

**On Hard-headed Economics Capturing the Soft Side of Life
and Improving Two Models of Obligation¹**

I believe we should prize exchange. Here, I argue that we should take the nature of exchange more broadly than many ordinarily think. Some exchanges are contractual, some are monetary, and some are both. Some, though, are neither. Giving a gift, for example, is engaging in an exchange, on my view, even though it appears to be a unidirectional action. This is not merely a semantic issue; it bears on our appreciation of the academic study of economics and it bears on the philosophical debate regarding how we should understand the nature of moral obligation.

In what follows, I discuss two competing models of obligation, explain a key error made by advocates of both, and show how correcting that mistake can improve both models and diffuse the debate between them. I discuss that debate, though, only to elucidate my view about exchange, not to defend either side. I proceed as follows. I introduce the two models and briefly elucidate the apparent extensional disparity between them in section I. In section II, I show how correcting the mistake can improve the first model. I do the same for the second model in section III. In section IV, I briefly conjecture that the mistake by partisans on both sides of the debate likely originates with a mistaken view about the study of economics. I end, in section V, by considering objections to my view, especially one that claims that taking such a broad view of exchange—or, as

some would say, viewing human relationships through an “economic lens”—depletes those relationships of what makes them important and leaves human culture eviscerated of significant goods.

I. Two Models of Obligation and Their Ostensible Extensional Disparity

Where an obligation exists, failure to satisfy it is a *prima facie* moral failing. There are, though, different models of obligation and these are often thought to lead to different sorts of obligations and different sorts of failures to satisfy obligations. In this section, I explicate two theoretical models of obligation and indicate why it is natural to think they pick out different sorts of obligations.² In the rest of the paper, I show that at least part of the reason for this often mistaken view is a simple, but deeply ingrained, misunderstanding about what benefits can be traded. I also show that correcting that mistake helps improve both models.

Models of obligation can usefully, if artificially, be divided into two broad categories, consent-based models and underlying fairness models.³ According to the former, in a given situation one is obligated to do that which one has (autonomously) consented to do and only that which one has (autonomously) consented to do—even if doing so turns out to be bad for the agent.⁴ According to underlying fairness models,⁵ what one is obligated to do is determined by a norm existing prior to and independent of any given situation and anyone’s consent

therein. On this view, there may be an obligation, e.g., to give another *as much as one receives from that other* even if one did not consent to the arrangement—this would be a reciprocity-based view, which is one type of underlying fairness model. On this view, one may have obligations to others that one in no way consented to—and perhaps would not have consented to.

In the rest of this paper I take the reciprocity model as representative of the broader category of underlying fairness models of obligation.⁶ While I suspect that the conclusions I will draw apply for all views of obligation as underlying fairness, I will not be able to survey them all or defend that suspicion. Indeed, as should be clear, my explication of both consent-based and underlying fairness models are wildly incomplete. As I am not defending a position about obligation, this should not be a problem.⁷ My concern is to point out what I take to be an underlying misunderstanding that goads opponents of both models, to show that once this misunderstanding is cleared both models are improved, and to suggest that they then lead to the same conclusion regarding the majority of questions regarding what obligations there are. I will argue that the ostensible disparity in their extensions is due to a mistakenly narrow understanding of the sorts of goods that one can trade. The point in indicating the mistake, as I've said, is to elucidate the nature and extent of exchange. Hence, I will not try to show that the two models of obligation always coincide or that where conflict remains, one defeats the other. I do not take a stance on which model is superior.

Theorists of all stripes have recognized the difference between the two models.⁸ A critic of the consent model has said that “When two people make an agreement we may typically assess its justice from two points of view. We may ask about the conditions under which the agreement was made ... or we may ask ... whether each party received a fair share.” He tells us that these two questions lead to opposing ideals: the “ideal of autonomy [or consent], which sees a contract as an act of will, whose morality consists in the voluntary character of the transaction” and the “ideal of reciprocity,⁹ which sees a contract as an instrument of mutual benefit, whose morality depends” upon its “underlying fairness.”¹⁰ In the first, so long as the transaction was (fully) voluntary, there are no further questions about justice; in the second, voluntariness is not exhaustive—indeed, may be peripheral—to the question of justice. Obviously, the same can be said for the two models of obligation: asking about the conditions under which the agreement was made leads to a consent model of obligation; asking whether each party received a fair share leads to an underlying fairness model.¹¹

Both the consent model of obligation (with the question of whether the *conditions of agreement were fair*—so that the consent is fully voluntary) and the reciprocity model of obligation (with the question of whether both parties *received a fair share*) can be seen as yardsticks to guide responses to the question “what does each party owe the other?” The first responds that what is owed is that which has been freely agreed to and nothing more. The second, however,

responds that what is owed is that which results in an *even*—or perhaps *proportional*—distribution amongst the two parties. It must give such an answer; to say that what is owed is that which results in a *fair* distribution would be mere question begging and other alternatives are not forthcoming.¹²

As may already be clear, the two models of obligation often seem to lead to opposing assessments of obligation. If I am correct, this is because theorists underestimate the non-monetary benefits people gain from consensual transfers of goods. Before demonstrating that (in sections II and III), it is worth briefly making vivid the apparent disparity.

