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GOD AND THE MORAL ORDER: A REPLY TO LAYMAN

Peter Byrne

C. Stephen Layman has argued that, if there is no God, there will be circumstances in which we have most reason not to do as morality requires. This is a *reductio* of naturalism, given that the naturalist accepts that morality is always overriding. This reply contends that Layman's *reductio* fails, because: (1) the circumstances in which morality does not override will be rare on Layman's own analysis; (2) the cases used to support his argument can be re-described as ones in which conventional moral rules are set aside, but morality is not; (3) he fails to consider from what standpoint an agent judges clashes between morality and self-interest.

I

In vol. 19 of this journal C. Stephen Layman defends the thesis that, in the absence of belief in God and an after-life, morality is beset by a species of incoherence.¹ This incoherence entails that, if morality is a rational enterprise, God must exist and an afterlife must await us.

Layman summarizes his argument thus:

1. In every actual case, one has most reason to do what is morally required.
2. If there is no God and no life after death, then there are cases in which morality requires that one make a great sacrifice that confers relatively modest benefits (or prevents relatively modest harms).
3. If in a given case one must make a great sacrifice in order to do what is morally required, but the sacrifice confers relatively modest benefits (or prevents relatively modest harms), then one does not have most reason to do what is morally required.
4. Therefore, if there is no God and no life after death, then in some cases one does not have most reason to do what is morally required.
5. Therefore, given (1) and (4), "There is no God and no life after death" is false.

(5) only entails that either there is a God or there is no life after death. Further argument is then offered for concluding that, if there is a life after death whose character supplies the grounds for the truth that one always



has most reason to do what is morally required, then it is because there is a God who is responsible for the moral order thus established.

Examples support Layman's argument. A central one concerns an agent, Ms Poore, who is in deep poverty and who has the opportunity to steal money from someone else. The potential thief is in dire straits and needs funds to fulfil basic human needs (she is ill, poorly housed and so forth). The victim of the theft does not need the money and will not be substantially harmed by the loss of this sum. In the absence of God and an afterlife, Ms Poore has no overwhelming reason to obey the relevant moral rules and therefore (1) is false.

Layman is at pains to defend his argument from the following counter to his examples: it is true by definition that morality is overriding. Some might object: to note that morality tells Ms Poore not to steal *is* to note that she has greatest reason not to steal. Layman responds that, if it is true that we have overriding reasons for being guided by moral claims, then this is not true by definition—as the case of Ms Poore seems to demonstrate. Layman states that such hypothetical examples show that “we lack good reason to think that ‘Moral reasons are overriding’ is a necessary truth” (311). In truth, he does not need to say this. If it is a necessary truth that there is a God with the attributes traditionally assigned (and necessarily true that this God establishes a providential order in things), then “moral reasons are overriding” will likewise be necessary.² But it will be a substantive necessity and one that is derived from necessary truths about the existence and character of a deity. What Layman needs to object to is the claim that “Moral reasons are overriding” is a trivial, definitional truth.

II

Layman's argument in support of premise (1) consists in an appeal to our intuitions. If we believe that someone in doing an act was doing his/her duty would we not assume that the act was fully justified on this basis? We just take it that if an act is someone's moral duty, then (but not on definitional grounds—see above) that person has overriding reasons to do it. If we deny this, then we must be prepared to admit that in some cases the answer to the question “Why should I be moral?” is “I should not.”

One strategy of response to Layman is to accept his sub-conclusion (4) but deny (1) by contending that (4) does not demonstrate that atheism provides a real threat to the moral life. Layman's reasoning is indeed limited. The characteristics of cases such as Ms Poore's which make them allegedly clear examples of agents having good reason overall not to follow their perceptions of what is honest, right etc are just those which make them few and far between. First they are cases where there is no real victim of the wrongdoing contemplated. Ms Poore is to steal from someone who has so much that she will not be substantially harmed by the theft. Second Ms Poore is very unlikely to be caught out in her theft. So Ms Poore faces a clear clash between strong, legitimate claims of self-interest and the wrongness of theft considered in isolation from any harmful effects. From consideration of this example and others in the paper, Layman offers us this principle: “*when considerations of prudence and morality clash, if the prudential considerations are truly momentous while the results of behaving*

immorally are relatively minor, then morality does not override prudence" (308, emphasis in the original). This can be styled the principle "In extreme cases morality is not overriding."

