

*Moral Failure and Agent-Relative Prerogatives*

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## *Moral Failure and Agent-Relative Prerogatives*<sup>†</sup>

Agent-relative prerogatives present a major challenge for ethical theory. To what extent is it morally legitimate to pursue personal projects when this would conflict with seemingly basic duties to assist others in immediate need? Some philosophers have claimed that insofar as it demands the abandonment of personal concerns and commitments, morality itself is problematic: as an institution, morality cannot allow agents to fulfill projects and prerogatives that are more or less fundamental to the achievement of a good life.

While I believe this approach presents serious concerns, I wish to spend this paper discussing another response to the challenge of agent-relative prerogatives. Some claim that there is a place to be found *within* moral theory for agent-relative pursuits. On this view, personal projects may sometimes legitimately override the claims others might have on our resources. I do not believe that such an approach is warranted. Considering the social context in which we live, including the existence of significant poverty, any moral theory with a plausible claim to take the interests of others seriously must admit agent-relative prerogatives cannot afford legitimate reasons for ignoring demands to alleviate the most serious existing problems. This is true, I argue, even when it is allowed that the pursuit of personal prerogatives is an important aspect of morality itself.

### **Basic Demands of Beneficence and their Importance**

Insofar as any ethical system maintains that the interests of others support legitimate moral claims on us, it must accept what I call the *basic demands of beneficence*: if a person is below, or is in immediate danger of falling below, what may be called a minimally decent standard of living, agents have reason to provide assistance. The question for the current investigation then becomes: to what extent is it morally legitimate for agent-relative prerogatives

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to override the basic demands of beneficence? Some moral theories may claim that, while such basic demands provide us with moral reasons, agent-relative prerogatives can, and often do, outweigh them. Before this question can be considered in depth, however, it will be helpful to be as clear as possible about what is meant by a minimally decent living standard.

Given the well-documented diversity of factors that influence living standards<sup>1</sup>, defining what makes for a *minimally* decent standard of living will be a complicated affair. From the point of view of morality, what seems most important is the achievement of seemingly fundamental human needs, among them basic sustenance, basic medical care, avoidance of unreasonably premature mortality, avoidance of debilitating poverty, avoidance of slavery and servitude, freedom from disablement, etc. (I interpret the level at which one obtains a minimally decent living standard *absolutely* rather than *relatively*.<sup>2</sup>) A minimally decent standard of living is thus a true minimum: such a standard is required for an agent to live and have any measure of control over his or her life; to maintain, in Sen's language, a minimal level of basic human capabilities. Moral theories that lay claim to take the interests of others at all seriously must recognize the importance of a minimally decent standard of living as required by the basic demands of beneficence. Concern that fails the level of minimal decency is no concern at all.

Nevertheless, this conclusion, however important, is compatible with the view that agent-relative prerogatives override the basic demands of beneficence in cases of conflict. The central claim of this paper is that, even submitting to the moral importance of agent-relative prerogatives, the basic demands of beneficence *always* override their pursuit. Any principled denial of this claim must rely upon the idea that the loss of one's agent-relative prerogatives can, at least in certain cases, be (morally) comparable to the loss of one's minimally decent standard of living, an

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members of the Tufts Philosophy Grad Student Colloquium.

<sup>1</sup> See Amartya Sen, *The Standard of Living*, ed. Geoffrey Hawthorn (Cambridge: Cambridge University Press, 1987). Also illuminating is Sen's discussion of development in *Development as Freedom* (New York: Anchor Books, 1999).

<sup>2</sup> Sen, "Poor, Relatively Speaking" in *Resources, Values and Development* (Cambridge, MA: Harvard University Press, 1984).

idea I shall attempt to discredit.

