

Exclusionary Reasons and the Balancing View of Ought

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Abstract: According to the Balancing View of Ought, we ought to perform an action if and only if performing the action is most strongly supported by the balance of our reasons. The Balancing View faces the objection from exclusionary reasons, which are second-order reasons not to act for certain other reasons. According to Joseph Raz, the existence of exclusionary reasons undermines the Balancing View: a reason might tip the balance in favour of performing an act but at the same time be excluded by an undefeated second-order reason, in which case one ought not conform to the balance of reasons. I argue that the Balancing View can be defended against this objection and that the existence of exclusionary reasons is compatible with the Balancing View.

According to a natural and widely shared view, ought facts correspond with facts concerning the balance of reasons: agents ought to ϕ if and only if they have *most reason* to ϕ , which is to say that their reasons for ϕ -ing, taken together as a set, are *stronger* or *weightier* than any set of competing reasons. Following Schmidt (2024), I call this the “Balancing View of Ought” (or “Balancing View” for short):

The Balancing View (BV): For every agent A and act type ϕ , A ought to ϕ if and only if the set of A's reasons for ϕ -ing is weightier than any set of competing reasons.¹

(BV) seems both pre-theoretically plausible as well as theoretically attractive. It reflects the fact that we can use the expressions ‘ought’ and ‘most reason’ interchangeably, at least in many contexts, and it

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¹ See e.g. Schroeder (2007, 130); Parfit (2011, 33); Snedegar (2016, 158); Portmore (2019, Ch. 6); Schmidt (2024). Alternatively, the Balancing View has also been understood as the claim that A ought to ϕ iff the overall weight of the set of reasons for *and against* ϕ -ing is greater than the overall weight of the set of reasons for and against every alternative to ϕ -ing (see e.g. Snedegar 2021, 150; Arridge forthcoming). The difference between (BV) and this alternative account does not matter for the issues discussed in this article. I focus on (BV) for the sake of simplicity.

plays a crucial role in an attractive reductive account of ought facts that explains such facts in terms of facts about the balance of reasons.²

This article is concerned with an objection to (BV), which was posed by Joseph Raz in his seminal book *Practical Reason and Norms*. The objection is that (BV) can get things wrong in cases in which the agent has what Raz calls an “exclusionary reason”, i.e. a “second-order reason to refrain from acting for some reason” (Raz 1975, 40). Consider cases in which the reasons that tip the balance in favour of ϕ -ing – i.e., the reasons whose presence make a decisive difference for the fact that the overall balance of reasons supports ϕ -ing – are excluded by an exclusionary reason. Raz argues that, in such cases, “one should not act on the balance of reasons, [...] one should act for the weaker rather than the stronger reason which is excluded” (Raz 1975, 41). This seems to contradict (BV).

One of Raz’s examples for illustrating the concept of an exclusionary reason and the problem it causes for (BV) is *Colin’s Promise*:

Colin [...] promised his wife that in all decisions affecting the education of his son he will act only for his son’s interests and disregard all other reasons. Suppose Colin has now to decide whether or not to send his son to a [private] school. Among the relevant reasons are the fact that if he does he will be unable to resign his job in order to write the book he so much wants to write, and the fact that given his prominent position in his community his decision will affect the decisions of quite a few other parents, including some who could ill afford the expense.³

Colin faces the decision between a private and a state school for his son. He has first-order reasons for sending his son to a state school, but he also has a second-order exclusionary reason not to act for some of these reasons.⁴ Let’s suppose that the balance of Colin’s reasons supports sending his son to a state school and that one reason that tips the balance is the fact that sending the son to a private school would prevent Colin from writing his book. Since this latter reason seems excluded by the reason to keep his promise, the balance of non-excluded reasons appears to support sending his son to a private school. Raz argues (at least according to a common interpretation) that if Colin’s promise constitutes

² See esp. Schroeder (2007, 130); McHugh and Way (2022, Ch. 6).

³ Raz (1975, 39).

⁴ For simplicity, I stipulate that the content of Colin’s promise is just that he refrains from acting for reasons unrelated to his son’s welfare, which means that the promissory reason in this case is *nothing but* the exclusionary reason not to act for such reasons.

an exclusionary reason, Colin ought to send his son to a private rather than a state school, even though the overall balance of reasons supports sending him to a state school.

If this is true, the Balancing View has to be rejected. What is worse, I shall argue that it's far from clear that (BV) can be modified to accommodate exclusionary reasons in a way that is consistent with the ambition to explain oughts in terms of reasons. If Raz's argument succeeds, then exclusionary reasons pose an existential threat to this idea.

Although Raz presented this objection 50 years ago, and even though his concept of an exclusionary reason has been very influential in moral, political and legal philosophy, Raz's objection to (BV) has received surprisingly little attention in the debate concerning the project of understanding normative concepts or properties in terms of reasons. In fact, none of the proponents of (BV) that I referenced above even *mentions* exclusionary reasons. One reason for this may be that Raz's discussion contains some important ambiguities that make it difficult to reconstruct the details of the objection. The main aim of this article is to defend the Balancing View against the objection from exclusionary reasons. I will provide a reconstruction of what I take to be Raz's objection to (BV) below, but my main interest is systematic rather than exegetical. Whether exclusionary reasons undermine (BV) is an important question in its own right, no matter whether Raz is best interpreted as claiming that they do.

Before I start, it will be useful to introduce some terminology. Following Raz, I will distinguish between *conformity* and *compliance* with a reason: agents conform to a reason to ϕ if and only if they ϕ , while they comply with this reason if and only if they ϕ for that reason.⁵ Agents *flout* a reason if and only if they do not conform to it. As Raz emphasizes, exclusionary reasons are themselves subject to defeaters and "only undefeated exclusionary reasons succeed in excluding" (Raz 1975, 40). When there is an exclusionary reason not to act for some reason R, I will call R the 'targeted reason'. Reasons targeted by an *undefeated* exclusionary reason are 'excluded reasons'. My defence of the Balancing View will be based on a distinction between two kinds of cases: cases in which the agent can conform to both the exclusionary and the targeted reason (*compatibility cases*), and cases where this is not the case (*incompatibility cases*). In compatibility cases, agents can conform to the targeted excluded reason without complying with it, while in incompatibility cases, they can conform to the targeted reason only by complying with it, i.e. only by flouting the exclusionary reason.

