

Two moral points of view

Draft

In some circumstances a person may have most moral reason to do something that is not morally required. For example, she may have most moral reason to donate her kidney to a stranger in need, but be morally permitted to keep her kidney instead. In these cases, if she does what she has most moral reason to do, e.g. donating a kidney, it would be supererogatory.

On one hand the concept of supererogation makes sense of the ideas that not everything we have moral reason to do is morally required, that we may permissibly fail to do what is morally best, and that some people are real heroes because they did what they had most moral reason to do even though they were not required to. On the other hand, the concept of supererogation raises a paradox—how can a person have most moral reason to do something but, in light of nonmoral reasons, not be morally required to do it? In Section 1, I describe why making sense of supererogation seems to require that we deny that moral reasons morally override nonmoral reasons in determining whether an act is permissible (Portmore 2008). But this would be a strange conclusion, since moral concepts like permissibility seem to operate within the moral point of view, and within the moral point of view one cannot have most moral reason to refrain from doing what one has most moral reason to do.

I propose a way of resolving this paradox in Section 2. Supererogatory acts are those where a person has most moral reason to do something from one moral point of view (e.g. beneficence) but from another moral point of view (e.g. justice) she lacks moral reasons. In these cases it is both true, in a sense, that heroes do what they have most moral reason to do and true in a different sense that heroes are not morally required to do it. I think this resolution of the paradox also provides an independently plausible picture of the moral landscape and it captures features of our moral experience that other frameworks miss, such as suberogatory acts and tragedies.

Accepting this resolution to the paradox requires that we deny that duties of assistance are ever properly conceived within the realm of justice, as I show in Section 3. I accept this claim but do not count it as an objection. If we must either give up on the idea of supererogation or the idea that duties of justice must include duties of assistance, it is better to abandon the latter. So I maintain in Sections 4 and 5 that moral reasons are disunified, meaning that the concept of ‘morally ought’ does not refer to a unified set of reasons. Little is lost if we instead think about moral reasons in this disunified way but much is gained because we can make sense of supererogation and seeming moral dilemmas by abandoning the quest for an answer to what we all things considered ought to do.

One may worry that the disunified framework I advance is ad hoc, or that it doesn’t capture what we are looking for from the moral point of view. This is a methodological objection, but there are also methodological reasons to favor this strategy, which I discuss in Section 6. A disunified approach to moral reasons allows for a more parsimonious and coherent moral theory that is not less extensionally adequate than the unified approach. By taking a disunified approach and focusing on the functional role our moral concepts play we can also highlight points of agreement and make progress in debates in applied ethics.

1. The Paradox of Supererogation

The fact that some people seem like heroes gives us reason to doubt that the only actions that it are morally good to do are those that are also morally required (Urmson 1958). Heroes do things that we do not expect people to do or blame people for failing to do, but which we recognize as morally worthy, virtuous, impressive and admirable (Markovits 2012). For example, someone who donates her kidney to a stranger in need and saves several people’s lives through a donor chain is a hero, at least with respect to this act. This suggests that the moral status of an act may refer to more than whether it is required, permitted, or prohibited, as some acts seem morally good even though they are not required. The concept of supererogation refers to these acts.

Though intuitive, it is tricky to defend the idea of supererogation, as Douglas Portmore demonstrates (Portmore 2008). Portmore characterizes supererogatory actions as those where the agent is permitted to either act in her own interest or promote the interests of others, and the reason she has to act in her own interest is a nonmoral reason and the reason she has to help others is a moral reason. Or, more generally, supererogatory actions (x) are those where a person is morally permitted to either (x) or (y) but has more moral reason to perform (x) instead of (y) (Portmore 2008, 12).

Here is the paradox. To accept the idea of supererogation seems to require the denial of the claim that moral reasons morally override nonmoral reasons. That is, it seems to require that nonmoral reasons could morally override moral reasons at least in some cases. But how could nonmoral reasons override moral reasons from the moral point of view? If we are asking about an act's moral status, shouldn't the answer to that question make reference to the moral reasons in favor of that act and not the nonmoral reasons? As James Dreier writes,

It is hard to see how it could be permissible, from the moral point of view, to refrain from doing something that you have an undefeated reason (from that very point of view) to do... Supererogation, according to this way of seeing things, turns out to be impossible (Dreier 2004, 148)."

Dreier conceives of supererogation as the alternative to ethical satisficing.¹ In general, Dreier remarks that the idea of satisficing reasons is a bit puzzling because if something is better from a point of view then a person has a reason to bring it about. So satisficing requires that people ignore the reasons they have within that point of view. And ethical satisficing requires that people ignore their moral reasons within the moral point of view.

The paradox seemingly leaves us with two unappealing options. Either:

(a) Nonmoral reasons can override moral reasons in determining the moral status of an act. Supererogation is possible.

(b) Moral reasons are overriding in determining the moral status of an act.

Supererogation is impossible.

The first option would require an account of how and why nonmoral reasons bear on an act's moral status. Providing such an account would be challenging because it would require a revisionary account of why 'the moral status of an act' is not the status that the act has in light of the moral reasons. The second option is also unappealing because it denies our intuitive sense that supererogation is possible. Instead, we must accept either that the domain of moral reasons is much more limited than we thought and people who are seemingly heroes are actually just quirky oddballs who happen to adopt the non-moral project of self-sacrifice for the sake of others. Or, the moral domain is as extensive as we thought and people who are seemingly heroes doing no more than what they morally ought to do whereas the rest of us fall short of doing what we morally ought to do. So (a) requires a defense of a counterintuitive conception of the moral status of acts and (b) requires that we reject supererogation, which is also counterintuitive.

We can resolve the paradox if we can find a way to maintain that:

(c) Moral reasons are overriding in determining the moral status of an act. But supererogation is possible.

