

Maximising, Satisficing and Context*

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I The View

Ethical consequentialists sometimes categorize themselves as maximisers or satisficers. Roughly speaking, maximisers are those who think that only the action(s) with the best consequences are right; all others are wrong (though perhaps wrong to greater or lesser degrees). Satisficers, on the other hand, think that all actions with good enough consequences are right, and that there may be several actions, with consequences of differing values, which have good enough consequences.ⁱ (It need not be assumed that to be good enough a state of affairs has to be good *simpliciter*; the least worst option may count as good enough even if it is not very good at all.) Or at least this conforms to one usage of the term ‘satisficer’ⁱⁱ: there are others (e.g. a view, not about what the right actions are, but about what method of making ethical decisions we should adopt). Unsurprisingly, satisficers disagree about how exactly to spell out what it is for an outcome to be ‘good enough’.

The basic thought that we wish to explore in this paper is that ‘right’ appears to belong to a class of adjectives which can be used in ways which are analogues of the maximiser’s way of using ‘right’, *and also* in ways which are analogues of satisficer’s way of using ‘right’. Both kinds of use, the thought continues, may be perfectly correct. This opens up the possibility of saying that both maximisers and satisficers are correct about *certain* uses of ‘right’, though neither is telling us the *whole* story about ‘right’, as neither accommodates the other uses. Likewise for ‘permissible’ and a number of other deontic expressions.

The view to be discussed is that words like ‘right’ are sensitive to context of utterance in a hitherto unappreciated way. In certain contexts of utterance the word ‘right’ expresses the property which the maximiser thinks ‘right’ always expresses, while in other contexts of utterance that same word expresses the property which the satisficer thinks ‘right’ always expresses. Contexts of utterance, for our purposes, may be

thought of along the lines of Lewis 1979. Context is determined by factors like who is speaking, when, where, to whom, with what intentions; what has been said before; and what presuppositions are being made. We take it as read that context of utterance determines things like who the word ‘I’ refers to (specifically, this is determined by who is speaking), and how tall one must be to fall within the extension of ‘tall’ (this is determined by factors like whether the speaker has just been talking about basketball players or about jockeys). In this paper we are considering the view that contextual factors such as these affect the extension of ‘right’, such that on some occasions of use the word only applies to an action only if it is the best available, whereas on other occasions it applies to all good-enough actions.

We should be clear that our goals in this paper are limited: we aim to put a certain kind of view on the philosophical map, point out some of its advantages, and flag areas for further discussion and development. To defend the view against all objections and rivals would be a different task, and one we shall not be attempting. Although one of the current authors is tempted to believe that some form of the view under consideration is correct, both are agreed that there are various details and difficulties which would need to be worked out in a finished version.

Other forms of contextualism about moral vocabulary are already being discussed in the literature. In a recent conference paper, Hawthorne (unpublished) has suggested that because the moral ‘ought’ implies ‘can’ and ‘can’ is context-sensitive, the moral ‘ought’ inherits this sensitivity. Wedgwood 2006, drawing on Kratzer 1981, proposes a possible worlds semantics for ‘ought’ vocabulary in general, including moral ‘ought’s, which allows for various kinds of context-sensitivity.ⁱⁱⁱ And, as Brogaard (2008) explains, many of the views commonly characterized as ‘moral relativism’ are forms of moral contextualism. For example, there are a cluster of views according to which when one says ‘Murder is wrong’, one expresses the claim that murder is wrong by one’s own lights, or the lights of one’s community, or the lights of the participants to the discussion. These are all forms of moral contextualism, but not of the kind we are interested in. That said, it may be that more than one kind of contextualism is true; the mere fact that ‘right’ exhibits our kind of context-sensitivity does not mean it does not *also* exhibit some other, more familiar, kind(s) of context-sensitivity.

The moral contextualism we want to put forward treats ‘right’ and ‘permitted’ as of a piece with a certain broader class of adjectives that depend for their application on an object’s position in an ordering or measure of some kind. Let us illustrate the relevant aspect of the behaviour of the kind of adjectives we are interested in. Consider the adjective phrase ‘at the front of the queue’. Sometimes, we use that phrase in such a way that only the one person at the very front of the line counts as ‘at the front of the queue’. For instance, if we ask ‘Who is at the front of the queue?’ because we want to award a prize to the person who is next to be served, we are using it in this demanding way. On other occasions, we use it in such a way that the first few people count as ‘at the front of the queue’. For instance, if you and I join a queue of 50 people and I then notice that Ross is in fourth in line, I might say to you ‘It’s OK, we can queue-jump: I know someone who’s at the front of the queue’.

A number of other adjectives seem to us to behave in similar ways. For instance, on some occasions of use ‘leading’ is used in such a way that only the first in some ordering counts as ‘leading’. On other occasions, the first few things in the same ordering will count. Similarly for ‘top’, ‘bottom’, ‘middle’, ‘front’, ‘back’, ‘on the left of X’, ‘next to X’, ‘before X’, ‘after X’ and a wide range of related expressions. The difference between the two kinds of use can in some cases be cued by using a definite or indefinite article. For instance, if I ask you to name *the* leading brand of vacuum cleaner, presumably only the best-selling (or best-loved, or whatever) brand will count. If I ask you to name *a* leading brand, any of the top few will do.

