

“MORE SERIOUSLY WRONG”

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My topic is an idea that's part of common-sense morality though it hasn't to my knowledge received much direct attention from philosophers. Common sense thinks some acts are right and some are wrong, but it also thinks some wrong acts are more seriously so than others. It's wrong to steal a car and wrong to commit murder, but murder is more seriously wrong than auto theft, which is more seriously wrong than breaking a promise to have lunch. My question is: how can one of two acts be more seriously wrong than the other, and if it can, what makes it so?

That one act is more seriously wrong is often compelling in itself, but it has further implications. Common sense thinks you should feel guilt after acting wrongly, but it thinks you should feel more guilt – more intense or longer-lasting guilt – if your act was more seriously wrong, for example if it was murder rather than breaking a promise. It also thinks you're other things equal more blameworthy for a more serious wrong, and, if retributivism is true, deserve more severe punishment for it. The idea of serious wrongness therefore connects with several others in ethics, and this allows further tests of the phenomenon. To decide whether one act is more seriously wrong than another we can not only consult direct intuitions about the two but also ask whether you should feel more guilt about the first, or whether the first makes you more blameworthy or calls for more severe punishment.

These tests can't be applied mechanically, however, since in each case the effect of more serious wrongness is mixed with others that aren't relevant to our topic. Guilt is a response to

acting wrongly, and on many views an act's wrongness is independent of its motives. But more seriously wrong acts are often done from morally worse motives, and even if these can't be the objects of guilt they can prompt the different emotion of shame. Your shame about your motives can then combine with your guilt to make for an overall negative response to your act in which the specific role of guilt is harder to see. Something similar holds for blameworthiness and retribution. On most views you're more blameworthy for acting wrongly, or deserve more punishment, if you acted from a worse motive, for example if you killed from sadistic hatred rather than from excessive but understandable anger at injustice; your blameworthiness can also depend on further facts about your mental states such as whether you acted under duress or were culpably ignorant of relevant facts. In all three tests, isolating the effect of more serious wrongness requires setting any accompanying effects of bad mental states aside.

More serious wrongness can also play other roles. One is in helping to characterize subjective rightness, or rightness relative to your beliefs or evidence. Many philosophers have been persuaded by an example of Frank Jackson's that this can't be done in terms of objective rightness, or rightness relative to the facts; more specifically, the subjectively right act can't be identified as the one that's most likely to be objectively right. In Jackson's example you have three acts available to you, and the one that is clearly subjectively right is certain to be objectively wrong; in objective terms one of the other two, though you can't tell which, is right.¹ But a derivation of subjective from objective rightness needn't tell you to maximize your probability of acting objectively rightly or, what's the same thing, to minimize your probability of acting wrongly. As Peter Graham has argued, it can instead tell you to minimize your probability of acting seriously wrongly, or to minimize the expected objective seriousness of any

wrong you do. Since in Jackson's example the act that's certain to be objectively wrong will be only slightly seriously so while each of alternatives has a .5 probability of being extremely seriously wrong, this yields the intuitive result.² But it does so by using a concept of serious wrongness that, unlike simple wrongness, admits of degrees. This concept is also relevant in cases of moral uncertainty. Imagine that you can't decide between two moral views and must do either *A* or *B*, where the first view says *A* is right and *B* is wrong and the second says the opposite. In this situation you can't consider just the probabilities that the two views are true. If the first says that *B* is only slightly seriously wrong while the second says *A* is massively so, you should do *B* even if you think the first view is somewhat probably correct.³

Some philosophers seem to have rejected the idea of more serious wrongness. For example, some Stoics held that all wrongs or sins are equal. Diogenes Laertius reports that they

see fit to believe that [moral] mistakes are equal, according to Chrysippus ... and Persaeus and Zeno. For if one truth is not more [true] than another, then neither is one falsehood [falsus] than another. So, neither is one deception [more of a deception] than another nor is one [moral] mistake more [of a mistake] than another. ...For he who is a hundred stades from Canopus and he who is one stade away are [both] equally not in Canopus. So too he who makes a larger [moral] mistake and he who makes a smaller one are [both] equally not acting correctly.⁴

Some present-day philosophers may likewise deny that wrongness admits of degrees. For an act to be wrong, they may say, is for it not to be permitted, and since an act either just is permitted or

just is not, no act can be more or less wrong.

I haven't spoken of one act's being more wrong than another, and can agree that that's not possible. I've asked about a related but distinct property of being more seriously wrong, which can be understood as follows. Given the supervenience of moral properties, any act that's right or wrong has other properties that make it so. But if these properties admit of degrees, or if their right- or wrong-making tendencies do, we can use this fact to define a derivative property of serious wrongness that likewise admits of degrees. Compare the properties concerned with height. There's an initial property of tallness that admits of degrees. By making a cut on the scale of tallness we can introduce a property that doesn't admit of degrees, such as being at least six feet tall, in the sense of having some height or other above that. And we can then combine these two properties to yield a third that again admits of degrees, namely that of being more than six feet tall in the sense in which someone who's six feet ten is a lot more than six feet tall whereas someone who's six feet one is only a little more than six feet. I think of the right- and wrong-making properties as analogous to tallness, wrongness as analogous to being at least six feet tall, and being seriously wrong as analogous to being more than six feet tall in the sense that admits of degrees.