*A Test Case*

Imagine a rather small society, one consisting of a married couple of farmers (Adam, Eve) with two sons (Cain, Abel), a third unrelated fellow (Roger), and a far off paradise (the Land of Milk and Honey). Cain and Abel have worked (they have just reached adulthood) to save enough resources to embark on a journey to the Land of Milk and Honey. Adam and Eve, as they are doting parents, have endeavored to do what they can to allow Cain and Abel comfortable passage to the far off land. The dilemma is thus. Roger, let us say, is living in poverty. He has not the means to be a farmer and requires assistance to maintain a minimally decent standard of living. Cain and Abel's proposed trek to the Land of Milk and Honey will significantly curb Roger's ability to live decently. Should Cain and Abel remain behind, let us assume, they could proceed as they had, subsistence farmers with a decent, even prosperous, standard of living. Given the situation, however, Cain and Abel's embarking on such a seemingly frivolous journey will guarantee Roger's non-decent living standard. What should the family do in such a case? What do our moral beliefs tell us?

I claim that considered moral beliefs urge Cain and Abel to stay behind, allocating their resources to the maintenance of Roger's standard of living. Although it would be remiss not to characterize the journey as an agent-relative prerogative, Roger's standard of living is more important, from a moral perspective, than the prospects that Cain and Abel might have for a trip to paradise. Adam and Eve, also, are guilty of moral failure: their support of Cain and Abel in exercising this personal prerogative ignores Roger's basic requirements. Someone could, of course, say that the particular normative theory to which he or she subscribes fails to obligate Cain and Abel (or Adam and Eve) in the assistance of Roger. For example, it might be claimed that Roger's situation is more or less irrelevant for Cain and Abel—what duties do they have to protect Roger's standard of living in the face of something of importance to them? Though coherent, such a normative theory seems to offer little, if any, moral concern for the situation of

others. A moral theory could not possibly be said to take seriously Roger's condition if it allows Cain and Abel to embark upon their journey given the conditions stipulated.

This case illuminates a crucial initial conclusion. There is something very important to moral reasoning captured by the basic demands of beneficence. Plausible moral systems, or at least, moral systems that have *any* claim to take seriously the situation of others, must allow that the basic demands of beneficence can, in at least some cases, override the pursuit of agent-relative prerogatives. Those who argue that agent-relative prerogatives can override the basic demands must proffer convincing reasons for this belief, reasons that do justice to the importance of the basic demands of beneficence. It is to this I now turn.

### **Restrained Beneficence**

Perhaps the basic demands of beneficence, while important, are subject to certain reasonable restraints. Thomas Nagel, who is generally sympathetic to this idea, claims that even though "the bill for two in a moderately expensive New York restaurant equals the annual per capita income of Bangladesh"<sup>3</sup>, there may be good reasons to think that indulging in such a meal is not immoral (although not unimpeachable). Many similar examples spring to mind: is moral theory to insist that the basic demands of beneficence override, in every case, movie tickets, trips to the ballgame, moderate vacations? Isn't it reasonable that people ought to have *some* license to indulge in these activities? Intuitions about such cases may seem to favor Nagel's analysis: although not unimpeachable, these modest indulgences ought not be ruled out in every case.

The intuitions that lead us to adopt a principle of restrained beneficence are quite strong. However, as I will argue, there is good reason to think beliefs that endow a morally overriding force on fulfillment of one's agent-relative prerogatives are not to be trusted. The intuitive support for Nagel's position is a product, I argue, of generally affluent circumstances. This

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<sup>3</sup> Thomas Nagel, *The View from Nowhere* (Oxford: Oxford University Press, 1986), 190. Bangladesh has made inroads since the statistics upon which Nagel relies were published. According to the World Bank Group, the Gross National Income per capita (Atlas Method) in 1999 was 370 dollars (US) (although this would certainly not be out of the range of a bill for two at some New York restaurants).

phenomenon is not unprecedented. Sen writes: “For example, in societies in which antifemale bias has flourished and been taken for granted, the understanding that this is not inevitable may itself require empirical knowledge as well as analytical arguments, and in many cases, this can be a laborious and challenging process.”<sup>4</sup> The inability for certain societies to avoid such gender bias is analogous, in important respects, to the tendency for those in significantly richer circumstances to fixate on the moral legitimacy of long lasting and entrenched institutions that correspond to agent-relative prerogatives.<sup>5</sup>

Indeed, differing social circumstances may lead to different intuitions about the reasonable limits of basic beneficence. To test these limits, I will ask the reader to abstract from his or her social circumstances to consider the problem from alternative perspectives. Specifically, I will look at the circumstances encountered in developing nations to consider whether or not, when faced with such states of affairs, our intuitions instruct us that the demands of basic beneficence are imperfect in the way that they are often thought to be in the context of, say, OECD nations.