I will turn to this task in the next section, building on a resolution that was initially proposed by Zimmerman and then Dreier (Zimmerman 1993; Dreier 2004). Zimmerman and Dreier's resolutions suggest that only some moral reasons have sufficient deontic/requiring strength. In some cases a

¹ Which Dreier contrasts with the separate question of rational satisficing. Note that the paradox of supererogation as I am understanding it arises within the moral domain, not the rational domain. If moral reasons were rationally overriding then this would be an additional reason to suspect that moral reasons are also morally overriding, as Portmore notes when he remarks, "if nonmoral reasons can prevent moral reasons from generating moral requirements then they can also prevent moral reasons from generating rational requirements." The question then is whether it is possible that moral reasons are not morally overriding if even if moral reasons are not rationally overriding

moral reason may not generate a moral requirement even if it is morally undefeated and even if moral reasons are overriding in determining the moral status of an act.

I propose a similar resolution, which is that there are (at least) two kinds of moral points of view, which contain moral reasons that inform different kinds of moral status for acts. From each point of view moral reasons are morally overriding, meaning that the moral reasons that are relevant to that point of view determine the moral status of the act within that point of view. But these moral points of view do not always align, and there isn't a single moral point of view in which all forms of moral reasons are morally overriding in determining a single kind of moral status. Morality is not always harmonious, and the lack of harmony within the moral domain explains why some acts are supererogatory or suberogatory and why some moral circumstances are tragic.

2. Two Points of View

So far, I have focused on permissibility when discussing the moral status of an act, and that is where our problems began. Supererogatory actions were defined as those that people were *permitted* to do or refrain from but which they had most moral reason to do. But if the moral status of an act is the status that an act has in light of the moral reasons, then it would require a further argument to establish that the only kinds of moral reasons there are give acts the status of required, permitted, or prohibited. Another kind of status we may be interested in is whether it is morally good or bad. And perhaps, as I will argue, there isn't a 'moral master principle' that reconciles these two kinds of moral status that acts may have (Ross 2002; Rawls 1971, 25).

Zimmerman offers an intuitive solution to paradoxes of supererogation by distinguishing between different kinds of moral reasons. Zimmerman writes,

One set of values—call it the deontic set, must be said to be pertinent to the determination of right and wrong and obligation, the other—call it the non-deontic set—not. Where A is supererogatory but it is left to the agent whether to do B instead, [one] must declare A to be non-deontically superior to B but demonically equivalent to B. (Zimmerman 1993, 375)

Zimmerman then proposes several ways that deontic values may differ from non-deontic values. E.g. perhaps our reasons for action are all deontic, or perhaps our moral ideals are informed by non-deontic reasons for action. Zimmerman's more general point is that "no theory can accommodate supererogation without invoking a division of values. (377)" After all, if a permissible act is morally better (meaning that there is more moral reason to perform it) but not required, then it must be that at least in some sense moral reasons can reflect values that are not captured by the categories of permission, obligation, and prohibition.

Dreier also proposes this kind of a disunified solution to the paradox. Recall that Dreier was concerned that supererogation was defined in contrast to ethical satisficing, which seemed to require that people ignore the moral reasons they had from the moral point of view. Dreier's way out of this puzzle is to suggest,

"Maybe there isn't just one 'moral point of view,' but rather (at least) two moral points of view—justice and beneficence, and that there isn't a single answer to what a person all moral things considered ought to do" (Dreier 2004, 150).

Dreier comments that the reasons of justice seem more stringent than reasons of beneficence, but doesn't say much about the nature of the two points of view. In the rest of this section I will try to sketch a view that makes sense of Dreier and Zimmerman's suggestions and explains why it seems as if reasons of justice are more stringent.

Following Zimmerman's and Dreier's suggestions that the moral domain includes two kinds of moral reasons within two moral points of view, I propose that the two moral points of views are distinguished by not by their varying levels of stringency or the different weight of moral reasons from each domain, but that the two moral points of view that Zimmerman and Dreier describe are

distinguished by the functional roles that the two kinds of moral reasons play within them.² The point of view of justice tells us how we should treat each other and the point of view of beneficence tells us how we should morally appraise each other. If so, then the paradox of supererogation is not quite resolved by the idea that some moral reasons have insufficient moral requiring strength, as Portmore characterizes this view (14), but that requiring reasons, which issue from the just point of view, are silent altogether in these cases.

Within the point of view of justice, moral reasons inform questions of permission, obligation, and prohibition. These answers to these questions play a functional role in determining how people ought to be treated. For example, if a person is permitted to do something then she is not liable to sanctions, interference, or punishment. But if she is required to do it and fails to or prohibited to do it but does it anyhow then she is liable to be sanctioned, interfered with, or punished. When Stephen Darwall talks about Recognition Respect and Judith Thomson talk about the realm of rights, they are talking about moral reasons from this point of view (Thomson 1992; Darwall 2009).

People can change each other's moral reasons within this landscape (Pallikkathayil 2011). If a person consents to surgery she transforms a prohibition against cutting people's bodies open into a permission. If a person promises to meet her friend for lunch she generates an obligation. People can also alter the landscape of permission and obligation doing things that are prohibited or failing in their obligations. If a person were obligated from this point of view to pay taxes but failed to then interference that would otherwise have been prohibited (e.g. imprisonment or seizing property) may be permissible (Klosko 2004). Similarly, if a person were prohibited from walking through people's gardens but did it anyhow then the garden owners may be permitted to treat him in ways that would otherwise be prohibited (e.g. threats of force or force). I'm not committed to any of these particular claims about the content of our permissions and obligations. These examples show how the landscape of permission and obligation regulates how people may treat each other and when it is permissible to interfere.