All this suggests a possibility for ‘right’. Maybe ‘right’ is in certain respects rather like ‘at the front of the queue’, ‘leading’ and so on. That is to say, maybe, in some contexts, ‘right’ is used in a very demanding way, so that only the actions with the best consequences will be in its extension. While on other occasions of use, ‘right’ is used in a less demanding way, so that any action with good enough consequences is in its extension.

The cue of switching between definite and indefinite articles to mark this sort of difference does not seem to be straightforwardly available in the case of ‘right’. Talking about ‘the right thing to do’ sounds fine, but ‘a right thing to do’ sounds a

little less felicitous (though not, to our ears at least, terrible). But this is true of other cases too. For example, ‘the person in front of you at the cinema’ is more felicitous than ‘a person in front of you at the cinema’ (though the latter is not terrible). Nonetheless, it is clear that on some occasions of use of ‘in front of you at the cinema’, it is only the person directly in front of you that counts as ‘in front of you at the cinema’, and on other occasions, any of a number of people can count as ‘in front of you at the cinema’.

The key point is that the envisaged kind of shifty behaviour would not be a quirk peculiar to the word ‘right’. Rather, it appears to be a common phenomenon in natural language. There are many adjectives and adjective phrases which are sometimes used in such a way that only the first thing in some ordering falls within their extension, and on other occasions used in such a way that the first n things in that ordering fall within their extension, for some $n > 1$.

We should pause here to distinguish the contextualism about ‘right’ that we have in mind from Michael Slote’s ‘scalar’ consequentialism (Slote 1985, chapter 5). According to Slote, the scalar act-consequentialist agrees that options can be ordered in terms of moral betterness, so that ‘act a counts as morally better than an alternative b just in case a has better consequences than b ’ (Slote 1985, p. 80). But the scalar consequentialist is opposed to going further and drawing a line within that scale between the right actions and the others. Slote gives several different characterisations of this opposition to drawing a line. The scalar consequentialist at least thinks ‘[n]o dividing line between right and wrong action would be thought of as corresponding to anything objectively valid’ (p. 80), as well as thinking that such a line would be ‘arbitrary’ (p. 80). The scalar consequentialist does not provide such a dividing line (p. 81).

Perhaps we should interpret the scalar consequentialist as maintaining that there *is* no dividing line between right and wrong action. Or perhaps she believes in one or more lines but thinks they are ‘arbitrary’ or ‘not objectively valid’. Or perhaps the scalar consequentialist allows that some acts are non-arbitrarily right and others non-arbitrarily wrong, but thinks that some other acts cannot be classified in either way (see pp. 85-86, and p. 148, endnotes 3 and 8). Whatever Slote had in mind, scalar

consequentialism is a different doctrine from the contextualism we are proposing. The contextualist need not think it is true to say, in any context, that ‘there is no dividing line between right and wrong action’, and there is nothing about our kind of contextualism which suggests that all of the lines are arbitrary, or indeed that any of them are. For example, whatever else may be undesirable about it, there is no need for the contextualist to accept that the maximising criterion for ‘right’ action is *arbitrary*. She might well think that insisting on the morally best option has something morally distinctive about it, and that this makes the maximiser’s criterion a non-arbitrary choice for determining the extension of ‘right’.^{iv}

We think it would be *consistent* to be a contextualist of our sort and also a scalar consequentialist, on at least some of Slote’s characterisations of that view. One could, for example, think that ‘right’ behaved contextually as we’ve described but that, for each context of use, the difference between acts which fall within the extension of ‘right’ and acts which do not marks no ‘objective’ difference in the actions, and/or corresponds to no ‘non-arbitrary’ features of them. And one could be a contextualist and think that there was a great deal of indeterminacy as to what counts as ‘right’ in intermediate cases, so that nothing like a *line* could be drawn. But the fact that our kind of contextualism is consistent with some versions of scalar consequentialism should not mislead anyone into thinking they are somehow the same doctrine. That said, some of the considerations that motivate Slote’s scalar consequentialist might also help to motivate our kind of contextualism: for instance, the feeling that there is no single dividing line that determines once and for all the extension of ‘right’.

We intend our discussion to be neutral on various issues that divide consequentialists other than that which divides the maximisers from the satisficers. For example, we will not be concerned here about *what* the good or goods are that the consequentialist wants to promote (e.g. pleasure, happiness, welfare, liberty, or perhaps a number of different goods). We also intend to be neutral between objective and subjective consequentialists. (For example, the divide between those who think that the right thing(s) to do is a function of what option does, in fact, promote goods in a certain way, and those who think the right thing(s) to do are a function of what, by S’s lights, will promote the good in a given way.) It could of course be that some of these other distinctions are ones that deserve a contextualist treatment: for example, one could

claim that one of the ways in which the meaning of ‘right’ shifts with context is that it shifts between objective and subjective uses. We will not consider such versions of contextualism here.

If our contextualist is right about how ‘right’ works, then the maximisers and the satisficers are each getting the story half right: they are each offering a good account of how ‘right’ works on certain occasions of use. Both seem to be motivated by good intuitions, and ideally we should try to accommodate these. We now move to consider these intuitions.

II The Intuitions

Naturally, we cannot here address all the many arguments for and against maximising and satisficing conceptions of morality. Nor do we have much to say about the arguments for and against consequentialism itself.^v Rather, we are going to take it as read for the sake of argument that some kind of consequentialism is correct. What we want to do in this section is present a few of the intuitions that motivate us – and have motivated others – to be sympathetic to maximising and to satisficing conceptions of what counts as ‘right’ respectively. We allow, naturally, that these intuitions can be called into question, both in the sense that it can be doubted whether they are indeed intuitive and in the sense that one can doubt whether such intuitions should be trusted. Nevertheless, we take the intuitions to have some force and correspondingly believe that a philosophical view which can do justice to all of them is in that respect an attractive view.