The article proceeds as follows. Section §1 explains in more detail the objection that exclusionary reasons pose to the Balancing View (BV) and briefly discusses three reply strategies (including my

⁵ See esp. Raz (1990, 178ff.).

own). Sections §§2–3 argue that exclusionary reasons pose no threat to (BV) in incompatibility cases, because in such cases exclusionary reasons not to act on balance-tipping reasons are necessarily defeated. Section §4 argues that exclusionary reasons pose no threat to (BV) in compatibility cases, because in such cases they do not defeat the excluded reason. I conclude, in section §5, by discussing the question of what relevance exclusionary reasons might have if my defence of (BV) is successful.

§1. The objection from exclusionary reasons

According to Raz, a great variety of normative practices and deliberative phenomena – including authoritative directives, jurisdiction, promises, decisions, and discourse about moral obligations – are committed to the existence of exclusionary reasons. According to Raz’s official definition, an exclusionary reason is a “reason to refrain from acting for some reason” (Raz 1975, 40), but there are disagreements about how to understand the notion. Moore (1989) distinguishes a heuristic (or decision-strategic), a motivational and a justificatory sense of ‘exclusionary reason’.⁶ On the heuristic interpretation, exclusionary reasons are reasons against the mental acts of *considering* certain reasons or *attending* to them in deliberation. Raz explicitly rejects this interpretation.⁷ On the motivational interpretation, exclusionary reasons aim to exclude certain considerations as motivating reasons or bases for one’s actions; they tell us not to do something for a certain reason or not to be guided in a certain way. One can conform to such a reason either by refraining from performing the act, or by performing the act for a reason that is not targeted by it (or perhaps for no reason at all). This motivational interpretation seems to meet Raz’s official definition.

On what Moore calls the “justificatory interpretation”, exclusionary reasons do not only exclude certain reasons as motivating, but prevent them from “doing their normal justificatory work” as *normative* reasons.⁸ There are two ways in which this might happen (which are not always clearly distinguished by Moore). Firstly, exclusionary reasons might be understood as what epistemologists call “undercutting defeaters” and what Raz calls “cancelling conditions”: factors that make it the case that a fact that would otherwise be a normative reason is no longer such a reason. If the recipient of a promise releases a promisor from a promise, for example, this plausibly cancels the reason to keep the promise.⁹ Alternatively, an exclusionary reason might also be understood as a non-undercutting defeater, i.e. a factor that prevents a reason to ϕ from making it the case that the agent ought or has

⁶ Moore (1989, 858) maintains that all three senses are present in Raz’s work, while he holds that Raz consistently used only the motivational interpretation in Moore (forthcoming).

⁷ Raz (1975, 48).

⁸ Moore (1989, 857).

⁹ See Adams (2021) for a defence of a conception of exclusionary reasons as cancelling conditions.

sufficient justification to ϕ , but not by preventing it from being a reason. The view here would be that besides the familiar forms of defeat, undercutting defeat by cancelling conditions and countervailing defeat by stronger reasons, there is a further kind of defeat – let’s call it *pre-emptive defeat* – that prevents reasons from establishing an all-things-considered normative status without either undercutting them as reasons or outweighing them in virtue of strength.

Raz explicitly distinguishes exclusionary reasons from cancelling conditions, and he makes claims that strongly suggest that he thinks of exclusionary reasons as pre-emptive defeaters. He says, for example:

The introduction of exclusionary reasons entails that there are two ways in which reasons can be defeated. They can be overridden by strictly conflicting reasons or excluded by exclusionary reasons. (They may, of course, also be cancelled by cancelling conditions [...]).¹⁰

This passage entails that exclusionary reasons defeat excluded reasons, and that they do so in a way that is different from cancelling as well as from overriding, which is Raz’s preferred term for countervailing defeat (i.e. defeat in virtue of strength or weight). Does this mean that Raz’s notion of an exclusionary reason is subject to an ambiguity between a motivating and a justificatory interpretation?

The much more charitable conclusion to draw is the following. Raz uses the term ‘exclusionary reason’ consistently and unequivocally to refer to the notion of a reason not to act for some other reason (i.e. not to be guided in one’s actions by certain motivational reasons).¹¹ But he also makes the *normative* claim that such reasons pre-emptively defeat the normative reasons they exclude as motivating reasons (at least unless they are defeated themselves).¹² If Raz used ‘exclusionary reason’ in the (pre-emptive) justificatory sense, it would be a conceptual truth that they pre-emptively defeat the reasons they exclude. But it is not. According to Raz, this assumption follows from a normative principle rather than a conceptual truth, namely the “general principle of practical reasoning which determines that exclusionary reasons always prevail when in conflict with first-order reasons”.¹³

It is this normative claim that presents a challenge for the Balancing View. If it’s possible for Colin to have an undefeated exclusionary reason not to act for a reason that tips the balance in favour of

¹⁰ Raz (1975, 40).

¹¹ As Raz confirms in his response to Moore, see Raz (1989, 1156).

¹² My interpretation is restricted to Raz (1975). As we shall see, Raz seems to withdraw the normative claim in later work.

¹³ Raz (1975, 40). Moore (forthcoming) seems to argue that since Raz uses the term ‘exclusionary reason’ in the motivating sense, he does not think that exclusionary reasons are pre-emptive defeaters. But this ignores the possibility that Raz thinks of the latter as a normative rather than conceptual truth.

sending his son to a state school, and if undefeated exclusionary reasons defeat the reasons they exclude, then the excluded reason is prevented from making it the case that Colin ought to send his son to a state school, and since it tips the balance, no other reason can establish this conclusion without its help. The Balancing View, however, entails that Colin ought to send his son to a state school. Call this argument *the objection from exclusionary reasons*:

1. *The existential thesis*: There are cases (such as *Colin's Promise*) in which undefeated exclusionary reasons exclude balance-tipping reasons.
2. *The exclusionary defeat thesis*: Undefeated exclusionary reasons defeat the reason they exclude.
3. Therefore, there are cases in which balance-tipping reasons are defeated (from 1 and 2).
4. Therefore, there are case in which it is not the case that one ought to do what one has most reason to do (from 3).

