notion in moral and political philosophy, it is becoming increasingly apparent that a fully adequate account of the concept has yet to be provided. The theories proposed so far generally fail to account for a large scope of exploitative interactions and relationships, especially those contained within more personal and intimate contexts.

The objective of this dissertation is to analyze some of the most prevalent theories of the general notion of exploitation (especially the consent-based and vulnerability-based accounts), and to show why they fail to account for full range of exploitation among intimates. My central argument is that exploitation often consists in use of another person that is made wrongful neither by the exploitee's characteristics and circumstances, nor by the exploiter's mere acts, but rather by the nature of the exploiter's mental states, such as her motives, dispositions, attitudes, feelings, intentions, and so on. In the end, I propose that, especially within genuinely intimate relationships, the exploiter's failure to properly care about the exploitee can be particularly relevant to an adequate explanation of what makes the exploiter's actions in fact exploitative.

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Chapter 1

INTRODUCTION

As widely used as the notion of exploitation is, philosophers have yet to provide a fully adequate account of the concept. Some of the analyses proposed so far (especially those defended by Marx and his followers, as well as more recent theories proposed by Robert Goodin, Allen Wood, Alan Wertheimer, Ruth Sample and some others) have certainly been instructive and insightful – yet, they all fail to account for the full range of exploitative interactions and relationships. When we turn to the more subtle forms of exploitation that go beyond mere transactions among relative strangers, we open up the possibility of a more apt analysis of the concept.

* * *

The accusation that one person has exploited another is a common one. Charges of exploitation are frequently applied with regard to specific actions, interactions, and transactions among individuals, as well as to broader practices, relationships, and even

entire markets, economies, and governments. A few examples from news stories and editorials show just how widely the concept is applied:

There are two compelling reasons to object to the sale of organs, whether from living donors or the families of patients who have recently died. The first one is exploitation, that is, when one person takes advantage of the misfortune of another for his or her own benefit.¹

For well over a century, socialists, progressives, and even many Christians have railed against the capitalist exploitation of workers. They denounce capitalists—whether the Carnegies and Fricks of yesteryear or the Nikes of today—for paying low wages for hard work.²

The Sinn Fein leader Gerry Adams has insisted that the family of murdered Belfast man, Robert McCartney, is being exploited for political gain. "Let there be no doubt that factions of the media, as well as political opponents of Sinn Fein, have very opportunistically exploited this man's killing," he told reporters.³

There are sound reasons why our common and statutory law universally prohibits legally binding termination of future parental rights of a pregnant woman before the child is born. To say that the nongenetic gestational mother can never have future parental rights is an open invitation to exploitation of poor women as baby factories.⁴

¹ "ISO Healthy Kidney; Top Dollar Paid" by Dr. Jeffrey P. Kahn
<http://archives.cnn.com/2001/HEALTH/05/29/ethics.matters/index.html>

² "In Praise of Capitalist Exploitation" by Dr. Mark W. Hendrickson
<http://frontpagemagazine.com/Articles/Read.aspx?GUID=17DC6E95-10A1-4533-A495-0D6D23931BE>

³ "Family being exploited for political gain, warns Adams"
<http://www.independent.co.uk/news/world/americas/family-being-exploited-for-political-gain-warns-adams-528967.html>

⁴ "Women Nowadays Take Pregnancy in Stride; Surrogate Exploitation"
<http://www.nytimes.com/1990/11/22/opinion/1-women-nowadays-take-pregnancy-in-stride-surrogate-exploitation-297890.html>

Anyone who promotes the misrepresentation that there is a religious-based cure for HIV is involved in an obscene exploitation of people's vulnerability.⁵

Foreign strippers face exploitation as sex workers in dingy strip joints and clubs that exploit them and put them into prostitution.⁶

Examples such as these reveal that the notion of exploitation is in fact quite common and has substantive and diverse areas of application – yet, its meaning is not always clear. Sometimes the term is applied exclusively to unfair financial transactions, and certain authors further restrict exploitative transactions to only those that are demonstrably harmful to the victim. Many others will not regard a transaction exploitative unless the exploitee's involvement is involuntary or somehow coerced. On the other end of the spectrum, we find those who apply the concept quite liberally and use it as almost synonymous with any kind of wrongful treatment or abuse.