We therefore need a moral view in which the properties that make acts wrong admit of degrees, but not all views have this feature. Consider the first formulation of Kant's categorical imperative, especially in the "contradiction in conception" version that's supposed to yield perfect duties such as those against making lying promises and suicide. It says an act is wrong if the universalization of its maxim can't even be thought, because the situation in which everyone acts on the maxim is self-contradictory.⁵ On a straightforward reading this wrong-making

property doesn't admit of degrees, since a situation either just is self-contradictory or just is not. It follows that, according to this part of Kant's view, all acts violating perfect duties have the same wrong-making property to the same degree, and no one can be more seriously wrong than any other. Making a lying promise to have lunch is as seriously wrong as murder and deserves the same punishment, which for Kant is presumably death.⁶

But in other moral views the relevant properties do admit of degrees, and here the paradigm illustration is W.D. Ross's view.⁷ It contains a plurality of prima facie duties, or duties other things equal, each of which identifies a property that tends to make acts right, for positive duties, or tends to make them wrong, for negative ones. These duties can conflict, and when this happens they have to be weighed against each other, so an act's rightness or wrongness on balance depends on the comparative strengths of the duties supporting those competing verdicts. And these strengths can differ. That an act keeps a promise to have lunch counts a little in its favour, whereas its being a murder counts a great deal against it; if those were its only relevant properties, it would be all things considered wrong. But crucial to Ross's view is a concept of prima facie duty that makes acts right or wrong and admits of degrees.

This concept allows a straightforward account of more serious wrongness in certain simple cases, where an act violates one or more prima facie duties, and so has one or more wrong-making properties, but has no right-making ones. Then how seriously wrong it is depends just on how strong the duty or duties are that it violates. If one act breaks a promise while another commits murder and neither fulfils any positive duty, the second is more seriously wrong.

But many cases are more complex, because many wrong acts fulfil some prima facie duty, or have some, albeit outweighed, right-making feature. Then there are at least two ways of

determining their seriousness as wrongs. On what I'll call the *absolute-strength view* this depends just on the strength of the prima facie duty – for now let's assume it's just one – whose violation makes the act wrong. If it's wrong because it breaks a promise or commits murder, how seriously wrong it is depends just on the strength of the duty not to do that thing; no other duties, and in particular no duties the act fulfils, are relevant. An alternative view, which I'll call the *gap view*, looks instead at the difference in strength between the duty whose violation makes the act wrong and the duty – again assume it's just one – that the act fulfils. The issue now is how much stronger its wrong-making tendency is than its right-making one, so duties other than the one violated are relevant; they mark the bottom of the relevant gap. These views two yield identical results in the simple cases described above, but they can come apart in more complex ones.

Imagine that one act violates a prima facie duty of strength 10 and fulfils one of strength 6 while another violates a duty of strength 6 and fulfils one of strength 1. On the absolute-strength view the first act is more seriously wrong, since strength 10 is greater than strength 6. But on the gap view the opposite is true, since the gap between 6 and 1 is larger than the gap between 10 and 6.

My question is whether one of these views is preferable to the other. Is it better to assess the seriousness of wrongs by absolute-strength or by gap means?⁸ A mixed view is also possible, that gives some weight to both considerations, and we'll consider that later. But for now our focus is the two pure views, one looking only at the duties you should have fulfilled and whose violation makes your act wrong, and the other looking only at the difference between those duties and any others your act fulfilled. Is one of these two views more attractive?

Both views require cardinal and even ratio-scale measures of the strengths of prima facie duties, which some may find problematic. But I think the intuitions that allow us to rank duties

also give us at least rough numerical measures of their strengths. Surely we can say that the duty not to murder isn't just stronger than the duty not to break a promise to have lunch but a lot stronger, and even more than ten times stronger; by contrast, the duty to keep a promise to an acquaintance is only a little stronger than the duty to keep a promise to a stranger and less than ten times stronger. Moreover a view like Ross's already needs cardinal measures at two points. In an example of his you're en route to keep a promise to meet a friend and come across accident victims needing help. Though he assumes it's certain what results your two choices will have, there may be some chance that if you call medical personnel they'll arrive in time for you to keep your promise, and some chance that if you don't stop someone else will arrive soon enough to help the victims instead. To decide what to do you have to multiply these probabilities by the strengths of the two prima facie duties, which must therefore be cardinal. Or consider a case where an act falls under four prima facie duties, ranked in strength from one to four, and where the first duty favours the act while the other three count against it. To know whether the act is on balance right it's not enough to be able to rank the duties; you have to know whether the three together outweigh the one, which again requires cardinality. So at least rough numerical measures are already needed in a view like Ross's, and once we have them the absolute-strength and gap views can come apart. Which should we then prefer?

Consider first a case involving just consequentialist duties, or duties to promote the good, one where you don't fulfil your strongest such duty but do fulfil a weaker one. Imagine that you ought all things considered to save ten people from drowning, but from a selfish desire not to miss the start of a TV show save only six. Here you act wrongly, but it would surely be a mistake to determine the seriousness of your wrong by considering only the number of people you should

have saved, as on the absolute-strength view. To note only that you didn't save all ten people is to ignore the fact that you did save six. This is especially unintuitive if the six were part of the ten, so you started saving the ten but broke off your saving when your show was about to start; then you clearly did fulfil part of the duty you violated. But it's also unintuitive if the two groups were separate, so instead of saving ten people in one lake you chose to save six in another lake because that would take less time. There too an absolute-strength assessment ignores the fact that, although you didn't fulfil all your consequentialist duty, you did fulfil part of it. We can put this argument against the absolute-strength view as follows. To make the seriousness of the wrong in these purely consequentialist cases depend only on the strength of the duty you violate is to make your act when you save six people rather than ten no less seriously wrong than if you'd saved no one; it's to equate a partial with a complete moral failure. This result is avoided by the gap view, which by subtracting the number of people you did save from the number you should have saved gives you some credit for partly acting as you ought.//

This conclusion may seem obvious, and some may want to apply the gap view across the board, so the seriousness of a wrong always depends just on the difference between the strengths of the duties whose violation makes it wrong and the strengths of any duties it fulfils. This is certainly a defensible view, but I want to suggest that the gap view may not be preferable when the duty you violate is deontological, or not a matter of promoting the good.

