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Defending Options

Shelly Kagan

Suppose some act would best promote the overall good, objectively speaking. Are we morally required to do it? Not necessarily, says ordinary, commonsense morality: after all, the act in question might violate someone's rights or run afoul of some other agent-centered constraint. Well, then, are we at least morally required to perform the act with the best results of those acts that are not otherwise forbidden? Here, too, ordinary morality says no: there is no such general moral requirement to promote the good (not even within the confines of moral constraints). Rather, ordinary morality claims that in a certain broad, but not unlimited, range of cases, agents have moral *options*: although they are morally permitted to perform the act with the best consequences overall, they are not morally *required* to do so; on the contrary, they are also morally permitted to perform instead acts that are less than optimal, such as pursuing their own interests.

The existence of such options seems quite plausible, intuitively speaking. But they are, in fact, surprisingly difficult to defend. Indeed, I believe that options cannot be adequately defended and have argued this point at length in *The Limits of Morality*.¹ I believe, in other words, in the existence of a general moral requirement to promote the good.

My view is, of course, a minority position—at odds with the deliverances of our ordinary moral intuitions. But the fact remains that finding a plausible defense of options is a difficult and elusive matter. This is particularly so for anyone who wants to defend options as part of a general defense of commonsense morality. For any given argument on behalf of options that might seem reasonable when considered in isolation might have unacceptable implications elsewhere: the options generated might be unacceptably broad, or the arguments might lead to conclusions that are incompatible with some of the things we intuitively want to say about constraints, or what have you.

The question, then, is whether options can be defended in a way that seems plausible and attractive even in the light of the rest of our

1. Shelly Kagan, *The Limits of Morality* (Oxford: Oxford University Press, 1989).

considered moral views. Both Jeremy Waldron and Michael Bratman believe that this can, in fact, be done. I want to examine their proposals here.²

Now a helpful way to approach the defense of options is to ask, in general terms, What has to be the case, with regard to a given act, for there to be a moral *requirement* to perform that act? By listing the various conditions that must be met before a genuine moral requirement can be generated, we will demarcate the space of possible ways of *resisting* a general requirement to promote the good: for each condition, there will be a corresponding strategy in which a requirement to promote the good is rejected on the grounds that the relevant condition on moral requirements has not been met.

What then must be the case for a given act to be morally required? Presumably, at the very least, there must be some morally relevant reason for performing the act. No reason, no requirement! But what do we need beyond this? Given that there is some morally relevant *reason* to do an act, what else do we need for there to be a moral *requirement* to perform the act in question? One extremely plausible suggestion is that it must be the case that the balance of morally relevant reasons supports doing the act: if the original reason is outweighed (from the moral point of view), it simply cannot ground a moral requirement.

It is less clear whether there are any further conditions that must be met, beyond these two relatively uncontroversial ones, but this is certainly a possibility. Thus, one might argue that there is also a *motivational* condition: perhaps the reasons for performing the act must be such that they are capable of motivating the agent to do it. Or there might be an *enforcement* condition, to the effect that (roughly) it must be appropriate to sanction the agent should she fail to do the required act. There are various other conditions that might be suggested as well, but these four are the only ones that will concern us here.

Even this short list is enough to establish a fairly obvious point. The claim that a given act best promotes the overall good certainly does not entail—as a matter of logic—that that act is morally required. There is nothing the least bit incoherent about asserting the genuineness of one or more of these four conditions, and claiming that sometimes this condition is not met with regard to the act that leads to the best consequences overall. Thus when I deny the existence of

2. Earlier versions of their articles, and this reply, were presented as part of a symposium on *The Limits of Morality*, at the Pacific Division meetings of the American Philosophical Association, March 26, 1992. I am grateful to Bratman and Waldron for their thoughtful criticisms, both in their articles and in the general discussion at that session.

options—when I assert that we are morally required to perform the act with the best consequences (at least, within the limits of constraints)—this is certainly not because I believe that “best consequences” somehow entails “required.” Rather, I offer the general requirement to promote the good as a substantive truth about morality. I am claiming, in effect, that there are no genuine conditions on moral requirements that are not in fact met by a requirement to promote the good. *That* is why there are no options. (It’s not that I think the notion of an option is somehow incoherent; it’s just that there are none, as a matter of substantive moral truth.)

Conceivably, Jeremy Waldron has misunderstood me on this score. At one point he writes (in his n. 11) that his aim is only to “cast doubt on the automatic inference” from the claim that an act has the best consequences to the conclusion that that act is morally required. If this means simply that this inference is not a matter of logic, then I certainly agree and never meant to suggest otherwise. There are all sorts of absurd and repugnant—but logically consistent—positions that would yield the result that there could be no genuine moral requirement to promote the good. The only interesting question is whether there are any *plausible* conditions on moral requirement that block a general requirement to promote the good—conditions that we will continue to accept even after reflection. I assume that Waldron means to be addressing this more substantive question; and I take it that, along with Michael Bratman, he believes the answer is yes.

Waldron himself is particularly anxious to endorse a version of what I have called the enforcement condition; Bratman, by contrast, proposes to defend options through appeal to the motivational condition. We will consider both of these in turn. But first, I want to say something about the other two conditions I mentioned above.