The objective of this dissertation is to take a closer look at some of the most notable accounts of exploitation, to present these approaches with critical analyses, and to show how, and why, they mostly fail to account for certain instances of exploitation, especially those in personal and intimate relationships. I will propose that many instances and kinds of exploitation can only be properly analyzed by taking into account

⁵ “Televangelist criticised by Guyana's Health Minister for claimed HIV/AIDS cure” <http://www.caribbeannetnews.com/cgi-script/csArticles/articles/000039/003989.htm>

⁶ “Sgrowing pains,” by Larry Zolf
http://www.cbc.ca/news/viewpoint/vp_zolf/20041206.html

some of the exploiter's relevant mental states, such as her motives, attitudes, and dispositions.

1.1 Beyond Unfair Distribution

Following the Marxist critique of wage labor in capitalism,⁷ the concept of exploitation in philosophy has been traditionally interpreted as a primarily economic notion that is firmly tied to unfair distribution of benefits and burdens. Yet, it cannot be denied that people are often exploited in personal relationships in ways that are independent of their social class position or the society's broader economic structure. Exploitation among intimates is often unconnected to their objective lack of better alternatives and doesn't necessarily involve any financial dealings: in personal relationships we can exploit others' generosity, gullibility, fear, affections, and so on, in order to get them to do things that promote our interests, aims, and goals. Owners of the means of production who take advantage of their workers' lack of options are therefore far from being the

⁷ According to Marxist theory of exploitation, workers in modern capitalist societies are exploited by their employers (owners of the means of production, i.e., capitalists) because of the unfair distribution of social surplus (profits) among them: the employers receive far more than their fair share (calculated proportionally to their contribution), while laborers receive far less. This arrangement is made possible by the laborers' lack of alternative options: while they can to some extent choose who they will work for, they cannot choose not to work for a capitalist, because this form of labor is their only means of survival.

only group that has the means and incentive to exploit others; friends, relatives, spouses, and lovers exploit each other as well, and in ways that often have nothing to do with maldistribution of burdens and benefits, nor with any other kind of disparity of value, be it financial or not.

It is remarkable that, with the notable exception of Marxism, philosophers seem to have neglected an in-depth analysis of the concept until relatively recently; after all, the Marxist approach to exploitation, while useful for criticism of certain social and economic arrangements, is undoubtedly too narrow to be able to cover many different instances and types of exploitation that occur in personal relationships. Lately, some authors have picked up on this lack of interest in the phenomenon and have offered various accounts of exploitation, most of which attempt to establish the features that they consider necessary conditions of exploitation, such as invalid consent, coercion, harm, exploitee's acute vulnerability, etc. However, while not Marxist in spirit, these accounts still often rely heavily on the notions of fairness and justice in their analyses, despite their attempts to broaden the approach to exploitation so as to encompass as many exploitative interactions and relationships as possible.

Alan Wertheimer, who in his book *Exploitation* presents undoubtedly the most comprehensive contemporary analysis of exploitation, is careful to note that his approach is not necessarily meant to cover instances of (non-financial) exploitation in

personal relationships.⁸ While he attempts for his theory to encompass not merely economic exploitation of laborers, but also, for example, alleged exploitation of student athletes or commercial surrogates, his conception of exploitation is still market-based and relies fundamentally on the notion of fairness: Wertheimer understands an exploitative transaction as “one in which A takes unfair advantage of B,”⁹ and correspondingly argues that “it is clear that the terms or substance of a transaction must be unfair if it is to be exploitative.”¹⁰

More specifically, Wertheimer argues that whether a transaction is unfair depends on a price that would be generated by a hypothetical market: the “fair market value” is a counterfactual concept that “represents the price that an informed and unpressured seller would receive from an informed and unpressured buyer if [the object of the transaction] were sold on the market.”¹¹ Accordingly, exploitation (i.e., taking unfair advantage of someone) consists in “paying a non-standard price” for something – an analysis which, as Wertheimer readily admits, cannot be meaningfully applied to many exploitative interactions within personal and intimate relationships, despite the fact that the term “price” is supposed to encompass more than mere monetary value.

⁸ Alan Wertheimer, *Exploitation* (Princeton: Princeton University Press, 1996).