Consider first a case suggested to me by Brad Cokelet.⁹ You steal someone's money, as you ought all things considered not to, but do so in order to pay a debt you owe a third person and then do pay the debt. On the gap view the fact that you fulfilled your duty to pay the debt should make your act of stealing less seriously wrong than it would otherwise be, and by a

significant amount. After all, your duty to pay your debt, though outweighed here, is still a significant one, and your stealing contributes to your fulfilling it. But intuitively, at least to Cokelet and me, it doesn't have that effect. We find more plausible the claim that your act of stealing is no less seriously wrong despite what it led to, so the issue is settled by absolute-strength rather than by gap means. Or consider a familiar case from the literature. You're a doctor with five patients needing organ transplants but there are no organ donors. So you kidnap a homeless person, kill him, and divide his organs among the five, thereby saving their lives. Since your duty to save the five has considerable moral weight, that you fulfilled it should on the gap view make your killing the one considerably less seriously wrong. But that too doesn't seem right; it's again more plausible that your act is no less seriously wrong. We can confirm this verdict by applying the tests mentioned above. Should you feel significantly less guilt for killing the one when you saved the five? It seems to me you should not. Are you significantly less blameworthy, and do you deserve significantly less punishment? Again it seems not. These tests can, as I said, involve confounding factors. If you killed the one in order to save the five, you acted from a better motive than is usual in cases of murder and so have some less ground for shame; but your ground for guilt, which concerns just your act's wrongness, doesn't seem diminished. Also because of your motive, you may be somewhat less blameworthy and deserve somewhat less punishment than if you killed from sadistic hatred, but the reductions again don't seem large. In a modern legal system, even one whose justification is entirely retributive, you'd surely receive the standard punishment for first-degree murder, with only minor mitigation. All this suggests that what determines the seriousness of your wrong is the absolute strength of the duty not to kill and not the gap between that duty and some other.

There may be a reflection of this claim about deontological cases in an argument Aquinas made against the Stoic view that all sins are equal. Since his concept of sin wasn't purely deontic, one of his arguments was that an act is more sinful if it's done from a worse motive.¹⁰ But another argument concerned only wrongness. He said the gravity of a sin varies with its object, or the subject-matter of the principle it violates. Thus a wrong concerning property is less serious than one concerning human life, which is less serious than one concerning God.¹¹ And he seems to have intended these priorities absolutely, so any wrong concerning property is less serious than any affecting life, and any affecting life less serious than any about God. If these priorities were absolute, however, he implicitly rejected the gap view, which can find a wrongful failure to save someone's life less serious, when a competing duty was almost as strong, than a wrong concerning property with no competing duty. Instead his argument considered only the strength of the duty an act violates. But the examples he used to illustrate it were all deontological: he said theft (not failing to prevent someone's property from being stolen) is a lesser sin than murder (not than failing to save a life), and murder a lesser sin than blasphemy (not than failing to positively honour God). When he made what sound like absolute-strength claims it was always with deontological cases in mind.

If all this is right, however, there's an interesting asymmetry. When an act is wrong because it violates a consequentialist duty, by failing to produce as much good as it should, its seriousness as a wrong is determined by the gap view. But when it violates a deontological duty, its seriousness is determined differently, by that duty's absolute strength.

It may be objected against this that my argument for the gap view in consequentialist cases applies equally in deontological ones. In the life-saving example the absolute-strength view

says, counterintuitively, that saving six people when you should save ten is no less seriously wrong than saving none. But this view also says your act when you steal and then use the money to pay a debt is no less seriously wrong than if you stole the money and didn't pay the debt, and the act of a doctor who kills one and uses his organs to save five no less seriously wrong than if he just killed the one. These implications, it may be argued, are equally unacceptable.

Though the argument can certainly be made in deontological cases, it doesn't dislodge my intuition that the your and the doctor's acts are not less seriously wrong. And I think there's an explanation why it isn't persuasive in these cases.

If the doctor kills one and then does nothing to save the five, he performs a sequence of acts that contains more wrong action than if he did save them; in that sense he does act more wrongly. But the additional wrongness, we can say, is located entirely in the second act, his failing to save the five when given the availability of organs he can and should do so; it doesn't affect the moral status of the first act. In a case like this we assess the two acts separately. The killing of the one is wrong, and equally seriously wrong no matter what follows. If what follows is a failing to save, that's a further wrong and makes for a worse total sequence of acts. But the seriousness of the first wrong is unaffected.

In a consequentialist case, by contrast, we don't assess the two acts separately. This is clearest in the example where the six you save are among the ten you should save, since then the choice not to save all ten just is the choice to save only six. But it's also true when the ten and the six are in different lakes. Then the choice not to save the ten and a later choice not to save the six are distinct, but we do let the wrongness of the second choice affect the seriousness of the wrong of the first. The reason, and the explanation of the different treatment of the two types of case, is

a difference in the general character of the two kinds of duty.