In contrast, the point of view of beneficence answers questions about how we appraise each other's actions and our own. Reasons within this point of view shape the landscape of praise and criticism. A person is praiseworthy if she makes the world a better place and criticizable if she makes it a worse place. We might think of this point of view in terms of appraisal respect or the axiological realm. Maybe there are other points of view too. For example, there could be a set of moral reasons that refer to questions about character, which cannot be reduced to whether a person does the most good or always acts rightly.

The distinction between justice and beneficence mirrors other intuitive distinctions between the right and the good, moral requirements and moral reasons, the deontic and the axiological/non-deontic domains. These two different kinds of moral reasons and two functional roles that moral reasons play are easy to identify in moral reasoning and moral theory, but when we discuss moral reasoning we often focus on the question of what a person morally ought to do, all moral things considered, in a way that masks these two points of view.

The desire to know what to do all moral things considered would make sense if people were rationally required to do what they had most overall moral reason to do. But if the moral domain is disunified in the way I am suggesting then even moral rationalists may maintain that people are only rationally required to do what they have most moral reason to do within a certain point of view, such

² Dreier's comment about stringency is misleading because it seems to count against the claim that there are two moral points of view. To say that one principle is a more stringent constraint on our action, understood in a particular way, than another is to imply that the two principles inform our action with reference to the same ideal or standards. For example, to say that good directing is a more stringent constraint on best picture nominees than good acting is to imply that both constraints inform who wins best picture, which is a prize that a movie can win. But if there are two moral points of view, there are simply two different ways of assessing an action. To continue with the analogy, when it comes to morality it is as if we can only award best director, which is informed by the quality of the directing, or best actor, which is informed by the quality of the acting, and there isn't a category of 'best picture' to be won. It may be that what we really care about, or really should care about, is only one of the categories, but that also wouldn't imply that all the qualities that inform other categories should then be taken into account when deciding on awards for the category that matters the most.

as the point of view of justice. If this were true, or if people were not rationally required to do what they have most moral reason to do from any point of view, then what would be gained by asking what a person has most moral reason to do? What functional role would an answer to a question about a person's most moral things considered reason play, when questions about how we ought to treat each other and how we ought to appraise each other can be answered from more narrow moral points of view and questions about what to do are either not determined entirely by moral reasons or they are answered within a more narrow moral point of view.

As long as there is more than one moral point of view, we can make sense of the paradox of supererogation while maintaining that moral reasons are morally overriding within each specific moral point of view. As Dreier suggested, an act is supererogatory if a person has most moral reason to do it from the point of view of beneficence but from the point of view of justice she lacks moral reasons because all available actions under consideration are permitted (Dreier 2004). In these cases we may say that justice is silent about what to do, meaning that whatever she does she does not make herself liable to be interfered with, sanctioned, punished, or on some views, blamed. So it is true in a sense that heroes do what they have most moral reason to do because from the point of view of beneficence they have undefeated moral reasons to act. It is also true, in a sense, that heroes are not morally required to be heroes because from the point of view of justice their moral reasons are silent. In addition to making sense of supererogation, the disunified approach to moral reasons and the moral status of actions can also explain other cases where the moral domain seems to lack harmony, such as cases of suberogation and tragedy. Suberogatory acts are those where, the moral reasons from the point of view of beneficence decisively tell against an act and are undefeated, but there are not undefeated moral reasons from the point of view of justice so acting badly is morally permitted. In these cases it seems that a person morally ought to refrain from acting, but only in one sense of 'morally ought.' Tragedies are those cases where either a good action is prohibited or a bad action is required. In tragic circumstances it's not clear what a person ought to do all moral things considered because the two senses of 'morally ought' conflict, but it is also not clear why we should want an answer to questions about what one ought to do all moral things considered. We can represent this disunified approach like this:

		Justice <i>Recognition Respect, Deontic</i>		
		Required	Permitted	Prohibited
Beneficence <i>Appraisal, Axiological</i>	Good	☺ Harmony	Supererogatory/ Heroes ☺	☹ Tragedy
	Bad	☹ Tragedy	Suberogatory/ Deadbeats ☹	☺ Harmony

Suberogation is the flip side of supererogation. If heroes are people who do things that they have overriding moral reason to do from the beneficent point of view even though they are permitted not, to then deadbeats are people who act permissibly but either fail to do what they have overriding moral reason to do or who do things they have overriding moral reason *not to do* from the beneficent point of view. For example, Julia Driver argues that if a friend has helped you move in the past, but you fail to help her move in return even though you are available, you are acting in a way that is somehow morally bad even if reciprocity is not morally required (Driver 1992). Or, if you are permitted to sit anywhere on the train and you claim a window seat that will prevent a happy couple from sitting together, Driver says that you acted in a way that the moral reasons tell against, even

though it was permissible.³ In these cases, from the beneficent point of view there are moral reasons not to be a deadbeat even if the point of view of justice doesn't have anything to say about how deadbeats ought to be treated, since they act permissibly.

Turning to tragedies, many thought experiments that seem like moral dilemmas or puzzles highlight the absurdity of tragic circumstances. For example, when asking whether a bystander has most moral reason to turn the trolley onto the one to save the five, people often implicitly assume that there is an answer to this question. But the best we can do is to answer it from two perspectives. As Thomson argues, the bystander is required to *not* turn the trolley on the one to save the five (Thomson 2008). After all, the one does not forfeit her right against being hit with a trolley simply because hitting her would bring about a better outcome. I think Thomson is correct about this case and that turning the trolley is prohibited.