Let’s take the maximisers first, since theirs is the classic consequentialist position, and is often treated as the default option for consequentialists. Maximisers think that only the best action is right or permissible. One intuition motivating this view is connected with the naturalness of talking about ‘the right thing to do’ in a given situation.

Taking the definite description literally here would prevent a reading on which there is more than one right thing to do. And if there is indeed exactly one right thing to do, it will surely be the *best* option, i.e. the option that maximises good consequences, rather than one of the suboptimal options.

Prima facie, this intuition helps support maximising over satisficing. But a certain amount of caution is required here, as maximisers typically allow that there may be several equally, and maximally, good options. If this is so, even maximisers may not be able to say that there is always such a thing as ‘the right thing to do’. Nevertheless, they could plausibly rescue most everyday uses by pointing out that typically we are choosing between (and hence quantifying over) options which are very unlikely to be exactly tied with respect to goodness of outcome. The maximisers are, at least, much *better* placed than the satisficers to accommodate in a straightforward way our commonplace use of the phrase ‘the right thing to do’.

There is also an intuition which drives us to say that those who *can* do better *should* do so. If we are given an option of providing chocolate to one person and making her happy, or providing chocolate to five people and making them all happy, with both options carrying no cost to ourselves, it is very natural to say that the right thing to do (*the* right thing to do) is provide chocolate for five, even though providing it for one is an improvement on the current situation. Similarly, if you could save the life of one of a pair of drowning children by going a little out of your way, or the save the lives of both by going a bit further out of your way, the right thing to do is save both. It would be *wrong* to save one child but ignore the other; such an action is impermissible.

This intuition seems to be reflected in various of our usual practices. A teacher who says on a student’s report card “could do better” is clearly suggesting that the student ought to have done more. When we fail at something important, people can offer comfort by saying “you did all you could”. It is not very comforting to be told “you did most of what you could”. And if someone feels wronged by our actions, we can defend ourselves by saying we did our best: it is not much of a defence to say we did enough, though we could have done better.

The intuition that if you can do better, you should, does not only hold with respect to moral normativity. Norms of practical rationality intuitively tell us that the right thing to do is to choose chocolate over cheese if we prefer chocolate and both are freely available, even granted that we quite like cheese too.^{vi} If the practical sense of ‘right’

works in a maximising fashion – so that the right thing to do is to take one of the options that is best for you, all things considered – then it is quite natural to think that the moral sense of ‘right’ will function in a similar way, picking out moral options that have no superior rivals.

Satisficing consequentialists think that doing less than maximising can sometimes be doing well enough to be doing what one ought, or doing a right action, or doing something permissible. Which options are morally right still depends on the values associated with outcomes, but the connection is less straightforward. There are many ways to be a satisficer: one could define right actions as those whose outcome are a certain percentage of the maximum or higher (e.g. any action which has an outcome at least 80% as good as the best outcome is right). Or one could define the boundary arithmetically: any outcome within 10 utiles (or whatever) of the optimal one. Or the requirement might be that, where possible, one makes things better than they would have otherwise been (see for example Elliot 1997, pp. 46-48). Or the connection could be defined in some other way. It is, to say the least, a difficult matter to work out exactly what principle satisficers should adopt in spelling out their view that an act must produce an outcome good enough, but need not always produce the best. (See Bradley 2006 for some of the difficulties.)

If ‘right’ is contextual in the way we have suggested, this may help satisficers avoid taking a once-and-for-all stand on how good is ‘good enough’. It may be that the use of ‘right’ does not only vary between a maximising use in some contexts and a satisficing use in others; there may also be other variations of strictness. (As an example, perhaps among the satisficing contexts are some which supply an almost-maximising criterion, whereby an action needs to produce an outcome within a unit or two of the best in order to count as ‘permissible’ or ‘right’, while other satisficing contexts require little more than not picking an outcome below the status quo.) While we note this application, we will not try to argue for any particular version of satisficing as the strongest competitor, since that would take us too far afield.

One recent objection to satisficing consequentialism *in general* is that it permits interference in a process that would otherwise produce a lot of good, provided the result of the interference is not too bad. (See Bradley 2006.) It would, perhaps, be

worth describing this worry briefly here, in case readers should be concerned that a view with similarities to satisficing is liable to inherit a fatal problem of this kind. To adapt one of Bradley's examples, suppose I am sitting on a park bench and a soup kitchen sets up nearby. Despite the undoubted good the soup kitchen is doing, the clamour starts to annoy me, so I go and disrupt it and stop it working for the day. If we suppose the kitchen operating for some time and then being disrupted does a lot of good (say +50 utiles), but it going much longer does a lot more good (say +100 utiles, even taking into account my annoyance), it looks like there is a risk that the satisficer might have to say that my action was permitted, since the outcome was good enough. But disrupting the soup kitchen out of annoyance is not a morally permitted thing to do, we are likely to think, even if the soup kitchen has already done a lot of good.

