

Moral  
Questions  
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each seems right for reasons that appear decisive and sufficient, arbitrariness means the lack of reasons where reasons are needed, since either choice will mean acting against some reasons without being able to claim that they are *outweighed*.

There are five fundamental types of value that give rise to basic conflict. Conflicts can arise within as well as between them, but the latter are especially difficult. (I have not included self-interest in the group; it can conflict with any of the others.)

First, there are specific obligations to other people or institutions: obligations to patients, to one's family, to the hospital or university at which one works, to one's community or one's country. Such obligations have to be incurred, either by a deliberate undertaking or by some special relation to the person or institution in question. Their existence depends in either case on the subject's relation to others, although the relation does not have to be voluntary. (Even though young children are not at liberty to choose their parents or guardians, parental care creates some obligation of reciprocal future concern.)

The next category is that of constraints on action deriving from general rights that everyone has, either to do certain things or not to be treated in certain ways. Rights to liberty of certain kinds, or to freedom from assault or coercion, do not depend on specific obligations that others have incurred not to interfere, assault, or coerce. Rather, they are completely general, and restrict what others may do to their possessor, whoever those others may be. Thus a doctor has both specific obligations to his patients and general duties to treat anyone in certain ways.

The third category is that which is technically called utility. This is the consideration that takes into account the effects of what one does on everyone's welfare – whether or not the components of that welfare are connected to special obligations or general rights. Utility includes all aspects of benefit and harm to all people (or all sentient beings), not just those to whom the agent has a special relation, or has undertaken a special commitment. The general benefits of medical research and education obviously come under this heading.

The fourth category is that of perfectionist ends or values. By this I mean the intrinsic value of certain achievements or creations, apart from their value to individuals who experience or use them. Examples are provided by the intrinsic value of

## The Fragmentation of Value

I want to discuss some problems created by a disparity between the fragmentation of value and the singleness of decision. These problems emerge in the form of practical conflicts, and they usually have moral components.

By a practical conflict I do not mean merely a difficult decision. Decisions may be difficult for a number of reasons: because the considerations on different sides are very evenly balanced; because the facts are uncertain; because the probability of different outcomes of the possible courses of action is unknown. A difficult choice between chemotherapy and surgery, when it is uncertain which will be more effective, is not an example of what I mean by practical conflict, because it does not involve conflict between values which are incomparable for reasons apart from uncertainty about the facts. There can be cases where, even if one is fairly sure about the outcomes of alternative courses of action, or about their probability distributions, and even though one knows how to distinguish the pros and cons, one is nevertheless unable to bring them together in a single evaluative judgment, even to the extent of finding them evenly balanced. An even balance requires comparable quantities.

The strongest cases of conflict are genuine dilemmas, where there is decisive support for two or more incompatible courses of action or inaction. In that case a decision will still be necessary, but it will seem necessarily arbitrary. When two choices are very evenly balanced, it does not matter which choice one makes, and arbitrariness is no problem. But when

scientific discovery, of artistic creation, of space exploration, perhaps. These pursuits do of course serve the interests of the individuals directly involved in them, and of certain spectators. But typically the pursuit of such ends is not justified solely in terms of those interests. They are thought to have an intrinsic value, so that it is important to achieve fundamental advances, for example, in mathematics or astronomy even if very few people come to understand them and they have no practical effects. The mere existence of such understanding, somewhere in the species, is regarded by many as worth substantial sacrifices. Naturally opinions differ as to what has this kind of worth. Not everyone will agree that reaching the moon or Mars has the intrinsic value necessary to justify its current cost, or that the performance of obscure or difficult orchestral works has any value apart from its worth to individuals who enjoy them. But many things people do cannot be justified or understood without taking into account such perfectionist values.