On the other hand, it would be better if the bystander turned the trolley on the one to save the five. There is no conflict of reason in answering the question in these ways, only an emotional conflict. If a bystander turned the trolley he would be guilty of murder and liable to be punished. The bystander would violate the one's rights by turning the trolley on him. The bystander would be liable to be interfered with in order to prevent him from turning the trolley on the one. And also, it would be better if the bystander turned the trolley on the one. The trolley problem is a tragedy because it describes a circumstance where the point of view of justice does not align with the point of view of beneficence, so no matter what she does, the bystander fails to do what she has most moral reason to do in some sense.

3. Costless Rescue Objections

It is tempting to say that turning the trolley is at least required if there is no one on the side track. According to the view I am defending, though the bystander has decisive moral reason to turn the trolley onto the empty track from the beneficent point of view, the just point of view remains silent. Bystanders cannot be permissibly forced to turn trolleys even on an empty track, just as it would be impermissible to push a person into a pond to save a drowning child or to confiscate a person's kidney in order to save a dying stranger. In these cases, those who fail to provide assistance fail to do what is morally best in a serious way. And if it were easy to do otherwise we may reasonably call them deadbeats. But it is not impermissible to be a deadbeat. So it is a kind of tragedy that they cannot be compelled to change their ways.

Portmore rejects this strategy for solving the paradox of supererogation on the grounds that it gets the wrong answer about cases of costless rescue. He argues that supererogation seems to include many cases where the moral reason in favor of doing what is supererogatory (e.g. that it would save a life) has the force of a moral requirement. If so, this strategy would seem to allow for nonmoral reasons to outweigh moral reasons, even from within a particular moral point of view, in determining the moral status of an act. Portmore's argument goes like this:

- (1) A reason has moral requiring strength, relative to another reason, if it is the kind of reason that makes more kinds of actions morally impermissible than the other reason (5).⁴
- (2) Reasons to rescue can be the kinds of reasons that make more actions impermissible than other reasons.

³ Similarly, Thomson famously argued that getting a late-term abortion may be indecent but also permissible, a case that Driver also suggests is an example of subrogation (Thomson 1971; Driver 1992). Thomson and Driver's view of abortion is consistent with her view that there is more than one moral realm, which is the view I am defending (Thomson 1992). Whether abortion is supererogatory is more controversial. It may be that though there are moral reasons against abortion they are not so strong as to make it the case that abortion is supererogatory. Those who reject the disunified moral picture that I am describing here must hold either that abortion is impermissible and so there is some reason to prohibit it (e.g. Marquis 1989) or that abortion is permissible and so there are no moral reasons against it (e.g. Harman 1999).

⁴ Portmore bases this sense of requirement on Gert's (2003) analysis of rational requirement.

(3) Therefore, rescue can be morally required.

(4) The presence of countervailing reasons does not change the fact that the reason to rescue is a requiring reason.

(5) Therefore, supererogatory rescues entail that nonmoral reasons outweigh the moral reason to rescue from within the point of view of justice.

This argument is an objection to the view I sketched because my view requires that the reasons in favor of saving distant strangers' lives are not requirements in cases where people make sacrifices to save distant strangers' lives or kidneys.⁵ But if Portmore is correct that the reason to save distant strangers' lives is a requiring reason when it is costless to rescue, then that reason would retain its requiring strength when rescue is costly but the costs are nonmoral. If the requiring strength of a reason does not itself change in the presence of countervailing reasons, then it would be false that donating savings or kidneys is supererogatory unless it were true that nonmoral reasons outweigh moral reasons even if we only consider the point of view of justice.

Step (1) is just a formal definition of what Portmore considers a requiring reason to be. So for example, reasons against killing have more moral requiring strength than reasons against letting die if the reasons against killing prohibit all the same actions that the reasons against letting die prohibit as well as other actions that are not prohibited by the reasons against letting die.

Step (2) is based on the idea that the reasons against letting distant strangers die have must have some requiring strength. For example, say a person could transfer donated money to a charity that saved distant strangers' lives simply by pressing a button, and that otherwise the money would be incinerated. Portmore writes that a person is surely required to push the button because "there is no good reason why she should not do so." Or in the language of Step (1) reasons to rescue have more moral requiring strength than reasons to not rescue if the reason for rescue prohibits all the same actions that the reasons to not rescue prohibit as well as other actions that are not prohibited by the reasons against rescue. There "there is no good reason" to not rescue when it is costless. It is a low bar to establish that the reason to rescue is a requirement—one only need to show that it prohibits some action, such as failing to rescue and allowing the money to be incinerated, which there is no good reason in favor of.

Step (3) follows from the definition in (1) if (2) is true. Step (4) is a claim that reasons are independent of each other. So if a person is required to save distant strangers' lives in the absence of countervailing reasons, then the presence of countervailing reasons doesn't change that fact. I think Portmore is right to claim that the reason in favor of saving the lives of distant strangers is either a requiring reason or it isn't.⁶ If there is a moral reason to save distant strangers it is because of the needs of the strangers, which do not vary with the cost of providing them with assistance. Therefore, (5) distinguishing the just point of view from the beneficent point of view doesn't solve the paradox of supererogation because in paradigm cases of supererogation it still seems that even within the just point of view, not considering beneficence, a person has most a moral reason of the requiring sort to save distant strangers. If so, then either moral reasons are outweighed by nonmoral reasons within the just point of view or supererogation is impossible because people rescuing distant strangers is required.

Hallie Liberto rejects the idea of suberogation for similar reasons regarding the permissibility of failing to provide assistance. Liberto argues that cases of suberogation either describe impermissible acts that do not violate rights or they describe permissible acts that are not morally worse (Liberto 2011). Liberto does not specifically state what she means by calling an act permissible or required except to say that "there are impermissible actions that are not rights violations," and which it would be wrong to prevent someone from doing (397). For example it would be "certainly

⁵ Elsewhere, Portmore describes other puzzles of supererogation that arise because people seemingly have duties of beneficence (Portmore forthcoming). My response to this argument will also serve as a response to those arguments.