How can friends of the Balancing View respond to this argument? One option is to follow Raz in modifying (BV) in a way that accommodates his assumptions. However, Raz's proposal to substitute (BV) with the principle that "it is always the case that one ought, all things considered, to act for an undefeated reason"¹⁴ leaves much to be desired. One problem is that this principle doesn't seem to give us sufficient conditions for ought facts in terms of reasons. Another one is that it relies on the notion of 'defeat'. Bracketing undercutting defeat (which Raz anyway doesn't count as defeat, and whose analyzability in terms of reasons cancellation does not seem to raise any problems), proponents of the Balancing View can spell out defeat in terms of stronger competing reasons. But Raz cannot do this; his distinctive claim is that there is a kind of defeat that cannot be spelled out in terms of the strength of reasons. A natural alternative is to characterize defeat in terms of its function to prevent a reason from making an action justified, rationally eligible, or what the agent ought to do. But insofar as we are looking for an informative explanation of oughts and other normative properties in terms of reasons, we cannot appeal to this function without introducing circularity. So it's not clear that Raz's assumptions (1) and (2) are consistent with the idea that oughts can be informatively explained in terms of reasons.

The problem cannot be avoided by modifying (BV) as follows:

¹⁴ Raz (1975, 36–40).

Exclusive Balancing (EB): For every agent A and act type ϕ , A ought to ϕ if and only if the set of A's *non-excluded* reasons for ϕ -ing is weightier than any set of *non-excluded* competing reasons.¹⁵

For what is a non-excluded reason? For (EB) to have the desired extension, we need to assume that it is a reason that is not targeted by an *undefeated* exclusionary reason. But then (EB) also implicitly relies on the notion of defeat.

One way out of these problems would be to adopt skepticism about exclusionary reasons, which renders (1) false and (2) merely vacuously true. The arguments brought forward in support of this view aren't uncontested, however.¹⁶ And skepticism about exclusionary reasons faces its own challenges. In particular, skeptics need to explain how agents can be accountable for the reasons for which they act – e.g., how they can be criticizable for doing the morally right thing for selfish reasons – if there are no exclusionary reasons.

It has been argued that those who accept exclusionary reasons are committed to rejecting the Balancing View.¹⁷ But this is to confuse the thesis that there are reasons not to act on certain reasons with the thesis that these reasons generally defeat the reasons they exclude as motivating reasons. These claims are independent and one can accept the first while rejecting the latter. In the remainder of this article, I will argue that we can reject the argument from exclusionary reasons without becoming skeptics about such reasons.

As noted at the outset, my argument is based on a distinction between two possible cases. In *incompatibility cases*, the agent cannot conform to both the exclusionary and the targeted reason. Applied to the case of Colin's promise, this means that Colin can send his son to a state school only if he breaks his promise not to act on reasons unrelated to his son's welfare. In *compatibility cases*, by contrast, the agent can conform to both the exclusionary and the targeted reason. Applied to our example, this means that Colin can keep his promise and still send his son to a state school. I take the 'can' in question to denote the specific ability to ϕ , which requires both the general capacity as well as the opportunity to ϕ . On this understanding of 'can', the distinction between incompatibility and compatibility cases should be straightforward. Colin might lack the ability to send his son to a state school without acting for the reason that he has promised not to act on. Or he might have that ability.

¹⁵ Compare Heuer (forthcoming).

¹⁶ For skepticism, see e.g. Moore (1989) and Whiting (2017). For replies, see e.g. Raz (1989; 2021); Keeling (2023); Engel-Hawbecker (2024); Monti (2024).

¹⁷ See e.g. Whiting (2017, 401).

He might, for example, falsely believe that the state school is in his son's best interest, and therefore be able to conform to both the exclusionary and the targeted reason. For this reason, both incompatibility and compatibility cases seem to me real possibilities. However, this doesn't matter for my argument. My understanding of 'can' in terms of ability should not be taken to be part of what defines incompatibility and compatibility cases, and I will later consider an alternative conception when it becomes relevant for the dialectic.¹⁸ On some alternative conceptions, the distinction between compatibility and incompatibility cases may be a merely logical distinction. Still, as logical possibilities these cases are jointly exhaustive and I will defend the verdict of the Balancing View for both cases.

To anticipate, I will argue for two claims. The first claim (for which I will argue in sections §2–3) is that there cannot be undefeated reasons not to act on a balance-tipping reason in incompatibility cases. For such cases, the existential thesis (1) is false and the exclusionary defeat thesis (2) is only vacuously true. The second claim (for which I will argue in section §4) is that while there can be undefeated reasons not to act on balance-tipping reasons in compatibility cases, such reasons do not undermine the verdict that the agent ought to conform to the balance-tipping reason. For such cases, then, the exclusionary defeat thesis (2) has to be rejected. As the only cases for which (1) is true are those for which (2) is false, then, the objection from exclusionary reasons fails. Exclusionary reasons do not provide grounds for believing that balance-tipping reasons could be defeated, and thus do not pose a threat to the Balancing View.

§2. Defending the Balancing View in incompatibility cases

In this section, I will present two arguments for the thesis that exclusionary reasons that target a balance-tipping reason are necessarily defeated in incompatibility cases. The first argument is based on the following two assumptions:

Competing Reasons (CR): A reason competes with a reason for ϕ -ing if it is a reason for an alternative to ϕ -ing.

Countervailing Defeat (CD): A reason for ϕ -ing is defeated if there is a set of competing reasons that is stronger than any set of reasons for ϕ -ing.

¹⁸ Raz rejects the assumption that 'ought' implies 'can' in the sense of 'is able to' (Raz 1989, 1174), but he seems to accept that 'ought' implies 'can' in the sense of 'is physically possible', as he maintains that reasons are defeated by stronger reasons for physically incompatible actions (cf. Raz 1975, 25–26). This will become relevant below in section §3.