⁹ *Ibid.*, p. 207.

¹⁰ *Ibid.*

¹¹ *Ibid.*, p. 230.

Wertheimer remarks that it is quite possible that “the best principle of fair division varies according to the context”¹² in the sense that different types of contexts and relationships may generate different moral baselines which in turn determine what’s fair in a particular transaction or relationship. Wertheimer in fact grants that “[t]here is no reason to think that there is a unique principle for fair transactions”¹³ – a comment which reveals that his theory of exploitation is not in fact meant to cover *all* instances and types of exploitative interactions, especially those which, like intimate relationships, cannot be plausibly couched in terms of “fair market value.”

Other authors, however, are more ambitious in their theories of exploitation: Robert Goodin and Ruth Sample, who both argue that their vulnerability-based analyses of exploitation are supposed to encompass *all* instances of exploitation, including those that occur within intimate relationships, present us with approaches to exploitation that nevertheless rely on the notion of unfairness. Goodin, for example, who explicitly states that the ‘economic’ understanding of exploitation is too restricted since “[I]overs can exploit one another just as surely as can economic classes,”¹⁴ still argues that the notion of unfairness (or of “taking unfair advantage”) is “built into the concept of exploiting a

¹² Ibid., p. 236

¹³ Ibid.

¹⁴ Robert Goodin, “Exploiting a Situation and Exploiting a Person,” in *Modern Theories of Exploitation*, edited by Andrew Reeve (London: Sage, 1987), 166-200; p. 167.

person.”¹⁵ And even Ruth Sample, who bases her understanding of exploitation on the notions of degradation and substantive vulnerabilities, claims that exploitation is a “kind of injustice” that can be “usefully understood in terms of social contract theory”¹⁶ As I will soon show, it seems that a few characteristic examples of exploitation in personal and intimate relationships can easily demonstrate how analyzing the concept of exploitation as essentially tied to unfairness or injustice cannot successfully account for our commonsense intuitions about exploitation.

In fact, I find that none of the proposed theories or definitions of exploitation, be they fairness-based or not, fully correspond to our intuitions and pretheoretical notions of the concept; some fail because they don’t seriously consider the kind of exploitation that occurs in personal, especially intimate, relationships, while some others that do acknowledge this kind of exploitation, still fail to recognize that issues of consent, justice, fairness, and even substantive vulnerabilities cannot properly explain what makes some personal interactions and relationships exploitative. Many instances of exploitation in such contexts are often consensual, mutually advantageous, don’t concern financial means or material goods, and may not even involve exploiting another’s genuine vulnerabilities or needs: contented and well-off individuals can

¹⁵ Ibid.

¹⁶ Ruth Sample, *Exploitation: What It Is and Why It’s Wrong* (Lanham, MD: Rowman & Littlefield, 2003); pp. xi and xiii.

become victims of exploitation just as obviously as can those who are made vulnerable because some of their needs are not fulfilled; it seems that exploitation in such cases may not be tied to any kind of unfairness, but can rather be wrongful for other reasons. Below are a few examples of exploitation that I believe cannot be analyzed through any of the proposed accounts:

1. “Marriage”

Peter is in love with Sarah and wishes to marry her. Peter knows that, while Sarah wants to marry him as well, this is not because she would care about him, but rather because Peter is rich, and Sarah will benefit financially if they get married. Peter loves Sarah very deeply, and concludes, after a lot of thought, that it is worth it – he decides to marry her nevertheless.

2. “Girlfriend”

Matt and Carrie have been a couple for about a year, and have decided to move in together a few months ago. They have soon discovered, however, that they have fallen out of love for each other, and have decided to break up. But Carrie has given up her old apartment when she moved in with Matt, and has lost her job in the meantime, so now she has nowhere to go but her parents’ house, which is an unwelcome prospect for her. Matt tells Carrie that she can stay with him free of charge if she continues to have sex with him. Because her relationship with her parents is strained, Carrie reluctantly accepts Matt’s proposal.

3. “Uncle”

John’s uncle has promised his sister – John’s mother – on her deathbed to make sure John never ends up on the street. John has now graduated from college, but does not have a job or a place to stay. His uncle offers John to move in with him. John takes the opportunity, and doesn’t seem to be looking for a job any longer. Despite feeling

used, John's uncle feels that it is his moral duty to keep his promise, as well as to make sure none of his relatives end up on the street; he therefore keeps financially supporting John.