Of course the satisficer has a lot of scope to say what actions are 'good enough', and it is easy enough to come up with specifications of 'good enough' that rule out this particular soup-kitchen-disruption case. Bradley points out that many extant versions of satisficing in the literature have some version of this problem and says that 'if satisficing is to remain a position worth considering' satisficers must show, among other things, that 'there is a version of the view that does not permit gratuitous prevention of goodness' (Bradley 2006 p 97). We do not ourselves think Bradley's argument supports this conclusion, since a view can remain worth considering even if current arguments for it fail, and even if a trouble-free version has not yet been found. In any case, we are confident that there are formulable versions of satisficing that do not have the problem Bradley identifies,^{vii} unless 'gratuitous prevention of goodness' is broad enough to cover *any* choice of a non-maximising option over a maximising one, in which case the satisficer should reject Bradley's demand as unhelpfully question-begging. Since this is not the place to try to work out the best formulation of satisficing views, however, we will take it that satisficing can be formulated so that Bradley's challenge is at worst a bullet that can be bitten.

The core intuition supporting the satisficer's view is what's often called the 'demandingness objection' to maximising consequentialism. One form of this objection is to point out that we do not judge people who have done very well, morally speaking, especially very well at great cost to themselves, to have done something wrong, or impermissible, just because they could have done more.

Consider the volunteer who spends 85 hours a week cleaning sores at a leper hospital in the third world. (And let us suppose that given this volunteer's resources and opportunities, helping at the leper hospital is the best kind of option for this volunteer.) Even if we discover that this volunteer could have spent 87 hours a week engaged in this activity without suffering physical breakdown or loss of motivation, we are unlikely to condemn her, even if we discover that the satisfaction she gets from her snatched two hours of leisure between 5am and 7am on a Sunday morning give her less utility than the utility that would have been granted to the patients by her being on duty during those two hours.

The maximiser can of course allow that our practices of praise and blame do not need to line up with whether people do the right thing or the wrong thing: it would be counterproductive to condemn or blame the volunteer worker at the leper hospital, since many people do so much less than what she does, and condemnation here would probably just discourage her and many others who do less towards maximising. But the 'demandingness objection' is not just an intuition about where to allocate blame or who to condemn. Many pre-reflectively also believe that the hypothetical carer above is doing the right thing, or at least *a* right thing. If anything, she is doing much *more* than what she is required to do to make a suitable moral contribution. That is compatible with thinking that it would be *even better* if she spent the extra two hours providing care—but even when we understand that this is stipulated as part of the example, many of us remain clear that she is not doing anything wrong.

Are demandingness objections the only intuitive support for satisficing? We find it hard to say, partly because we are not sure what counts as such an objection. In one sense, whenever theory A demands more than theory B but the actions recommended by A are always permitted by B, intuitions that theory A gets it wrong *vis-a-vis* B can be described as intuitions that A is 'too demanding'. So in this sense, trivially, the intuitions supporting satisficing are all 'demandingness' intuitions. But if we take 'demandingness' objections to be particularly those objections which focus directly on the thought that maximising demands *too much*, then there seem to be other intuitions that support satisficing.

A lot of people think that doing the right thing lines up with doing one's moral duty, and doing what one is obliged to do. And pre-theoretically at least, many people think that it is possible to do more than your duty, or to do even more than you are obliged to do. A group of soldiers can have all done their moral duty, even if they were given the same opportunities and one acted more heroically than the others. You often ought to help your friend when he is in trouble, but we ordinarily think that after you have 'done enough' to help him you can still do more, out of concern or good-heartedness. This idea that there is some discretion left over after we have discharged our obligations and done our duty is a directly appealing moral principle, and we suspect it is not always justified by an implicit appeal to an argument about stricter requirements being too demanding (and/or less strict ones being not demanding enough).

Consider our ordinary view about *favours*. We often think of favours as things that we are not obliged to do. One could think that we are obliged to do some favours – there is some duty of beneficence, or requirement to help others – but at any rate it is not the case that for any typical favour we are obliged to do *that* one, even if we are obliged to grant some from time to time. So if Jane has already stayed at work late twice this week to help out, and a colleague asks her to stay late another night as a favour, she may well not be obliged to say yes, even if the benefit to her colleague from helping slightly outweighs Jane's benefit from a night unwinding at home. Or so we often think.

Maximisers cannot agree with this intuition about favours, at least once we distinguish doing what one morally ought to do from what we ought to do as a legal or institutional matter, and once we leave out the case of options tied for the morally best (where consequences are equally good overall if Jane stays or goes home, she may stay as a favour, presumably). It's far from clear that this is an intuition about *demandingness*. Staying at work for a couple of extra hours, once, is miles away from caring for lepers for 87 hours a week or giving 75% of one's income to charity. Some favours might not be very costly or difficult to grant at all – many are even less demanding than staying late at work for an hour or two. Still, we think that often if it is a *favour* it is not obligatory.^{viii}

Another way to try and motivate ethical satisficing would be to try and locate satisficing intuitions about practical rationality and then analogise: a similar strategy to one that we suggested above for the maximiser.^{ix} Slote (1984, pp. 38-44) attempts this sort of project, arguing *inter alia* that, intuitively, it is not practically irrational to turn down a free snack even when you are sure that it would be enjoyable (and that it would have no negative consequences).

Incidentally the fact, if it is one, that there exist *both* maximising *and* satisficing intuitions about practical rationality may be helpful to the kind of moral contextualist under discussion in this paper. For she might want to say that practically normative terms exhibit contextual variation, shifting between maximising and satisficing uses. She might use this as the basis of an argument by analogy for the existence of a similar shiftiness in ethically normative terms.