A consequentialist duty is a duty to do whatever will have the best overall outcome, however that will be produced. In particular, it doesn't matter whether you bring about a good effect directly or in a way that depends on a later choice by someone else. In a well-known example of Bernard Williams's, consequentialism says that if your not taking a job doing chemical and biological weapons research means someone else will take it and develop even nastier weapons, that counts as much in favour of your accepting the job as your developing the weapons counts against it.¹² And what's true of other people's later choices is also true of your own. It counts equally for or against a present choice of yours that it will lead you to do something later with good or bad consequences; thus it would count against your declining the research job that it will lead you to do something even more harmful. So even if the consequentialist duty is just *prima facie* and has to be weighed against deontological ones, we can't know whether an act fulfils or violates it without knowing everything that will follow it, including from any later choices of yours that it makes possible. But if the effects of those choices are relevant to the duty, it seems appropriate to consider them in determining how seriously wrong a violation of it is. In the life-saving case your not saving the ten in the one lake was necessary for your saving the six in the other and led to it; if it had instead led to your saving fifteen, it would have been all things considered right. So given the general character of consequentialist duties, it isn't irrelevant to how seriously wrong your not saving the ten was that you went on to save six; it's entirely relevant. And that makes assessing your wrong's seriousness by the gap view appropriate.

A deontological duty, by contrast, isn't a duty to bring about some overall outcome. It's

typically a duty not to do a certain kind of act whatever will result; thus it's a duty simply not to kill, lie, or break a promise. To know whether an act of one of these kinds is wrong all things considered we need to know its overall effects, since the deontological duty may be outweighed by consequentialist considerations. But that isn't true of the prima facie duty itself. To know whether an act infringes the prima facie duty not to kill we need only know that it's a killing and needn't know anything about what will follow it; later effects are irrelevant to it as prima facie. This makes it appropriate, when assessing the seriousness of a violation of the duty, to ignore those effects and consider the act on its own. When the doctor kills the homeless person in order to harvest his organs, his act by itself violates the prima facie duty not to kill, and it therefore makes sense when assessing its seriousness as a wrong to separate it from the act of saving the five that follows. It makes sense, in other words, to assess it by absolute-strength means.

A different objection notes that my deontological cases involve sequences of acts and therefore combine a duty not to steal or kill with another duty to enable yourself to do something such as pay a debt or save patients later. The second duty is derivative from a future duty to do those things and as such, the objection says, is cancelled if fulfilling it involves violating a stronger deontological duty. The intuitive verdict in these cases can therefore be reached by the gap view once we realize that the only duty active in them is not to steal or kill.¹³

I don't find the view of derivative duties proposed here very plausible. Like Ross, I believe the prima facie duties to pay your debt and to save the five are still present, though outweighed, in these examples. But there are also deontological cases that don't involve a sequence of acts and to which the objection doesn't apply. Consider the case, equally familiar from the literature, where you push a fat man in front of a trolley in order to stop it from killing

five other people. Here there's no further right act your pushing him enables you later to do; the pushing itself saves the five. Yet deontologists haven't treated this case differently from the transplant case, and in particular haven't thought your act in it any less seriously wrong. Moreover my proposed explanation applies equally to it. Just as we needn't know what further acts a killing will lead to in order to know that it violates the prima facie duty not to kill, so we needn't know what other properties an act of killing itself now has; for example, we needn't know that it's also a saving. But then the fact that in the former case the outweighed duty is derivative isn't relevant to our topic.

We can also consider cases where what's outweighed is a prima facie permission rather than a duty.¹⁴ Imagine that you have a prima facie permission to pursue your own happiness that's separate from your duty to promote happiness impartially and can sometimes outweigh it, so you're permitted on balance to give a unit of happiness to yourself rather than as many as five to other people, but not rather than more than five. And imagine that you give a unit of happiness to yourself rather than ten units to other people. Here your act is wrong, but if we ask how seriously wrong it is, we surely don't look just at the fact that you violated a duty to give ten units of happiness to others. We look at how far you exceeded your permission to favour yourself, which is by five units; that is, we apply the gap view.

But now consider a deontological case involving a permission, more specifically a self-defence case. Someone attacks you intending to cause you minor harm, and you're permitted to cause him a little more harm in the course of defending yourself, say by pushing him to the ground. But despite knowing this would be wrong, and from a selfish or malicious motive, you use more force than you're permitted and break his leg. In assessing the seriousness of your

wrong I don't think we subtract the amount of harm you were permitted to cause from the amount you did cause; we look just at the harm you caused. We therefore don't think your use of excessive defensive force is less seriously wrong than if, from the same motive, you broke the leg of someone who wasn't attacking you and against whom no force was permitted.

If the seriousness of consequentialist wrongs is determined by the gap while that of deontological ones depends only on absolute strengths, this affects the use of serious wrongness to characterize subjective rightness and deal with moral uncertainty. More specifically, it does so by favouring deontological conclusions in both these contexts.

Imagine, to take a case of moral uncertainty, that by killing one innocent person you can save the lives of a hundred other innocent people. You accept a consequentialist prima facie duty that tends to make this act right and a deontological one that tends to make it wrong, but you're uncertain which of the two is stronger; as far as you can tell, the probability that either counts more is the same. Despite this epistemic equality, I think many will have the intuition that you should avoid the potential deontological wrong and not kill the one, and the view I've defended gives some support to this conclusion. If the consequentialist duty is stronger and you fail to save the hundred, the seriousness of your wrong is mitigated at least somewhat by the fact that you didn't kill the one. But if the deontological duty is stronger and you do kill the one, there's no mitigation; that a hundred lives were saved counts nothing against the seriousness of your wrong. There's therefore a kind of thumb down on the deontological side of the scale, or a consideration that favours deontological over consequentialist conclusions. I don't assume that everyone will think you should favour the deontological duty in cases like this, nor that my proposal gives the only possible explanation why. But if there's mitigation of consequentialist wrongs but not of

deontological ones, that does something to favour deontological conclusions when dealing with incomplete knowledge.