4. "Neighbor"

Mildred's neighbor, Monica, has a five year old son who occasionally needs to be looked after. Monica knows that Mildred is too kind, generous, and willing to help to ever refuse to baby-sit. Monica often calls Mildred at the last minute and asks her to look after her son, while she never offers any favors in return.¹⁷

1.2 Exploitative or Not?

Although I have a strong intuition that the above cases involve some sort of exploitation, I have found that not all of them immediately strike a chord with everyone: some consider some of the cases obviously exploitative, but judge other examples not to be instances of exploitation, despite being morally wrong for other reasons; still others argue that some, or even all, of these examples are not morally problematic in any way whatsoever.

Sometimes, the disagreements (i.e., conflicting intuitions about whether an interaction or a relationship involves exploitation) stem from the fact that there is a prior disagreement about the uses of relevant terms; this kind of disagreement does not

¹⁷ Based on the motion picture *Unhook the Stars* (1996), directed by Nick Cassavetes, starring Gena Rowlands as *Mildred* and Marisa Tomei as *Monica*.

necessarily concern the moral status of interactions under scrutiny. Those who accept the market-based approach to exploitation, for example, will lack the intuition that marrying someone for their money is an instance of exploitation, although they may not deny that doing so is morally wrong. On the other hand, some will interpret the meaning of exploitation as a non-moral notion: Joel Feinberg notes that “[t]o exploit something, in the most general sense, is simply to put it to use, not waste it, take advantage of it,”¹⁸ and Justin Schwartz also believes that the term can be used in a morally neutral sense: “to exploit something [...] means to use it for a purpose.”¹⁹ Those who defend this conception of the term exploitation will likely argue that marrying someone out of love and marrying someone for their money are both instances of “exploitation,” but will add that only the latter is morally wrong.

Such linguistic disagreements can be easily overcome by making sure that we define the relevant concepts in a clear and uniform way. Throughout this text, I will be using “exploitation” and “wrongful use” as synonymous and, as such, interchangeable. This implies that saying that an interaction is exploitative is to automatically condemn it as being morally wrong, while to say simply that A is *using* B is saying nothing yet about whether the interaction in question is morally problematic or not. The difference

¹⁸ Joel Feinberg, *Harmless Wrongdoing: The Moral Limits of the Criminal Law* (New York: Oxford University Press, 1990); p. 177.

¹⁹ Justin Schwartz, "What's Wrong with Exploitation?" in *Nous* 29, no. 2 (1995): 158-188; p. 176.

between “use” and “wrongful use” can then be understood as roughly corresponding to Kant’s distinction between “using as a means” on one hand and “using as a *mere* means” on the other, with the caveat that Kant seems to count *all* wrongful treatment of people under the title of treatment as a mere means, while I will understand wrongful *use* (i.e., exploitation) as a *subset* of wrongful treatment, and thus as different from some other types of wrongful treatment (such as neglect, oppression, discrimination, etc.) in that only the former involves *use* of a person as a tool or an instrument in order to achieve some other purpose.

It needs to be noted also that some authors perceive the concept of use, and therefore of exploitation, as strongly tied to “the benefit condition.” This is the view that using another person, whether it is in fact wrongful or not, necessarily involves some sort of benefit or gain on part of the user; according to this view, it is an analytical truth that you cannot use someone without benefitting from the process. It seems to me, however, that this view is implausible: it can be easily shown that, in order to use another person, the exploiter’s purpose doesn’t have to include any sort of benefit or advancement of her own interests. First of all, it is rather clear that we can exploit people in order to benefit someone else, rather than ourselves: an employer can exploit her workers so that she can use the profits as payment for her children’s college education, or in order to cover her friend’s health costs. Further, we can even choose to use the profits to benefit people other than those who are close to us and whom we care

about: Feinberg observes, for example, that “A may exploit B for a great ‘gain’ all of which he then gives to charity.”²⁰