Since an act can be morally required only if there is some morally relevant reason to perform that act, one possible strategy for rejecting a general requirement to promote the good consists in holding that typically there simply is no morally relevant reason to perform the act that leads to the best consequences overall. Now such a position is perfectly coherent, provided that one is prepared to abandon a number of judgments that are made by ordinary morality. For ordinary morality believes (or is committed to the belief) that the fact that an act would lead to the best consequences overall always provides one with at least *some* morally relevant reason to perform that act. (This claim could, of course, be challenged, but since neither Waldron nor Bratman did so, I won’t try to defend it here.) Thus anyone who hoped to defend options by denying that there was any reason at all to promote the greater good would be assuming a position more akin to egoism than to anything like ordinary morality. However unpalatable, this position deserves a certain amount of careful scrutiny. But

since neither Waldron nor Bratman is tempted by it, I will not explore this first strategy any further.

What about the second condition, which holds that an act can be morally required only if the balance of morally relevant reasons supports it? Is there a possible strategy for defending options that turns on this condition? Suppose we grant—if only for the sake of argument—that there is some morally relevant reason to perform the act that leads to the greatest good overall. Could one admit that a certain act would have the best results and yet still go on to claim that the balance condition isn't met? As far as I can see, this is indeed still a logical possibility.

For example, one might try arguing that there are agent-centered constraints—grounded in powerful reasons that here oppose doing the act with the best results. (Perhaps this act involves harming the innocent, and there are special moral reasons that oppose doing this.) If so, then when one takes these further reasons into account, it may turn out to be false that doing the act with the best consequences is supported by the balance of morally relevant reasons.

Now if there are reasons of this sort—reasons that ground constraints—there can be no unqualified requirement to promote the good. But as we have already noted, even if there are constraints, there might still be a general requirement to promote the good—*within* the limits of the constraints. So this does not yet provide any kind of defense of options. Suppose, then, that the act with the best consequences would not violate any constraints. Can one still appeal to the balance condition as part of a strategy for resisting the general requirement to promote the good?

Here too, so far as I can see, this is still a logical possibility. For example, one might try arguing that even from the moral point of view there are powerful reasons that each agent has to promote his own interests (agent-relative, agent-protecting reasons). If doing the act with the best consequences went against the agent's interests, then—given the existence of these agent-protecting reasons—it might well be that the balance of morally relevant reasons did not actually support performing that act. And so there could be no requirement to do it.

I am not, of course, saying that either of these two types of reasons could actually be defended. I am merely noting that there seems to be the logical possibility of running arguments along these lines.

Now if I understand him, Waldron denies this is a genuine logical possibility. But I am uncertain as to his exact reason for thinking this. (I am also uncertain as to whether Waldron means to deny the possibility of both of these arguments, or just the last.)

Waldron's thought seems to be this: if (1) a given act really promotes the greater good counting everyone, then (2) the agent's inter-

ests were already counted. So (3) it *can't* be true that the balance of reasons doesn't really support the act in question.

If this is the argument, then it seems to me mistaken. The conclusion, 3, doesn't follow from 2. After all, perhaps the agent's interests generate *two* kinds of reasons, and only one kind of these is taken into account by the claim that a given act promotes the greater good overall, while the second kind is not yet counted when we affirm this. Thus from the mere fact that some act would lead to the best consequences overall we can only conclude that the balance of objective (impersonal, agent-neutral) reasons supports performing that act. But this is quite compatible with it being true that the balance of all the morally relevant reasons—objective *and* subjective (personal, agent-relative)—is opposed to performing the act. Or to put the point another way, on this view, to say that an act leads to the greatest good overall does indeed take into account the agent's interests, but it does not yet give them all of their morally relevant weight (their "due weight," as Waldron puts it).

Of course it is far from obvious that there *are* any agent-relative, agent-protecting reasons of this sort (although most people think there are). But right now the question is just whether this is a logically coherent possible strategy for resisting a general requirement to promote the good. And it seems to be, unless there is something incoherent about the very notion of an agent-relative reason.

Perhaps Waldron thinks that there is. (Many people with consequentialist sympathies seem to think so.) There is a passage in Waldron's article that I did not understand (p. 319, and n. 14) that seems to say that if there were agent-relative reasons the truth of a claim like "the balance of reasons supports doing act X" either will be unacceptably perspectival or must arbitrarily privilege the agent's perspective. But I do not myself see why these philosophically unpalatable alternatives would follow.

After all, reasons for action are not free-floating. When being careful we need to remember that a reason is a reason *for* someone to act. So the question is always what reason there is for *Jones* to do X, Y, or Z (or what reason there is for *Smith* to do X, Y, or Z—and so on).

So if we are asking, say, whether *Jones* is required to do X, we are asking—among other things—whether the balance of the various reasons that there are for Jones to do X, Y, or Z supports his doing X. But any claim that the balance of reasons facing Jones does support X is a claim that is true (or false) for everyone. Perhaps Waldron would want to insist that this does indeed privilege Jones's perspective—but if it does then it seems to me that it does not do so in an arbitrary or objectionable way.