So far I've defended a gap treatment of consequentialist cases and an absolute-strength treatment of deontological ones. I see no reason to abandon the first part of this view, but there are arguments why the pure absolute-strength view, while preferable in deontological cases to the pure gap, is less plausible in them than a mixed view that, while giving some and even primary weight to absolute-strength considerations, also gives some to facts about the gap. I'll consider three arguments of this type; though the first two may perhaps be resisted, the third is more telling.

The first argument concerns a case where an act is made wrong by its violating a deontological duty, but is wrong by only a small amount. Imagine that it's permissible to kill an innocent person in order to save a hundred lives but no fewer, and you kill one in order to save ninety-nine. Here the pure absolute-strength view says your act is just as seriously wrong as if you killed one person for no or a tiny benefit, and that, the argument says, is not plausible. It's not that this case is better handled by the gap view; by finding only a minor wrong here, it underestimates the seriousness of any wrong that involves impermissible killing. But a better verdict comes from a mixed view that, while agreeing that the primary wrong when you kill one to save ninety-nine is the killing, also notices that the saving of the ninety-nine, which better fulfils an outweighed duty, makes for a smaller gap.

This argument may indeed favour a mixed view over the pure absolute-strength, but the latter may be able to respond by distinguishing two cases: one where you mistakenly believe that killing one to save ninety-nine is morally permitted, and one where you know that it isn't.

If you believe sincerely but mistakenly that your act is permitted, you're at least much less to blame for it. As Ross in particular emphasized, weighing competing prima facie duties is difficult, and identifying precise deontological thresholds is especially so. If your best efforts to identify a threshold leave you with a slightly mistaken belief, you aren't to blame for that belief and arguably also aren't to blame for your act. And that you aren't to blame can affect our intuitions about the seriousness of your wrong, making us judge it to be less than it is.

In the other case you know that killing one to save ninety-nine is wrong but do it anyway. Here it may not be so implausible to say the seriousness of your wrong is determined just by the fact that you killed the one. You may have had a good motive, such as a benevolent desire to save the ninety-nine, and that may reduce somewhat your blameworthiness and the punishment you deserve. But the seriousness of your wrong, it may still be possible to say, is unaffected. So this first argument for preferring a mixed view may not be completely decisive.

A second argument concerns cases where you don't have just two options, one right and one wrong, but a greater number, and where some of the alternatives to the wrong act you do are, though not right, better supported by prima facie duties than the one you choose. Imagine, to return to the fat man case, that you have not only the options of pushing him onto a track where he'll save five and not pushing him at all, but also that of pushing him onto a different track where he'll save two. And imagine that you choose the third option and kill him to save just two. On the pure absolute-strength view as developed so far, the seriousness of your wrong depends just on the strength of the deontological duty you violate, which is the duty not to kill one. But that's the same duty you violate if you kill him to save five, so the seriousness of your wrong in the two cases is the same. But surely, the argument says, that's not right; when you can either kill

one to save five or kill one to save two and both are wrong, the second is more seriously so. That again requires a mixed view that gives some weight to the gap.

This is again a suggestive argument, but there may be a different way of handling this case, involving an emendation that's possible and may be attractive given either the absolute-strength or the gap approach.

If you have only two available options and choose the wrong one, an assessment of its seriousness as wrong compares it only with the one that was right. It looks either at the absolute strength of the prima facie duties supporting that act or at the gap between those duties and any your wrong act fulfilled. But imagine, to take a more abstract example, that you had five acts available to you, ranked in order of support by prima facie duties from one to five, and you chose the fifth-ranked. Is the seriousness of your wrong affected by the fact that you failed to choose not only the right act but also any of those that, while not right, were nonetheless morally preferable to what you did? Does it matter that you missed more rather than fewer opportunities to act better?

An affirmative answer is in one respect easy to build into our two views. On the gap view we consider not only the gap between the right act and the one you chose, but also the gaps between your act and the second-, third-, and fourth-ranked and then add those gaps together. On the absolute-strength view we consider the absolute strengths of the duties supporting all the acts that were morally preferable to yours and again add them together. Both these emendations require a determinate individuation of the acts available to you, which raises obvious difficulties. We presumably don't want to say that, if you give \$60 to charity when you should give \$100, you fail to give all of \$99, \$98, \$97, and so on, nor that failing to save a person by throwing one rope

is relevantly different from failing to save him by throwing another. We should only consider options that differ in some morally significant way, and even then they'll count only in a secondary way. That you failed to take the second-, third-, and fourth-ranked options will matter less than that you failed to take the best one, which will still be the main determinant of the seriousness of your wrong. There may also be diminishing marginal importance of additional less-bad options, so failing to choose from twice as many is less than twice as bad. But setting these technical issues aside, what about the normative one? Should we think an act more seriously wrong when you had more rather than fewer available ways of acting better?

That you failed to make a larger number of better choices may reflect badly on your ability to assess options or on your motives, showing, for example, that you cared less about fulfilling prima facie duties. But we need to set these factors aside and consider just your act's deontic status. And though I don't have strong intuitions here, I can see some appeal in the idea that a greater number of moral failures makes for a more serious wrong. If we accept this idea, then we can defend the absolute-strength view against the second argument. If you push the fat onto the track with two people, the seriousness of your wrong depends primarily on the fact that it violated the duty not to kill, which you had an option not to do. But it's increased a little by the fact that, given your other option of saving five by pushing him, you didn't promote the good as much as you could, or choose an option that was better in that respect. The addition here may only be secondary, and in particular may be less than the difference between saving five and saving two when you can do either without killing. But it does make the one act somewhat more seriously wrong than the other.