The final category is that of commitment to one's own projects or undertakings, which is a value in addition to whatever reasons may have led to them in the first place. If you have set out to climb Everest, or translate Aristotle's *Metaphysics*, or master the *Well-Tempered Clavier*, or synthesize an amino acid, then the further pursuit of that project, once begun, acquires remarkable importance.<sup>1</sup> It is partly a matter of justifying earlier investment of time and energy, and not allowing it to have been in vain. It is partly a desire to be the sort of person who finishes what he begins. But whatever the reason, our projects make autonomous claims on us, once undertaken, which they need not have made in advance. Someone who has determined to master the *Well-Tempered Clavier* may say 'I can't go to the movies, I have to practice'; but it would be strange for him to say that he had to master the *Well-Tempered Clavier*.

These commitments should not be confused with self-interest, for self-interest aims at the integrated fulfillment over time of *all* one's interests and desires (or at least those desires one does not wish to eliminate). Special commitments may, in their pursuit, be inimical to self-interest thus defined. They need not have been undertaken for self-interested reasons, and their pursuit certainly

<sup>1</sup> See Gilbert Harman, 'Practical Reasoning', *Review of Metaphysics*, xxix (1976), 432-63.

need not be controlled by self-interest.

Obligations, rights, utility, perfectionist ends, and private commitments — these values enter into our decisions constantly, and conflicts among them, and within them, arise in medical research, in politics, in personal life, or wherever the grounds of action are not artificially restricted. What would it mean to give a system of priorities among them? A simpler moral conception might permit a solution in terms of a short list of clear prohibitions and injunctions, with the balance of decision left to personal preference or discretion, but that will not work with so mixed a collection. One might try to order them. For example: never infringe general rights, and undertake only those special obligations that cannot lead to the infringement of anyone's rights; maximize utility within the range of action left free by the constraints of rights and obligations; where utility would be equally served by various policies, determine the choice by reference to perfectionist ends; and finally, where this leaves anything unsettled, decide on grounds of personal commitment or even simple preference. Such a method of decision is absurd, not because of the particular order chosen but because of its absoluteness. The ordering I have given is not arbitrary, for it reflects a degree of relative stringency in these types of values. But it is absurd to hold that obligations can never outweigh rights, or that utility, however large, can never outweigh obligation.

However, if we take the idea of outweighing seriously, and try to think of an alternative to ordering as a method of rationalizing decision in conditions of conflict, the thing to look for seems to be a single scale on which all these apparently disparate considerations can be measured, added, and balanced. Utilitarianism is the best example of such a theory, and interesting attempts have been made to explain the apparent priority of rights and obligations over utility in utilitarian terms. The same might be tried for perfectionist goals and personal commitments. My reason for thinking that such explanations are unsuccessful, or at best partially successful, is not just that they imply specific moral conclusions that I find intuitively unacceptable (for it is always conceivable that a new refinement of the theory may iron out many of those wrinkles). Rather, my reason for doubt is theoretical: I do not believe that the source of value

is unitary – displaying apparent multiplicity only in its application to the world. I believe that value has fundamentally different kinds of sources, and that they are reflected in the classification of values into types. Not all values represent the pursuit of some single good in a variety of settings.

Think for example of the contrast between perfectionist and utilitarian values. They are *formally* different, for the latter takes into account the number of people whose interests are affected, and the former does not. Perfectionist values have to do with the mere level of achievement and not with the spread either of achievement or of gratification. There is also a formal contrast between rights or obligations and any ends, whether utilitarian or perfectionist, that are defined in terms of the outcome of actions – in terms of how things are as a result. The claims represented by individual obligations begin with relations between individuals, and although the maintenance of those relations in a satisfactory form must be part of any utilitarian conception of a good state of affairs, that is not the basic motive behind claims of obligation. It may be a good thing that people keep their promises or look after their children, but the reason a person has to keep his own promises is very different from the reason he has to want other people unconnected with him to keep their promises – just because it would be a good thing, impersonally considered. A person does not feel bound to keep his promises or look after his children because it would be a good thing, impersonally considered. There certainly are things we do for such reasons, but in the motive behind obligations a more personal outlook is essential. It is your *own* relation to the other person or the institution or community that moves you, not a detached concern for what would be best overall.