And of course, even if the balance of reasons facing Jones favors his doing X, it might still be true that the balance of reasons facing

Smith does not favor *Smith's* doing X. Now obviously enough, these two balances can differ only if there are some reasons for Jones to do X that Smith lacks (or reasons for Smith to do Y that Jones lacks, and so on): that is, there must be agent-relative reasons. And—to repeat myself—I am far from convinced that there are such reasons. But that is a question for careful investigation. If there are such reasons, then claims about the balance of reasons will have to be relativized to particular agents; but the truth of any such fully specified, relativized claim will be one concerning which everyone could in principle agree.

Thus I find nothing incoherent about the notion of agent-relative reasons. Accordingly, it seems to me that someone who agrees that a given act would best promote the overall good might still go on to deny that the overall balance of reasons facing the agent supports her doing the act. And if, in some given case, the balance of morally relevant reasons does not support the act that leads to the best consequences then in that case, at least, there will be no requirement to promote the overall good.

Many defenders of ordinary morality will find a defense of options along these lines attractive. After all, given the belief in constraints, defenders of ordinary morality must already be prepared to say that sometimes the overall balance of morally relevant reasons does not support doing the act that would lead to the best consequences. And it does not seem implausible—on the face of it, at any rate—for advocates of ordinary morality to go on to claim that the moral point of view also recognizes that each agent has special reasons (i.e., agent-relative reasons) to promote his own interests and projects. So when performing the act with the best consequences would require a significant sacrifice of the agent's interests, it might well be the case—once these agent-relative, agent-protecting reasons are taken into account—that the overall balance of morally relevant reasons does not support doing the act with the best consequences.

Once more, all I am saying is that this is a logically possible strategy—open to one who wanted to resist a general requirement to promote the good. I certainly do not mean to claim that this strategy would ultimately prove successful. In point of fact, I believe that it would not. The problem, in brief, is this. If, in some particular case, the balance of morally relevant reasons did not favor promoting the overall good but favored instead promoting the agent's own interests—then it seems that these reasons would still go on to generate a moral *requirement*. Admittedly, the agent would not be morally required to promote the overall good, but she *would* be morally required to promote her interests. Yet this is not at all what the advocate of ordinary morality wanted to defend. What we were looking for was a defense of a moral *option*, according to which the agent would still be morally permitted (although not required) to do the act with the best

results overall. But what this approach actually leads to, I believe, is a moral *prohibition* against doing this. Thus anyone who wants to defend options will need to pin their hopes elsewhere.³

Let us suppose, then—once more, if only for the sake of argument—that the act that best promotes the overall good is indeed supported by the balance of morally relevant reasons. Can options still be defended? This might still be possible—if there is some further condition that must be met by moral requirements, and if in some cases this condition isn't met by those morally relevant reasons that support promoting the overall good. If there is such a condition, then there can be no general moral requirement to promote the good.

Furthermore, given the assumption that the balance of morally relevant reasons actually supports promoting the good, the difficulty that faced the previous strategy would be avoided. There would be no danger of a moral prohibition against promoting the good, since no such prohibition would meet the balance condition. Thus there would be a genuine moral option: the agent would still be permitted to promote the greater good, although not required to do so.

It seems, then, that a defense of options along these lines is well worth considering; and both Waldron and Bratman are attracted by this possibility. They each endorse a further condition on moral requirements, claiming that this provides a possible defense of options.

The particular condition that Waldron discusses is a version of what I have called the enforcement condition. But I must confess to a certain amount of uncertainty as to what exactly Waldron wants to claim with regard to this condition. At a minimum, Waldron is arguing that given his favored version of the enforcement condition—along with suitable auxiliary hypotheses—certain types of options can be derived. But I assume that Waldron means to do more than make this bare logical point. After all, as I have already observed, all sorts of unattractive and implausible conditions can be described that would generate options of one kind or another. Presumably, Waldron wants to go beyond this logical point, to claim that it is *plausible* to think that his version of the enforcement condition must be met by genuine moral requirements.

Now one reason one might find any given condition plausible is that it yields options of the sort recognized by ordinary morality. Does Waldron think this is true of his favored condition? Perhaps not. In a somewhat obscure footnote to which I have already referred (n. 11), Waldron says that he doubts whether his analysis will “yield all the results” desired by defenders of ordinary morality. But it is striking that when Waldron actually displays his analysis at work (in Sec. IV),

3. I argue these points in *The Limits of Morality*, chap. 9.

all the results derived are noted by Waldron to be plausible from the standpoint of commonsense morality. And nowhere does Waldron examine the extent to which his analysis may yield results that are unacceptable to common sense. So whatever Waldron's own views on the matter, it would be natural enough for someone to think that the enforcement condition does indeed generate options of the kind accepted by ordinary morality; and so it will be important for us to see whether this is, in fact, so.