There's another argument, however, that this response doesn't address. Consider a pair of

two-option cases. In the first you can either save five by killing one or not kill anyone; in the second you can either save two by killing one or not kill anyone. In both cases you act wrongly and kill one. On its own the absolute-strength view says these two acts are equally seriously wrong, since each violates the same duty not to kill and, given the absence of other options, no other duty is relevant. If we think the act that saves five by killing one is even a little less seriously wrong, we need to supplement this view with some gap considerations. These considerations may again play only a secondary role; the primary determinant of the seriousness of the wrong of the killing the one to save two may still be just that it's a killing. But they'll make that killing a little more seriously wrong than killing one to save five even when both are chosen in circumstances where the only other option is not to kill.

If we take this line, there will be less of an asymmetry between the treatments of consequentialist and deontological wrongs. The first will use only the gap view, while the second uses the absolute-strength view supplemented by some gap considerations, so it differs in part but not entirely. This will reduce to some extent the pressure to favour deontological conclusions about subjective rightness or in cases of moral uncertainty, but that pressure will still be present. There will, for example, still be some stronger reason to avoid violating deontological duties when their weight against consequentialist ones is uncertain, because there is less mitigation of deontological than of consequentialist wrong. Though not as dramatic an implication as we first discussed, it still has some significant force.

I now turn to a different but related topic. This is whether there's a concept on the side of rightness that parallels that of more serious wrongness, one of being, as we can say, more importantly right. We can grant that rightness itself doesn't admit of degrees; an act is right if it's

permitted, and every act either is permitted or isn't. But wrongness too doesn't admit of degrees, and there's a concept defined partly in its terms of serious wrongness. Is there a parallel concept of important rightness? Just as more serious wrongness calls for stronger negative responses such as guilt and punishment, more important rightness will call for stronger positive ones of pride and reward. And as serious wrongness has these effects independently of facts about your mental states, so will important rightness. But unlike serious wrongness, important rightness won't play a role in identifying the subjectively right act or the one to choose in conditions of moral uncertainty. The reason is just that in these contexts it's redundant. If we've already identified the subjectively right act as the one with the lowest expectation of serious objective wrongness, our task is done and there's no work for important rightness to do. To maximally avoid wrong here just is to do right. So even if we accept a concept of important rightness, it will play a more limited role than serious wrongness.

This parallel concept isn't nearly as prominent as our initial one in common-sense morality, which talks of degrees much more on the side of wrongness than of rightness. And there are several arguments why we should reject the concept.

One argument simply denies that positive responses are called for by right acts, and can therefore be called for more by some such acts than by others. In particular, while it's appropriate to feel guilt after acting wrongly, it isn't appropriate to feel anything like pride after acting rightly. Right action is what's expected, what you simply should do, and pride about it would therefore be positively unfitting. You likewise don't deserve praise or any reward for acting rightly, as you deserve punishment for acting wrongly; again, right action is expected rather than specially meritorious. A.C. Ewing noted this asymmetry, saying "there are many morally

obligatory actions which we should not admire a man for performing, though we should blame him for not performing them,” so “the consciousness of obligation seems to be more closely connected with the notions of shame and disapproval as fitting ‘sanctions’ if we do not do what we ought than with the notion of approval if we do.”¹⁵ The marks of more serious wrongness, in the form of stronger emotional and other responses, this argument says, aren’t paralleled for rightness, because such responses aren’t in general appropriate to acting rightly.

There’s a second, more theoretical argument against the parallel concept. Acts are right when they meet a standard defined on the scale of prima facie duties and wrong when they fall below it. Since acts can fall farther or less far below the standard, they can be more or less seriously wrong. They can also exceed the standard, and we have a concept that applies to them when they do: supererogation. Moreover, they can exceed the standard by more or less and be more or less supererogatory. But a supererogatory act isn’t more or more importantly right; it’s beyond rightness or duty and therefore in a different deontic category. While there’s indeed a positive deontic concept that admits of degrees, it’s supererogation rather than any related to rightness, and that leaves no room for important rightness.¹⁶

Though these arguments have some force, I don’t find them persuasive if they say a concept of important rightness has no place whatever in moral thought. I’ll argue that it does have some, albeit a more limited, role. I begin by addressing the second, theoretical argument.

There’s indeed a concept of supererogation that differs from any related to rightness, but it doesn’t follow that there’s no room for important rightness. That’s because the concept of supererogation involves a distinctive further element. The seriousness of a wrong depends just on the strength of the prima facie duties it violates, either in absolute terms or as creating a gap, but

whether an act is supererogatory also depends crucially on what it will cost you. Consider two acts of saving a life, one done at considerable risk to your life and the other by making a phone call. Each is supported by the same prima facie duty, and in each there may be the same gap between that duty and any other you could fulfil. But the first act is supererogatory and the second not because of the risk the first involves. Supererogation therefore isn't defined just by the duties supporting an act. It considers how those duties compare to the act's costs for you, or whether the duties outweigh your prima facie permission to pursue your own good. And that means the concept of supererogation doesn't rule out a further one of important rightness, which can be defined just in terms of duties with no reference to costs. In fact the same materials are present for that concept as for serious wrongness.

