

ABSTRACT FOR FUTURE OF NORMATIVITY CONFERENCE 2018

Deontic Buck-Passing and the Fragmentation Objection

Recently, some theorists have defended the claim that normative reasons are a more fundamental normative property than ought.¹ This view structurally mirrors Scanlon's "buck-passing" account of the normative property of goodness, which says that X's goodness is a formal, higher-order property of X's having other properties (other than the property that it is good) that give us reason to care about X, ought is a formal, higher-order property of an action's having other properties (other than the property of being wrong) that combine to give us decisive reason to perform, or not to perform that act.²

I understand the deontic buck-passing thesis as the combination of two claims: a negative claim, that some action ought-to-be-done is a formal property which itself provides no reason for action, and a positive claim, that some action ought-to-be-done consists in the fact that there are other reasons which combine in a way that is decisive. In this paper I focus on the positive claim.

Let us distinguish the default analysis of the positive claim as follows:

Simple Analysis (SA) A ought to Φ iff A has decisive reason to Φ .

A chief difficulty with SA centres on the idea that SA is unable to sufficiently discriminate between different kinds of practical conclusions. Suppose that to have decisive reason is to for the reasons which favour acting in that way to be stronger than the reasons against, in some intuitive sense. We can compare two cases in which this might be true.

Consider the following case. You are deciding whether to go to the cinema or the theatre tonight. You have already seen every film currently showing and there is a particularly interesting play that is only in town tonight. In some intuitive sense you have stronger reason to go to the theatre. So, according to SA, you ought to go to the theatre. Let

¹ See, for example, Bedke (2011) 'Passing the Deontic Buck'. Oxford Studies in Metaethics VI, Clarendon Press, and Greenspan (2007) 'Practical Reasons and Moral "Ought"'. Oxford Studies in Metaethics II, Clarendon Press.

² Scanlon (1998: 95-100) What We Owe to Each Other. The Belknap Press.

us further suppose that you decide not to go to theatre. It seems to be an open question whether you are appropriately subject to criticism for not going to the theatre: on the one hand you had reason to do so, but on the other it seems to be merely an option that it is up to you to flout.

Now consider a different case. You have promised your friend that you will meet him for lunch at 12pm tomorrow, but you would rather spend the afternoon watching television. Let us suppose that your promise is a stronger reason to meet your friend than watching television is a reason not to do so. So, according to SA, you ought to meet your friend. Suppose that you decide not to meet your friend. In this case it does *not* seem to be an open question whether you are appropriately subject to criticism for failing to meet your friend. You are clearly at fault for your failing. In this case meeting your friend does not seem to be merely an option that it is up to you to flout.

The problem for SA is that it seems to be unable to discriminate between these cases, between cases in which reasons support a practical conclusion that *recommends* acting in some way, and cases in which reasons support a practical conclusion that *requires* acting in some way.

Not only does the SA fail to discriminate between different practical conclusions, but it is objected that any buck-passing account of ought is unable to capture what is distinctive about, in particular *moral* requirements. The argument depends on a simple thought: normative reasons are the sorts of things that merely make actions eligible or attractive, telling us what makes some action desirable. They count in favour of acting in some way, and counting in favour of an action is just categorically different from being under a moral requirement, to act in some way, or its being morally wrong to do something. *No matter how many reasons we add into the picture* they will never add up to these moral properties.

In this paper I consider and reject two revisionary proposals to SA. The first, defended by Joseph Raz, claims that we can solve the problem for SA by introducing the notion of an exclusionary reason.³ The second, defended by Joshua Gert, claims that we can solve the problem by recognising a distinction between reasons that require, and reasons that justify.⁴ My strategy is to argue that both of these proposals face the same objection: they fragment normativity in an objectionable way. In a nutshell, the existence of Razian exclusionary reasons implies that an agent's reasons can require her to knowingly refrain from acting on

³ See Raz (1999) Practical Reason and Norms. Oxford University Press.

⁴ See Gert (2003) 'Requiring and Justifying: Two Dimension of Strength'. Erkenntnis 59 (1).

the balance of reasons. On the other hand, Gert's distinction between justifying and requiring reasons implies that an agent can have most justifying reason not to act on what she has most requiring reason to do, and vice versa. These both constitute an objectionable form of normative fragmentation by implying that there are normative situations in which an agent cannot fail to act irrationally.

After substantiating this objection, I ask whether there is any way that we *can* revise SA without utilising normative distinctions that face the fragmentation objection. I briefly explore the distinction between reasons' favouring and disfavouring, and claim that this distinction may be able to avoid the fragmentation objection.