

# *Are Moral Reasons Morally Overriding?\**

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IN THIS PAPER, I present an argument that poses the following dilemma for moral theorists: either (a) reject at least one of three of our most firmly held moral convictions or (b) reject the view that moral reasons are morally overriding, that is, reject the view that moral reasons always defeat non-moral reasons in the determination of an act's deontic status (e.g., morally permissible or impermissible).<sup>1</sup> I then argue that we should opt for the second horn of this dilemma. If I'm right, if non-moral reasons are relevant to determining what is and isn't morally permissible, then it would seem that moral theorists have their work cut out for them. Not only will they need to determine what the fundamental right-making and wrong-making features of actions are, but they will also need to determine what non-moral reasons are relevant to determining an act's deontic status. And moral theorists will have to account for how these two very different sorts of reasons (moral and non-moral) "come together" to determine an act's deontic status. I will not attempt to do this work here, but rather only to argue that the work needs to be done.

## **1. Preliminaries**

Before presenting the dilemma-posing argument, I'll need to explain my use of certain key terms. By the term "reasons," I'll mean "practical reasons," i.e., reasons for action. As I see it, reasons for action are considerations that can count in favor or against performing an action. Such considerations are not always decisive, as countervailing reasons can defeat them, but in the absence of an undefeated countervailing reason, they are decisive. Second, I'll use the phrase "undefeated reason" such that: if a person, P, has an undefeated reason to perform an act, *x*, it follows that P does not have better reason to perform

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<sup>1</sup> The view that moral reasons are morally overriding is to be distinguished from the view that moral reasons are rationally overriding, that is, the view that moral reasons always defeat non-moral reasons in the determination of an act's rational status. With regards to an act's rational status, what's most relevant here is not whether the act is rational, but whether it is in accordance with what the agent has most reason to do, for whereas the former depends on the agent's subjective beliefs, the latter depends on the facts, the facts that provide the agent with reasons to act in various ways—see Derek Parfit, *Rediscovering Reasons* (working manuscript).

some other available act.<sup>2</sup> Note that this allows that there are various ways in which a reason can be defeated. For instance, a reason can be defeated because it is overridden by some other weightier reason, and a reason can be defeated because it is trumped, silenced, undermined, excluded, or bracketed by some other reason.<sup>3</sup> Note also that I've said, "does not have better reason" as opposed to "has as good a reason."<sup>4</sup> The former is broader, allowing for the additional possibility that P's reason to perform *x* is undefeated because it is incommensurate with P's reasons to perform some other available alternative such that there is no fact as to whether P has better reason, worse reason, or just as good a reason to perform *x* than/as to perform this other alternative.

In what follows, I'll want to distinguish an undefeated reason from a *morally* undefeated reason. Accordingly, I offer the following definitions:

- D1** A person, P, has a *morally undefeated reason* to perform an act, *x*, if and only if P does not have better moral reason to perform some other available act.
- D2** P has an *undefeated reason* to perform *x* if and only if P does not have better reason, all things considered, to perform some other available act.

With these definitions in hand, I'm now in a position to say what moral reasons are. Moral reasons are, of course, a proper subset of reasons for action; specifically, moral reasons are those reasons that can give rise to a moral ought, where "ought" is understood broadly to express either obligation or advisability. Thus moral reasons are reasons that can give rise to an act's being either morally obligatory or morally supererogatory.<sup>5</sup> But when does a

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<sup>2</sup> By "other available act," I mean to include what might misleadingly be called "inaction" or what would more accurately be called "intending not to perform any voluntary bodily movement," which is itself an action.

<sup>3</sup> For a discussion of excluding, see Joseph Raz, *Practical Reasons and Norms*, (Princeton, NJ: Princeton University Press, 1975), pp. 37-9. For a discussion of bracketing, see Thomas Scanlon, *What We Owe to Each Other*, (Cambridge: Harvard University Press, 1998), pp. 50-4.