III Non-Obvious Contextualism

A few of caveats concerning the contextualist view under discussion might be helpful at this point. It is not being claimed that the kind of contextualism is at all obvious, or that competent speakers will in general be aware of it. It is not even claimed that they will necessarily be capable of becoming aware of it, except perhaps after serious philosophical training. In fact, the suggestion is that 'right' and its cognates exhibit a very *unobvious* kind of contextualism, akin perhaps to that which some epistemologists believe is exhibited by 'knows' and its cognates.^x

Indeed, there are suggestive analogies between some of the purported symptoms of context-sensitivity surrounding 'knows' and corresponding features surrounding 'right'. For instance, the objection to the maximiser that on his view we very often are not doing the right thing is analogous to the objection to the sceptic that on his view we (almost) never know anything. There is something undesirable about denying that some of us usually do what is morally right, just as there is something undesirable about denying that we ever know anything. But on the other hand, there is also something undesirable about the attempt to resolve this problem by artificially lowering the standards (whether for knowledge or rightness of action) so that we

count as meeting them. *That's* not how morality works, and it's not how knowledge works either. So the maximiser or sceptic might respond to the satisficer or anti-sceptic when presented with this kind of objection.

The unobviousness of our kind of contextualism may give rise to objections analogous to a raft of objections to epistemic contextualism which go back at least to Schiffer (1996) and are heavily discussed in the literature on this topic. These objections focus on contextualism's being committed to attributing some implausible kinds of error to ordinary speakers. As an example of the kind of objection we mean, let's consider one presented by Hawthorne (2004, pp. 100-1). Here Hawthorne presents what he calls a Disquotational Schema for 'knows', or DSK, which says that:

If an English speaker E sincerely utters a sentence *s* of the form 'A knows that *p*', and the sentence in the that-clause means that *p* and 'A' is a name or indexical that refers to *a*, then E believes of *a* that *a* knows that *p*, and expresses that belief by *s*.

Hawthorne points out that the contextualist about 'knows' must deny DSK (or else deny some other, much more platitudinous, claim). But he claims repeatedly that ordinary speakers do seem to accept DSK and that '[t]hat is how the verb 'know' seems to work' (p. 101). He says that this 'provide[s] considerable embarrassment to the contextualist' (p. 104).

As Hawthorne is aware, of course, many expressions do not obey disquotational schemas analogous to DSK. Such schemas will fail, for instance, for expressions involving classic indexicals like 'I' or 'here', or context-dependent comparative adjectives like 'tall' or 'flat'. But Hawthorne claims that speakers' practice demonstrates no tendency to accept the schemas like DSK for these linguistic items.

With regard to classic indexicals this might be true. But the argument is weak in the absence of any serious evidence (besides statements of how things seem to one competent speaker, namely Hawthorne) for either the claim that speakers accept DSK or the claim that they reject analogous principles for context-dependent adjectives like 'tall' and 'flat'. While it may be obvious to certain philosophers (though by no means to all – see e.g. Cappelen and Lepore 2005) that 'tall' and 'flat' do not obey

disquotational schemas, there are grounds for serious doubts about whether this is at all obvious, or even implicitly accepted by, most ordinary competent speakers.

Hawthorne is confident that '[o]ur practice bears no commitment' to such schemas, but why? If one overhears a conversation between two millionaires A and B, one of whom is describing a third millionaire C as 'hard up', one may well be tempted to report this later by saying that A said that C was hard up, and saying that A believes C is hard up. This sort of practice suggests a commitment to a cross-contextual disquotational schema for 'hard up' of just the kind Hawthorne claims ordinary speakers do not have.

A philosopher of language can see that there's something subtle going on here, of course, but ordinary competent speakers don't know (and don't need to know) that much about their language. But saying this doesn't involve any troubling commitment to a kind of 'semantic blindness' (cf. Hawthorne pp. 107-9); at least, not any more than the claim that many people are not very good at English grammar – either in theory or in practice – involves a commitment to any troubling kind of 'syntactic blindness'. We could label people's poor grammar as 'syntactic blindness' if we wanted to try and make it sound philosophically alarming, but that would not change the fact that it's really just poor grammar.

This kind of response is not generally found satisfying by the objectors, and the debate is ongoing. Rysiew (2007, §4.3) offers a summary. However, for present purposes, what we are concerned to do is to note that in a similar vein, the objection might be pressed against our kind of contextualist that she must deny the following Disquotational Schema for 'right':

If an English speaker E sincerely utters a sentence *s* of the form 'Act A is right', and 'A' refers to act *a*, then E believes of *a* that *a* is right, and expresses that belief by *s*.

She must indeed reject this in general, when it is produced in contexts that are different from the context of E's utterance. And it might be the case – indeed, we think it probably is the case – that most ordinary speakers would accept the above Disquotational Schema, both implicitly and, if you asked them, explicitly.

Nevertheless, we do not think the contextualist should be troubled by this. We think

that many ordinary speakers would do the same for the Disquotational Schema for ‘tall’:

If an English speaker E sincerely utters a sentence *s* of the form ‘A is tall’, and ‘A’ refers to *a*, then E believes of *a* that *a* is tall, and expresses that belief by *s*.

And yet we believe the now-standard view that the extension of ‘tall’ varies with context. It’s just that the inner workings of the semantics of ‘tall’ and ‘right’ are not of much interest or importance to ordinary speakers.

IV What, Then, Are We To Do?