However, one might still argue, as Feinberg in fact does, that cases like these don’t automatically undermine the view that exploitation necessarily involves some sort of benefit to the exploiter: in order to preserve some version of the benefit condition, Feinberg proposes that we should broaden the notion of gain or benefit so that it includes “fulfillment of one’s aims, purposes, or desires, including altruistic and conscientious ones,”²¹ while Wertheimer offers a similar suggestion that “we need a more protean conception of what counts as a benefit to A, one that includes A’s purposes, goals, and values.”²²

Although I don’t think that benefit condition of exploitation (especially when benefits are understood in such broad manner) is of crucial importance, I would like to voice my agreement with Stephen Wilkinson’s criticism of this approach.²³ He argues that, not only is the use of the term “to benefit” highly counterintuitive when applied to Feinberg’s example (giving the profits to charity), but it also doesn’t correspond to the

²⁰ Joel Feinberg, *Harm to Others: The Moral Limits of the Criminal Law* (New York: Oxford University Press, 1984); p. 193.

²¹ Ibid.

²² Wertheimer 1996, p. 210.

²³ Stephen Wilkinson, *Bodies for Sale: Ethics and Exploitation in the Human Body Trade* (London: Routledge, 2003); p. 20.

fact that people can exploit others for their own selfish purposes that don't *in fact* benefit them, at least not in an objective sense (using the profits on drugs is a good example). But more importantly, stretching the meaning of "benefit" doesn't really add anything to the condition that wrongful use has to involve some sort of use, if "benefitting" simply stands for "fulfilling one's aims or purposes." After all, whenever we try to use someone, we do it with *some* purpose, and we only succeed in using them when that purpose is fulfilled, regardless of whether it in fact benefits ourselves, someone else, or no one at all. While Feinberg's and Wertheimer's proposals of broadened definition of benefit may work to save the benefit condition, they at the same time render it redundant, if "to use" automatically entails "to benefit" in this broadened sense. As long as we agree that we can use, and thus exploit, others even if we're not thereby trying to promote our own objective interests, I think we can continue to have the same intuitions about what counts as exploitation.

Often, however, disagreements about whether an interaction is exploitative amount to more than mere semantic disputes. Some authors in fact doubt whether a satisfactory account of exploitation can be offered at all, given not just the differences between certain kinds of exploitation (e.g., economic vs. intimate), but also due to the many disagreements between people judging whether particular interactions involve any kind of wrongful treatment at all. John Harris suggests that we have two very different conceptions of exploitation with which we operate regularly: one use of the

concept refers to “the idea of some disparity in the value of an exchange of goods and services,”²⁴ while the other conception refers to wrongful use that doesn’t involve any commercial or financial dimensions, but is rather tied to personal and intimate relations, such as those that involve treating someone as a ‘sex object,’ for example. While some authors argue that a general theory of exploitation (i.e., a theory that encompasses all interactions, arrangements, and relationships that we consider exploitative) is called for,²⁵ others suggest that the various ways of wrongful use are just too different to be able to fit within a single, unified account.

Given such disagreements, as well as the purported elusiveness of crucial concepts, Nancy Davis doubts whether “our commonsense views about using persons can play an important role in philosophical argument, either in the construction or in the criticism of moral theories.”²⁶ She also argues that, as long as we don’t have a substantive account of what exactly people owe each other, we won’t be able to tell which arrangements are exploitative; this observation seems to be voicing Feinberg’s concern that we may not be able to produce a satisfactory account of wrongful use “in

²⁴ John Harris, *The Value of Life: An Introduction to Medical Ethics* (London: Routledge, 1985); p. 120.

²⁵ See, for example, Jonathan Wolff, “Marx and Exploitation,” in *Journal of Ethics* 3 (2), 1999: 105-120.

²⁶ Nancy Davis, “Using Persons and Common Sense,” in *Ethics* 94, no. 3 (April 1984): 387-406; pp. 388-389.

the absence of a complete normative moral theory.”²⁷ I don’t think the situation is that hopeless, however (and neither does Feinberg, to be fair): Rawls’s proposal that we should strive to find balance between our pretheoretical (or commonsensical) judgments on one hand, and general moral principles on the other, seems like a sensible way to approach the subject.²⁸

Despite this, the question persists whether all interactions we consider exploitative should be covered by a single theory: the suggestion that those instances of wrongful use which involve disparity of value are essentially different from those usually present in personal relationships is not that outrageous. For the purpose of this thesis, I will remain agnostic on whether a unified theory of exploitation is possible, given the many different kinds of wrongful use with very specific characteristics that they don’t seem to necessarily share. I will therefore not offer a set of necessary and sufficient conditions of exploitation; my aim is rather to convince the reader that we need to attempt a substantial shift in our perspective if we want to acknowledge different kinds and instances of exploitation that have been overlooked so far: those authors who claim to propose unified theories have so far proven unable to accommodate the type of exploitation that is prevalent in personal relationships. Too

²⁷ Feinberg 1990; p. 20.