For the time being, the term ‘alternative’ refers to an incompatible option. With the help of (CR) and (CD), we can run the following argument:

1. By hypothesis, there is an exclusionary reason, ER, targeting a reason R, where (a) conforming to ER is an alternative to conforming to R, and (b) R is a member of a set of reasons that is stronger than any competing set.
2. ER competes with R. [From CR and (a)].
3. Therefore, there is a set of reasons competing with ER that is stronger than any set of reasons for conforming to ER. [From 2 and (b)].
4. Therefore, ER is defeated. [From CD and 3].

The argument shows that those who think that balance-tipping reasons can be defeated by exclusionary reasons in incompatibility cases have to reject either (CR) or (CD). I take it, however, that both of these principles have considerable *prima facie* plausibility. In this section, I will take (CR) for granted and ask whether (CD) can plausibly be denied. In the next section, I will then discuss the option of giving up (CR).

Since (CD) entails that exclusionary reasons can be defeated by targeted reasons in incompatibility cases, it might appear to beg the question against Raz’s thesis that exclusionary reasons are able to defeat reasons in a way that is distinct from outweighing and undercutting. But it does not. First of all, since (CD) merely states a sufficient condition for defeat, it is consistent with the thesis that there are other forms of defeat that do not depend on strength. Most importantly, it does not rule out that exclusionary reasons defeat stronger reasons in compatibility cases. Since there is reason to believe that Raz would have denied the existence of incompatibility cases (more on this below), it is difficult to see how (CD) could beg the question against his view. What’s more, Raz seems to embrace (CD) himself, holding that “in cases of conflict the stronger reason overrides the weaker” (Raz 1975, 25).

One might reject (CD) by appealing to:

The Immunity Principle (IP): Exclusionary reasons are immune to being defeated by targeted reasons.

On the basis of this principle, one might then substitute (CD) with the weaker principle that a reason for ϕ -ing is defeated if there is a set of *non-excluded* competing reasons that is stronger than any set of reasons for ϕ -ing. Raz’s repeated claim that “exclusionary reasons always prevail, when in conflict with

first-order reasons”¹⁹ and his statement that “the strength of the exclusionary reason is not put to test” as “it prevails in virtue of being a reason of a higher order”²⁰ suggest that he accepts the *Immunity Principle*. Whether or not this is so, however, this principle should be rejected. The suggestion that a reason is immune against being outweighed by a stronger reason simply in virtue of its higher-order content is implausible. It amounts to treating a *purely formal feature* of a reason as a normative factor that is necessarily decisive – a blatant case of fetishism. Moreover, on the assumption that there are incompatibility cases, there are powerful counterexamples to (IP). Consider:

Drowning Child: You have been offered a reward of \$100 if you do not act for reasons based in other people’s welfare today. This gives you a prudential reason to avoid acting for such reasons. As you are walking along a pond, you come across a drowning child and you’re the only one who can save them. Alas, you find yourself unable to save the child other than by acting on the basis of a reason based in their welfare.

In this case, there is a conflict between a prudential and a moral reason: you are unable to conform to both. Surely your prudential reason is defeated in this case; you ought to save the child. But if (IP) is true, we cannot say that. Unfortunately for the poor child, your prudential reason has a higher-order content, which immunizes it against being defeated by a targeted lower-order reason, and so you ought to let the child drown!

In defence of (IP), one might reject my assumption that one can create exclusionary reasons in the way I have suggested, i.e. by offering a reward for not acting on certain reasons. But why should this not be possible? The assumption follows from the general principle that there is reason for A to ϕ if ϕ -ing is the only or best way to achieve some good or benefit, provided that A can be guided in her ϕ -ing by the relevant good-making features (at least if we assume that we can in principle be guided by exclusionary reasons, which is plausibly a precondition for their existence). This principle is plausible and widely accepted. Raz himself explicitly embraces it and argues *on its basis* for the existence of exclusionary reasons.²¹ Rejecting the assumption that one can generate exclusionary reasons by offering rewards in order to avoid my objection to (IP) strikes me as intuitively implausible and *ad hoc*.

A second defence strategy maintains that the reward-based exclusionary reason in *Drowning Child* is defeated not by the targeted reason, but by a *positive second-order reason* to *act for* the targeted reason,

¹⁹ Raz (1975, 40).

²⁰ Raz (1975, 46).

²¹ See Raz (2021, 4). Raz even embraces a stronger principle that is not restricted to best or necessary means or ways.

which is a possibility consistent with (IP). There are two variants of this proposal. On the first variant, the positive second-order reason is specifically related to moral worth. The idea is that we generally have positive second-order reasons to *act for* moral reasons (or perhaps our strongest moral reasons), as doing so confers moral worth to our actions that they would lack if we merely conformed to moral reasons. One problem with this reply is that it works only on the high-minded but (in my mind) implausible assumption that the worth-related reason is necessarily stronger than the reward-related reason, *no matter the amount of the reward*. Otherwise, we could simply construct an effective counterexample by increasing the reward. But the reply also fails because there are cases of the same structure that do not involve any moral reasons, which means that the moral worth proposal is not applicable. Consider:

Money on the Street: You have been offered a reward of \$100 if you do not act for any first-order reason based on your self-interest today. As you are going for a walk, you spot \$200 on the street, but you find yourself unable to pick it up if not for a self-interested reason.

(IP) suggests that even though the award is only \$100, since the award-related reason is a higher-order reason, it cannot be defeated by the reason to pick up the \$200 from the street. Since moral reasons are not in play, this absurd result cannot be avoided by appeal to any reason related to moral worth.