<sup>4</sup> I prefer the phrase "better reason" to "more reason," since, as I've already noted, I want to allow for the possibility that P can have better reason to, say, perform *x* as opposed to *y*, not because there are more reasons or weightier reasons that favor performing *x*, but because the reasons that favor performing *x* trump, silence, or undermine the reasons that favor performing *y*. Nevertheless, I will use the locution "P has most reason to do *x*" as opposed to "P has best reason to do *x*" for the superlative, since the former is already entrenched in the philosophical vernacular and the latter could be confusing given the more common locution "the best reason for P to do *x* is..." which means something entirely different from what I'm after. I will also use the somewhat awkward phrase "better moral reason," which might be stated less awkwardly but also less concisely as "better reason, morally speaking."

<sup>5</sup> Note that it would be a mistake to define a moral reason as any reason that's relevant to the determination of an act's deontic status. Such a definition would rule out from the start the

moral reason give rise to a moral ought? This much is clear: absent either an undefeated or a morally undefeated reason to do something else, there is nothing to prevent the moral reason *P* has to perform *x* from being decisive—decisive not only relative to other moral reasons but also relative to reasons generally. And, surely, if *P* has a morally, and all-things-considered, decisive moral reason to perform *x*, then *P* morally ought to perform *x*—that is, *P*'s performing *x* is at least morally supererogatory if not morally obligatory. More formally, I offer the following definition:

- D3** *P* has a *moral reason* to perform *x* if and only if, absent either an undefeated or a morally undefeated reason to perform some other available act, *P*'s performing *x* is either morally obligatory or morally supererogatory.<sup>6</sup>

As D3 implies, not only do facts that give rise to an act's being morally obligatory constitute moral reasons, but so do facts that give rise to an act's being morally supererogatory. So, for instance, a moral theory that inextricably ties moral obligations to rights will still count the fact that your performing *x* will benefit someone who has no right to your beneficence as a moral reason for you to perform *x* if the theory holds that your benefiting someone who has no right to your beneficence is supererogatory (even if not obligatory). Thus there are two types of facts that constitute moral reasons, and this implies that there are two types of moral reasons: those that give rise to moral obligations when they are both morally and all-things-considered decisive and those that

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very real possibility that non-moral reasons might be relevant to the determination of an act's deontic status.

<sup>6</sup> Note that this allows for the possibility that a moral reason gives rise to a moral ought whenever a morally undefeated reason is absent, for it may be that what one morally ought to do is a function of solely *moral* reasons. Nevertheless, even if this is the case, it will still be true to say that a moral reason gives rise to a moral ought absent either an undefeated or a morally undefeated reason to act otherwise. For if a moral reason to perform *x* gives rise to *x*'s being morally obligatory/supererogatory if there isn't a morally undefeated reason to do something else, then it will also give rise to *x*'s being morally obligatory/supererogatory if there is neither an undefeated nor a morally undefeated reason to do something else.

Note also that D3 is compatible with a particularist conception of moral reasons, where certain facts can be relevant to how one morally ought to act on one occasion but not another and can even count in favor of performing an action on one occasion but against performing that action on another. Even on this particularist conception, it will still be true to say that some facts are capable of making a difference to how one morally ought to act and that some are not. According to D3, then, those that are capable of making a difference count as moral reasons even if, in certain particular situations, those facts are morally irrelevant. By contrast, those facts that never make a difference, in themselves, to how one morally ought to act are non-moral reasons. Perhaps, then, the fact that performing *x* would increase aggregate utility is a moral reason, whereas the fact that performing *y* would increase the number of blue things in the world—something you desire to do—is not.

don't. Accordingly, I offer the following distinction and corresponding definitions:

- D4** P has a *deontic moral reason* to perform *x* if and only if, absent either an undefeated or a morally undefeated reason to perform some other available act, P's performing *x* is morally obligatory.
- D5** P has a *non-deontic moral reason* to perform *x* if and only if, absent either an undefeated or a morally undefeated reason to perform some other available act, P's performing *x* is not morally obligatory, but merely morally supererogatory.

So, on the rights-based theory described above, the fact that your performing *x* will benefit someone who has no right to your beneficence would constitute a non-deontic moral reason for you to perform *x*, whereas, on utilitarianism, the fact your performing *x* will benefit someone (even yourself) constitutes a deontic moral reason for you to perform *x*.

Lastly, I'll define a moral option as follows:

- D6** P has a *moral option* to perform either *x* or *y* if and only if it is both morally permissible for P to perform *x* and morally permissible for P to perform *y*.