Suppose it is correct that contextualism about ‘right’ captures not only the core of the ordinary moral use of that expression, but also how that expression is to be used in a correct moral theory. This leaves us with a problem. Different actions will be characterised with the expressions ‘right’ or ‘permissible’ in different contexts. But when it comes time to act, one can only choose one option at a time, not different options according to different contexts of utterance. Moral language is supposed to have important connections to action – but which context should one “listen to” when one tries to do the right thing, or to choose a permitted option?

It is not that the contextualist has no answer to this question. Indeed, there are a number of different answers, depending on the context of the question and answer. In the maximising context, the right thing to say is ‘Always do one of the options that maximises. Anything else is wrong. Choose an action classified as ‘right’ in the maximising context.’ Similarly, in the satisficing context, the satisficing answer is the true one. And it is not that the two answers conflict either: both are true, but both, in effect, assign different extensions to the expressions ‘right’ and ‘permissible’.

To help make things clear, let us talk about permissibility-high and permissibility-low, where permissibility-low is what is expressed by ‘permissibility’ in a satisficer context, and permissibility-high is what is expressed by ‘permissibility’ in a maximiser context. Some objectors may want to raise a question of this form:

Q1: Yes, I know what I should-low do and what I should-high do. But what should I *in fact* do?

To ask this sort of question evinces a misunderstanding of the contextualist thesis. The contextualist thinks that no such question can be asked except within some context or other. And that context will determine exactly question it is that being asked: i.e. it will determine whether it is a question about what the objector really should-low do or a question about what she really should-high do. And whichever sort of question it turns out to be, the contextualist has an answer.

By analogy, consider someone who has just been told how contextualism about 'tall' works, and had it explained that in contexts where basketballers are salient 'tall' expresses tall₁ and in contexts where six-year-olds are salient 'tall' expresses tall₂. She asks a question of this form:

Q2: OK, I know who counts as tall₁ and who counts as tall₂, but who is *in fact* tall?

The contextualist thinks that the answer to Q2 depends on the context in which Q2 is being asked, because the exact question posed by Q2 so depends. And the contextualist has an answer to hand for each of the questions that Q2 could be asking.

However, there is a deeper and more interesting worry lurking. It can be made vivid in the following way. Suppose I know I need to make an ethically significant decision later today: perhaps I have to decide between keeping a promise about a deadline or having coffee with an unhappy friend in the hope of cheering him up. Suppose I have a good idea about the ranking of the relative outcomes: let us suppose that keeping the deadline will produce slightly better consequences overall. Suppose further that everything else being equal I would rather cheer my friend up, and the consequences are close enough in value that in satisficing contexts both options count as 'permitted'. How am I to guide my action?

I could just start thinking, find myself in one or other context, and then come to a decision about what is ‘permitted’, according to the context I found myself in. Even assuming it is not yet determined which context I will do my moral deliberation in, it seems I can tell that which context I end up in will make a difference to the sort of deliberation I will make, and hence, presumably, to what I choose to do. Furthermore, it seems I can tell that the two kinds of moral deliberation I might engage in will involve no false belief: the respective things I will think about what counts as ‘permissible’ would be *true*. Worryingly, it may even be possible for us to focus our attention so as to end up in one or other context more or less voluntarily.

So far we have not said much about what kinds of contextual parameters might need to change in order to shift one from a maximising to a satisficing context or vice versa. There are various things the contextualist could suggest here. Perhaps an immediately earlier focus on one particular standard for right action, in thought or speech, has some tendency to make that standard the standard of a context: if I come into a conversation half-way where people have been talking as if only the best is good enough, there is some appeal to the thought that the standard in that conversation has already been set as a maximising one. Maybe talking or thinking about situations where the moral stakes are very high^{xi,xii} (say, situations where there is a very obvious risk of doing something very bad, or a risk of doing something which is much worse than usual) has some tendency to bump you into maximizing contexts, or at least to raise the standards. Perhaps merely thinking hard about deep meta-ethical issues is the kind of thing that can bump you into maximising contexts (just as Lewis 1996 contends that thinking about scepticism bumps one into contexts where high standards are required to count as ‘knowing’ something).^{xiii} In any case, there is certainly scope for thinking that, although not *all* aspects of context are voluntarily chosen, it may on some occasions be possible to *choose* to get oneself into a maximizing context or a satisficing context.

In which case, some may be tempted to respond to the contextualist thesis we’re developing by saying that moral deliberation is *not* in fact affected by the kinds of choices that can in this manner determine what context we end up in. These objectors may have an intuition of the following form:

(I): Our choices about how to think about which context to get ourselves into do not make this kind of difference to how we decide to act.

The contextualist has (at least) two possible responses to this. The first is to say that the objection relies on a simplistic understanding of the connection between deciding that something is ‘permitted’ and deciding to do it. The envisaged connection is that once one decides something is ‘permitted’, whether that amounts to permitted-low or permitted-high, there are no further moral barriers to one’s deciding to do it, whereas if one decides that it is ‘not permitted’ that constitutes a moral barrier to one’s deciding to do it.