On the second variant of the proposal, the positive second-order reason is not related to moral worth, but derives from the targeted reason by way of a general principle of reasons transmission. Raz himself holds that for any reason to ϕ , R, there is a derivative higher-order reason to ϕ for R, since “one has reason to do whatever will facilitate conformity with reason” (1990, 182) and ϕ -ing for R is a “sufficient condition” (*ibid.*) or “means” (2021, 7) for conformity with R. However, Raz’s transmission principle is controversial: some authors think it is too liberal in implying reasons for highly ineffective or otherwise objectionable means.²² Moreover, in order to yield the desired result that the reward-related exclusionary reason in *Drowning Child* is outweighed, we need to assume that the derivative reason has significant strength. In fact, *Money on the Street* suggests that unacceptable implications can be avoided only on the assumption that the derivative reason is *just as strong* as the reason it derives from. We can accommodate both of these points by focusing on the following transmission principle:

²² See Kiesewetter and Gertken (2021) for discussion.

Only Way Transmission (OWT): If ψ -ing is the only way for A to ϕ , then every reason for A to ϕ provides an equally strong reason for A to ψ .

In incompatibility cases, ϕ -ing for R is the only way for A to ϕ , and so (OWT) entails a positive second-order reason in all such cases. And since reasons for taking the only way plausibly inherit all of the weight of the reasons they derive from, (OWT) guarantees that the derivative second-order reason in *Drowning Child*, *Money on the Street* and other cases of this structure is strong enough to defeat the exclusionary reason. It thus seems that we can save (IP) from these counterexamples by appealing to (OWT).

(OWT) seems intuitively compelling. It vindicates pre-theoretical judgments about what we have reason to do in particular cases in which ψ -ing is the only way for us to do what we have reason to do, and it doesn't seem subject to problem cases.²³ The problem for this argument is that it backfires. As we have seen, (OWT) entails that for every targeted reason for ϕ -ing, there is an equally strong second-order reason to comply with this reason in an incompatibility case. This means that in all incompatibility cases in which the targeted reason is stronger than the exclusionary reason, the exclusionary reason is defeated by derivative higher-order reasons. Rather than helping my opponent, (OWT) in fact provides an independent argument for my claim that exclusionary reasons that target balance-tipping reasons are necessarily defeated in incompatibility cases. This argument does not rely on *Countervailing Defeat* (CD) and can neither be blocked by the *Immunity Principle* (IP) nor by denying *Competing Reasons* (CR).

I have discussed a number of strategies for defending (IP) against the charge that it has unacceptable implications in *Drowning Child* and other cases of this structure. The only successful one relied on a principle that independently supports the overall *demonstrandum* of this section. In response, proponents of immunity might suggest to weaken (IP) in a way that avoids these counterexamples. Perhaps *only some* exclusionary reasons are immune to being defeated by targeted reasons, and the reward-based exclusionary reasons I appealed to are not protected by this weaker principle.

²³ If we allow *ways* of ϕ -ing to count as *means* to ϕ -ing (which seems plausible in the context of transmission principles), (OWT) follows from *Necessary Means Transmission* (NMT), according to which reasons transmit to necessary means with equal weight (e.g. Schroeder 2009, 245). However, (OWT) is significantly weaker, as it doesn't entail reasons for *insufficient* necessary means. It is therefore not vulnerable to actualist objections to (NMT), which I discuss in detail elsewhere (Kiesewetter 2015; 2018).

Without a more specific proposal about *how* to weaken (IP), it's difficult to evaluate this strategy. But let me note two challenges for spelling it out. The first of these challenges is to identify a restriction to (IP) that is independently motivated and not just an *ad hoc* amendment that gets rid of the counterexamples. The second challenge is to show that despite the relevant restriction, immunity is nevertheless essentially connected to the higher-order nature of exclusionary reasons. If only some exclusionary reasons are immune to being defeated, then some order-independent factor must play a crucial role for immunity. Once this is realized, however, it is natural to suspect that it is *this other factor* that is ultimately responsible for immunity, while the higher order is only contingently related to it. We would no longer be discussing an objection to the Balancing View that is particularly related to exclusionary reasons, but an independent objection that should be discussed in its own right. The burden to put forward a qualified version of (IP) that meets these challenges is on my opponent. But we also have seen that there is an independent argument for my thesis – the argument from *Only Way Transmission* (OWT) – that stands even if these challenges can be met.

§3. *Competition and alternatives*

The first argument presented in the last section was based on the principle that stronger competing reasons defeat weaker ones (CD) and the principle that reasons for alternatives are competing reasons (CR). It is now time to consider the option of denying this latter principle. As far as I can see, there are two alternatives to (CR) when it comes to thinking about reasons competition:²⁴

(CR)_{AGAINST} A reason competes with a reason for ϕ -ing if it is a reason *against* ϕ -ing.

(CR)_{REFRAIN} A reason competes with a reason to ϕ if it is a reason *to refrain from* ϕ -ing (or, equivalently, a reason *to not- ϕ*).

On a simple and neat picture, reasons against ϕ -ing are nothing but reasons to refrain from ϕ -ing, and the competition between reasons to ϕ and reasons to refrain from ϕ -ing is simply a special case of the competition between reasons for alternatives.²⁵ This would mean that both (CR)_{AGAINST} and (CR)_{REFRAIN} are redundant, because they are trivially entailed by (CR). However, some hold that reasons against cannot be reduced to reasons to refrain (or reasons for other alternatives).²⁶ And even those who accept this reduction might hold (CR)_{REFRAIN}, while rejecting the stronger claim (CR).

²⁴ See also Schroeder (2015, 163–64).

²⁵ See Schmidt (2024).

²⁶ See e.g. Snedegar (2018); Arridge (forthcoming).