## 2. The argument

With these definitions in hand, we're now in a position to consider what I take to be a very troubling argument, which I present in standard form below. Assume that the variable "P" ranges over agents who must choose between acting so as to secure a considerable benefit for themselves and acting so as to secure a *slightly* more considerable benefit for some stranger.<sup>7</sup> Let's call the former "*s*" since it's a self-regarding act and the latter "*o*" since it's an other-regarding act. Assume that there are no other morally relevant facts. So, for instance, assume that whatever it is that P would be doing were she to perform

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<sup>7</sup> An alternative version of the argument would have the variable "P" range over agents who must choose between acting so as to secure a considerable benefit for themselves by pursuing some core life project such as a vocation as a philosopher and acting so as to secure a far more considerable net benefit for various needy, distant strangers by dedicating one's time, effort, and money to an organization such as Oxfam. The resulting argument would be quite compelling in that P4 below would, then, express our considered moral conviction that forgoing one's core life project in order to do more to promote the impersonal good is morally optional, not morally required. However, it seems to me that the version of the argument given in the body of this paper is even more compelling in that we have an even stronger conviction that sacrificing a benefit for oneself in order to provide some stranger with an only *slightly* larger benefit is morally optional, not morally required—see Brad Hooker, *Ideal Code, Real World* (Oxford: Clarendon Press, 2000), pp. 151-2.

*s*, it would not entail breaking a promise, causing someone harm, or anything of the sort. And assume, for the sake of simplicity, that *s* and *o* are the only available options and that they are mutually exclusive. Now consider the following argument, and for the moment, leave aside any worries you may have concerning the plausibility of P2, P4, or P6—I'll discuss those premises in the following section.

- P1** If P has a deontic moral reason to perform *a*, then unless P has either an undefeated or a morally undefeated reason to perform *s*, P is morally required to perform *a*. (From D4 and the fact that *o* and *s* are the only options available.)
- P2** P has a deontic moral reason to perform *a*.
- C1** Therefore, unless P has either an undefeated or a morally undefeated reason to perform *s*, P is morally required to perform *a*. (From P1 and P2.)
- P3** If P has a moral option either to perform *o* or to perform *s*, then P is not morally required to perform *a*. (From D6.)
- P4** P has a moral option either to perform *o* or to perform *s*.
- C2** Therefore, P is not morally required to perform *a*. (From P3 and P4.)
- C3** Therefore, P has either an undefeated or a morally undefeated reason to perform *s*. (From C1 and C2.)
- P5** If P has a morally undefeated reason to perform *s*, then it is not the case that P has better moral reason to perform *o* than to perform *s*. (From D1.)
- P6** P has better moral reason to perform *o* than to perform *s*.
- C4** Therefore, it is not the case that P has a morally undefeated reason to perform *s*. (From P5 and P6.)
- C5** Therefore, P has an undefeated reason to perform *s*. (From C3 and C4.)
- P7** If P has an undefeated reason, but not a morally undefeated reason, to perform *s* and a deontic moral reason to perform *a*, then P has a moral option either to perform *o* or to perform *s* only if moral reasons don't always defeat non-moral reasons in the determination of an act's deontic status. (From D1-D6.<sup>8</sup>)

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<sup>8</sup> Here's the reasoning: Let me begin by provisionally assuming that both the antecedent of P7 and the antecedent in the consequent of P7 are true. Thus I will assume that P does have an undefeated, but not a morally undefeated, reason to perform *s*. This means that the undefeated reason that P has to perform *s* must be a non-moral reason, for if it were, to the contrary, a moral reason, P would have a morally undefeated reason to perform *s* as well. Now since this non-moral reason that P has to perform *s* is not defeated by the deontic moral reason that P has to perform *o* (P's reason to perform *s* is, after all, an undefeated reason), it follows that moral reasons (deontic or not) do not always defeat non-moral reasons. Furthermore, since we are to assume that P has a moral option either to perform *o* or to perform *s*, it follows that P is

- C6** Therefore, P has a moral option either to perform *o* or to perform *s* only if moral reasons don't always defeat non-moral reasons in the determination of an act's deontic status. (From P2, C4, C5, and P7.)
- C7** Therefore, moral reasons don't always defeat non-moral reasons in the determination of an act's deontic status. (From P4 and C6.)<sup>9</sup>