Reasons of this kind may be described as agent-centered or subjective (though the term 'subjective' here should not be misunderstood – it does not mean that the general principles of obligation are matters of subjective preference which may vary from person to person). The reasons in each case apply primarily to the individual involved, as reasons for *him* to want to fulfil his obligations – even though it is also a good thing, impersonally considered, for him to do so.

General rights are less personal in their claims, since a right to be free from interference or assault, for example, does not derive

from the possessor's relation to anyone in particular: everyone is obliged to respect it. Nevertheless, they are agent-centered in the sense that the reasons for action they provide apply primarily to individuals whose actions are in danger of infringing such rights. Rights mainly provide people with reasons not to do certain things to other people – not to treat them or interfere with them in certain ways. Again, it is objectively a good thing that people's rights not be violated, and this provides disinterested parties with some reason for seeing that X's rights are not violated by Y. But this is a secondary motive, not so powerful as the reason one has not to violate anyone's rights directly. (That is why it is reasonable for defenders of civil liberties to object to police and judicial practices that violate the rights of criminal suspects, even when the aim of those policies is to prevent greater violations by criminals of the rights of their victims.) In that sense the claims deriving from general rights are agent-centered: less so than those deriving from special obligations, but still definitely agent-centered in a sense in which the claims of utility or perfectionist ends are not. Those latter claims are impersonal or outcome-centered; they have to do with what happens, not, in the first instance, with what one does. It is the contribution of what one does to what happens or what is achieved that matters.

This great division between personal and impersonal, or between agent-centered and outcome-centered, or subjective and objective reasons, is so basic that it renders implausible any reductive unification of ethics – let alone of practical reasoning in general. The formal differences among these types of reasons correspond to deep differences in their sources. We appreciate the force of impersonal reasons when we detach from our personal situation and our special relations to others. Utilitarian considerations arise in this way when our detachment takes the form of adopting a general point of view that comprehends everyone's view of the world within it. Naturally the results will not always be clear. But such an outlook is obviously very different from that which appears in a person's concern for his special obligations to his family, friends, or colleagues. There he is thinking very much of his particular situation in the world. The two motives come from two different points of view, both important, but fundamentally irreducible to a common basis.

I have said nothing about the still more agent-centered motive of commitment to one's own projects, but since that involves one's own life and not necessarily any relations with others, the same points obviously apply. It is a source of reasons that cannot be assimilated either to utility, or perfectionism, or rights, or obligations (except that they might be described as obligations to oneself).

My general point is that the formal differences among types of reason reflect differences of a fundamental nature in their sources, and that this rules out a certain kind of solution to conflicts among these types. Human beings are subject to moral and other motivational claims of very different kinds. This is because they are complex creatures who can view the world from many perspectives – individual, relational, impersonal, ideal, etc. – and each perspective presents a different set of claims. Conflict can exist within one of these sets, and it may be hard to resolve. But when conflict occurs between them, the problem is still more difficult. Conflicts between personal and impersonal claims are ubiquitous. They cannot, in my view, be resolved by subsuming either of the points of view under the other, or both under a third. Nor can we simply abandon any of them. There is no reason why we should. The capacity to view the world simultaneously from the point of view of one's relations to others, from the point of view of one's life extended through time, from the point of view of everyone at once, and finally from the detached viewpoint often described as the view *sub specie aeternitatis* is one of the marks of humanity. This complex capacity is an obstacle to simplification.

Does this mean, then, that basic practical conflicts have no solution? The unavailability of a single, reductive method or a clear set of priorities for settling them does not remove the necessity for making decisions in such cases. When faced with conflicting and incommensurable claims we still have to do something – even if it is only to do nothing. And the fact that action must be unitary seems to imply that unless justification is also unitary, nothing can be either right or wrong and all decisions under conflict are arbitrary.