The options of holding (CR)_{AGAINST}, (CR)_{REFRAIN}, or both, while denying (CR), opens up a further way of rejecting the argument from (CR) and (CD). And so it is perhaps no coincidence that Raz conceptualizes competition (for which he uses the term “strict conflict”) in terms of (CR)_{REFRAIN} rather than (CR). He holds that two reasons, p and q, “strictly conflict if, and only if, ... that p is a reason ... to ϕ and that q is a reason to refrain from ϕ -ing” (1975, 25). This entails that reasons for alternatives to ϕ -ing enter into the competition with reasons for ϕ -ing only if they constitute or provide reasons to refrain from ϕ -ing. According to Raz, the provision of reasons to refrain is governed by the following principle:

Razian Reasons Transmission (RRT): “If p is a reason to ϕ and q is a reason to perform another action, ϕ' , and it is logically impossible both to ϕ and to ϕ' , then q is also a reason to refrain from ϕ -ing [...]. If, however, it is merely physically impossible both to ϕ and to ϕ' , then q, in conjunction with the facts which make it impossible to perform both actions, is a reason to refrain from ϕ -ing.”²⁷

What is crucial here is that this principle restricts the derivation of reasons to refrain from incompatible alternatives to *logically and physically incompatible alternatives*. Thus, on this view stronger reasons for alternatives that the agent is *unable* to co-perform will not deliver reasons to refrain, and thus no *competing* reasons as long as the inability isn't due to logical or physical impossibility. Since lack of ability to conform to both an exclusionary and a targeted reason is arguably never due to logical or physical impossibility, it follows that exclusionary reasons do not compete with targeted reasons even in cases in which the agent is unable to conform to both. On the assumption that inability to co-perform constitutes incompatibility, this view renders it possible to reject (CR), thereby allowing for successful exclusion of balance-tipping reasons in incompatibility cases.

This approach fails for two reasons, however: it delivers both *too few* competing reasons and *too many* reasons to refrain. The first of these problems can be illustrated by the following example:

Coffee. You have an important medical appointment in one hour. You would enjoy having a coffee before leaving, but this would take you at least 15 minutes. It is physically possible for you to have the coffee and then drive with your neighbor's car to the hospital, which will take

²⁷ Raz (1975, 26).

30 minutes. However, you're unable to drive, and the only other way to keep your appointment will take you almost 60 minutes.

It seems plausible that your reason for having a coffee is defeated by your reason to keep the appointment – you should dispense with the coffee today and leave immediately. But the present conception of defeat seems unable to accommodate this. The reasons for keeping your appointment compete with your reasons for having a coffee only if they provide reason to refrain from having the coffee, and they provide such reasons only if having the coffee and keeping your appointment is physically or logically impossible. We are led to conclude that you ought to have the coffee, since you have a reason that is neither outweighed nor counterbalanced by a competing reason.

This suggests that (RRT) must be strengthened to include incompatibilities that are due to inability rather than physical or logical impossibility. But such a principle would not help the cause of showing that exclusionary reasons cannot compete with targeted reasons. Moreover, both (RRT) as well as the strengthened principle still face the second problem, viz. that they entail *too many* reasons to refrain. This problem can be illustrated by cases in which an agent has reason to take a sufficient means to conforming with a reason, but doing so is optional, because there are equally good alternative means. Consider:

Ticket. You bought a ticket for a concert and you can collect it either at counter A or B. After having collected the ticket at one of these counters, it's no longer possible to collect it at the other.

In this case, you have reasons for incompatible actions – a reason for collecting your ticket at counter A and a reason for collecting it at counter B. Let's assume (for the sake of the argument) that the impossibility in question is logical or physical (either it's logically impossible to collect one and the same ticket twice, or collecting the ticket at one counter has the causal effect that collecting the ticket at the other counter is inconsistent with the laws of nature). (RRT) then entails that you have a reason to refrain from collecting the ticket at counter A and a reason to refrain from collecting the ticket at counter B. But this seems false. What matters is that you get the ticket. Provided that both are optimal ways of collecting it, the fact that collecting the ticket at one counter prevents you from collecting it at the other counter does not count against collecting it at the first counter in the least.

What this means is that the correct transmission principle that explains derivative reasons to refrain needs to restrict the antecedent reasons to non-derivative reasons and reasons for necessary or

best means.²⁸ And this point has important ramifications for Raz's approach to competition and to the theory of reasons competition more generally. For we don't want our theory of competition to entail that in *Ticket*, you are facing a deontic dilemma in which you ought to collect the ticket at counter A and also ought to collect it at counter B. Even if such dilemmas are possible in principle, it should be clear that *Ticket* is not such a case, which is confirmed by the fact that you are perfectly justified and need no excuse for collecting the ticket at counter A (for example). But in order to avoid the conclusion that you ought to collect the ticket at counter B, we have to say that your reason to do so is counterbalanced by a competing reason – which must be the reason for collecting it at counter A (and *vice versa*). And as we have just seen, we cannot get this result from combining (CR)_{REFRAIN} with a principle of reasons transmission, for no valid transmission principle yields reasons to refrain from taking *optional* alternative means. Moreover, the very same argument can be applied to the strategy of explaining competing reasons in terms of (CR)_{AGAINST} in combination with transmission principles. This yields an important general conclusion, namely that *the appeal to alternatives is indispensable for an account of competition*.²⁹ In order to accommodate cases like *Ticket*, referring to (CR)_{REFRAIN} and (CR)_{AGAINST} is insufficient – we have to invoke (CR) directly.

To be fair, Raz's view can be adjusted to reflect this point. On this modified view, reasons for alternatives compete, and stronger reasons for alternatives directly defeat competing reasons – i.e. both (CR) and (CD) hold true – but the sense of 'can' that defines what incompatible alternatives *are* is not the sense that goes with ability, but a sense that goes with physical possibility (I omit logical possibility because it is entailed by physical possibility). On this view, then, (CD) does not entail that an exclusionary reason that targets a balance-tipping reason is defeated in a case in which the agent is unable to conform to both, for in the relevant sense, conformity to both is always possible. Raz can even maintain the *Immunity Principle* (IP) on this view. Since it is never physically impossible to conform to both an exclusionary and a targeted reason, it follows trivially that exclusionary reasons are immune to being defeated by targeted reasons.³⁰ All counterexamples against (IP) go up in smoke, as they rely on an ability-related conception of incompatibility.

²⁸ A class of reasons I have elsewhere called "non-optional" reasons (Kiesewetter 2018, 113–14). If reasons against are different from reasons to refrain, the very same point applies to derivative reasons against.

²⁹ See also Schmidt (2024, 264–66) for an independent argument to the same conclusion. Schmidt's argument relies on a controversial premise that the present argument does not rely on, namely that non-derivative reasons against actions provide reasons for each optimal alternative. The present argument merely relies on the uncontroversial assumption that non-derivative reasons for actions provide reasons for optimal sufficient means (cf. Kiesewetter and Gertken 2021).