### 3. Analysis and implications

Since P1, P3, P5, and P7 are all conceptual truths, we must either (a) reject at least one of P2, P4, and P6 or (b) accept C7. I will argue that we should opt for the latter, since the three premises mentioned in the former represent three of our most firmly held moral convictions. Other things being equal, a moral theory ought to comport with our considered moral convictions. This, of course, doesn't mean that any theory that fails to satisfy this desideratum is ultimately untenable. Theory selection is a matter of selecting that theory, from among all the alternatives, that best meets our desiderata, and since it is doubtful that any moral theory will fully satisfy all of our desiderata, a moral theory can fail to satisfy one desideratum and still be the best theory. Nevertheless, a theory that comports with our considered moral convictions is, other things being equal, more plausible than one that doesn't.<sup>10</sup> So we should be reluctant to reject any of P2, P4, and P6.

I should note that I'm not unsympathetic to those who have argued that a number of our commonsense moral intuitions are suspect. In particular, I think that Peter Singer and Peter Unger have successfully shown that we

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not morally required to perform *o* despite the deontic moral reason that P has to perform *o*. And this means that when non-moral reasons defeat deontic moral reasons they not only make it rationally permissible but also morally permissible to act contrary to what one has most deontic moral reason to do. For if, to the contrary, non-moral reasons were able to prevent deontic moral reasons from giving rise to moral obligations when they defeated them (if, for instance, morally permissibility were a function of solely *moral* reasons), then the undefeated non-moral reason that P has to perform *s* would be powerless to prevent the deontic moral reason that P has to perform *o* from giving rise to a moral requirement to perform *o*. Thus if the antecedents in P7 are true, it follows that non-moral reasons can defeat moral reasons (even deontic ones) and thereby prevent them from generating a moral requirement—that is, moral reasons don't always defeat non-moral reasons in the determination of an act's deontic status. P7 is, therefore, true.

<sup>9</sup> This argument is inspired by Shelly Kagan's argument against options in his *The Limits of Morality*, (Oxford: Oxford University Press, 1989). But whereas Kagan assumes that non-moral reasons are irrelevant to the determination of an act's deontic status and so argues against options, I assume that there are options and so argue that non-moral reasons must be relevant to the determination of an act's deontic status. Kagan says, "since we are concerned with what is required by *morality*, the relevant reasons—whether decisive or not—must be moral ones" (p. 66). But Kagan's inference is unwarranted; we should not just assume that non-moral reasons are irrelevant with regard to what is required by morality.

<sup>10</sup> For a defense of this claim, see Hooker, *Ideal Code, Real World*, pp. 9-19.

should be highly suspicious of many people's untutored intuition that it is permissible for those who enjoy the kind of affluence that is so common in industrialized nations to spend large portions of their surplus income on luxury items when there are so many children in developing countries who are dying easily preventable deaths.<sup>11</sup> But the fact that some of our commonsense moral intuitions seem suspect upon careful reflection casts no doubt on the idea that our moral theories should comport with the moral convictions we have *after* careful reflection. Thus it's important to note that neither Singer's arguments nor Unger's arguments speak against our considered moral conviction that forgoing a benefit for oneself in order to provide someone else with an only *slightly* larger benefit is morally optional, not morally required.

Up to this point, I've merely asserted, not argued, that P2, P4, and P6 represent three of our most firmly held moral convictions. Let me now rectify this, taking each in turn.

P2 says, "P has a deontic moral reason to perform *a*." A moral theory must countenance P2 in order to account for our conviction that in the absence of an undefeated or a morally undefeated reason not to perform *a*, P is morally required to perform *a*. Recall that P ranges over agents who must choose between acting so as to secure a considerable benefit for themselves and acting so as to secure a slightly more considerable benefit for some stranger. To illustrate, let's suppose that the specifics are as follows. P is currently accessing her savings account via the Internet, and she is about to transfer the entire balance to her escrow company so as to purchase her dream home. She can do so by clicking on button A. However, there's an alternative. By clicking on button B instead, her savings will be transferred not to her escrow company, but to some stranger who will benefit slightly more from the money than she would.<sup>12</sup> Clearly, given the tremendous sacrifice involved, our considered moral conviction is that P is not morally required to perform *a*—that is, P is not morally required to click on button B. But it is equally clear that the fact that her doing so would provide the stranger with a considerable benefit constitutes a deontic moral reason for her to click on button B. Indeed, were it not for the costs involved, she would be required to click on button B.