### *Niger*

The source for the following information is the World Bank Group’s publication *World Development Indicators*.<sup>6</sup> The life expectancy at birth of a native Niger citizen, as measured in 1999, is 45.7 years. That number is 20.8 years below the world life expectancy, 31.2 years below life expectancy in the United States, and 31.5 years below the United Kingdom. The Gross National Income, per capita, of Niger is \$190 (US), \$4,830 below the world GNI, \$32,350 below the United States, and \$24,030 below the United Kingdom. The literacy rate for Niger adult males is 23%, compared to 7.9% for adult females. These numbers are startling, and while life

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<sup>4</sup> Sen, *Development*, 287.

<sup>5</sup> Catherine Wilson has suggested specific ways that philosophers such as Nagel are guilty of this very fixation. See “On Some Alleged Limitations to Moral Endeavor” in *The Journal of Philosophy* 90 (1993), 275-289.

<sup>6</sup> World Bank Group, *World Development Indicators 2001* (World Bank). This data is available online at [www.worldbank.org](http://www.worldbank.org).

expectancy at birth and Gross National Income do not paint an entirely complete picture of the standard of living in Niger, they are accurate enough for our purposes. While the notion of a minimally decent standard of living is not entirely precise, a large number of Niger's 10.5 million people clearly are without adequate life expectancy. In addition, given Niger's startlingly low income and literacy rates, it is doubtful that a significant percentage of the population has basic needs met or has any meaningful choice in their life's activities. These statistics are striking enough for us to revisit our intuitions about the moral priority of agent-relative pursuits.

Suppose there were a citizen of Niger who, as a result of affluent ancestors (also Niger citizens), was able to garner substantial wealth. Surely, we would like to say, there is some duty for him to assist the persons who suffer from an indecent standard of living within the greater Niger citizenry—mutual citizenry, at least in this case, seems to establish a community of moral involvement within which people ought to take an interest in each other's conditions.<sup>7</sup> Given this assumption, however, would it be legitimate for him to purchase a moderately expensive dinner in a New York restaurant? Would it be morally excusable to use his resources to see a ballgame or to book a vacation?

I maintain that considered moral beliefs about this case indicate that such resource disbursement would not be legitimate. The grounds for this claim involve the perspective of those who are without a minimally decent standard of living in this wealthy Nigérien's sphere of moral obligation (assumed, for this example, to be the citizens of Niger, see note 7). Citizens without a decent living standard have a legitimate claim on the resources of the wealthy that overrides the desire to indulge in agent-relative prerogatives. A Nigérien with substantial disposable wealth ought to be able to affirm that increasing his standard of living is not legitimate until those who are not possessed of a decent standard of living join the ranks of those who are. The social circumstances that allow one to contemplate resource allocation to even moderate

indulgence are irrelevant, at least as far as our moral beliefs are concerned.<sup>8</sup> What is relevant from a moral point of view is the well-being of persons the rich ought to take a moral interest in—with whom they share a significant moral involvement. As Sen writes, “As people who live—in a broad sense—together, we cannot escape the thought that the terrible occurrences that we see around us are quintessentially our problems.”<sup>9</sup> The intuitive support for a Nagel-esque principle of restrained beneficence can thus be seen to wane: support also seems to exist for the suggestion that the problems faced by the wide Niger citizenry, with such a startling set of social statistics, ought to be the first allocative priority—their interests ought to outweigh the pursuit of agent-relative prerogatives.

#### *The Moral Value of Agent-Relativity*

The social situation in Niger seems to offer support for the idea that the initial intuitive response concerning the moral legitimacy of agent-relative prerogatives can be, in many cases, based on privilege. But some may deny the moral significance of this realization, offering the claim that agent-relative prerogatives may themselves hold *independent* moral value. If such is the case, a wealthy Nigérien might be legitimate in refusing to sacrifice what is of great moral importance. But this creates an additional difficulty: in order for such a claim to have plausibility, the moral value attached to agent-relative prerogatives must be of moral significance to all persons—not simply those who are in a position to realize their personal pursuits. Any claim that gives moral worth to agent-relative prerogatives seems, therefore, to necessitate the basic demands of beneficence: without the fulfillment one’s most basic needs, agent-relative prerogatives are not sustainable.<sup>10</sup> At first blush, the position of the wealthy Niger citizen fails to take seriously the interests others may also have in fulfilling what is of moral importance,

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<sup>7</sup> Or so I will assume. If the reader is uncomfortable with the current example, he or she can substitute one that he or she believes to be a true moral community (while, of course, maintaining the relevant social structure of the current example; more will be said on this topic when dealing with the issue of scope).