³⁰ Some passages in Raz's later work suggest that exclusionary reasons prevail in higher-order conflicts simply because they do not strictly conflict with the targeted reason and it is always possible to conform to both (cf. Raz 1989, 1167–68).

In my view, cases like *Coffee* count strongly against restricting the relevant notions of ‘can’ and ‘compatibility’ to physical possibility. However, let’s grant this view for the sake of the argument. The conclusion to draw is that there are no incompatibility cases: in the relevant sense of ‘can’ and ‘compatibility’, all cases of higher-order conflict are compatibility cases. It follows that my defence of the Balancing View in incompatibility cases is redundant, but it also follows that my defence of the Balancing View in compatibility cases applies to all cases of higher-order defeat. This can be put as a dilemma: Either proponents of the objection from exclusionary reasons allow that cases of inability of co-conformity are cases in which conforming to the exclusionary reason is an incompatible alternative to conforming to the first-order reason, or they hold that in such cases conformity to each reason is compatible with the other in the relevant sense. On the first horn, the argument from (CR) and (CD) applies. On the second horn, my argument from compatibility cases applies. Let me turn to this argument, then.

§4. Defending the Balancing View in compatibility cases

Compatibility cases are cases in which the agent can conform to both the exclusionary reason and the targeted reason. In such cases, successful exclusion of a balance-tipping reason is possible. Since conforming to the exclusionary reason is compatible with conforming to the balance of reasons, (CD) doesn’t entail that the exclusionary reason is defeated. In cases of this kind, the exclusionary defeat entails that it is not the case that we ought to conform to the balance of reasons. The question is whether the exclusionary defeat thesis should be accepted in compatibility cases.

Consider Colin’s promise again. We are now supposing that Colin can both keep his promise and send his son to a state school. Perhaps he is luckily unaware of the fact that the private school is in his son’s best interest. Perhaps he knows this, but he has found a way of managing his motives that allows him to act for a reason that he considers to be weaker than a competing one. Should we concur with the exclusionary defeat thesis and deny that he ought to send his son to a state school? This seems the wrong conclusion to draw. If it’s really possible for Colin to conform to both the balance of reasons and the exclusionary reason, then it seems that he ought to do both. No plausible objection against his acting in accordance with the balance of reasons is in place.

Raz himself came to see this. In his last paper on the issue of exclusionary reasons he writes:

If p is a reason to ϕ and q a reason not to ϕ for p , both p and q will be satisfied if one ϕ s but is not guided by p . That is what one has an all-things-considered reason to do in that situation. [...] one should satisfy the reason, as well as satisfy the exclusionary one.³¹

This amounts to a denial of the claim that the exclusionary defeat thesis holds true in compatibility cases. It follows that such cases also do not pose a threat to the Balancing View.

This point does not depend on defining the relevant notion of an ‘incompatible alternative’ in terms of ability. If the normatively relevant notion of possibility is physical possibility rather than ability, then all cases of higher-order conflict are cases in which the agent can conform to both reasons in the normatively relevant sense. And if conformity to both reasons is possible in the normatively relevant sense, it’s difficult to see why one of the reasons should be regarded as defeated by the other.

Let’s call the view that one ought to conform to both the exclusionary and the excluded reason if doing so is possible in the normatively relevant way the *Double Ought View*. This view might be criticized on grounds of the idea that it must be possible for agents to do what they ought *in a non-accidental way*, and that this requires that it must be possible for them to do what they ought *for the reasons* in virtue of which they ought to do it.³² Suppose that this is true for all oughts that an agent is subject to at a given time:

Global Compliance Constraint (GCC): If A ought to ϕ in virtue of a reason, R_1 , to ϕ , ..., and A ought to ψ in virtue of a reason, R_n , to ψ , then A can [ϕ for the reason that R_1 , ..., and ψ for the reason that R_n].

(GCC) is a strong assumption, but it is not far-fetched. It is not implausible to think that it must be possible for agents to do everything they ought to do in a non-accidental manner, and that this requires the possibility of complying with all oughts together.³³ But (GCC) rules out the *Double Ought View*. Notably, it is *logically* impossible to comply with both an exclusionary reason and a targeted reason, so even if the (GCC) requires merely the logical possibility of global compliance, it’s inconsistent with the *Double Ought View*.

³¹ Raz (2021, 13–14). See also Raz (1990, 185): “that [reasons] are excluded ... merely means that they should not be complied with, not that they should not be conformed to.”

³² See Lord (2015, 35–38).

³³ (GCC) should be distinguished, however, from the principle that it must be possible to conform with all oughts while believing one is subject to them, which I defend in Kiesewetter (2016).

What would this mean for the Balancing View? One option is to say that the exclusionary reason defeats the targeted reason and reject the Balancing View. But what would justify this reply if not the kind of higher-order chauvinism that I rejected above when arguing against the *Immunity Principle*? My argument applies here as well. If (GCC) rules out that it could both be the case that you ought to save the child and that you ought not to act for altruistic reasons, then assuming that the exclusionary reason cannot be defeated by a targeted reason implies that you ought to let the child drown. Nobody can seriously maintain this view.

The alternative is to construe compatibility cases as cases of competing reasons. While it is possible to conform to both reasons, it is not possible to comply with both, and given (GCC), this means that they are in competition. Consequently, we have to broaden the conception of an alternative that figures in *Competing Reasons* (CR) by including options as alternatives that are compatible but cannot both be supported by sufficient reasons one complies with.

On this view, there will be no relevant difference between compatibility cases and incompatibility cases, for all cases of higher-order conflict are cases in which co-compliance is impossible, which would mean that all exclusionary reasons compete with their target reasons. If the balance of reasons supports ϕ -ing, (CR) and (CD) again entail that there cannot be undefeated reasons not to act on a balance-tipping reason.