To see this, consider the following variant on the above case. In this case, P can transfer the money to her escrow company by clicking on *either* button A or button B, and, in this case, a very rich man has agreed to transfer an equivalent sum of his own money to the stranger if, and only if, she clicks on button B. So, in either case, she'll get her dream home, but, by clicking on button B, she'll also secure a considerable benefit for the stranger. Assume that there are no other relevant facts.

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<sup>11</sup> See Unger's *Living High and Letting Die* (Oxford: Oxford University Press, 1996) and Singer's "Famine, Affluence, and Morality," *Philosophy and Public Affairs* 1 (1972): 229-243.

<sup>12</sup> Assume that in this case she'll still have the small apartment that she's been renting to come home to.

Surely, in this case, P is morally required to click on button B, for there is no reason why she shouldn't do so. By clicking on button B, she can purchase her dream home while also providing a considerable benefit for the stranger, and she can do so at no cost to herself, at minimal cost to the rich man (who, given the diminishing marginal utility of money, has more money than he can effectively use to benefit himself), and at absolutely no cost to anyone else. If you think that beneficence is only required when the would-be beneficiary is below a certain threshold of well-being, then assume that both you and the stranger are below that threshold.

Given that we think that the reason P has to click on button B gives rise to a moral requirement in the absence of either an undefeated or a morally undefeated reason to do otherwise, we must conclude that it is a deontic moral reason. All moral reasons must be either deontic or non-deontic, and since this moral reason is the kind of moral reason that can give rise to a moral obligation, it must be the former. If, to the contrary, P's reason to click on button B were a non-deontic moral reason, it could not generate a moral requirement to do so. So in order to comport with our considered moral convictions, such as our judgment that P is morally required to click on button B absent some (morally or all-things-considered) undefeated reason not to do so, a moral theory must countenance P2.

P4 says, "P has a moral option either to perform *o* or to perform *s*." To deny that P has such a moral option, we would have to either accept, as ethical egoism does, that P is morally required to promote her own self-interest or accept, as act-utilitarianism does, that P is morally required to do what best promotes the impersonal good.<sup>13</sup> Yet our considered moral conviction is that agents who find themselves in P's circumstances have the moral option of either furthering their own interests or sacrificing those interests for the sake of doing more to promote the impersonal good. To comport with this conviction, a moral theory must accept P4.

P6 says, "P has better moral reason to perform *o* than to perform *s*." To deny P6 is to reject our considered moral conviction that forgoing a benefit for oneself in order to secure a greater benefit for another is something that it would be morally better to do in P's circumstances. Doing so may not be obligatory, but that doesn't mean that it isn't morally better to do so. Indeed, the fact that we consider doing so supererogatory shows that we think that P has better moral reason to secure the greater benefit for the stranger than to

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<sup>13</sup> It might be suggested that the ethical egoist who accepts a desire-fulfillment account of well-being could accommodate an option either to perform *o* or to perform *s* provided P's desires would be equally fulfilled whether P performed *s* or *o*. However, I've stipulated from the start that the choice between benefiting oneself and benefiting the stranger is to be a mutually exclusive one. And, as I've stipulated, the choice between *s* or *o* is between furthering one's own interests and *sacrificing* those interests for the sake of doing more to promote the impersonal good. Therefore, by stipulation, *o* must be a self-sacrificing act, and so the ethical egoist must consider *o* to be morally impermissible.

secure the lesser benefit for herself. A moral theory, then, must accept P6 if it's going to comport with our considered moral convictions.

This brings us to the second horn of the dilemma: if we're going to accept P2, P4, and P6, then, as the argument shows, we must accept C7 as well. That is, we must accept, contrary to the philosophical orthodoxy, that moral reasons are not the only reasons relevant to the determination of an acts deontic status.

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