²⁸ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999); the account of reflective equilibrium is introduced on p. 18.

much focus has been put on the victim's agency, her characteristics and circumstances (Is she free to choose? Is her consent valid? Is she genuinely vulnerable or in a substantial need?), but not enough on the other party, i.e., the exploiter, and particularly on the latter's mental states, rather than her pure acts.

I also have to note that it is a central feature of my approach that I need to argue in support of the view that has been widely dismissed and rejected in contemporary analytic philosophy: the view that our motives, attitudes, and dispositions can sometimes directly affect the permissibility of our actions. My aim, however, is not to offer a complete list of dispositions and attitudes that entail exploitative behavior in particular cases, but rather to point out that absence of appropriate and required mental states often directly determines whether an interaction or a relationship is exploitative or not. I hope to convince the reader that the shift I propose is necessary for an appropriate analysis of the phenomenon of exploitation. Given that my proposal is rather controversial, this would be a big step already.

1.3 The Structure of the Dissertation

This thesis has two general parts: the first consists of the following two chapters, in which I explore and analyze two popular approaches to the theory of exploitation: the consent-based and the vulnerability-based approach. In chapter 2, I examine a

widespread notion according to which there is no such thing as consensual exploitation. Interestingly, both libertarian and Marxist accounts of exploitation rely heavily on the notion that people are only exploited when their consent to an interaction or a relationship is somehow invalidated. The approaches differ, of course, in their accounts of *what makes* consent invalid: while the first group embraces a relatively narrow view that defines valid consent through absence of any rights-violation, the other offers a much broader (too broad, in my opinion) view where consent can be considered invalid whenever a person lacks “acceptable alternatives” to the proposed interaction. I conclude the chapter by arguing that the so called “consent condition of exploitation,” according to which invalid consent is a necessary condition of exploitation, fails: especially when it comes to personal relationships, there is a large presence of exploitation that can be properly described as consensual.

Chapter 3 deals with vulnerability-based accounts of exploitation proposed by Ruth Sample and Robert Goodin; according to their approaches, we exploit people whenever we take unfair advantage of their vulnerabilities. I examine the two accounts in turn and conclude that these theories of exploitation are not very helpful: Sample’s approach is too narrow, since she defines vulnerabilities in terms of basic needs and thus leaves many instances of exploitation – especially those in personal relationships – unaccounted for. Goodin’s approach, on the other hand, is too vague and doesn’t help explain why it is acceptable to benefit from others’ vulnerabilities in some ways but not

others; in the end, his account proves too narrow as well, for while Goodin begins his analysis by emphasizing that personal relationships can be just as exploitative as economic transactions, his final account doesn't correspond to most cases of exploitation among intimates.

In chapter 4 I present and illustrate my intuition (which I defend more fully in chapter 5) that exploitation in personal relationships may often be due to the exploiter's motives, dispositions, and attitudes, and not merely her actions. I therefore examine some accounts according to which the permissibility of actions never depends on the agent's mental states such as her motives, intentions, subjective reasons, attitudes, and dispositions. I devote most attention to T.M. Scanlon's most recent work, *Moral Dimensions*, in which he deals substantially with the alleged relevance of intentions for action permissibility.²⁹ I argue that some of my examples of exploitation in personal relationships shed doubt on his argument, in which he denies that motives, attitudes, and dispositions can ever directly and fundamentally determine whether a certain action is permissible.

In chapter 5 I develop my disagreement with Scanlon's position further by showing that the view that mental states matter in personal relationships is in fact widely accepted, and that it doesn't affect merely the evaluation of one's character, but

²⁹ T.M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge, MA: Harvard University Press, 2008).