⁶ In contrast to, e.g. (Barry and Øverland 2011).

impermissible” to fail to allow a couple to sit together on a train if it were the couple’s final hour together before one was shipped off to war, even if occupying a seat were permissible and even if it would be wrong to prevent someone from occupying the seat. Liberto leaves it as a further question whether an impermissible act licenses interference, sanction, punishment, enforcement, and (on some accounts) blame. Like Portmore, Liberto favors defining permissibility and requirement in ways that do not require the presence of a rights violation or trigger liability. This account of permissibility preserves the intuition that failing to rescue a drowning child is impermissible (397).

4. Rethinking Requirement

Portmore’s objection to supererogation and Liberto’s related objection to suberogation identify the highest intuitive price of resolving the paradox of supererogation in the way I propose. Let’s focus on the case of the costless rescue. The view I propose suggests that failing to rescue someone at zero-cost is suberogatory and that even costless rescues are supererogatory. So I must show that the reasons against letting distant strangers die do not generate moral requirements in order to avoid their objection. There are two ways to respond to the costless rescue objection. In this section I will argue that Portmore and Liberto’s objection begs the question in their favor but there is no *prima facie* reason to think they are right about costless rescue. In the next section I will show that the claim that failing to rescue is permissible/costless rescue is not required is not as implausible as it may seem, especially if we accept that there are two moral points of view.

First, Portmore and Liberto’s arguments against supererogation and suberogation assume that costless rescue is morally required and that failing to rescue is impermissible. To say that person is morally required to save distant strangers’ lives at zero cost, given Portmore’s definition of moral requirement, is only to say that the reason to save distant strangers’ lives is the kind of reason makes more kinds of actions morally impermissible than alternative reasons. Portmore’s evidence for the truth of this statement is that there are no good alternative reasons that weigh in favor of incinerating the money and against saving distant strangers’ lives, but this does not establish that there are moral reasons to save distant strangers from the point of view of justice. Clearly there are moral reasons to save distant strangers and plausibly there are not moral reasons to. It could be that the reasons in favor and against rescue both have zero weight within the point of view of justice.

Portmore assumes the conclusion he means to establish with this argument. He rejects the claim that moral reasons can inform two different points of view on the grounds that it seems as if there are reasons to rescue from some moral point of view and no moral reasons not to rescue when it is costless. But in order to reject the claim that moral reasons can be contained within two moral points of view would require an argument that there are moral reasons to rescue from the just point of view. Merely appealing to a formal definition of what makes a reason have moral requiring strength relative to another reason is not sufficient to establish that it has requiring strength in the first place. Portmore only gives an argument that there are no good moral reasons not to rescue, but this doesn’t establish that the point of view of justice includes reasons to provide a costless rescue.

Similarly, Liberto’s critique of the suberogatory is that costless rescue is required and that failing to rescue is impermissible even if it violates no one’s rights and even if it would be wrong to force someone to provide a costless rescue. But as critics of Liberto’s view point out, this account of permissibility seems to entail that “doing something might be impermissible even if there is *no reason* to prevent someone from doing it...[and] even if there is always a reason *not* to prevent someone from doing it (Atkins and Nance 2015)” So proponents of suberogation may reply by proposing that we just clarify what we mean by permissibility. Driver may be correct that some acts are suberogatory (permissible but bad) if the only impermissible acts are those acts that bystanders have reason to prevent people from doing. And Liberto may be correct in doubting that acts can be permissible but morally bad if she is using the term impermissible to refer to all acts that people have decisive moral reasons against doing.

This reconstruction of the debate between Driver and Liberto shows that as a descriptive matter, the way people and philosophers talk about permissibility and the moral ought is all over the place. It being the case that you morally ought to donate a kidney or break a windshield could depend on whether it would have a consequence that is morally valuable, whether you have an enforceable duty to do it, whether it is the best thing you can do morally, whether there is any moral reason in favor of it, or whether the balance of moral reasons favors it. Of course how people use the term doesn't matter, what matters are the reasons people have for acting, which inform how we appraise each other and how people treat each other. But because people use terms like 'ought' to refer to lots of different things it is often tempting to think that they all referring to the same thing. Disputes about what people ought to do may then arise partly due to metalinguistic disagreements about the meaning of 'morally ought' and partly due to substantive disagreements about what people ought to do. Chalmers calls these kinds of disagreements partly verbal disputes (Chalmers 2011).

Rather than debating the proper use of the term 'permissible,' if we focus on the functional role of different kinds of moral reasons, we can come closer to agreement. I say that this is a partly verbal dispute because clarifying our terms will not fully resolve the disagreement, but it will help. Driver claims that some permissible acts are morally bad, meaning that an act could violate no one's rights and not make the agent liable to be interfered with even if there were moral reasons against it. Liberto replies that these acts are actually impermissible even though they violate no one's rights and do not make the agent liable to be interfered with. This disagreement amounts partly to a disagreement about the use of the term permissibility but Driver and Liberto also substantively disagree about which acts violate rights or have moral reasons against them.

Partly verbal disputes arise in these debates because our ordinary use of terms like 'morally ought' is disunified and disorganized. To some people, morally ought is synonymous with 'morally required' whereas other people use the term to refer to a broader category of moral reasons. This doesn't mean that nothing can be said about what a person morally ought to do beyond describing how the term is typically used. These terms are tracking something about how people should be treated or appraised, but some terms in our moral language may refer to a set of homophones with different meanings and different roles.

Returning to debates about supererogation and suberogation, I suspect that some of the disagreement arises because some people use terms like 'permissible' and 'moral ought' to refer to a single moral point of view whereas others implicitly assume that there are two moral points of view like the ones I have described. The advantage of thinking that there are two moral points of view is that it makes room for concepts like supererogation and suberogation.