Opponents of the consent model usually take family relationships as paradigm examples of relationships with obligations that are not based on consent. The claim is simply that parents are not obligated to their children because (and certainly not *just* because) they consented to be so obligated. Indeed, parents do not usually consent to this (who would they consent to? the pre-natal child?). We can not, then, answer the question “what does the parent owe the child?” by looking at what the parent consented to. If we want to maintain—as I think we should—that parents have such obligations, we are told, we must look elsewhere. The reciprocity model offers one answer: the parent has an obligation to the child as reciprocation for the joy the child brings the parent.¹³ The reciprocity model can explain why there is an obligation; the consent model cannot. The consent

model seems required to say there is no obligation at all.¹⁴ The extensional disparity between the two models is (seemingly) clear.

II. Improving the Consent-Based Model

When those who adhere to an underlying fairness model object to the consent model, they argue that it is not only family relations, but *all* relations that should be judged according to the “underlying fairness of the exchange”¹⁵ rather than whether they were freely agreed upon. On such views, obligations are thought to be grounded in a notion of fairness independent of consent.

For some, the idea that consent and only consent grounds obligations seems to put the discussion in terms of exchanges and to rely on an impoverished view of individuals as *homo economicus*, a view wherein individuals are seen as purely self-interested, only willing to help others for a price. The worry is put pointedly by Marx, who believes that capitalism “reduced the family relation to a mere money relation.”¹⁶ If one believes all obligations arise from exchanges and views exchanges as necessarily financial arrangements, one does have a pessimistic view of the nature of obligation. There is no reason, though, why we should accept the view that all exchanges are financial arrangements (or even financial-like). It is that view that I challenge.

Robert Goodin claims that “Anyone who cynically looks upon his own contribution to the family as ‘investments,’ motivated merely by expected

returns, is thereby deemed to have perverted or betrayed the relationship.”¹⁷ I think this is right if, once again, one assumes ‘investments’—including gifts and other objects exchanged—must be financial. If, though, one instead recognizes that we make emotional investments and receive emotional returns, one can talk without cynicism of investing in one’s family without perverting or betraying the relationship.¹⁸ Goodin comes close to this view when he adds that “Perhaps, in some sense, love is exchanged for love. If so, it can be exchanged *only* for love.”¹⁹ With that stipulation, it seems eminently plausible to think of family life as composed of a multitude of transactions, some of material goods, but many more of non-material emotional goods. Put another way, family relationships—indeed, all relationships—involve a myriad of transactions between parties and these transactions amount to exchanges of benefits (and burdens) that are constitutive of the relationships.

My thesis can (and should) now be put baldly: we should prize exchange but not limit our views about what can be exchanged;²⁰ one must recognize that a great number of non-monetary—and non-material—goods are part of our daily lives and the exchanges we engage in. Recognizing this allows us to see that exchanges are the fundamental basis of all of our relationships. While money and monetary goods may be what is exchanged in *some* relationships (my relationship with an online retailer, for example), hopefully more relationships involve (are constituted by the transfer of) emotional (or otherwise psychic) goods. Concrete

or material benefits, then, do not exhaust the benefits to exchanges. The view that they do is, I think, what goads opponents of the consent model of obligation. They take it that we only consent to any exchange when we stand to gain materially. That, in turn, makes the idea that we have obligations to family members because of consent seem simply wrong-headed—for surely such obligations are not based on material gain. Recognizing that there are non-material benefits involved in our daily exchanges, though, allows us to see that our familial obligations are grounded in (constituted by) the consensual exchanges—often of emotional goods—that make up the relationships.²¹ Seeing them that way has a clear advantage.

Conceptualizing relationships in the (economic but non-monetary) way I suggest here can be helpful for those who are in potentially subordinate positions. Jean Hampton writes: “one’s propensity to give gifts out of love or duty should not become the lever that another party who is capable of reciprocation relies upon to get one to maintain a relationship to one’s cost.”²² Indeed, she says, “when a friendship starts to get corrupted, one of the parties begins to enjoy the gifts being given more than he does the giver of those gifts, thereby evaluating the one who is giving the gifts ... as a servant of his desires.”²³ This is true whether the gifts are material or non-material (perhaps especially if they are emotional) and is a good reason “we should take stock of the reciprocal nature of even intimate relationships in retrospect—not after each ‘transaction’, of course, but regularly

enough to prevent the growth of destructive imbalances.”²⁴ Recognizing the nature of relationships as constantly involving exchange encourages this. If one recognizes that one gives substantially more to the other—whether materially or emotionally—one has call to reconsider and renegotiate the relationship, thus preventing significant subordination. I will return to this point in section V.