The prima facie duties that make an act right can be stronger or weaker. If the act involves saving ten people's lives at no cost to you, it's supported by a duty whose absolute strength is greater than if you helped someone cross the street at no cost. There can also be a larger gap between that duty's strength and the strength of the duties favouring some alternative act than there would be if you helped her cross the street. So the two ways of measuring seriousness of wrong can also be used to assess importance of right. This isn't to say we must or should use that concept, but there is at least room for it.

And to me there are positive reasons to use it. I'm prompted here partly by a remark I heard at a history conference about the 1963-68 Canadian government of Lester B. Pearson. Several speakers had made niggling criticisms of Pearson: he'd been slow to appoint a Royal Commission on the Status of Women or was unwise in how he condemned the US bombing of North Vietnam in a speech in Philadelphia. A later speaker who'd been active in politics

responded by citing a view he attributed to the American political scientist Richard Neustadt. Any political leader, he said, will have made many decisions, and he'll have been right in some and wrong in others. But in assessing his leadership the question we have to ask is: was he right or wrong on the major issue of his day? Set aside lesser decisions he made, identify the central problem he faced, and ask: was he right or wrong about that? The speaker thought Pearson's major issue was the place of French-Canadians in Canada; since he was right on that issue, the other criticisms of him were inconsequential.

As stated this view is too extreme, since it makes a leader's overall success depend on his decisions in just one policy area. But a weaker view is surely plausible, making some right decisions, those on more important topics, count for more in assessing his career than ones on lesser topics. We certainly take this view on the negative side, counting a bad appointment to a minor administrative post less against a leader's record than a mistaken decision to launch a major war. And it's hard to see how we can avoid doing the same at least sometimes on the positive side. It wouldn't make sense to count all a leader's right choices equally against his wrong ones; here too a good administrative appointment matters less than a correct decision about war. Nor is this true only of political assessments. If we ask how morally a particular person acted during his life, we won't count serial murder equally with breaking a promise to have lunch, and likewise shouldn't count saving ten people's lives equally with helping someone cross the street.

What about the first argument against the idea of important rightness, that it isn't fitting to feel pride after acting rightly, or to receive any praise or reward? There's clearly something to this argument, which shows at least that important rightness is a less central concept, which we

apply less often, than serious wrongness. But it doesn't show the concept has no role, and Ewing, for one, didn't suggest that. He said only that the deontic concepts are *more* associated with negative responses like guilt and blame than with positive ones, not that they aren't associated with the latter at all. It may therefore be that the call for positive responses is weaker than for negative ones, and in cases of ordinary right action isn't present at all, but in more unusual cases is present to some degree. I think that's the case.

To take another example from Canadian politics, in 2003 then Prime Minister Jean Chretien decided not accede to a US request that Canada participate in the Iraq War. In the years since he's expressed satisfaction and even pride in that decision, and given how much was at stake – the lives of many Canadian soldiers, for one – that pride doesn't seem inappropriate. But his decision wasn't supererogatory, because it didn't involve costs for him. On the contrary, since many Canadians were skeptical about the war, the decision probably benefited him politically. It was therefore right or what he ought to have done rather than beyond duty, yet his pride in it still seems fitting. There can also be rewards for right action. The Nobel Peace Prize is often given for supererogatory acts, as in the Prizes for Nelson Mandela or Malala Yousefsai. But Mandela shared his Prize with F.W. de Klerk, who arguably had a duty to end apartheid and therefore hadn't done anything supererogatory in helping to do so. The Prize has also been given to leaders who negotiated the end of a war or other serious conflict, such as, albeit controversially, Henry Kissinger and Le Duc Tho in 1973 and Yasser Arafat, Yitzhak Rabin, and Shimon Peres in 1994. Their acts too weren't supererogatory; it's a leader's positive duty to end a conflict that's pointlessly taking lives. Yet given the magnitude of the harms their acts prevented or at least were thought to have prevented, their Prizes again seem appropriate.

There's therefore room for a concept of more important rightness and in at least some cases we seem to apply it. But difficulties arise when we try to say more precisely when it applies and on what basis.

We can assess important rightness by looking, again, either at the absolute strength of the prima facie duty an act fulfils or at the gap between that and the strength of any duties it infringes. But taking the first line with acts that fulfil deontological duties, as the parallel with serious wrongness suggests, has highly counterintuitive implications. Among the strongest deontological duties are negative ones not to rape, kill, or commit genocide, yet we wouldn't say that fulfilling them makes pride appropriate or calls for praise or any reward. Here in particular right action is expected rather than meritorious, and the same holds for lesser deontological duties such as to keep a promise; there too no pride or praise is called for. We could separate important rightness from these common accompaniments and say fulfilling a strong negative duty is very important even though no positive responses to it are appropriate. But to me the responses are so tightly connected to the concepts that admit of degrees that I'd rather say that in deontological cases important rightness doesn't apply; not killing and not breaking promises are right but not importantly so in the sense we're considering. This is something I left room for above: that unlike the concept of serious wrongness, this one might not be used across the board.

That leaves consequentialist cases, and in at least some of them the concept does seem to me to apply. If a political leader's decision to end or not participate in a war makes pride and even some reward appropriate, it's surely because the consequences of his act are so much better than those of some alternative, or because the gap between the values of two possible outcomes is so large. Because important rightness is a less central concept than serious wrongness, the

responses called for by a right act whose consequences are only a little better, for example when you help someone cross the street, are minimal and may be non-existent. My own view is that you may properly feel some satisfaction after an act of this kind and deserve some slight commendation, but others may think these acts too are so expected that no response is called for. Even if that's granted, however, it does seem that right acts with vastly better consequences, such as those of successful political leaders, are importantly right in a sense that does make some pride appropriate and warrant some praise or reward.