On the other hand, there is no reason to presume that there is only a single moral point of view or a single set of moral reasons that all determine whether an act is permissible. Establishing that there are not two moral points of view would require further argument. And it is not clear that proponents of the unified approach should not bear the burden of proof. After all, as Johan Brännmark writes,

"If everyday morality is indeed a patchy quilt of norms belonging to different domains, it is hardly surprising that there can be difficult choices to be made when important norms from different domains come into conflict with each other."⁷ (Brännmark 2016)

The presence of tragic circumstances, moral dilemmas and seemingly supererogatory and suberogatory acts suggests that these conflicts do occur, and simply defining terms like 'ought' and 'permissible' in ways that suggest that moral reasons rest in a single unified domain cannot solve these problems and puzzles.

⁷ Brännmark favors a disunified picture of morality where people occupy roles that are constituted by different moral norms (e.g. citizen of France, son). Whether this approach is justified or not, I will not explore. Rather, I am arguing that there are two more general roles (e.g. appraiser and enforcer), which are also constituted by different moral norms.

One might favor the view that there is a single, unified set of moral reasons on the grounds that moral rationalism is true, meaning that rational requirements are coextensive with moral requirements. And say rational requirements yielded determinant answers about what to do. Then the answer to the question “morally, what ought I do?” would presumably have a unified answer, on the grounds that it is the same as the answer to the question “what ought I do?” which has a single answer. I suspect that when people criticize supererogation and suberogation by claiming that there is a single moral point of view, this assumption is motivated by some kind of a commitment to moral rationalism.⁸

At this point, three responses are available to the proponent of the disunified view that I am defending. First, one may respond that there are also different points of view when considering what a person has most reason to do, rationally, as well. If this were true, then whether moral rationalism were true or not, people could also permissibly fail to do what they ought to do all things considered. Joshua Gert defends a view of practical reasoning that is like this, which is roughly similar to the view of moral reasoning I am defending (Gert 2007). Gert writes that reasons for action can play two roles in determining the overall rational status of an act—justifying and requiring roles, which inform two independent dimensions of the normative strength of reasons. He writes,

“Because reasons have these two distinct dimensions of normative strength, the common view that the (most) rational action is the one favored by the strongest reasons is completely ill conceived.” (Gert 2007, 534)

Instead, Gert argues that we should reject the idea that reasons have a single univocal strength and “abandon talk of the balance of reasons and such phrases as ‘what we have most reason to do’ (561).” If this were true, then even if the moral domains aligned with what people had most all things considered reasons to do, there may nevertheless be two kinds of moral reasons just as there are two kinds of practical reasons.

Second, one might respond that moral rationalism is false. If moral rationalism is false then what one rationally ought to do could be different than what she morally ought to do. Consider killing in war to see how this position may be defended. Familiar debates in war ask whether it is permissible for just combatants to kill non-labile civilians in order to bring about a better strategic outcome. Say that from the point of view of justice, it is not permissible to kill civilians. Therefore, soldiers who target civilians would be liable to be killed, by civilians or even by unjust enemy combatants. But from the beneficent point of view, they may still have decisive moral reason to do it. We may add that there is another point of view, the soldier’s self-interested view. Perhaps he has always wanted to kill someone or perhaps he is the type who couldn’t live with himself if he did. How these points of view weigh in determining what a soldier ought to do all things considered is unclear, but at this point all that a proponent of the disunified view must hold is that there is no distinctive all things considered moral point of view that provides a single answer to the question of what a soldier morally ought to do.

Third, one could respond that even if moral rationalism is true, it does not require disputing the disunified view I am arguing in favor of. Rather, moral rationalism only requires that what we morally ought to do from some point of view is the same as what we rationally ought to do. A proponent of this strategy may agree with Kant and some Kantians that people’s reasons for action, if they are rational, require that their actions are constrained by certain reasons that the point of view of justice contains (Korsgaard 1996). For example, Michael Smith argues that people are obligated to refrain from interfering with other rational agents’ exercise of their rational capacities and to promote the rational capacities of others, but that beneficence is not required (Smith 2011). If we accept the picture of liability and enforcement that I sketched above, then it might be that while the soldier has moral reasons to kill the civilian, in virtue of the good it would do, he is required to refrain from killing and all things considered he ought not kill.

⁸ Portmore defends a view like this in *Commonsense Consequentialism* (Portmore 2014).

All three responses can accommodate the idea that just as there are different ways for a person or an act to be morally worthy, there are also different kinds of moral reasons. The disunified picture of moral reasons I am defending is not committed the claim that people rationally ought to do what they morally ought to do, but it is also not incompatible with the claim. If we accept that people are not required to do what they morally ought to do then morality is at least one source of reasons among many, so why not think two moral points of view are two sources of reasons among many? If people are required to do what they morally ought to do then the disunified picture of morality makes this view a bit more plausible because it shows a way that proponents of the view can maintain that only a limited range of actions are morally required but still allow for supererogatory action and other categories of moral goodness.

5. Why Costless Rescue Isn't Required

Since it is in principle possible for an act to be bad from the beneficent point of view and neutral from the just point of view, it remains available for a proponent of a disunified picture of morality to argue that the reasons to save distant strangers lives are not the kind of reasons that make some actions morally impermissible. In this section I will sketch an argument that even costless rescue is not required by justice, that the point of view that describes permission, prohibition, and requirement is silent with respect to the reasons to save distant strangers.⁹ There are four reasons to accept this view. I will only present a rough outline of these reasons here, but they show that rejecting the idea that costless rescue is required is not as counterintuitive as it may seem.