We have now seen that consent-based models of obligation are improved by recognizing that emotional goods are consensually exchanged (alleviating the concern about *homo economicus*). We have also begun to see how this understanding of obligations to those close to us can benefit those who might otherwise be made to sacrifice unfairly. I turn now to the reciprocity model.

III. Improving the Reciprocity Model

According to Allen Buchanan, “*the reciprocity thesis*” is “the claim that only those who do (or at least can) make a contribution to the cooperative surplus have rights to social resources.”²⁵ To be entitled to social returns as benefits received from others, one must be able to similarly contribute to those others. Buchanan explains what he sees as the (morally repugnant) logical conclusion of such views:

The implications of the reciprocity thesis for the treatment of severely disabled persons are as disturbing as they are obvious. If, for whatever reason, an individual is never capable of being a contributor to the

cooperative surplus, then that individual has no right to social resources whatsoever—not even the most minimal support—even in an affluent society.²⁶

Society as a whole, and those of us in it, would have no obligation to those who were so disabled that they could not contribute. Buchanan goes on to claim that the reciprocity thesis “allow[s] one’s basic moral status to be determined by the ability to contribute (or to threaten), which not all persons possess.”²⁷ While I am in broad agreement with Buchanan’s preferred “subject-centered” model of justice, I think he overstates the case here against the reciprocity thesis and likely does so for much the same reason that underlying fairness advocates mistrust consent-based views that rely on autonomously agreed upon trades to determine justice and obligations.

Consider Buchanan’s claim that on the reciprocity view “an individual ... never capable of being a contributor to the cooperative surplus ... has no right to social resources whatsoever.” I actually think that this is correct, but fail to see it as an objection to the reciprocity view. Only if the reciprocity view held that being a contributor required being a contributor of things easily given monetarily value, would it have a real problem of the sort Buchanan discusses. That, though, is the claim I am rejecting; people contribute in many ways, some monetary and some not. Recognizing this should dispel the worry Buchanan has with the reciprocity view.

In his important work on reciprocity, Lawrence Becker allows—indeed, requires—that there is much weighing, often of non-material factors, in reciprocity considerations. He talks, for example, of the “hopes and expectations [that] are brought to the parents by each new developmental task the child accomplishes. These are, in effect, gifts to the parents.”²⁸ They are clearly not gifts easily given a monetary value. They are, in short, emotional gifts. Once we recognize the importance of these sorts of exchanges (gifting, I’ve said, is one means of exchange) we have a hard time imagining an individual “never capable of being a contributor.” Even the least functional human beings contribute. Disabled individuals are usually capable of contributing in a monetary way, but even those with the most severe mental retardation or physical limitation can contribute emotionally even if not monetarily. They bring their parents and others many joys (and, admittedly, hardships).²⁹ This should not be ignored. Even the “severely disabled” can and do contribute and so would have a right to social resources according to the reciprocity thesis. Admittedly, if a human being is genuinely incapable of contributing in *any* way—monetarily, emotionally, or otherwise—he may be due nothing according to that thesis. But then that also seems right.³⁰ Such a being would *not* be due anything (which is not to say we should not treat him charitably). I doubt there are any such beings.³¹

In order to make my point clearer, consider Buchanan’s additional claim that “Different cooperative arrangements may demand different skills, not just

different levels of excellence of the same skills” and his example: “mild retardation combined with dyslexia might render an individual incompetent in a highly literate society in which basic social cooperation required the mastery of sophisticated rules and techniques for processing and issuing written instructions, agreements, and contracts.”³² This is all true, but says little, I think, about the ability of those with mild retardation and dyslexia to contribute. They may not be able to contribute (much) to the cooperative surplus of factory produced artifacts and widely marketed services, but they will be able to contribute emotionally. Once they do so—and they inevitably will—they would be due a return according to the reciprocity thesis.

To be clear, my claim here is that it is empirically certain, though not logically necessary, that virtually everyone contributes—and that if the reciprocity thesis is correct, others will have obligations to them because of those contributions. The problem Buchanan saddles that thesis with disappears once we recognize that some goods we exchange are emotional rather than monetary in value.³³ More generally, we have now seen that the reciprocity model of obligation is improved by recognizing that emotional goods are part of our exchanges. We have already seen that the consent-based model is also improved by such recognition.