It is so far open to the atheist to accept that there are some extreme cases in which premise (1) of Layman's argument is false. "Extreme" might seem a tendentious word in the context of this discussion. Yet Layman characterizes his own argument as questioning the "the rationality of doing what's morally required if the gains (for all affected) are relatively minor and the long-term disadvantages to the agent are momentous" (310). But this very account of the force of his examples strongly suggests that abandoning the intuition that morality always overrides is a reasonable option. It is true that on the page following the above quotation he makes the atheist's case sound desperate: "if immoral actions are sometimes backed by reasons as strong as (or stronger than) those backing the moral alternative, then the institution of morality lacks rational authority" (311). I submit that this ringing declaration does not square too well with the previous quotation from p. 310. The sentence that immediately follows on p. 311 is not so ringing: "That is, the system of morality does not have a [printed text: "does not a have"] blanket endorsement from the rational point of view." This last claim is merely the modest p. 310 statement that there are some tightly specified cases where what is morally required is not rationally required.

Layman does little, in truth, to show that "in extreme cases morality is not overriding" is terribly dangerous or poses a substantive threat to the moral life. Unless he can do this, his argument is open to a simple challenge: premise (1) is false. Given that, there would be no *reductio* of unbelief to be derived from it. He does indeed criticize Philippa Foot's argument³ for the claim that moral considerations are not always overriding. But the (alleged) badness of her argument for the conclusion does not of course show that the conclusion is false. One way of taking Layman's examples with their commentary is as a straightforward argument for the claim that moral considerations/judgements are not always overriding.

The "so what?" response of the atheist to Layman gets further strength from his paper's acceptance that there is inherent value in doing what is morally required and inherent disvalue in not doing what is morally required. Virtue, he concedes, is a benefit to those who possess it (308). He does not wish to suggest that there are no moral reasons for doing this rather than that because all reasons for action have in truth to be self-regarding (310). We can support Layman in these judgements by bringing in the Aristotelian thought that acts of virtue constitute their own ends. The good produced by virtuous action need not be wholly or mainly in its effects. Virtuous actions are not merely the means to the good, as plugging in the kettle is the means to heating the water. The good for a human being is a kind of living and acting: it is in part constituted by the acts we perform and the dispositions behind them. Virtuous, good actions are worthwhile for the sake of the activity involved in doing them. They will have ends beyond themselves. Thus an act of generosity will seek the improvement of another's lot. But such an act also constitutes its own end. It is worthwhile doing it even if it fails in its external end. So, if a naturalist follows Aristotle, she or he can say that right action is a manifestation of

the human good and as such the human good will in part exist regardless of the consequences of right action. Hence, Layman is right: there is a sense in which virtue will indeed benefit its possessor.⁴

Layman's point about the inherent good in virtuous acts thus strengthens the thought that it can only be in extreme cases that what is morally required is not rationally required, since there will always be some loss of good in doing an act contrary to the claims of right.

III

Layman's argument depends on the point that "morality is overriding" is not a definitional truth, not a trivial, linguistic necessity. Even though we can concede this for the sake of argument, there is still a problem understanding why we should not say that the example of Ms Poore is a case where someone does what is morally justified, albeit she acts in violation of a customary moral rule.

It is news from nowhere that what appear to be moral considerations do not always properly trump what appear to be non-moral ones. Moral considerations at first blush might suggest that I should currently be helping to feed children and build irrigation ditches in the Third World, rather than live the comfortable life of a Professor in southern England. But most would concede that to condemn me on this score is to ignore the fact that such self-sacrifice would be a work of supererogation rather than duty. I have an interest in my own well-being (as defined by my own projects and plans) which morality can recognize as being legitimate and as thus placing limits on the extent to which I am required to act on other moral considerations. Continuing in my profession versus selling up and going to help the indigent in Africa may look like a clash between non-moral considerations and moral ones. But at a higher level it is not, since morality grants me a legitimate interest in my good. To say that morality grants this interest is to say that my heeding to this interest is not only acceptable from a personal point of view but also from the view of what is proper and improper in the behavior of any human being as such. Judging from an impartial standpoint, there are limits to how much self-sacrifice can be *demand*ed of individuals. The judgement I make about myself could be commended from that impartial standpoint and be openly recommended to all as one that they could endorse if they were in similar circumstances. Hence we have the paradoxical conclusion: morality can judge that moral considerations (narrowly defined) can be sometimes given less weight than non-moral ones (narrowly defined).