I believe this is wrong, but the alternative is hard to explain. Briefly, I contend that there can be good judgment without total justification, either explicit or implicit. The fact that one cannot

say why a certain decision is the correct one, given a particular balance of conflicting reasons, does not mean that the claim to correctness is meaningless. Provided one has taken the process of practical justification as far as it will go in the course of arriving at the conflict, one may be able to proceed without further justification, but without irrationality either. What makes this possible is *judgment* – essentially the faculty Aristotle described as practical wisdom, which reveals itself over time in individual decisions rather than in the enunciation of general principles. It will not always yield a solution: there are true practical dilemmas that have no solution, and there are also conflicts so complex that judgment cannot operate confidently. But in many cases it can be relied on to take up the slack that remains beyond the limits of explicit rational argument.

This view has sometimes been regarded as defeatist and empty since it was expressed by Aristotle. In reply, let me say two things. First, the position does not imply that we should abandon the search for more and better reasons and more critical insight in the domain of practical decision. It is just that our capacity to resolve conflicts in particular cases may extend beyond our capacity to enunciate general principles that explain those resolutions. Perhaps we are working with general principles unconsciously, and can discover them by codifying our decisions and particular intuitions. But this is not necessary either for the operation or for the development of judgment. Second, the search for general principles in ethics, or other aspects of practical reasoning, is more likely to be successful if systematic theories restrict themselves to one aspect of the subject – one component of rational motivation – than if they try to be comprehensive.

To look for a single general theory of how to decide the right thing to do is like looking for a single theory of how to decide what to believe. Such progress as we have made in the systematic justification and criticism of beliefs has not come mostly from general principles of reasoning but from the understanding of particular areas, marked out by the different sciences, by history, by mathematics. These vary in exactness, and large areas of belief are left out of the scope of any theory. These must be governed by common sense and ordinary, prescientific reasoning. Such reasoning must also be used where the results of

various more systematic methods bear on the matter at hand, but no one of them determines a conclusion. In civil engineering problems, for example, the solution depends both on physical factors capable of precise calculation and behavioral or psychological factors that are not. Obviously one should use exact principles and methods to deal with those aspects of a problem for which they are available, but sometimes there are other aspects as well, and one must resist the temptation either to ignore them or to treat them by exact methods to which they are not susceptible.

We are familiar with this fragmentation of understanding and method when it comes to belief, but we tend to resist it in the case of decision. Yet it is as irrational to despair of systematic ethics because one cannot find a completely general account of what should be done as it would be to give up scientific research because there is no general method of arriving at true beliefs. I am not saying that ethics is a science, only that the relation between ethical theory and practical decisions is analogous to the relation between scientific theory and beliefs about particular things or events in the world.

In both areas, some problems are much purer than others, that is, their solutions are more completely determined by factors that admit of precise understanding. Sometimes the only significant factor in a practical decision is personal obligation, or general utility, and then one's reasoning can be confined to that (however precisely it may be understood). Sometimes a process of decision is artificially insulated against the influence of more than one type of factor. This is not always a good thing, but sometimes it is. The example I have in mind is the judicial process, which carefully excludes, or tries to exclude, considerations of utility and personal commitment, and limits itself to claims of right. Since the systematic recognition of such claims is very important (and also tends over the long run not to conflict unacceptably with other values), it is worth isolating these factors for special treatment. As a result, legal argument has been one of the areas of real progress in the understanding of a special aspect of practical reason. Systematic theory and the search for general principles and methods may succeed elsewhere if we accept a fragmentary approach. Utilitarian theory, for example, has a great deal to contribute if it is not required to account for

everything. Utility is an extremely important factor in decisions, particularly in public policy, and philosophical work on its definition, the coordination problems arising in the design of institutions to promote utility, its connections with preference, with equality, and with efficiency, can have an impact on such decisions.

This and other areas can be the scene of progress even if none of them aspires to the status of a general and complete theory of right and wrong. There will never be such a theory, in my view, since the role of judgment in resolving conflicts and applying disparate claims and considerations to real life is indispensable. Two dangers can be avoided if this idea of noncomprehensive systematization is kept in mind. One is the danger of romantic defeatism, which abandons rational theory because it inevitably leaves many problems unsolved. The other is the danger of exclusionary overrationalization, which bars as irrelevant or empty all considerations that cannot be brought within the scope of a general system admitting explicitly defensible conclusions. This yields skewed results by counting only measurable or otherwise precisely describable factors, even when others are in fact relevant. The alternative is to recognize that the legitimate grounds of decision are extremely various and understood to different degrees. This has both theoretical and practical implications.