IV. The Origin of the Error

If what I have just said is correct, Buchanan's mistake is understandable. The study of economics has had a tremendous impact on all of academia, perhaps most notably on the study of law—which may indirectly affect how we think of obligations. That impact, though, has been accompanied by a misunderstanding—a mistaken belief that the study of economics is only about cash and concrete goods (more precisely: how people trade those). In fact, economics can be understood simply as the study of human exchange and human exchange includes more than concrete items like dollars, stereos, and refrigerators.³⁴ It includes everything we trade, including things like religious belief and love. That may sound like a crass view of our emotional lives, but only if one thinks of trades as necessarily involving monetary values—and that, I am insisting, is a mistake. We exchange many non-material goods and there is no need to put monetary values on those goods in order for them to be studied by economists.³⁵

It is, on my view, simply an unfortunate prejudice of a world that values—or over-values—material success that leads us to disregard the emotional goods we receive in our ordinary exchanges. Surely one would not call unjust a situation wherein one is made happy by seeing a loved one attain a desired goal even if some of one's own goals are set back in the process. If I *want* to take a cut in my (material) standard of living in order to guarantee that my child can attend

college, surely it is not unjust that my standard of living is thus setback. It does not take a brilliant imagination to see that I receive a reward when my child succeeds or has a better chance to succeed (and that reciprocity might thus be satisfied).³⁶ That reward is non-material and is, by hypothesis, accompanied by a loss in material goods, but surely if it is what I want, there is at least *prima facie* reason to believe I am made better off in the process. Absent some argument that I am objectively made worse off, that *prima facie* reason would seem final.³⁷

V. Objections and Response

Some will worry that my view may aid what they see as economic imperialism: the attempt by economists to address areas of study generally considered distinct.³⁸ I am not, though, claiming that economics can explain everything about human life or human trade. It cannot. Neither psychology nor philosophy, for examples, are reducible to economics. Psychology is needed to explain what goes on “inside,” as it were. Philosophy is needed to do (among other things) the normative work regarding trade that is foreign to economics. Economics is a descriptive discipline. Properly confined, economics can tell us how to pursue our social goals; it does not tell us what those goals should be.

The concern about disciplinary boundaries is not the strongest objection to my view. That objection is that an economic view changes that which is viewed. This is clearly true of experimental economics that, after all, often involves

experiments with subjects communicating only over a computer. Such artificial environments surely engender relations that are different than those that occur more naturally. The real worry, of course, is not about what happens within the experimental economist's lab. It is this: if people viewed all relationships as involving exchanges, it would radically change *for the worse* the nature of the (more natural) activities they engage in.

Consider this analogy:³⁹ many people enjoy camping in ways that require “roughing it,” doing without modern technology, including that which can render them safer. Taking a satellite phone into the wild so that one can call for help should one be in danger, for example, removes something essential to the experience of “roughing it.” After all, if I know I can call for help, I need not be as scared and so cannot be as courageous. Similarly, it might be claimed, knowing that my relationship with my sister is a relationship of exchange (as are all relationships), changes the way I understand the relationship and that essentially changes the relationship.

There are several responses to this worrisome objection. First, while we have to admit that recognizing exchange as the basis of relationships may change the relationship,⁴⁰ this does not mean it will be changed for the worse. I will say more about this in a moment. Second, though, if I am right about the nature of relationships and trade, that in itself provides independent reason to favor recognition of that nature—that is, there simply is value in recognizing truth.

Third, even if I am right about the natures of exchange and relationships, I have said little about what people should think of these things in their daily lives. Suggesting, as I believe, that economics is one proper way to accurately study and describe what goes on when individuals engage in trade does not require that everyone recognize this or that if they do, they always keep it in mind. This may mean that my view is self-effacing, but I do not see that as a serious concern.⁴¹

What I would like to encourage if more people were to come to understand their relationships as matters of exchange is more discussion and education about what that means and how it impacts our relationships. My own view, as I will explain, is that it need not weaken those relationships in any way that matters. What should be recognized is that when one “takes stock” of any relationship with another, it would be perversely miscalculating if one considered only financial factors; one must, rather, consider *all* expenditures one makes and *all* benefits one gains—financial, emotional, or otherwise.⁴²

Now to return to the first response to this difficult objection: that the change to relationships may not be for the worse. I have previously suggested that there is an ambiguity about the strength of relationships, such that they could be more or less *valuable* or more or less *durable*.⁴³ I am less concerned with durability than others may be; more durable relationships make for a more conservative society and this may provide some good, but is not a goal I defend. Recognizing that relationships constantly involve exchanges is recognizing that they involve

choices—choices to continue exchanging with the other and so choices to remain within the relationship. This, in turn, means recognizing that we can opt out of those relationships, which means those who would be oppressed if they stayed in a relationship, have a way out—as I discussed in section II above. It also means something more: if it is true (as I think it is)⁴⁴ that we can opt out of any relationship and we then choose to stay in a particular relationship, there is reason to believe we endorse the relationship and that, I suggest, imbues the relationship with meaning. We can opt out but do not: this is a clear sign that we value the relationship even as it allows for less durability. Hence, recognizing that our relationships are based on exchanges may actually change them for the better (consider how a spouse would feel when told their significant other wishes to repeat their marriage vows at an anniversary celebration of their marriage).