If we accept the above reflections flowing from the notion of supererogation, we can be led by intermediate examples to see Ms Poore's actions as being backed by moral reasons. The familiar Heinz dilemma from studies of moral development shows us the obvious truth: sometimes there are decisive moral reasons for disobeying customary moral rules. Heinz needs medicines to save a gravely ill dependant. He has no money to buy them. He can only steal them from the local pharmacy. He does so, backed by higher order principles of respect for persons and the value of life which trump the conventional rule "Stealing is wrong." Now why should we not describe Ms Poore's action in precisely these terms? She needs the money

to be acquired via her act of theft for reasons morality would endorse. She is sick, indigent, poorly housed, and cut off from the possibility of flourishing as a human being. Ms Poore's state is not simply bad from the point of view of prudence. It is also bad from the point of view of morality. It is thus open to us to describe Ms Poore's decision to steal in these terms: it is a morally legitimate setting aside of a conventional moral rule, which holds only for the most part anyway, in favor of trumping moral considerations to do with human well-being. I suggest that the availability of this distinction is implicit in the key principle that Layman says his examples support and exemplify: "*when considerations of prudence and morality clash, if the prudential considerations are truly momentous while the results of behaving immorally are relatively minor, then morality does not override prudence*" (308). The application of the clause "*if the prudential considerations are truly momentous*" invites the invocation of the notions found in supererogation and in the Heinz dilemma. And that application is reinforced by the clause "*while the results of behaving immorally are relatively minor.*"

What makes Heinz's actions not an offence against morality but a recognizable result of the application of moral reason can be brought out by considering the Kantian formula "Act only on that maxim which you can at the same time will to be a universal law." Heinz's maxim is something like: "Let me steal where this is necessary to secure the well-being of others." He can will this as a universal law. That is to say, he can imagine openly recommending this maxim to others as rule that they can follow and accept. Given the generic interests of human beings, the rule stands a very good chance of being assented to as one among the many that we could all freely accept as the basis of an impartial social order.⁵ Now my suggestion is that Ms Poore's decision can also be represented in a maxim that will pass the same test. "Where stealing causes little harm to others but is necessary to ensure one's own vital interests as a human being, stealing is allowed" also stands a very good chance as a rule that could be openly recommended to others for acceptance in the same way as Heinz's maxim. It might be seen as resting on the same core intuition: the force of the rule "Do not steal" can be trumped by considerations of human well-being if they are of sufficient moment.

IV

So far we have found two problems with Layman's argument. First the atheist can accept it because its conclusion allows only of extreme cases in which we have reason to set aside the verdicts of morality. Second the atheist can respond that Layman's cases are easily described as ones in which agents have good reasons from a moral standpoint to set aside conventional moral rules. These problems stem from the fact that Layman is not running the crude moral argument for God based on the premise that moral considerations can have no weight with rational agents unless they are backed by prudential ones. Layman outlines and rejects this view (see 309–10). He states that moral reasons have their own force and that they can outweigh prudential ones (310). This entails that for prudential considerations to outweigh moral ones they have to be very strong indeed and the moral considerations they are outweighing correspondingly light.

That makes the examples few and invites us to see the prudential considerations as having significance from the moral point of view.

The above paragraph is rich in the metaphor of weighing reasons on either side of a decision. So is Layman's discussion: "what one *should* do is what one has the weightiest reasons to do" (310). Layman's way of approaching his moral argument suggests the following picture: rational agents are aware of a variety of reasons for action. They see prudential reasons vying with moral reasons. They measure whether moral reasons for doing something outweigh prudential reasons for not doing it and they follow that set of reasons which is stronger overall. Now it is time to ask the question "From what standpoint does Layman's rational agent weigh or measure reasons for action?" Layman's agents, such as Ms Poore, recognize both moral and prudential reasons. They give a certain weight to reasons of both types. When the different types of reason point in different directions, they seek to determine where the balance of reason falls and act accordingly. Such a picture implies that Layman's agents are neutral as between the dictates of morality and self-interest. Their underlying commitment is to rationality. They see rational force in both impartial and partial reasons for action. They do not commit themselves to either type of reason, to either the moral or the self-interested standpoint, but only to following the greater reason.

We should find the above puzzling. By reference to what does Ms Poore decide that reasons relating to her own well-being are greater in weight than those relating to the wrongness of theft? According to Layman, she faces the choice between stealing and living in grinding poverty for the rest of her life (307). Now one way in which that choice might present itself to her is this: "I must look to my own interest. I would be a fool if I let a few moral qualms condemn me to a life of misery." That manner of representation gives our agent seeing no non-conventional harm in theft. Alternatively the choice might present itself as one between avoiding poverty at the cost of dishonoring herself: "Yes, I could steal, but that would be dishonest and even if I were never detected, I would be dishonored thereby." That manner of representation works for an agent for whom acting immorally is simply *out*. To act contrary to conscience is to suffer harm, harm which no good fortune can wipe away. The problem with Layman's talk about weightier and stronger reasons is that it does not tell us whether Ms Poore is troubled by thoughts of dishonor, or reflections to the effect that she can only avoid poverty by becoming a thief—a status which she can never lose no matter how much she prospers.