On the theoretical side, I have said that progress in particular areas of ethics and value theory need not wait for the discovery of a general foundation (even if there is such a thing). This is recognized by many philosophers and has recently been urged by John Rawls, who claims not only that the pursuit of substantive moral theory, for example the theory of justice, can proceed independently of views about the foundation of ethics, but that until substantive theory is further developed, the search for foundations may be premature.<sup>2</sup>

This seems too strong, but it is certainly true of any field that one need not make progress at the most fundamental level to make progress at all. Chemistry went through great develop-

<sup>2</sup> John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp. 51-60. See also "The Independence of Moral Theory," *Proceedings and Addresses of the American Philosophical Association* (1974-5) pp. 5-22.

ments during the century before its basis in atomic physics came to be understood. Mendelian genetics was developed long before any understanding of the molecular basis of heredity. At present, progress in psychology must be pursued to a great extent independently of any idea about its basis in the operation of the brain. It may be that all psychological phenomena are ultimately explainable in terms of the theory of the central nervous system, but our present understanding of that system is too meager to permit us even to look for a way to close the gap.

The corresponding theoretical division in ethics need not be so extreme. We can continue to work on the foundations while exploring the superstructure, and the two pursuits should reinforce each other. I myself do not believe that all value rests on a single foundation or can be combined into a unified system, because different types of values represent the development and articulation of different points of view, all of which combine to produce decisions. Ethics is unlike physics, which represents one point of view, that which apprehends the spatiotemporal properties of the universe described in mathematical terms. Even in this case, where it is reasonable to seek a unified theory of all physical phenomena, it is also possible to understand a great deal about more particular aspects of the physical universe — gravitation, mechanics, electromagnetic fields, radiation, nuclear forces — without having such a theory.

But ethics is more like understanding or knowledge in general than it is like physics. Just as our understanding of the world involves various points of view — among which the austere viewpoint of physics is the most powerfully developed and one of the most important — so values come from a number of viewpoints, some more personal than others, which cannot be reduced to a common denominator any more than history, psychology, philology, and economics can be reduced to physics. Just as the types of understanding available to us are distinct, even though they must all coexist and cooperate in our minds, so the types of value that move us are disparate, even though they must cooperate as well as they can in determining what we do.

With regard to practical implications, it seems to me that the fragmentation of effort and of results that is theoretically to be expected in the domain of value has implications for the strategy to be used in applying these results to practical decisions,

especially questions of public policy. The lack of a general theory of value should not be an obstacle to the employment of those areas of understanding that do exist; and we know more than is generally appreciated. The lack of a general theory leads too easily to a false dichotomy: either fall back entirely on the unsystematic intuitive judgment of whoever has to make a decision, or else cook up a unified but artificial system like cost-benefit analysis,<sup>3</sup> which will grind out decisions on any problem presented to it. (Such systems may be useful if their claims and scope of operation are less ambitious.) What is needed instead is a mixed strategy, combining systematic results where these are applicable with less systematic judgment to fill in the gaps.

However, this requires the development of an approach to decisions that will use available ethical understanding where it is relevant. Such an approach is now being sought by different groups working in applied ethics, with what success we shall not know for some time. I want to suggest that the fragmentation of value provides a rationale for a particular way of looking at the task, and an indication of what needs to be done.