It may be now suggested that even if the relationships resulting from recognition of the broadness of exchange are not worsened, some will prefer that their relationships not be so changed. Absent an argument that the relationships are worse, though, this is simply a preference and can be dealt with the way other preferences should be dealt with: individuals wanting to pursue that sort of relationship should be free to do so; if they can find others who are like-minded, they should be free to jointly start their own community.⁴⁵ Within that community they are free to discourage recognition of the truth about the broadness of exchange. (I might think this unfortunate, but have no argument that

the value of recognizing truth outweighs all possible values those individuals might pursue.)

Some will be unconvinced by what I have said thus far. They will insist that the relationships we have with loved ones are simply different in kind from the relationships we have with business enterprises and that to think otherwise is to demean the former—which are *not* about some *quid pro quo*, even an emotional one.⁴⁶ While I agree that such relationships are vastly different, I do not think the difference is the absence or presence of exchanges. In both sorts of relationships, I think, there are exchanges. This does not mean that we should be willing to exchange an existing friendship for a monetary payment; we typically—and, I think, rightly—believe that a genuine friendship is worth more than the mere material objects money can buy. “Indeed, we might think that genuine friends would necessarily judge that friendship is more valuable than a dollar.”⁴⁷ This, though, requires that we make a comparison.⁴⁸ We do not say that a friendship is simply incomparable to a monetary payment; we say it is worth *much more* than a monetary payment.⁴⁹

Sometimes, of course, we are willing to sacrifice at least parts of our friendships: we move away from friends to take up a new position, for example. When we make such decisions, I would suggest, we compare the value of having our friends nearby with the value of the (perhaps primarily monetary) value of the new position. Moreover, while we (typically) are not willing to sacrifice existing

friendships for financial gain, we might plausibly and rationally decide to make trades that are aimed at earning more money rather than gaining an additional friend if we already have a life rich with friends—just as if we have a life rich in creature comforts but poor in emotional connections, we should be willing to forego more of the former in order to gain the latter.⁵⁰ Recognizing that these sorts of trades are possible does not mean one is incapable of genuine friendship or that any relationships one has are necessarily corrupt or that our lives are lacking. Nor, then, does recognizing that genuine friendships are themselves made of numerous exchanges—primarily of emotional or otherwise psychic goods (which are not traded in some simple *quid pro quo* fashion). Determining what makes for a perfectly balanced or fair exchange of emotional goods in every friendship may not be possible, but that does not mean friendships are not extended series of such exchanges.⁵¹ I have tried to suggest they and all relationships are.

Conclusion

Consider, in general terms, my theme: X and Y have a fully consensual transaction where Y gains materially more than X; X, though, prefers this arrangement and no one else is harmed. On my view, this situation is just and X likely has a genuine obligation to Y; this regardless of the fact that there is a supposed lack of reciprocity—indeed, I do not believe there is a real lack of

reciprocity. There may appear to be such a deficiency as X has received materially less than what he may be thought to deserve. However, X *prefers* this and, as such, X's overall situation improves—X is made *better off* by gaining less materially. The benefits which X receives and which make the transaction “fair” or “reciprocal” may not be concrete or measurable, but they are benefits to be considered if reciprocity is to be taken seriously. Surely we should take such benefits and the trades they are part of seriously.

Enriching our understanding of what can be exchanged to include emotional goods provides an improvement for both consent-based and reciprocity models of obligation. We can now also see that the obligations that arise when using the reciprocity model will often coincide with the obligations that arise when using the consent model. I may be said, for example, to have an obligation to my child because of consensual exchanges we've had (especially exchanges of emotional goods) *or* because we are engaged in reciprocity generation even if one of us seems to gain more than the other (because the other, presumably, gains more emotionally). All of this also encourages us to see that we should take stock of our relationships from time to time and not remain in those that are too costly (too repressive) so that we can avoid maltreatment and abuse. This view also allows us to see that these things can be studied in economic terms. This does not mean that all is reducible to economics; it does mean we should recognize that we make emotional trades as well as material trades and that economics can help us

understand both. Finally, nothing I have said here should be taken as claiming that exchange is the only value or that it should be valued above all other values. I believe only that I have given reason to accept that it is a value and that recognizing this has both conceptual and normative advantages; it both makes sense of our relationships and helps us to see when we should limit those relationships.