There are (at least) two ways in which this might be too simplistic. Firstly, it may be that when reasoning in satisficing contexts our actions are partly guided by which of the ‘permitted’ options we think are best, and not (just) by which options we take to be ‘permitted’. So we might decide that something is ‘permitted’ in a satisficing context yet decide, and decide *for moral reasons*, not to do it because it is not the best thing to do. Secondly, and conversely, it may be that when reasoning in maximising contexts our actions are in fact guided by what we take to be ‘not too bad’, and not (just) by what we take to be ‘permitted’. So we might decide that something is ‘not permitted’ in a maximising context yet decide, partly *for moral reasons*, to do it anyway because it is not too bad. (Maximisers have traditionally not said much about what you should do if you are not going to do the best, but presumably most would agree it is better to pick a better option than a worse one, even if neither option is the best.)

Many homely cases of each kind can be mustered. Consider the charity worker who believes it is morally ‘permitted’ for her to take this weekend off rather than volunteering at the local soup kitchen as usual. Despite this belief, she tries to motivate herself by saying that, nonetheless, it would be best if she did go to the soup kitchen. The attempt succeeds and she decides to go the soup kitchen.

Conversely, consider the person who believes that it’s not really on to tell lies to one’s friends, but decides that a particular white lie won’t do anyone much harm and will enable him to secure some small advantage for himself. He decides on this basis to

tell the lie even though he takes himself to be doing something a bit naughty – something that he really ought not to do – because it is not *too* bad.

The contextualist's second possible response to intuition (I) is to bite part of the bullet and say that, sometimes, the upshot of one's moral deliberations about how to act *is* affected by one's context. Even if one says this, it need not necessarily be allowed that *voluntary* choices of context can (in general) have this effect, since it might be argued that voluntarily choosing a context – even assuming that such a thing is possible – generally prevents one from taking as seriously (*qua* guides to action) as one otherwise would the conclusions one reaches in that context about what is 'permitted'.

The contextualist could further argue that it is actually to be *expected* that one's context will sometimes affect the upshot of one's moral deliberations about how to act. She could argue, for instance, that situations where the moral stakes are very high are likely to kick one into maximising contexts (or, at least, stricter satisficing contexts). This will tend to cause one to think harder about what to do, find fault with more options (more options are judged to be 'wrong' and therefore dismissed), and be less willing to settle on a course of action just because it seems to be 'OK' or 'not too bad'. This, it could be argued, is a natural, predictable, and indeed in many ways *desirable*, response to being in a high-stakes moral situation.

Perhaps there is another way of taking the intuition (or an intuition) lurking behind (I). It might not be so much that our deliberations are not, in fact, influenced by this sort of background to our deliberation, but rather that this background *should* not make a difference. If this is a moral "should", the contextualist may well agree: in a maximising context, for example, the contextualist will claim that deliberators so as to maximise the consequences of that deliberation, whether or not the deliberators themselves are in satisficing contexts. So perhaps we could try to tease out the normative thought that might be behind (I) as a thought about what it takes to deliberate without having any false moral judgements: that whether a train of deliberation about what to do contains false judgements expressed by "I am permitted to do the second best option" should not depend on the linguistic context of that deliberation.

To the extent a contextualist finds (I) plausible, she is likely to resist the claim that (I) amounts to the blatant anti-contextualist intuition expressed at the end of the previous paragraph. Even if she allowed that some had that form of the intuition, she would probably maintain that the intuition is an aspect of the non-obviousness of this sort of moral contextualism discussed in the previous section: moral deliberation may not seem to some to be sensitive to various factors of the linguistic context, but that's what we would predict if the contextual dependence is non-obvious. So it is unlikely that a contextualist will find the normative construal of (I) any more worrying than the descriptive one.

These responses on behalf of the contextualist can no doubt be challenged, and to some may sound like too much bullet-biting. But we shall not attempt to settle the debate here. As we said earlier, it is not our aim here to establish once and for all whether or not this kind of contextualist view is *true*. We do want to indicate that the sort of flexibility in moral language proposed by our kind of contextualism will worry certain people committed to the absolutism of moral principles. However we also want to stress that it is harder than it looks to articulate what the clash is, if there is one, since the contextualist can agree with the things an absolutist normally says about the non-negotiability and objectivity of truths about right and wrong.

V Conclusion

It is a striking fact that some people of a consequentialist turn of mind find maximising clearly correct, while others think it obvious that less is required in order to do enough, morally speaking. This paper offers a way to accommodate much of the spirit of the intuitions driving each opinion. Since the contextualism proposed is 'non-obvious' in a familiar way, this suggestion is also well-placed to explain the odd fact that those endorsing maximising intuitions and those endorsing satisficing intuitions continue to (appear to) disagree, and the fact that this disagreement can look intractable. No doubt many traditional maximisers and satisficers will remain unconvinced. But at the very least we think this contextualism about 'right' and 'permitted' raises a significant challenge for both parties of traditionalists: they now

not only have to argue that their traditional rivals are mistaken, but they should also explain why their preferred theories are superior to this contextualist hybrid.