First, by denying that even costless rescues are morally required within the just point of view we can make sense of paradigmatic cases of supererogation while also maintaining that moral reasons are morally overriding within the moral points of view that contain them. If we hold onto the intuition that saving distant strangers is required when the cost is low, we must either reject that it is supererogatory to save distant strangers when the cost is high or we must explain how nonmoral reasons (e.g. a high personal cost) outweigh the moral reasons to save distant strangers (e.g. the moral badness of their suffering). Alternatively, we can hold onto the intuitions that there are strong moral reasons to save distant strangers (from the beneficent point of view), preserve the idea that saving distant strangers is not required when the cost is high, maintain the supererogatory, and keep the claim that moral reasons are morally overriding within any given moral point of view. All that we must deny is that zero-cost rescue is required from the just point of view.

Second, I think that rejecting required costless rescue is an intuitive price worth paying when we consider what the point of view of justice entails. The concepts of permissibility and impermissibility inform how people ought to be treated. To say that costless rescue is not required from the just point of view, which is defined by reasons of requirement/permissibility (and obligation and prohibition,) is to say that a person's failure to rescue a distant stranger at zero cost does not change the landscape of permission and obligation. She is not liable to be interfered with in order to prevent this failure, for example. But this doesn't require that we deny that there are strong moral reasons from a different point of view, e.g. beneficence, to save distant strangers. This blunts the intuitive price of denying that costless rescue is required, since it doesn't require that we deny the extremely weighty moral reasons in favor of saving people.

Third, (and relatedly,) denying that costless rescue is required by justice makes sense of tragic circumstances and suberogatory actions in addition to supererogation. If it is permissible to fail to rescue distant strangers but there are nevertheless weighty moral reasons to do it from a different moral point of view, then it is not only supererogatory for heroes to rescue distant strangers when the costs are high (e.g. a kidney, a house), it is suberogatory for deadbeats fail to rescue distant strangers when the costs are very low (or zero). But because failing to rescue distant strangers is permissible, people do not forfeit their rights when they fail to rescue and so third parties may find

⁹ I defend this view in more detail in *Duty and Enforcement*

themselves in tragic circumstances if they are required not to interfere with deadbeats who permissibly fail to do what is clearly morally better, even though the costs are very low.

Fourth, there are also independent reasons to deny that people are liable to be interfered with for failing to provide assistance to distant strangers, even when the costs are low. I defend this view elsewhere. Here is how it goes. One might think that since people have equal rights against interference and reasons of justice inform when interfering with people is permissible, that reasons of justice should hold all people to the same standards of liability. All people are equally capable of refraining from interference and equally entitled to demand that others refrain from interference. But those who fail to comply with that demand forfeit their rights against interference. After all, a person who uses force or violence cannot appeal to the wrongfulness of defensive force or violence that is used against her without implicitly denying that she and others are held to the same moral standards. On the other hand a person who fails to provide assistance can consistently deny that others have similar reasons to provide assistance without denying their moral equality, and can still appeal to the wrongfulness of defensive force or violence that is used against. And unlike the reasons for non-interference, it does seem as if only some people can reciprocally act in accordance with moral reasons they have to provide assistance, they are not the kinds of moral reasons that everyone shares. Perhaps this explains why non-interference is required but assistance is not.

David Rodin makes a similar point when he argues that moral reasons are informed by norms of reciprocity and “rights against harm arise from reciprocity in *actual compliance*” meaning that your duties to refrain from interference arise toward whomever is satisfying those very same duties with respect to you at the time (Rodin 2014). On this view of reciprocity, people are liable to be interfered with only if they interfere with others. Similarly Jonathan Quong argues that people only forfeit their rights against interference if they violate the requirement that they respect other people’s inviolable rights against interference (Quong 2012, 66).¹⁰ If we think of the just point of view as describing when a person is liable to be interfered with then these considerations explain why it may mainly include the moral reasons that prohibit interference.

These reasons do not amount to a comprehensive substantive defense of the claim that costless rescue is not morally required. They do show that it is controversial to claim that costless rescue is required or that failing to provide it is impermissible. And the claim that people are not required to rescue distant strangers is not so farfetched.

To review, here are the three ways of resolving the paradox of supererogation:

	Moral reasons are overriding in determining the moral status of an act	Supererogation is possible	Costless Rescue is Required
(a)	No	Yes	Yes
(b)	Yes	No	Yes
(c)	Yes	Yes	No

One may attempt to explain (a) on the grounds that costless rescue is required but that the moral reasons in favor of preventing the suffering of distant strangers lose their moral requiring force when the costs to the agent who is in a position to rescue are higher without appealing to the idea that nonmoral reasons can morally override moral reasons or by explaining why in the case of a costly rescue nonmoral reasons can override moral reasons in determining what a person is morally permitted to do. Or, one may (b) accept that costly rescue actually just a case of moral requirement where we all fall short and the idea of supererogation is a mistake. Far better, on my view, to simply

¹⁰ Quong’s view departs from the one I am developing because he thinks that the presumption of inviolability can be overridden by agent-relative prerogatives to harm or kill non-labile people in certain circumstances, a claim that I would reject and characterize as a tragic circumstance where people are required to refrain from acting in ways that are morally bad. (Quong 2012) P. 66.

deny that costless rescue is required by justice, which can still preserve the intuition that there are strong moral reasons to rescue distant strangers and the intuition that supererogation is possible and that moral reasons are morally overriding.

6. Parsimony and coherence

Even if we accept that costless rescue is not morally required (but that it is morally good) one might still be hesitant to accept the disunified approach on the grounds that it seems ad hoc. All else equal, it is better if an explanation for a phenomenon is parsimonious and coherent. But the disunified view I am defending is less parsimonious than a unified view where all moral reasons make reference to the same considerations and the point of view of justice aligns with the point of view of beneficence. I think there are good methodological reasons to favor philosophical explanations that are parsimonious and coherent, but in this section I will argue that the disunified picture I propose is as parsimonious and coherent as alternatives but has more explanatory power.