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² Throughout, I discuss models of obligations *between individual parties*. That last phrase is intentionally ambiguous; I am most concerned here with obligations owed by one individual person to another, but do not want to exclude the possibility that similar obligations can be owed by one group to another.

³ Allen Buchanan distinguishes between “subject-centered justice” and “justice as reciprocity” (“Justice as Reciprocity versus Subject-Centered Justice,” *Philosophy and Public Affairs* Volume 19 (Summer 1990): 227-252). The former category represents “orthodox thinking and practice concerning justice” (227) and includes what I call a consent model of justice. Though my categories mirror his, as my purposes and concern are different, my terminology is different. (I will not worry, here, about whether any particular theorist actually defends the supposedly “orthodox” view, but see note 11 below.)

⁴ As I’ve defined it, this could just as easily be called the “autonomy” model. It is, of course, related to (actual) contract models of justice, though just how that relationship works depends on

the contract model under discussion. (A hypothetical contract model is better understood as relying on a pre-social norm and thus is an underlying fairness model as I discuss below.)

⁵ As will be clear below, I take the name from Michael Sandel.

⁶ There are other underlying fairness models. Minimally, the category also includes the vulnerability model defended in Robert E. Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities* (Chicago: University of Chicago Press, 1985).

⁷ There are so many variations of the models of obligations that surveying them would take too much space. Certainly, discussing the problems with each (incompletely explicated) view is beyond the scope of this paper. For just one example, I recognize that many believe the consent model is necessarily incomplete since it cannot explain the obligation to be obligated by consent (such thinkers reject the idea that consent is a brute normative fact).

⁸ Some of this literature is written with regard to models of justice rather than models of obligation. As will be clear, much of it can be rewritten to bear on either.

See Samuel Scheffler “Families, Nations and Strangers,” (The Lindley Lecture, University of Kansas, 1994) for an interesting but (intentionally) inconclusive discussion about duties that ends with an assertion of the deep conflict between an “ideal of freedom and autonomy which is one of the hallmarks of a liberal society” on the one side and the fact that associative duties also “exert genuine authority” on us, on the other (18).

⁹ It is unclear why asking about fairness leads to the ideal of reciprocity. Some, like Goodin (see note 6 above), may think talking about fairness leads to an ideal based on responding to vulnerabilities, for example. In any case, there are clearly more than two possibilities. Needs- (Marx) or vulnerabilities- (Goodin) based models are different than either reciprocity or consent and there are more models still: one can imagine a eudaimonistic model wherein justice is what

leads to good living or an associative model wherein justice is settled by helping those close to oneself *because* they are close. Here, I concentrate on consent and reciprocity models of obligation for the sake of simplicity but assume throughout that these other possibilities are variants of the underlying fairness model and thus similarly opposed to the consent-based model.

¹⁰ Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 106. See also Iris Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 112. In his Tanner Lectures on Human Values (“What Money Can’t Buy: The Moral Limits of Markets,” delivered at Brasenose College of Oxford University, May 11-12, 1998), Sandel provides an epicycle of this view. He talks of two objections to the extension of markets. The first is that such extensions often involve cases where consent is not genuinely had and the second involves corruption of a value by the process of trade. It is the second that he thinks is more serious. He talks of “the degrading effects of market valuation and exchange on certain goods and practices,” claiming, that “certain moral and civic goods are diminished if bought and sold for money” (94). I discuss this in section V below.

¹¹ Sandel says “obligations arising under the ideal of reciprocity must presuppose some criterion of fairness” while those “arising on the ideal of autonomy ... presume no quality of justice intrinsic to certain results which could, even in principle, be identified apart from or antecedent to the process which produced them” (Sandel, *Liberalism and the Limits of Justice*, 107-108). Robert Nozick’s libertarianism is probably the best example of the latter.

¹² Again, these are not meant to accurately describe any full theory of obligation.

¹³ See Lawrence C. Becker, *Reciprocity* (Chicago: University of Chicago Press, 1986), 202. A different reciprocity account might claim (a) the obligation is owed to the child as a means of repaying goods the parent received earlier from their own parents, perhaps thinking of “transitive”

reciprocity (see David Schmitz, *Elements of Justice* (Cambridge: Cambridge University Press, 2006), 83; Schmitz, though, may endorse *need* as the ground of parental obligation) or that (b) the obligation to care for the child is owed not to the child, but to society as a means of repaying goods the parent receives from society (along the lines Becker develops to defend a duty to obey the law; see Becker, 255ff). Goodin's vulnerability model provides yet another answer as the child will be especially vulnerable to the parent (see Goodin, *Protecting the Vulnerable*, 29-83).