<sup>8</sup> See John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, Rev. Ed., 1999), 16-17.

<sup>9</sup> Sen, *Development*, 282.

especially those whose lives do not meet minimal decency. That citizens are affluent is not sufficient reason for affording them privileged access to what is of independent moral value, i.e., agent-relative prerogatives.

This conclusion is complicated, however, when viewed in light of agent-relative prerogatives that are seen to have some degree of cultural or aesthetic value or contribute to the achievement of excellence or flourishing in a given community. Consider, for example, the University of Kansas' Lied Center or the Nelson-Atkins Museum of Art. Clearly, the money used to develop such entities could have been used to fulfill demands of beneficence. Nevertheless, the pursuit of these institutions allows music and the arts to flourish in a way that many, especially those in a broadly neo-Aristotelian tradition, think ought to be the concern of moral theory. A community with concert halls and art museums, it might be said, can allow its members to live a better, more full, more excellent life. Those who would fund such institutions are, therefore, legitimate in doing so.

Once again, I maintain that such allocations would not be legitimate. As moral agents who understand that the problems faced by those who are without a minimally decent standard of living are "quintessentially our problems", we must also understand that we are required to place a priority on the minimally decent standard of living for those with whom we share the moral life (once again, the scope of moral obligation is discussed in the following section). How can it be justified for *some* to flourish while others are left to languish? When viewed in the light of tragic social circumstances, it is especially implausible to claim that the flourishing of the affluent has greater moral importance than the mere survival of those around them. Flourishing ought to be a worthwhile moral goal—but flourishing at any cost simply does not take seriously the interests of those who fall below a minimally decent standard of living.

Those who take agent-relative prerogatives to be of the utmost moral importance,

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<sup>10</sup> See also David Brink, *Moral Realism and the Foundations of Ethics* (Cambridge: Cambridge University Press, 1989), 272.

whether for the pursuit of human flourishing or for other reasons (the avoidance of moral schizophrenia, perhaps—see below), have good reason to accept the priority of the basic demands of beneficence. A minimally decent standard of living requires the capability to have some measure of choice in, and control over, one's own life. The freedoms guaranteed by a minimally decent standard of living, therefore, are *crucial* in living commensurate with one's agent-relative prerogatives. Only when all have been granted a minimally decent standard of living can all fulfill agent-relative prerogatives or participate in the sought-after flourishing. Thus, although the concerns of some might require sacrifice, a minimally decent standard of living is required for agent-centered pursuits. Arguing that a wealthy Niger citizen needn't disturb his desire to become an art connoisseur in order to grant the relevant freedoms to those who require them grants a privileged status to the prerogatives of those who are in a position to fulfill them. This line of reasoning, however, seems suspicious from a moral point of view.

In light of the seemingly banal fact that one cannot flourish without a decent living standard, those who maintain that agent-relative prerogatives can outweigh the basic demands of beneficence are guilty of a form of "moral tunnel-vision". If human flourishing and the fulfillment of personal prerogatives are a worthwhile moral goal, they are no less important for those who can't fulfill them than for those who can. Claiming that the basic demands of beneficence ought to be subordinate out of concern for human flourishing seems to require giving up the idea that the interests of others can ever be of greater moral importance. This position harkens back to the morally questionable stance represented by Cain and Abel: a refusal to grant *any* overriding force to the basic demands of beneficence. By contrast, taking the interests of others at all seriously requires, whether maintaining the importance of human flourishing or not, strict adherence to the basic demands.