Before examining this question, however, we first need to know what Waldron's favored version of the enforcement condition comes to. His official statement of it (his no. 10) says, "It is permissible to impose sanctions on P for failing to do A." That is to say: P is required to do A only if it is permissible to impose sanctions on P for failing to do A. Since Waldron claims to find this view in Mill, let's call this *Mill's thesis*. (I myself have no particular position on the exegetical question of whether Mill really does hold this view.) Finally, when this condition is met—that is, when it is permissible to impose sanctions on P for failing to do A—let us say that failure to do A is "permissibly sanctionable," or (for even greater brevity) "sanctionable."

There are sundry questions of interpretation here. For example, P is required to do A only if "it is permissible to impose sanctions." Permissible for *whom* to impose sanctions? Everyone? Anyone? I imagine Waldron means: "only if there is *someone* for whom it is permissible to impose sanctions." Similarly, I find myself uncertain as to whether the condition as Waldron intends it requires merely that it be permissible to *threaten* to impose sanctions, or whether (more strongly) it requires that it actually be permissible to *impose* them, or (more strongly still) that it be permissible to impose them as *punishment*—that is, even after it is too late to motivate the doing of A. Luckily, we can put most of these interpretive questions aside, since nothing in my argument turns on the details. (Following Waldron's lead, I will sometimes talk of imposing sanctions, and at other times merely of threatening to do so. But all such talk should be understood as shorthand for whatever it is, precisely, that is required by Mill's thesis—as Waldron intends it.)

One question that Waldron himself notes is whether we should read Mill's thesis as laying down a bold or only a modest condition on moral requirements.

Modest version: P is required to do A only if it is permissible to impose *some* sanction on P for failing to do A (i.e., only if it is permissible to sanction P at all).

Bold version: P is required to do A only if it is permissible to impose enough sanction on P for failing to do A (i.e., enough to motivate P's doing A).

I take it that Waldron means to be proposing Mill's thesis in its bold version, for this is the version that he uses to try to derive options. Accordingly, when I talk of whether an act is permissibly sanctionable, I mean sufficiently sanctionable to satisfy the standards of the bold version of Mill's thesis.

Now surely there could be cases, Waldron says—and I agree—where although it is optimal for Jones to do X, it would not be optimal to sanction Jones for failure to do X, at least not enough to motivate him to do it. Of course, by itself this does not yet give the result that in this case Jones is not required to do X—not even if we throw in Mill's thesis: that Jones is required to do X only if failure to do X is permissibly sanctionable. For we still need to add a claim about when it is permissible to sanction someone, to assure us that it is not permissible to sanction Jones in this case.

As far as I can see, Waldron does not explicitly commit himself on this score, but his use of examples like this appears to presuppose that he thinks something like this:

The optimality standard for sanctioning: It is permissible to sanction someone amount Z only if it is optimal to sanction that person amount Z.

I think Waldron might actually prefer to state the optimality standard for sanctioning in terms of whether sanctioning is optimal with regard to expected utility, rather than optimal with regard to the actual outcome. But once more these details won't concern us.

Given all of this, we can now conclude that Jones is not here required to do X, the optimal act. By hypothesis, it would not be optimal to sanction his failure to do X, and so given the optimality standard for sanctioning it is not permissible to sanction his failure, and so given Mill's thesis he is not required to do X—even though this act would produce the best results overall. Therefore, in cases of this sort, Jones is not required to promote the overall good. In at least some cases, then, Mill's thesis generates options.

But does Mill's thesis yield the results desired by commonsense morality? To a considerable extent, this question cannot be settled without filling in other details from our moral theory (a great deal will turn on how Mill's thesis interacts with these other elements). Still, I think we can go some distance toward answering this question in the negative.

To begin with, it seems to me that from the standpoint of commonsense morality the options generated by Mill's thesis are much too weak. That is, in many cases where intuition supports the existence of an option, Mill's thesis fails to generate one.

Suppose, for example, that if Jones donates \$10,000 to a famine relief organization such as Oxfam, this will save three lives. And imag-

ine that I can effectively threaten to take even more money from him if Jones doesn't donate the \$10,000. This threat might well be optimal (surely we could arrange the details of the case so that this is so): that is, it is optimal to sanction Jones enough to motivate him to make the \$10,000 donation. So his failure to make the donation is permissibly sanctionable—given the optimality standard for sanctioning—and Jones is therefore *required* to make the donation. But this runs counter to common sense. (Strictly speaking, all that follows is that Mill's thesis doesn't get in the way of there being a requirement; we cannot infer that there *is* a requirement until we know what other conditions—if any—are necessary for grounding moral requirements. But at any rate, Mill's thesis is of no use in defending the commonsense view that there is no such requirement here.)

I am not completely sure that Waldron himself would be unhappy with this result (in n. 8 he suggests that he may not believe in options for property), but it is easy to construct a second: if Jones performs a certain dangerous act he will lose his arm but save three lives. Intuitively, Jones is not required to perform this act—but once more Waldron's appeal to Mill's thesis cannot generate this result. For it might well be that I can credibly threaten to chop off both of Jones's arms if he doesn't do the act. It seems the threat is optimal, so—by the optimality standard for sanctioning—permissible, so Jones's failure to act is sanctionable, and thus Mill's thesis provides no barrier to the claim that Jones's act is required! In short, even if Mill's thesis can generate some options, they are far too few (or far too limited) to come close to satisfying common sense.