Reflective equilibrium aims to harmonize our moral intuitions by finding a way of balancing theoretical intuitions against our intuitions about cases. Some people argue that intuitions about cases should be given greater weight and should inform theoretical judgments (Kamm 2001) whereas others place more emphasis on theoretical intuitions and arrive at revisionist judgments about cases (Singer 1974; de Lazari-Radek and Singer 2012). We also have intuitions about reflective equilibrium—namely about the appropriate starting points for moral reasoning and balance of extensional adequacy and other values, such as parsimony and coherence. The intuition that ad hoc reasoning is bad is partly explained by the intuition that parsimony and coherence is good even if a more parsimonious and coherent theory is not as extensionally adequate.

The value of coherence is justified on the grounds that a lack of coherence commits us to contradictions, which there are theoretical and pragmatic reasons to avoid. It is good to avoid holding contradictory beliefs as a general matter because contradictions are a reliable sign that one of the two beliefs is false.¹¹ And for practical reasoning, there are especially strong pragmatic reasons to avoid encountering contradictions in determining what to do because only one action (or inaction) is available at a given time. Trying to make one's beliefs coherent is also a way to figure out "how things in the broadest sense hang together in the broader sense" (Sellars 1963).

Parsimony is also valuable because it insulates our intuitions from normatively extraneous influences, such as psychological biases. In empirical fields, parsimonious theories are more likely to be true because they yield sharper predictions. Considering too many variables or considerations in a theory introduces noise that makes it difficult to know which considerations explain variance in one's results. And it is also easier to know whether and why simpler explanations for phenomena are false (Popper 2005). Similarly, in moral theory parsimonious explanations enable us to isolate which moral considerations inform our moral judgments better than more particularist approaches to moral reasoning.

The values of parsimony and coherence do not rule out the disunified picture of morality that I am defending though, because each moral point of view may be governed by norms of parsimony and coherence—they are just answering different questions. One way to think of this is to see morality as a kind of model building, like model building in science or metaphysics (Godfrey-Smith 2012). All models require simplified descriptions of the world and departures from our intuitions in order to learn something about the world or our considered judgments. As modelers, scientists and philosophers must make choices about how much simplification of the actual world or departure from intuitions can help us make the most progress.

In some cases, a model may be too general to capture the phenomenon one is trying to describe. As in science, a good model of our moral concepts will be one that is sufficiently similar to our everyday moral experiences and intuitions but which is also simple enough to yield determinate

¹¹ Though there might be *some* true contradictions, and coherence isn't the only rational desiderata we should care about. (Priest 1998)

principles. The disunified picture of morality that I am defending strikes this balance as well or better than a unified picture. Consider the previous discussion of supererogation as an illustration of this point. One view of moral reasons is that there is a single moral point of view and supererogation is impossible. Another is that there is a single moral point of view but that moral reasons from that point of view are not morally overriding in determining what a person morally ought to do. A third is the disunified view I am defending. All three are coherent and parsimonious explanations with revisionary implications.

But any view of moral reasons that posits a single moral point of view faces additional challenges related to coherence because it must explain why the disunified practices of sanctioning and appraising people's actions are governed by the same principles even though in many cases they seem to yield conflicting judgments. In this way, a unified picture could require even more revisionist conclusions about either practical judgments about cases or theoretical judgments about permissibility and axiology than the disunified picture in order to maintain comparable levels of coherence.

If we think of ethics in terms of modeling different moral phenomenon, such as moral permissibility and moral goodness, then no more is lost by analyzing each domain in its own right than is lost when we analyze biological and chemical natural phenomena instead of searching for a single unified theory of cellular life. We can learn more about cells by asking questions within these two different explanatory frameworks. We can learn more about ethics by asking questions within two different normative frameworks. One may reply to this analogy by pointing out that even though biologists and chemists take different approaches, they are still explaining the same underlying phenomena and that so too, we should think of ethics as a search for a single set of standards for action. This possibility doesn't rule out the disunified approach though. For one thing, it is far less clear that there is a single set of standards for action than that cellular biology and chemistry are describing properties of the same thing. And even if there were a single set of standards for action, as a methodological matter, for now, we might still learn more about the moral domain by investigating each moral point of view in its own right.

7. Conclusion

Since the disunified view I am defending allows for tragic circumstances, supererogation, and subrogation, one may be concerned that it isn't useful for explaining what we ought to do all moral things considered in particular cases, since there is so much conflict between the point of view of beneficence and the point of view of justice. I have not explained how to resolve these conflicts. Instead, I suggested that it is a feature of the view that it doesn't offer clear and easy answers. Perhaps, as Sarah Buss writes, "we need to learn to settle for small answers to large questions without thinking that our answers make the questions irrelevant. (Buss 2006)"

The disunified approach helps us understand why we encounter moral dilemmas (tragic circumstances) and isolates principles that bear on different parts of our moral experience (e.g. sanction and appraisal). And it preserves fundamental moral categories like supererogation and supererogation. For these reasons, a disunified approach can be useful for understanding debates in applied ethics. Instead of asking whether people morally ought to become vegetarians, we might ask whether it is bad to eat meat (yes?) or whether vegetarianism is required in the sense that non-vegetarians are morally liable to be interfered with (no?). Similarly with abortion—by focusing on the functional role that we want moral judgments to play we may find more agreement than we would if we were looking for all-moral-things considered judgments about what people should do. It often seems like people are talking past each other in applied ethics. We can do better by lowering our expectations for overall agreement about what to do and instead focusing on more narrow questions about moral goodness and the ethics of enforcement.

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