It should be noted that institutions like the Nelson are not *prima facie* morally objectionable. The basic demands of beneficence, however, require that the pursuit of such institutions take place only when all persons are possessed of a decent living standard. To the

extent that such demands seem unnecessarily demanding or capable of being overridden by considerations of agent-relativity, I submit that such impressions are likely the result of social circumstances and entrenched ways of life or a concern for human flourishing that is only legitimate when enjoyable by all.<sup>11</sup>

### *Scope*

One further point requires mention. Defending the basic demands of beneficence against the charge of a narrow scope is crucial to avoiding triviality: those opposed to my position might agree with everything stated thus far and yet avoid any more than negligible impact by restricting the scope of our moral obligations. For example, it may be agreed that the basic demands of beneficence always override agent-relative prerogatives, but further claimed that the basic demands only apply to, perhaps, our immediate family, our local community, etc. By restricting the scope of obligations to eliminate the possibility that we owe resource allocations to those who might actually lack a minimally decent standard of living, the thesis presented here is trivialized.

Although I will truncate my discussion of this issue, I claim that such a scope restriction is implausible. At the very least, we have moral obligations to those with whom we have meaningful interaction—those whose lives are substantially affected by our actions and vice versa.<sup>12</sup> Moral theories such as Hume's, however, that rely on a notion of "sympathy" on which to base moral obligation may make this scope restriction more plausible. For example, if our sympathy does not extend to those outside our immediate family or community, what basis could there be for a wider scope of moral obligation?

There is good reason, however, for rejecting such a scope restriction even if one accepts a moral theory that employs the idea of sympathy. Hume himself goes to great pains to identify the

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<sup>11</sup> See, again, Wilson, "On Some Alleged Limitations to Moral Endeavor".

<sup>12</sup> See Erin Kelly, "Personal Concern" in *Canadian Journal of Philosophy* 30 (2000). See also Lionel K. McPherson, "The Moral Insignificance of 'Bare' Personal Reasons", forthcoming.

means by which we sympathize with those outside our immediate community.<sup>13</sup> Other moral perspectives that are generally Humean in character have considered it important to correct the impression that a sympathy-based view might lead to a charge of parochialism.<sup>14</sup> This suggests that there is something crucial to our moral thinking in the idea of a (relatively) wide scope to moral obligation. While we may have obligations to our family and our local community, it would certainly be implausible to claim that those obligations capture the extent of our moral responsibilities. Moral community exists, I claim, where there is significant involvement between persons. It would be irresponsible to claim that such involvement is limited to those who would have no chance at failing to possess a minimally decent standard of living.

I have been assuming throughout that it is plausible to speak of a moral community within one's political scheme (for example, the moral community established by Niger citizenship). This, however, needn't be a rigid restriction. Wider moral communities can, and have, been established through the substantial and important interaction of its members, although I stop short of assuming wider communities to exist in all cases. A wider, perhaps global, scope is not required for the current enterprise; it is empirically plausible that any meaningful moral community has some persons without a minimally decent standard of living. Perhaps a more global scope is warranted—I will leave this question open. Assuming a global scope of obligation is not necessary to avoid the charge of triviality.

### **Obligations, Schizophrenia, and Safety Nets**

If the central thesis of this paper is to be taken seriously, those who are in a position to contribute to the well-being of those who fall below a minimally decent standard of living are guilty of moral failure when they choose instead to allocate resources to agent-relative

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<sup>13</sup> Hume writes: "Sympathy, we shall allow, is much fainter than our concern for ourselves, and sympathy with persons remote from us much fainter than that with persons near and contiguous; but for this very reason it is necessary for us, in our calm judgments and discourse concerning the characters of men, to neglect all these differences, and render our sentiments more public and social," *Enquiry Concerning the Principles of Morals*, ed. Selby-Bigge (Oxford: Oxford University Press, 3<sup>rd</sup> Ed., 1975), 229.

<sup>14</sup> For example, see Joan Tronto, *Moral Boundaries* (London: Routledge, 1993), 170-1.

prerogatives (as Adam and Eve were in their allocations). There remains a further interpretive question, however. Are moral agents who maintain a decent standard of living required to sacrifice everything above the level of minimal decency? In other words, are the affluent required to reduce themselves, when necessary, to the bare minimum?