(Cases of this kind were not examined in Waldron's article. Waldron only considered cases where the "threat space" is small, and Jones's disincentive to act optimally is large, or where the threat space is big, and the disincentive is small. But he neglected to consider cases where the disincentive is large—but the threat space is even larger! Here commonsense morality often insists on options, but Mill's thesis cannot provide them.)

Admittedly, this is not a damning objection, since it is open to Waldron and the friends of Mill's thesis to supplement their theory with other conditions necessary for moral requirements, and to argue that the various options that cannot be generated by Mill's thesis are generated by other means. But Mill's thesis is in more trouble than this, for not only does it fail to generate all the options desired by ordinary morality, it actually generates options positively *rejected* by ordinary morality.

Suppose that by killing one innocent person I can save two other innocents who will otherwise be killed. Commonsense morality insists that even though it might lead to better results overall to kill the one (this leaves two of the three alive rather than merely one), this is

forbidden. But if we accept Mill's thesis, this central belief of ordinary morality is threatened. After all, if—by hypothesis—killing the one to save the two is optimal, it seems quite plausible that it would not be optimal to threaten to *sanction* someone who plans to kill the one (it is unlikely to be optimal to threaten someone to keep them from doing the optimal act). So—by the optimality standard for sanctioning—killing the one is not permissibly sanctionable. Therefore—given Mill's thesis—there can be no requirement to *refrain* from killing the one. (Refraining cannot be required, since failure to refrain is not sanctionable.) Thus, given Mill's thesis, killing the one is permissible. Yet this is a result quite at odds with commonsense morality.

Perhaps Waldron is, for all that, willing to live with it. Then Mill's thesis will be part of a defense of a system that is unlike ordinary morality in that it permits killing innocents when this produces better results overall. That is, Mill's thesis actually appears to support a system more like Samuel Scheffler's "hybrid system"⁴—where it is always permissible to do the optimal act, but not necessarily required. To repeat myself, this is not the view of ordinary morality, but perhaps Waldron would be happy with this result.

But the difficulties go deeper still. We have just seen that Mill's thesis yields options to do harm in cases where this is optimal. But in fact it also yields options to do harm in nonoptimal cases, that is, cases where one is overall doing more harm than good. Suppose that Jones proposes to harm Smith so as to gain some benefit for himself: the benefit is almost as large in magnitude as the harm, but not quite. By an argument parallel to Waldron's we can show that in some such cases it will not be optimal to sanction Jones—that is, not optimal to sanction Jones *enough* to motivate him not to harm Smith. (Since Jones has a lot at stake, we would have to sanction him a lot—too much for the small "threat space.") Since it will not be optimal to sanction Jones, by the optimality standard for sanctioning it is not permissible to sanction him, and so—given Mill's thesis—he is not required to refrain from harming Smith. That is, it is permissible for Jones to harm innocent Smith for his own lesser benefit! But this is an option that is utterly unacceptable to commonsense morality. I assume that it is unacceptable to Waldron as well. Yet it follows once we adopt Mill's thesis.

We could try to resist this unwanted conclusion by adding the claim that there are special reasons that oppose the doing of harm—that is, the sort of reasons that are normally thought to ground a constraint against harming. (If the reasons were "weak" in a certain

4. See Samuel Scheffler, *The Rejection of Consequentialism* (Oxford: Oxford University Press, 1982).

way, then they might oppose nonoptimal harming as in the Jones/Smith case, while still leaving unopposed optimal harming as in the case of killing the one to save the two. But for simplicity of exposition I'll assume that the reasons are indeed "strong" enough to ground a constraint that opposes doing harm even in optimal cases.)

In fact, however, this strategy doesn't really help. All it does is add extra reasons—so that now, perhaps, the balance of reasons opposes the harming. But so what? It will still be the case that Jones's act of harming is not permissibly sanctionable (since it isn't optimal to sanction him)—so it remains the case that Jones is not required to refrain from harming.

What we want to say, of course, is that Jones is *required* to conform to the constraint against harming—even though his failure to respect the constraint is not sanctionable. But that is exactly what we *cannot* say if we endorse Mill's thesis. So Mill's thesis yields options of a sort that are unacceptable to ordinary morality and—I assume—Waldron. Mill's thesis doesn't yield a view like ordinary morality, and it doesn't yield an intuitively acceptable alternative view either.

Of course, strictly speaking, all that I have shown is that Mill's thesis gets into this trouble if we interpret it and supplement it as I think Waldron intends. In particular, I have assumed that Mill's thesis is to be interpreted in the bold fashion (rather than the modest fashion, or some other) and that the intended standard for permissible sanctioning is the optimality standard—the view that an act is sanctionable by a certain amount only when it is optimal to sanction it that amount. I hope I have not been unfair to Waldron in ascribing these views to him.

Can I prove that Mill's thesis gets us into trouble no matter *how* we interpret it and supplement it? Obviously not. If someone has another version of this view, I am ready to hear it, and to consider its implications and whether they are compatible with ordinary morality. But all I can say is that the view Waldron appears to me to be endorsing is not in fact supportive of commonsense morality and our moral intuitions—appearances to the contrary notwithstanding.