¹⁴ This is why "In ethical and political theories, the family is often regarded as an inappropriate context for justice, since love, altruism, or shared interests are assumed to hold sway within it" (Susan Moller Okin, "Gender Inequality and Cultural Differences," *Political Theory* Volume 22 (February 1994), 10). See also Jean Hampton, "Feminist Contractarianism," *A Mind Of One's Own: Feminist Essays on Reason and Objectivity*, Ed. Louise M. Antony and Charlotte Witt (Boulder: Westview Press, 1993), 227-255, esp. 236, 239-240, and 246-249.

¹⁵ Sandel, *Liberalism and the Limits of Justice*, 106

¹⁶ Karl Marx and Friedrich Engels, *Communist Manifesto*, Ed. Martin Malia (NY: Signet Classic, 1998), 531; see also Goodin, *Protecting the Vulnerable*, 90.

¹⁷ Goodin, *Protecting the Vulnerable*, 90-91

¹⁸ It may well be that Goodin thinks that any thought of "investing" in a relationship will corrupt the relationship even if it is a rather sophisticated thought about investing emotions. This is clearly a plausible reading of Goodin, but does little, I think, to mitigate the point. If I do something in order to make my wife happy because it makes me happy to see her happy, I make an emotional investment and reap an emotional reward. This does not strike me as corrupting the relationship. Only if one thinks of the investment as financial does there seem to be a problem. Putting the point differently, there is nothing wrong with "buying" another's love, even if there is

something wrong with buying their love with money (if the latter is possible). Admittedly, *crass* attempts to buy love non-monetarily (fawningly complimenting the other, for example) can only succeed in an impoverished way, but that does not mean all such attempts must.

¹⁹ Goodin, *Protecting the Vulnerable*, 91. It may be that emotional goods cannot be given a monetary value (as Goodin thinks). I take no stand on the issue and hence use the locution “things easily given monetarily value” below. Note that Goodin writes as if it is more plausible to treat the emotional investment we make in friendships as a *vulnerability* than as a contractual investment (*ibid.*, 105). I would think most non-philosophers would recognize it as both.

²⁰ I mean this as a conceptual claim only. I am not making an argument about what is morally permissible to exchange or about what law should allow to be exchanged. (JT)

²¹ It is not part of my project to provide a full positive account of family obligations based on consent. I suspect, though, that a model of obligation based on consent can make use of the sort of phenomenon discussed in note 13 above (and related text). The idea would be that we have obligations to our siblings, for example, because we (tacitly) consent to the relationship when we continue to accept benefits from (a) them, (b) others similarly related, or (c) society as a whole.

²² Hampton, “Feminist Contractarianism,” 239, italics in original

²³ Hampton, “Feminist Contractarianism,” 246.

²⁴ Becker, *Reciprocity*, 187-8

²⁵ Buchanan, “Justice as Reciprocity versus Subject-Centered Justice,” 230.

²⁶ Buchanan, “Justice as Reciprocity versus Subject-Centered Justice,” 230. Buchanan is discussing justice, but as should be clear, his discussion could easily be put in terms of obligations (though societal, rather than personal, obligations).

²⁷ Buchanan, “Justice as Reciprocity versus Subject-Centered Justice,” 235.

²⁸ Becker, *Reciprocity*, 202. For an interesting discussion of related issues from economists, see Ernst Fehr and Klaus M. Schmidt, “A Theory of Fairness, Competition, and Cooperation,” *The Quarterly Journal of Economics* Volume 114 (August 1999): 817-868, esp. 852-855.

²⁹ Christie Hartley, “An Inclusive Contractualism: Obligations to the Mentally Disabled,” *Disability and Disadvantage: Re-examining Topics in Moral and Political Philosophy*, Ed. Kimberley Brownlee and Adam Cureton (NY: Oxford University Press, forthcoming) discusses two ways of thinking about cooperation: the production model, wherein we focus on material goods, and the relationship model, wherein we focus on the development of relationships. The latter would include emotional exchanges. On her view, as on mine, what is fundamental is the capacity for engagement and, as she makes clear, most with disabilities have that capacity. She cites Eva Feder Kittay’s relationship with her daughter, Sophia Wong’s relationship with her brother, as well as the movie *Radio* for excellent examples of the point I make in the text: that those with disabilities do contribute. See Hartley; Kittay’s *Love’s Labor: Essays on Women, Equality, and Dependency* (NY: Routledge, 1999): 147-161; and Wong’s “At Home with Down’s Syndrome and Gender,” *Hypatia* Volume 17 (2002): 89-117.

³⁰ Clearly, if such a being would be due anything, it would not be as an equal.