§5. The relevance of exclusionary reasons

I have argued that exclusionary reasons don't undermine the Balancing View. In incompatibility cases, exclusionary reasons that target balance-tipping reasons are defeated by stronger reasons for incompatible actions. In compatibility cases, exclusionary reasons that target balance-tipping reasons may be undefeated, but only if the Global Compliance Constraint is false, in which case they do not defeat the targeted reasons and thus also don't affect the Balancing View. It is natural to wonder whether this conclusion robs exclusionary reasons of their significance. Why should we continue to theorize about such reasons, or take them at face value?

The first and obvious answer is that exclusionary reasons are relevant for determining the balance of higher-order reasons and thus relevant for the question of whether or not we ought to act for certain reasons. As we have seen, we seem at least sometimes accountable for the reasons for which we act, and we seem to be able to validly promise not to act for certain reasons. There is thus a normative question about whether we ought to act for a certain reason, which cannot be answered without taking into account the relevant exclusionary reasons that we might have. Such reasons are relevant for what ought

to do be done, simply because what ought to be done might itself be an act of the type ‘ ϕ -ing for the reason that R’ (or refraining from it).

Secondly, exclusionary reasons have an impact on the balance of first-order reasons in incompatibility cases. If conforming to a first-order reason is incompatible with conforming to an exclusionary reason, sufficiently weighty exclusionary reasons can outweigh first-order reasons, thereby making a difference for what the agent ought to do on the first-order level.

Thirdly, exclusionary reasons plausibly have an impact on the balance of first-order reasons even in compatibility cases. If the *Global Compliance Constraint* is true, they can outweigh such reasons. If it’s false, they can still make it *more costly* to conform to a targeted reason, thereby tipping the balance in favour of a non-targeted first-order reason, which is otherwise no stronger than the targeted reason.

The normative relevance that exclusionary reasons do *not* have according to this picture is the relevance of a *pre-emptive defeater*. In fact, the very idea that some reasons pre-emptively defeat other reasons, i.e. prevent these other reasons from making it the case that the agent ought or has sufficient justification to respond in the way supported by the reason, but not by outweighing or cancelling it, seems in conflict with the idea that one ought always to conform to the strongest reason. For it seems that pre-emptive defeaters have a point only when they are able to defeat reasons that are not weaker or even stronger, i.e. when they defeat *regardless of weight*. But if reasons that are not weaker or even stronger can be defeated, one ought sometimes to conform to reasons that are not stronger (or may even be weaker) than competing reasons.

There is, however, something plausible about the idea of pre-emptive defeat, at least in the realm of moral rights. Consider Judith Thomson’s much-discussed *transplant case*, in which a doctor has the option of killing a healthy patient in order to transplant his organs to five other patients who would otherwise die.³⁴ It seems compelling to think that the healthy patient has a right not to be killed and that the right corresponds to a reason for the surgeon not to kill him that defeats all reasons for saving the lives of the other patients. Is this form of defeat a matter of outweighing? If so, it would seem to be an open question whether the surgeon is permitted to kill the patient in order to save more than five lives, but intuitively, it doesn’t matter whether five, ten or twenty lives are at stake. The reason not to kill defeats the reasons to save, even though the reason that you have to save a person from dying has considerable weight, and even though the reasons for saving more people are typically stronger than the reasons for saving less.³⁵

³⁴ See e.g. Thomson (1990, 135).

³⁵ Number skeptics, such as Taurek (1977), would disagree, of course, that there is more reason to save the greater number, but this view is generally considered to be counterintuitive. Threshold deontologists, on the other hand, might insist that

More generally speaking, common sense morality seems to incorporate deontological constraints, and such constraints seem to involve reasons against performing actions that defeat competing reasons in a way that looks very much like pre-emptive defeat rather than cancellation or outweighing. This is a challenge for the Balancing View, which seems to have force independently of my argument against the view that exclusionary reasons are pre-emptive defeaters.

There is, however, a way of understanding pre-emptive defeaters that is consistent with the Balancing View. On this view, for a reason R_1 to pre-empt another reason R_2 is for R_1 (i) to be stronger than R_2 , and (ii) to prevent R_2 from *aggregating* with other reasons – and thus from outweighing R_1 *in combination with other reasons*.³⁶ On this view, reasons can be protected from being outweighed by certain other reasons, and can in this sense be said to pre-emptively defeat them, in a way that is consistent with the Balancing View because it does not rely on the idea that weaker reasons can defeat stronger ones.

On the face of it, this proposal provides an accurate picture of the transplant case. The reason not to kill seems stronger than the reason to save another patient, but it also seems protected from being outweighed by a combination of several of such reasons. It pre-emptively defeats reasons to save by way of blocking their aggregation.

It remains to be shown, of course, that all plausible cases of pre-emptive defeat can be explained in this way, or, if not, that they can be explained in other ways that are consistent with the Balancing View. But this is clearly a project for another day. What I hope to have shown is that exclusionary reasons do not undermine the Balancing View; that exclusionary reasons can nevertheless play a number of normatively relevant roles; that these roles are different from the role of a pre-emptive defeater; and that there are ways of understanding pre-emptive defeat that are independent of exclusionary reasons and consistent with the Balancing View.³⁷

there is a number such that if the doctor can save N lives, she is permitted to kill. I hope it will be agreed, however, that the point I'm making applies already below any such threshold.

³⁶ See Kieseewetter (2023, 209).

³⁷ Earlier versions of this article have been presented 2024 at the 21st Madison Metaethics Workshop; the German Congress of Philosophy XXVI in Münster; the Conference *Normative Reasons, Explanation and Grounding* in Bielefeld; as well as philosophical colloquia at HU Berlin; Bielefeld; and the CAPH Rennes-Nantes. I would like to thank the organizers and the participants for their feedback. I am particularly grateful to Alexander (Sasha) Arridge, Singa Behrens, Nathan Engel-Hawbecker, Daniel Fogal, Ulrike Heuer, Michael Moore, Christian Piller, Thomas Schmidt, and Jonathan Way for written comments on earlier drafts. Work on this paper was funded by European Union (ERC Grant 101040439, REASONS F1RST). Views and opinions expressed are however those of the author only and do not necessarily reflect those of the European Union or the European Research Council Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

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