If we agree that Mill's thesis doesn't yield ordinary morality, is there any other reason to believe it? (Perhaps we are stuck with it, counterintuitive implications and all.) In its defense, Waldron endorses a version of Anscombe's worry: if requirement does not entail sanctionability for failure to conform—just what does it come to? (Anscombe wanted a lawgiver; Waldron seems content with a law enforcer.)

I must confess, I just don't feel the force of this as an argument. It simply seems incorrect to me to suggest that we lack a notion of requirement without lawgivers or law enforcers. We certainly seem to have it, at any rate. For example, we talk comfortably of rational requirements—apparently without thinking that failure to act ratio-

nally must be sanctionable! And so it seems that the notion of “requirement” does not in and of itself entail sanctionability. What’s more, we certainly appear to understand the idea in *ethics* too. Recall the point made in discussing the constraint against doing harm: we wanted to claim that obeying the constraint was required—even if it was here unsanctionable. We seem to understand this claim perfectly well, even if we disagree with it. So we seem to have a concept of requirement that is not backed by permissible sanctioning.

Of course, maybe this is all an illusion. Maybe we don’t really understand this talk at all. Maybe we lack any such notion. But why should we believe that?

Waldron might object: if we have a concept of requirement that doesn’t entail sanctionability for failure to conform, then define it—provide an analysis. And that is something I certainly cannot do. But why must I be able to do it? So far as I can see, lots of perfectly genuine concepts cannot be given nontrivial analyses. (I am not here asserting that “requirement” cannot be defined; I am only denying that it *must* be definable.)

Waldron might object again: But what are we *adding* to the claim that there is a reason to do a given act, or to the claim that the balance of reasons supports doing that act—what are we adding when we say that doing that act is required—if *not* sanctionability? Apparently, Waldron believes that if only sanctionability were included among the conditions necessary for moral requirement then we would no longer be “adding” something beyond this when we went on to claim that the act was morally required. I think, however, that this is mistaken. *Whatever* your favored list of conditions, we are making a substantive claim when we say of an act that meets those conditions that it is morally required. A complete list of the conditions would be part of a *theory* of moral requirement, not an analysis.

But what is it, then, that we are adding, when we say of an act that it is required? I have already admitted that I cannot offer a nontrivial analysis of this notion, but I can give you a new label for it, if you want: normative necessity. To say that there is a requirement is to go beyond saying there is a reason—it is saying that there is a normative necessity to the doing of the act. I cannot give you a definition of this concept—but for all that it seems to me a notion that we appear to have. Why think otherwise?

Of course even if we don’t need to include sanctionability merely to grasp the notion of requirement, it still might be true—a substantive truth—that there is no moral requirement without failure to act being sanctionable. That is, Mill’s thesis might still be a substantive moral truth. But I see no reason to believe it.

Perhaps Waldron simply finds Mill’s thesis intuitively plausible, considered in and of itself (i.e., stripped of the support it might have

gotten had it generated ordinary morality, or had we needed this doctrine to understand requirement talk). For myself, I do not.

Finally, of course, we can certainly *stipulate* a sense of “requirement” such that requirement in that sense entails sanctionability. But that won’t give us what, intuitively, we were after. The thought we have in commonsense morality is that when there is no requirement we are “off the hook” normatively—there is no normative necessity in our acting that way. But the stipulative definition doesn’t give us this. Even if an act is not “required”—since it is unsanctionable—failing to perform the act might still constitute a full-blown normative failure: doing the act may have normative necessity of exactly the strength as in so-called requirements. So stipulation doesn’t help. Rather, we need Mill’s thesis as a substantive truth. And as I have remarked, I see no reason to accept it as such. On the contrary, once we recall the unacceptable implications of Mill’s thesis, I think we have a reasonably strong case for rejecting it.

Let’s review. We have been exploring possible strategies for resisting a general moral requirement to promote the good, different ways of defending options. Since moral requirements must be backed by the balance of morally relevant reasons, one possible approach is to claim that in at least some cases there is simply no morally relevant reason to perform the act that would lead to the best consequences. A second strategy concedes the existence of this reason but goes on to insist that there are additional morally relevant reasons that can oppose performing the act with the best consequences—so that once *all* the morally relevant reasons are taken into account the balance might not support doing the act that would lead to the greatest good overall.

Now even if the balance of morally relevant reasons does support doing the act with the best results overall, there still might be no moral requirement to promote the good, if there is some further condition necessary for grounding a moral requirement—and this condition is not in fact met by those reasons. It is an approach of this sort that is favored by both Waldron and Bratman in their defense of options.

Waldron proposed that we accept Mill’s thesis, which offered a certain type of enforcement condition on moral requirements. I have admitted that accepting this condition would indeed ground certain moral options, but I argued that it would also have further, quite unacceptable implications as well, so that—absent any compelling reason to believe in it—we have instead reason to deny its validity. Obviously, however, if the enforcement condition is not in fact a genuine condition on moral requirements, then we cannot appeal to it as part of a defense of options.