What we need most is a method of breaking up or analyzing practical problems to say what evaluative principles apply, and how. This is not a method of decision. Perhaps in special cases it would yield a decision, but more usually it would simply indicate the points at which different kinds of ethical considerations needed to be introduced to supply the basis for a responsible and intelligent decision. This component approach to problems is familiar enough in connection with other disciplines. It is expected that important policy decisions may depend on economic factors, political factors, ecological factors, medical safety, scientific progress, technological advantages, military security, and other concerns. Advice on all these matters can be obtained by responsible officials if there is anyone available whose job it is to think about them. In some cases well-established disciplines are involved. Their practitioners may vary widely in understanding of the subject, and on many issues they will disagree with one another. But even to be exposed to

<sup>3</sup> See Lawrence Tribe, 'Policy Science: Analysis or Ideology?', *Philosophy & Public Affairs*, II, no. 1 (Fall, 1972), 66-110.

these controversies (about inflation or nuclear power safety or recombinant DNA risk) is better than hearing nothing at all. Moreover it is important that within most serious disciplines there is agreement about what is controversial and what is not. Anyone with an important decision to make, whether he is a legislator or a cabinet officer or a department official, can get advice on different aspects of the problem from people who have thought much more than he has about each of those aspects, and know what others have said about it. The division of disciplines and a consensus about what dimensions of a problem have to be considered are very useful in bringing together the problems and such expertise as there is.

We need a comparable consensus about what important ethical and evaluative questions have to be considered if a policy decision is to be made responsibly. This is not the same thing as a consensus in ethics. It means only that there are certain aspects of any problem that most people who work in ethics and value theory would agree should be considered, and can be professionally considered in such a way that whoever is going to make the decision will be exposed to the relevant ideas currently available. Sometimes the best ideas will not be very good, or they will include diametrically opposed views; but this is true everywhere, not just in ethics.

It might be suggested that the best approach would be to emulate the legal system by setting up an advocacy procedure before a kind of court whose job would be to render decisions on ethically loaded policy questions. (The recent proposal of a science court shows the attractions of the legal model: its non-democratic character has great intellectual appeal.) But I think the actual situation is too fluid for anything like that. Values are relevant to policy in too many ways, and in combination with too many other kinds of knowledge and opinion, to be treatable in this manner. Although some legal decisions are very difficult, courts are designed to decide clear, narrowly defined questions to which a relatively limited set of arguments and reasons is relevant. (I think of the function of a judge in striking material from the record or refusing to admit certain data or testimony in evidence; such restrictions do not in general apply to legislative or administrative deliberations.) Most practical issues are much messier than this, and their ethical dimensions are much more complex. One needs a method of insuring that

where relevant understanding exists, it is made available, and where there is an aspect of the problem that no one understands very well, this is understood too.

I have not devised such a method, but clearly it would have to provide that factors considered should include, among others, the following: economic, political, and personal liberty, equality, equity, privacy, procedural fairness, intellectual and aesthetic development, community, general utility, desert, avoidance of arbitrariness, acceptance of risk, the interests of future generations, the weight to be given to interests of other states or countries. There is much to be said about each of these. The method would have to be more organized to be useful, but a general position on the ways in which ethics is relevant to policy could probably be agreed on by a wide range of ethical theorists, from relativists to utilitarians to Kantians. Radical disagreement about the basis of ethics is compatible with substantial agreement about what the important factors are in real life. If this consensus, which I believe already exists among ethical theorists, were to gain wider acceptance among the public and those who make policy, then the extensive but fragmented understanding that we possess in this area could be put to better use than it is now. It would then be more difficult simply to ignore certain questions, and even if the ethical considerations, once offered, were disregarded or rejected, the reasons or absence of reasons for such rejection would become part of the basis for any decision made. There is a modicum of power even in being able to state a *prima facie* case.

This conception of the role of moral theory also implies an answer to the question of its relation to politics, and other methods of decision. Ethics is not being recommended as a decision procedure, but as an essential resource for making decisions, just as physics, economics, and demography are. In fundamental constitutional decisions of the Supreme Court, one branch of ethics plays a central role in a process that takes precedence over the usual methods of political and administrative decision. But for most of the questions that need deciding, ethical considerations are multiple, complex, often cloudy, and mixed up with many others. They need to be considered in a systematic way, but in most cases a reasonable decision can be reached only by sound judgment, informed as well as possible by the best arguments that any relevant disciplines have to offer.