If we are to take seriously the idea that minimally decent living standards have moral primacy over agent-relative prerogatives, I cannot see any coherent reason for restricting the extent of our obligations somewhere above the level of minimal decency. Cutting off our obligations at a higher level seems to establish a double standard—the basic demands of beneficence allow that all should be protected from a less than decent standard of living, but a restriction in the extent of our obligations seems to provide even greater protection to the affluent merely as a result of their position. Once again, such reasoning seems suspicious from a moral point of view.

Nevertheless, I have sympathies with one possible restriction in the level of our moral obligations stemming from concerns about efficiency. Should the extensive level of obligation proposed here actually decrease the prospects of those below minimal decency, a restriction in our obligations above minimal decency is tenable and reasonable. This, however, does not establish the feared double standard. Such a restriction is out of concern for those without minimal decency—it is an attempt to provide for the basic needs of those lacking in the most extensive way possible. No agent-relative prerogatives are sacrosanct. (Such a restriction clearly depends upon the empirical plausibility of the claim that efficiency demands a loosening of our moral obligations; I refuse comment on the strength of this socio-economic thesis.)

Depending, of course, on how greatly considerations of efficiency affect our obligations, my interpretation of the basic demands of beneficence remains particularly demanding and brings to light yet another line of criticism that must be dealt with here. Critics often claim that strong moral demands can lead moral agents to a sort of, in the words of Michael Stocker, “moral schizophrenia,” which results from moral obligations being radically detached from the agent’s

motives for action (such as when morality demands that an agent ignore his or her agent-relative prerogatives, for which he or she is motivated to act).<sup>15</sup> In a slightly stronger formulation, Bernard Williams has claimed that such a high level of obligation as that stipulated here may require agents to abandon projects or prerogatives that, for them, make life worth living.<sup>16</sup>

In response to this line of criticism, and as a concluding note to this examination, I wish to say a few words about politics. It is an oft-noted<sup>17</sup>, but seldom-noticed, fact that the actual distribution of wealth and resources within a society can greatly influence the strength of moral obligations. That the basic demands would create psychological detachment is contingent upon there *being* persons without a minimally decent standard of living. Distributive justice schemes, however, can be arranged to provide a ‘safety net’ that provides for a decent living standard for persons within its purview. Critics who are concerned with “moral schizophrenia” are therefore urged to battle, not against moral demands that are required for any moral theory that takes seriously the interests of others, but against social structures that allow basic demands to become overwhelmingly strong.

Again, those concerned with moral schizophrenia and/or emotional detachment have strong reasons to accept the allocative priority of the basic demands of beneficence. Without a minimally decent standard of living, one clearly cannot engage one’s agent-relative prerogatives that, according to Williams, will often consist in what makes one’s life worth living. It seems we have again encountered moral tunnel vision—the implication that agent-relative prerogatives of those who are currently able to engage them are sacrosanct. Such a position refuses to allow the condition of others, at least as it relates to what Williams and Stoker take to be of moral importance, any meaningful place in moral deliberation.

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<sup>15</sup> Michael Stocker, “The Schizophrenia of Modern Ethical Theories” in *Virtue Ethics*, ed. Crisp and Slote (Oxford: Oxford University Press, 1997), 66-78.

<sup>16</sup> Bernard Williams, “Persons, Character, and Morality” in *Moral Luck* (Cambridge: Cambridge University Press, 1981).

<sup>17</sup> See Nagel, 192; Brink, 268; Peter Railton, “Alienation, Consequentialism, and the Demands of Morality” in *Philosophy and Public Affairs* 13 (1984), 161-2.

It is important, however, not to be naïve about human nature. Those accustomed to dining in moderately expensive New York (or Boston, or Kansas City...) restaurants will be reluctant to give up their ways of life. For many, it will cause a sense of deep loss. But moral theory is not required to bend to pressures of entrenched affluence. At the very least we must recognize that insofar as we have any claim to take the interests of others seriously, to continue allocating resources to agent-relative prerogatives when members of our moral community fail to survive decently is *moral failure*. Moral theory need not weaken itself to conform to the interests of those who would shirk its demands, no matter how entrenched (psychologically or otherwise) their positions are. Whether you, or I, actually decide to grant priority to the basic demands is another matter entirely. The fact is, however, that we ought.