This still leaves open the possibility, of course, that there is some other condition which is a genuine condition on moral requirements—a condition that those reasons that support promoting the

overall good frequently fail to meet, so that they fail to ground a requirement to promote the good. The argument that I have elsewhere called the *negative argument* pursues this possibility by supposing that there is a *motivational* condition on moral requirements: there can be a requirement to perform a given act only if the agent can be motivated to perform the act (by the various reasons that support it). It seems plausible to say that this condition might well not be met: in many cases, even if the balance of moral reasons favors doing the optimal act, a “bias in favor of my own interests” keeps me from being motivated to do the optimal act. So—given the motivational condition—there can be no general requirement to promote the good. (In principle, of course—and as I’ve previously noted—any number of other conditions on moral requirement might be proposed as well, or instead—with each proposed condition generating a possible strategy for the defense of options. But since Bratman’s own defense of options appeals to the motivational condition, this is the last that we’ll consider.)

When I examined this argument in *The Limits of Morality* (see chap. 8), part of the answer I gave was this: since there is admittedly *some* reason to promote the good, the “bias” that gets in the way of my doing this has to be viewed as a mere “hindrance” or “obstacle” to try to overcome—unless there is some reason to “favor” the bias (indeed, enough reason to outweigh the reason to promote the good). Obviously, if there is such reason, the bias is not a mere hindrance. But if it *is* a mere hindrance, then one can be motivated to try to overcome it, and so the motivational condition can indeed be met after all, and thus there can be a requirement to promote the good.

For the defender of options, of course, the natural retort is to suggest that there are indeed reasons that support viewing the bias as something other than a mere hindrance—reasons sufficiently strong to outweigh the reason one has to promote the good. So, on reflection, one will not be motivated to overcome the bias and promote the good. Thus the motivational condition is not met, and there can be no general requirement to promote the good.

One way to understand this suggestion is this. These extra reasons—reasons which support favoring one’s interests—are themselves morally relevant reasons, with sufficient strength from the moral point of view to outweigh the reason to promote the good. But if this is in fact the proposal, then all we have done is return to a strategy that has already been considered. The situation is simply this: there is some morally relevant reason to promote the good, but this reason is outweighed from the moral point of view by other morally relevant reasons. (So appeal to the motivational condition isn’t really necessary in the first place; by hypothesis, even the balance condition has not been met.)

Unfortunately, as I noted previously, although an argument along these lines might result in the rejection of a general moral requirement to promote the good, it does not succeed in creating a moral *option*: it simply substitutes one moral requirement for another. For what the argument assumes, under the current interpretation, is that from the moral point of view the balance of reasons supports favoring one's interests. But if this is so, then these reasons will themselves ground a moral *requirement* to promote one's interests. And this is not at all what the defender of ordinary morality wanted. According to commonsense morality, although the agent is not morally required to sacrifice her interests for the sake of the greater good, she is certainly morally permitted to do so. But given the current interpretation of the argument, we are led instead to the conclusion that promoting the good will in fact be morally forbidden.

It is at just this point that Michael Bratman's own favored proposal enters the stage, with a second possible way to interpret the suggestion that in at least some cases the balance of reasons may not favor promoting the good. According to Bratman's proposal, this is to be understood not as a claim about the moral point of view but, rather, about the rational point of view.

Imagine that in some case you care more about pursuing some personal project than you do about promoting the greater good. Bratman suggests that—despite this preference—as far as the *moral* point of view is concerned, the balance of reasons still favors promoting the good. But Bratman finds it plausible to think that the following might be true as well: given your preferences, from the *rational* point of view the balance of reasons favors your pursuing your personal project rather than the greater good. (It might be that there are extra reasons for doing what you prefer to do—reasons not recognized from the moral point of view. Or it might be that the *strength* of these reasons is greater from the rational point of view than from the moral point of view. For our purposes, we need not choose between these two possibilities.)

If in some case matters were as Bratman suggests, then you wouldn't necessarily view the bias in favor of your own interests as a mere hindrance (after all, from the rational point of view, it would be positively desirable); so you would not necessarily be motivated to try to overcome it and to promote the greater good. Thus—given the motivational condition on moral requirements—there could be no moral requirement to promote the good. Yet at the same time it would remain morally *permissible* to promote the greater good: there could be no moral prohibition against doing this, since—from the *moral* point of view—the balance of reasons supports it. In short, you would have a genuine moral option.

Can the advocate of commonsense morality help herself to this defense of options? In many ways it is, I think, the most appealing of

the various strategies that we have considered. Nonetheless it is not without its own costs. Admittedly, Bratman's proposal avoids the unwanted moral requirement to pursue one's own interests or projects: there can be no such moral requirement since, from the moral point of view, the balance of reasons supports promoting the greater good. But so far as I can see, there would be nothing similar to prevent the generation of a *rational* requirement to pursue one's interests or projects. That is to say, if Bratman's proposal is correct then in the kinds of cases he has in mind it would be irrational—rationally *forbidden*—to promote the greater good. (Strictly speaking, confirming this would require a complete list of the conditions that must be met before a genuine rational requirement is generated; but there is, at any rate, no obvious reason to think that such a requirement could be avoided.)