References

- Bradley, Ben. (2006) 'Against Satisficing Consequentialism,' *Utilitas* 18: 97-108.
- Brogaard, Berit. (2008) 'Moral Contextualism and Moral Relativism,' *Philosophical Quarterly* 58: 385-409.
- Cappelen, Herman and Lepore, Ernest (2005) *Insensitive Semantics*. Blackwell, Oxford.
- Drier, James (2004) 'Why Ethical Satisficing Makes Sense and Rational Satisficing Doesn't,' *Satisficing and Maximizing: Moral Theorists on Practical Reason*, ed. Byron, Michael, Cambridge University Press: 131-54.
- Elliot, Robert (1997) *Faking Nature: The Ethics of Environmental Restoration*. Routledge, New York.
- Hawthorne, John (2004) *Knowledge and Lotteries*, Oxford University Press, Oxford.
- Hawthorne, John (Unpublished) 'Ought and Can,' presented at a conference on Moral Contextualism, University of Aberdeen, July 2006.
- Kratzer, Angelika (1981) 'The Notional Category of Modality,' *Words, Worlds, and Contexts*, ed. Eikmeyer, Hans-Jürgen and Rieser, Hannes, de Gruyter, Berlin: 38-74.
- Lewis, David (1979) 'Scorekeeping in a Language Game,' *Journal of Philosophical Logic* 8: 339-59.
- Lewis, David (1996) 'Elusive Knowledge,' *Australasian Journal of Philosophy* 74: 549-67.
- Rysiew, Patrick (2007) 'Epistemic Contextualism,' *The Stanford Encyclopedia of Philosophy* (Fall 2007 Edition), ed. Zalta, Edward, available at: <http://plato.stanford.edu/archives/fall2007/entries/contextualism-epistemology>.

Schiffer, Stephen (1996) 'Contextualist Solutions to Scepticism,' *Proceedings of the Aristotelian Society* 96: 317-33

Slote, Michael (1984) 'Satisficing Consequentialism,' *Aristotelian Society Supplementary Volume* 58: 139-63.

Slote, Michael (1985) *Common-sense Morality and Consequentialism*, Routledge and Kegan Paul, London.

Stanley, Jason (2005) *Knowledge and Practical Interests*, Oxford University Press, Oxford.

Wedgwood, Ralph (2006) 'The Meaning of 'Ought'', *Oxford Studies in Metaethics* 1: 127-60.

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ⁱ As should be obvious, we are concentrating on varieties of 'act-consequentialism' in this paper: we leave aside rule-consequentialism, motive-consequentialism, and other such varieties, though the thrust of our remarks will be able to be carried over into discussion of these *mutatis mutandis*.

ⁱⁱ We take it that this captures the sense of 'satisficing' introduced into moral theory by Michael Slote in Slote 1984, 1985.

ⁱⁱⁱ For instance, context determines that when you tell a heroin addict that she ought to inject herself with clean needles, it is being held fixed that she is going to carry on using heroin. Thus what you say is consistent with your also telling her that she ought to not inject at all, since for this utterance context determines that it is not being held fixed that she is going to carry on using heroin. We suspect that our kind of contextualism may be consistent with at least some ways of developing a Kratzer-Wedgwood style semantics for 'ought' (Kratzer 1981, Wedgwood 2006).

^{iv} We are not defending this contextualist's position: we only wish to point out that such a view is still contextualist while not agreeing with at least one central strand of scalar consequentialism.

^v While we shall presuppose consequentialism in this paper, it is worth pointing out that the phenomenon we discuss may be able to improve our understanding the function of the word 'right' on non-consequentialist theories as well. Most non-consequentialists think that consequences sometimes

matter: and that often when they do, better consequences are by and large morally preferable to worse consequences. When better consequences matter, do they have to be as good as the agent can make them, or only good enough? If neither seems like an entirely satisfactory once-and-for-all answer, then perhaps a contextualist approach to the way context determines the extension of ‘right’ may play a role (albeit perhaps a more limited one) in those non-consequentialist theories too.

Moreover, quite generally, provided one is prepared to rank *actions* (never mind consequences) morally from better to worse, this ranking may be used to underwrite a contextualism akin to the one proposed in this paper, whereby on some occasions of use only the best action falls within the extension of ‘right’ whereas on other occasions of use more than one action will do so. Thanks to Mark van Roojen and Ralph Wedgwood for noting this.

^{vi} The parallel noted here between moral and practical norms is suggestive but could be challenged. Slote 1985, chapter 3 defends satisficing with respect to both moral norms and norms of practical rationality. Others, like Dreier (2004), think that satisficing may be correct for morality but are maximisers about practical rationality.

^{vii} As a toy example, consider a version of satisficing which hold that you should always maximise in a Bradley case but may otherwise do anything which is within 10 utiles of the optimal action.

^{viii} Slote (1984, pp. 45-56) makes the point that favours are possible and this supports satisficing, though he does not suggest that this is distinct from a ‘demandingness’ objection.

^{ix} And here, as there, this attempt could be resisted if one thought that the cases were not sufficiently similar in the right respects.

^x See e.g. Lewis 1979 and 1996 for exposition of one view of this kind. See Hawthorne 2004, chapter 2, and Stanley 2005, chapter 1 for critical discussions of epistemological contextualism.

^{xi} Cf. the kind of ‘high-stakes’ and ‘low-stakes’ cases often used to motivate epistemic contextualism. Rysiew (2007, §3.4) surveys the arguments for epistemic contextualism from this kind of case.

^{xii} In a sense, what Unger (1996) is urging is that the moral stakes are very high all the time. As he points out, we are constantly acting in ways which have grave moral consequences; for instance, by not giving our money to charities we are needlessly enabling the suffering and death of thousands of people. If this is right, the kind of ‘high standards’ that affect context in the way we’re envisaging must involve something more: perhaps an *obvious* risk of grave consequences, or risk of *even worse consequences than usual*.

^{xiii} If this were asserted some caution would be needed, since many philosophers who think hard about meta-ethics are satisficers. However, for now we will leave the details of how such issues should be handled to those who have made more progress towards a worked-out contextualist view than can be attempted here.