What makes these acts importantly right is the gap between their consequences and those of some alternative, but difficulties arise when we try to specify which this is. For serious wrongness we identified the relevant alternative by its place on the moral scale, as the act or set of acts that would have been right or were most supported by prima facie duties. The parallel approach to important rightness would take the other end of the gap to be some act that would have been wrong, but usually when you act rightly there are several other acts you could have done that would have been wrong. And there doesn't seem to be any that gives us an intuitively acceptable gap.

We could take the relevant alternative to be the morally worst act you could perform, the one most condemned by prima facie duties. But then if one thing you could have done instead of helping someone cross the street is kill ten innocent bystanders, your doing her that small favour is very importantly right. A variant view looks to the next-best act you could have performed, or the one closest to being right. But then if when you save ten people's lives you could have stopped after saving nine, your act is less importantly right than if your only options were to save ten and to save none. Or imagine that Chretien had not only the options of participating fully in

the Iraq War and participating not at all but also that of participating a little. That doesn't seem to make his decision not to participate at all, assuming that was right, less importantly so.

A different approach identifies the relevant alternative not morally but descriptively. One version takes this alternative to be the act you would have performed had you not done the right act you did. But then if, had you not been distracted by the person crossing the street, you would have killed ten bystanders, your helping her is importantly right and licenses pride and a reward; that again is counterintuitive. A more plausible version compares the outcome of your act with what would have resulted had you not intervened positively in the situation or, better still, had not been present at all. This view avoids some of the unwanted implications mentioned above. If you saved ten drowning people, the gap that determines your act's importance is ten lives even if you had the option of saving just nine. And the relevant comparison with helping someone cross the street is doing nothing rather than killing the ten even if you would otherwise have done that. But the view has trouble with overdetermination cases. It says that, if had you not saved the ten people someone else would have, that diminishes the importance of your act and in fact reduces it to zero; the importance of Chretien's Iraq decision is likewise eliminated if the person who would have been Prime Minister had he not been would have done the same. There's certainly something to these claims: right acts do seem less important when most anyone would have done them. But to me it's too much to say they have no importance whatever. After all, it was you rather than anyone else who saved the ten and Chretien who decided about Iraq, and the two of you therefore deserve a kind of credit that people who would have acted similarly but didn't do not. We could instead compare the outcome of your act with what would have resulted had no one been present to intervene. But that gives you too much credit in overdetermination cases and

has problems with morally right refrainings, such as Chretien's refraining about Iraq. They seem to require a comparison with what would have resulted from some different choice either he or someone else could have made. Perhaps what's best is some combination of these views: some comparison with what would have resulted had just you not been present, and some with what would have resulted had no one been present.

I don't at present have a clear view of what the relevant alternative is for determining how importantly right a consequentially right act is. But the following seems to me true: in at least some cases a right act can have vastly better consequences than the relevant alternative on many or most plausible views of what that alternative is. In these cases we can say with some confidence that the act is more importantly right than many other right acts that made a smaller difference. Important rightness isn't as central a concept in our moral thinking as serious wrongness, and its marks, in emotional and other responses, aren't called for as often or as strongly. But it does, I believe, have some place. Common sense morality doesn't just divide acts into those that are right and those that are wrong. It says some wrong acts are more seriously wrong than others, and at least sometimes that some right acts are more importantly right. These acts may not call for as much pride, praise, or reward as seriously wrong acts call for guilt, blame, and punishment. But they do, I think, call for some.

Notes

1. Jackson
2. Peter A. Graham, "In Defense of Objectivism about Moral Obligation," *Ethics* 121 (2010): 88-115.
3. Andrew Sepielli
4. Diogenes Laertius, *Lives of the Philosophers*, 7.120 in Brad Inwood and L.P. Gerson, eds., *Hellenistic Philosophy*, 2nd ed. (Indianapolis: Hackett, ???), pp. 199-200; see also ...
5. Kant, *Groundwork*
6. Todd Calder, "Kant and Degrees of Wrongness," *Journal of Value Inquiry* 39 (2005): 229-44.
7. W.D. Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930), ch. 2. It may seem that some of Ross's wrong-making properties, such as being the breaking of a promise, don't admit of degrees; you either keep a promise or you don't. Ross himself rejected this view, saying some promises are more binding than others (*Foundations of Ethics* (Oxford: Clarendon Press, 1939), pp. 100-1). But even if we accept it, this property's tendency to make acts wrong admits of degrees, and in particular is less strong than the similar tendency of being a murder.
8. A variant of the gap view looks not to the absolute size of the gap between the duty an act violates and the one it fulfils, but to the proportional gap, or the proportion of the strength of the violated duty the fulfilled one represents. But this variant implies that giving someone one candy when you should give two is more seriously wrong than saving six people's lives when you should save ten. Since I find that unacceptable, I'll consider the gap view only in its

absolute-size version.

9. Cokelet, PEA Soup
10. St. Thomas Aquinas, *Summa Theologiae* I-II, q. 73, aa. 6, 8.
11. St. Thomas Aquinas, *Summa Theologiae* I-II, q. 73, a. 3.
12. Williams, “A Critique of Utilitarianism,”
13. This objection was suggested to me by Holly Goldman.
14. The need for prima facie permissions is defended in Thomas Hurka and Esther Shubert, “Permissions do Do Less Than the Best: A Moving Band,”
15. A.C. Ewing, *The Definition of Good* (London: Routledge & Kegan Paul, 1947), p. 169.
16. This argument was suggested to me by Shelly Kagan.