Bratman is able to soften the impact of this conclusion somewhat by noting that his view does not have the implication that in *all* cases it would be irrational to promote the greater good. His position, after all, is only this: from the rational point of view the balance of reasons favors doing what you actually prefer to do. Thus what it is that you are rationally required to do is conditional upon your preferences. Given that you prefer to work on your personal project rather than promote the greater good, this is what the balance of reasons supports, rationally speaking, and so this is what you are rationally required to do. But if there is some other individual who happens to prefer to promote the greater good—or if your own preferences should shift in this direction—then it is this second course of action which will be rationally required. Thus, no one is rationally forbidden to promote the good when this is what he prefers to do.

Yet it remains the case that under Bratman's proposal if you *do* in fact prefer to pursue your personal project, this is what you are rationally *required* to do. That is, in such a situation it would be rationally forbidden to sacrifice your interests for the sake of the greater good, even though such an act would be morally preferable. And such cases will not be rare. On Bratman's view, reason will frequently and typically forbid doing what is morally preferable.

No doubt defenders of ordinary morality will sincerely differ among themselves as to whether this conclusion is acceptable. But most, I suspect, will be unhappy at the thought that moral options are to be defended at the cost of labeling the morally preferable act irrational. (I am not saying that advocates of ordinary morality are *never* willing to label a morally preferable act irrational, only that this should not be the norm.)

But Bratman seems quite willing to embrace this result, and various other defenders of ordinary morality may be willing to do so as well—particularly if there is no other viable method of defending moral options. Accordingly, it is important to point out that there are

further implications of Bratman's approach that will, I think, be much more difficult for the advocate of ordinary morality to accept.

Suppose that the choice I face is not between working on my personal project and promoting the greater good but, rather, between working on my project and respecting some moral constraint. Perhaps, for example, to continue working on my project this weekend I must break a promise, tell a lie, or—more dramatically—harm or even kill some innocent individual. Callous soul that I am, as it happens I prefer to work on my project. But if what I have most reason to do is conditional upon my preferences in the way that Bratman suggests, then from the rational point of view what I have most reason to do is to break the promise, lie, harm, or kill. Indeed, this is what I am rationally *required* to do. That is, were Bratman's view correct, it would be *irrational* of me to disregard my preferences; respecting the constraints of ordinary morality would be rationally forbidden.

Now I take it that a view of this sort is simply unacceptable to defenders of ordinary morality.⁵ Admittedly, one can consistently claim that respect for moral constraints is typically rationally forbidden at the same time that one holds that it is always *morally* required. But most defenders of ordinary morality will not find such a sharp split between the rational and the moral acceptable: defenders of ordinary morality do not necessarily believe that respect for moral constraints must be rationally mandatory; but virtually all do believe that, at the very least, it must be rationally *permissible*—even in those cases where one happens to prefer to disregard morality. But this means that Bratman's thesis concerning preferences and the rational point of view must be rejected by anyone who hopes to preserve even fairly modest views about the connection between rationality and morality.

That thesis, however, is central to Bratman's defense of moral options. According to Bratman, there is no general moral requirement to promote the good, because it frequently fails to meet the motivational condition; but it fails to meet the motivational condition only because, from the rational point of view, the balance of reasons does not support promoting the greater good—given that I prefer to pursue my projects instead. Take away the claim that what I have most reason to do from the rational point of view is straightforwardly condi-

5. Does Bratman's view have the further—unacceptable—implication that I am not even *morally* required to respect the moral constraints, if I happen to prefer to work on my project? After all, given Bratman's view, from the rational point of view the balance of reasons opposes my obeying the constraint in such a case. So won't the constraint fail to meet the motivational condition necessary for grounding a moral requirement? Probably, but not necessarily: Bratman could insist (albeit implausibly) that the reasons that support the constraint have sufficient motivational force to meet the motivational condition, even though it would be irrational to act on them.

tional upon what I happen to prefer, and the defense of moral options collapses.

Of course, it might be that the best overall theory of practical reason actually supports Bratman's view, despite its various unattractive implications. That is a large question which I cannot consider here (although I do not believe that this is so). Instead, I must rest content with making a smaller point: even though there are, of course, familiar theories of practical reason that incorporate claims similar to Bratman's, such theories have a notoriously difficult time accommodating anything like our ordinary moral views; and defenders of ordinary morality are accustomed to rejecting these views, in part for that very reason. Obviously enough, however, defenders of ordinary morality cannot then go on to appeal to such views in a piecemeal fashion—when and only when doing so happens to support the belief in moral options.

This brings us back to a central point, with which I would like to close. The defense of options is not something that can be conducted in isolation from the rest of one's moral views. Strategies that might otherwise seem attractive must, on reflection, be rejected, because they are themselves incompatible with other things we want to claim—whether within morality, or about morality. The challenge, then, is to find a defense of moral options that can fit comfortably within an overall moral theory that is itself acceptable. This challenge, I think, has never yet been successfully met; I do not believe that it can be. Eventually we will have to recognize and embrace this fact: defending options will have to give way to rejecting them.