The unclarity in the language of weighing reasons for action, and of judging which reasons are stronger than others, lies in the fact that such language implies a common, neutral means of measuring the reasons. The very contrast, however, between morality and self-interest suggests that there can be no such means. The agent is faced with a choice between points of view and perspectives. From within a point of view or perspective there can be weighing. From the standpoint of prudence the agent could weigh how likely is disclosure of the theft and how costly any consequent public disgrace might be. But from this point of view there could simply no sense in which the harm that consists in knowing the one is a thief could be felt and exist. From the perspective of morality the claims

of self-interest can indeed be registered, but there is no question of their strength being a matter of weighing in any straightforward sense. They will either be set aside with the thought that stealing is simply “out” or enter in to a consideration of what is right from an impartial or virtues-based point of view—as discussed in section III above. What remains a mystery is how any agent could measure the relative strengths of the two kinds of consideration from neither the moral or prudential point of view but from a neutral standpoint.

The above questions are a way of returning to the theme that “morality is overriding,” whilst not being analytic, may be expressive of a substantive necessity. The ground of its necessity, if we deem it be a necessity, would include this thought: moral considerations are things that call for our allegiance. If Ms Poore has given them her allegiance, then she can only cope with the clash between moral and prudential considerations in one of the two ways mentioned. She can dismiss the prudential considerations or explore the thought that her own well-being and the duties she owes to herself are of sufficient weight in this case to justify an impartial verdict that a conventional moral rule be set aside. In this latter case, her reasoning has a logic to it, that set out in section III. It is truly hard to see the logic in her reasoning on Layman’s presentation of the matter.

Ms Poore could go down another route and give her allegiance to self-interest. Faced with the practical dilemma Layman describes, Ms Poore might opt for stealing in the absence of any sense that this choice could be defended from the moral point of view. Leaving aside the possibility that this decision is but an example of weakness of will, her allegiance to morality has been tested and she has decided to give it up. Such a decision is intelligible, albeit regrettable. She has done that which she concedes is bad for a human being as such to do, that which she could not expect other human beings, judging impartially and rationally, to endorse.

V

This paper has argued that Layman’s argument from morality to God fails because premise (1) “In every actual case, one has most reason to do what is morally required” can be defended even though there is no God and no afterlife. The atheist who does not want to admit Layman’s argument as part of a cumulative case for theism (see 304–05) has room for maneuver before accepting (5) “There is no God and no life after death’ is false.”

A diagnosis of Layman’s failure to see the room for maneuver can be offered. He has rightly eschewed the crude argument for theism which is based on the premise that moral considerations can have no weight with a rational agent unless right conduct is clearly to the agent’s long term advantage. This swift argument to a rewarding and punishing God fails because it denies the possibility of genuine allegiance to moral demands. Having allowed that moral considerations motivate independent of their coincidence with prudential ones, Layman is then unable to give a full and clear characterization of how an agent can judge that moral considerations are outweighed in a given case by prudential ones. In particular, he is not able to explain how reason can come down on the side of looking after one’s own welfare in cases of apparent conflict between morality and

prudence while such a decision of reason somehow remains outside the moral sphere. Further, he has not appreciated the thought that morality/virtue is something that claims the allegiance of agents. Both these points suggest a deeper necessity than mere analyticity to the claim that morality is overriding.

Even if the analysis contained in sections III and IV of the above is rejected, it remains the case the Layman's disavowal of the crude argument from morality to God leaves the atheist with a conclusion that can be accepted without embarrassment: in extreme cases morality does not override.

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NOTES

1. C. Stephen Layman, "God and the Moral Order," *Faith and Philosophy* 19, 304–16. Subsequent references to Layman's paper are given in brackets in the text of this reply.

2. It will not then signify—see Layman 307—that we can conceive of cases in which moral reasons do not override in the absence of there being a God. This will be parallel to be our being able to conceive of triangles with internal angles adding up to 200 degrees in the absence of a knowledge of relevant geometric truths.

3. P. Foot "Are Moral Considerations Overriding?" in P. Foot *Virtues and Vices* (Berkeley and Los Angeles: University of California Press, 1978), 181–88.

4. For these thoughts about the relation between goodness and virtue see N. Sherman *The Fabric of Character*, (Oxford: Clarendon Press, 1989) 114ff. Layman's recognition that there is a good within virtuous action and not merely in its effects makes his moral argument for God's existence superior in this respect to the similar case in L. Zagzebski "Does Ethics Need God?" *Faith and Philosophy* 4, 1987, 294–303.

5. This way of understanding the test within Kant's Categorical Imperative is due to R. Green *Religious Reason* (New York: Oxford University Press, 1978).