³¹ As Hartley notes, almost all human beings have the capacity for engagement. Anencephalic infants are exceptions, but they rarely survive for more than a couple of days.

³² Buchanan, “Justice as Reciprocity versus Subject-Centered Justice,” 237.

³³ Which is only to say that the reciprocity thesis does not suffer from the problem Buchanan attributes to; not that it is correct.

³⁴ Etymologically, the term is from the Greek *oikos* meaning “house” and *nomos* meaning “law” or “rule” and is thus about how one rules one’s household. It seems reasonable to think this

includes (non-monetary) relationships in the household.

³⁵ Economists may need to quantify, but the quantification does not have to be in monetary terms. Economics of religion, for example, measures such things as church attendance (see, for example, Laurence Iannaccone, Roger Finke, and Rodney Starke. “Deregulating Religion: The Economics of Church and State,” *Economic Inquiry* Volume 35 (April 1997): 350-364, and other of Iannaccone’s work). There is a further question about whether all goods exchanged can be measured on a single scale—whether all are commensurable. I take no stand on this issue. If not all goods are commensurable, there would simply be a limit to what quantitative economics can study. One could not then use economics to study, say, trades of love for rings, but one could study trades of love for love and trades of rings for rings. (Thanks AA)

³⁶ Nor is it hard to imagine that I might consent to raise my child (while I do so), partly in anticipation of such non-monetary reward.

³⁷ It might be objected that while my child is young and cute, I do derive (emotional) benefits from raising him, but that this may disappear when he becomes older. It might be suggested that there are some teenagers (or adult children) from whom parents genuinely receive no benefit. This may be true; the reciprocity theorist, though, may reply that in some such cases, benefit comes to the parent from sources external to the relationship and, in other such cases, that the parent has no remaining obligation to the child.

³⁸ This sort of claim is often urged against Gary Becker (the 1992 Nobel Prize Winner who turned his economist’s gaze to racial and sexual discrimination and family life) and Richard Posner, who invites economics into law.

³⁹ Suggested by JT.

⁴⁰ The analogy is interesting though: the camping experience with the phone seems more similar

than dissimilar to the experience without the phone.

⁴¹ If I am right, I take it to be obvious that this view should be recognized in academic work—as any correct view should. It may nonetheless be that academics (and others) are better off not always keeping themselves cognizant of it in their daily lives. My response here is similar to one response a Harean utilitarian invokes. It is also similar to a now prevalent view about impartiality: that impartiality may sometimes recommend or even require partiality.

⁴² As ... Andrew I. Cohen points out, “Friends ... understandably watch how they benefit from a friend to keep from becoming a ‘user.’ Friends legitimately wish to depend on one another, but they should also guard against imposing excessive demands on a friend” (“Examining the Bonds and Bounds of Friendship,” *Dialogue* Volume XLII (2003), 321-344: 324). For some of the more empirically-minded research on this topic, see Cohen’s footnote 18. Also see work from sociology on social exchange theory. In a seminal piece in that field, Homans summarizes it simply, suggesting that we do well in “adopting the view that interaction between persons is an exchange of goods, material and non-material” (George C. Homans, “Social Behavior as Exchange,” *American Journal of Sociology* Volume 63 #6, May 1958 (597-606): 597). In the same piece, he speaks of “liking” as something traded (602). Homans’ view is similar to mine, though he accepts a Skinnerean behaviorism and I do not and he is not (at least not obviously) concerned with obligation.

⁴³ For more on this see my 2000, esp. 251-253; this paragraph is adapted from there.

⁴⁴ See my 1998.

⁴⁵ See my 2007.

⁴⁶ JT

⁴⁷ Ruth Chang, “Against Constitutive Incommensurability or Buying and Selling Friends”

(*Philosophical Issues* Volume 11 (2001): 33-60).

⁴⁸ Borrowing Susan Hurley's language, we might say this comparison involves only weak commensurability (rather than strong commensurability).

⁴⁹ Chang makes this point on 41-42. She nicely indicates that "incomparability of friendship and money" is unlikely to be "a constitutive feature of friendship" by pointing out that if "I judge that the friendship [with Eve] is worth more than a dollar," I am not "disqualified from being Eve's friend" (41)

⁵⁰ Chang makes this point on 46.

⁵¹ The claim that friendships and family relations are best analyzed in terms of exchanges of emotional goods may be empirically unfalsifiable. This is a conceptual claim, so direct empirical evidence will not settle the debate. Like other theoretical debates, I think this one is best understood in terms of determining which understanding best coheres with the way we view the world and the way we should view the world. In this case, the question is whether the understanding of relationships as constituted by exchanges coheres with how we view our relationships and how we should. Hopefully, some of what I have said here has been persuasive in this manner. (Thanks JT)