Introduction

Murder is wrong and so is speeding on the highway, but murder is more wrong than speeding. From a moral point of view, the death of an innocent human being matters more than traffic violations. It is likewise more right to eradicate world poverty than to complete a book review on time. This is because the stakes are higher when people are starving.[1]

Be that as it may. There is also another, philosophically more interesting sense in which moral rightness and wrongness seem to come in degrees. According to the *gradualist hypothesis,* some acts are somewhat right *and* somewhat wrong. On this view, certain acts fall in a moral gray area, meaning that they are neither entirely right nor entirely wrong. Compare this to the observation that murder is more wrong than speeding. The latter comparison does not challenge the idea that every act is either right or wrong simpliciter, but the gradualist hypothesis is designed to do precisely that. Many traditional moral theories, in so far as they make claims about rightness and wrongness, are binary. In every choice situation, every act is judged to be either right or wrong but never a bit of both.The binary theory does not rule out the possibility of moral dilemmas in which all alternatives are wrong, but it rejects the possibility of dilemmas in which acts are both right and wrong.

The gradualist hypothesis (I call it a "hypothesis" because it is novel and untested) and the binary theory (it is a "theory" because it is an established view) do not exhaust logical space. A third option is to refrain from

[1] Hurka (2019) argues that both rightness and wrongness come in degrees in a sense that depends on how much moral value is at stake. He uses the terms "more seriously wrong" and "more importantly right" for characterizing these gradualist notions. Other authors have proposed similar ideas. For instance, Wedgwood (2014: 7) notes that, "[i]t might seem that in a sense the objective wrongness of acts comes in degrees: some acts are only slightly wrong, while other acts are very wrong, and so on," but he eventually rejects this proposal. Wedgwood never suggests that rightness comes in degrees. See also Eriksson (1997) and Gustafsson (2016) for discussions of utilitarianism and degrees of wrongness.

ascribing deontic properties to acts altogether.[2,3] Inspired by Aristotle, G. E. M. Anscombe argues that modern moral philosophy rests on a mistake. She writes that "the concepts of obligation, and duty – *moral* obligation and *moral* duty, that is to say – and of what is *morally* right and wrong, and of the *moral* sense of 'ought,' ought to be jettisoned if this is psychologically possible."[4] Anscombe's position is an example of what I call deontic nihilism. According to the nihilist, it is a mistake to characterize acts as right or wrong (or permissible or impermissible, or just or unjust) either because such deontic classifications are not central to moral theory, or because they are misleading. Another version of deontic nihilism, proposed by Alastair Norcross, holds that some acts are better or worse than their alternatives, but never right or wrong, or right or wrong to a degree.[5]

If we believe that some acts are somewhat right and somewhat wrong in the sense articulated by the gradualist hypothesis, this may have profound implications for how we think about critical real-world issues. Consider, for instance, the teenage girl Ana. At the age of seventeen, she got pregnant but eventually decided to have an abortion. In an interview six years later, she described the circumstances that influenced her decision as follows:

> *New York, 2007*
> Unlike many Latinos, we're not religious. My parents are progressive and always said I needed an education. It was my senior year of high school. My boyfriend was homeless. I bought a pregnancy test at Duane Reade and went to the bathroom in the middle of class. I sort of panicked but also thought, *Let me get back to this tomorrow.* On the train going home, I saw a sign. In my daze, all I saw was abortion. It was one of those places where they convince you to keep the baby. They showed me the ultrasound, but I wasn't falling for that. Later, I went to see a counselor, and she made an appointment at Planned Parenthood. I had it on a Friday so I could recover for school. On Monday, I found a note on my bed—my boyfriend had left for California. When I got pregnant later that year, I was in Argentina. Abortion's illegal there. I drove around with a doctor looking for someone who would do it. I can't even say why I decided to keep the baby. I didn't want an illegal abortion. And I was in love, I guess. I didn't think I could go to college with a kid, but I'm graduating this year.[6]

[2] By "deontic property" I mean an act's property of being morally right, wrong, or somewhat right and somewhat wrong. Examples of influential views committed to the binary theory are Ross (1930), Nozick (1974), Scanlon (2000), Dancy (2004), and Kamm (2008), as well as many versions of consequentialism.
[3] There are several additional, logically possible but less plausible views. One example is the suggestion that all acts have one and the same deontic property (say, right).
[4] Anscombe (1958: 1).
[5] See Norcross (2006, 2020).
[6] In Winter (2013).

Did Ana act wrongly? The debate over abortion is deeply polarized. For quite some time moral philosophers and members of the public have debated, often in a very combative manner, whether abortion can ever be morally right. Some believe it is always wrong for a pregnant woman to abort her fetus, while others vehemently reject this conclusion.

Ana's story illustrates how abstract philosophical claims about the structure of moral judgments can alter the way we think about important ethical issues. Instead of concluding that Ana's act was wrong, or right, the gradualist hypothesis brings to light a third possibility: some abortions might be somewhat right and somewhat wrong. If so, the choice between pro-life and pro-choice might be too blunt. We could, it seems, depolarize the debate by articulating a third, more nuanced alternative. According to this gradualist analysis, the moral complexity of the abortion issue warrants a verdict that does justice to all relevant moral considerations. Such a gradualist verdict may eventually enable us to find common ground that would otherwise be beyond reach.

The gradualist hypothesis can, of course, be applied to other moral controversies as well. Binary disagreements over nuclear power, capital punishment, human cloning, military drones, and censorship on the Internet can be softened by introducing gradualist verdicts. The wide scope of the gradualist hypothesis is a strength, not a weakness. Moreover, in so far as philosophical theories can influence political discussions, the gradualist hypothesis might also be instrumental for depolarizing contentious political debates. Deep partisan divides in the United States and elsewhere have created a polarized political environment which the gradualist hypothesis could help defuse by introducing middle ground positions that may appeal to many voters.

Gradualism about Right and Wrong

By definition, a *gradualist* is someone who accepts the gradualist hypothesis. Before we discuss the pros and cons of this hypothesis, it is helpful to clarify what gradualists believe and do not believe.

Gradualists make a semantic claim about the meaning of certain words, but they also believe that some acts *are* a bit right and a bit wrong. The latter point is a first-order normative claim. Consider the following analogy: UNICORN (capitalized to indicate that we are talking about the concept and not the entity it refers to) means "horse with a single straight horn," but this does not entail that there *are* any unicorns in the world. If no horse is equipped with the right kind of horn, then unicorns do not exist. This suggests that the gradualist hypothesis is best understood as a conjunction

of two claims. The first is the semantic claim that deontic concepts such as RIGHT and WRONG are gradable, meaning that our moral language includes, and should include, concepts such as SOMEWHAT RIGHT, A BIT WRONG, and ALMOST ENTIRELY RIGHT. The second claim is the first-order normative claim that some acts do in fact have deontic properties singled out by gradable deontic concepts.

Deontic concepts are concepts that tell us what to do, whereas evaluative (or axiological) concepts such as GOOD and BAD assess the worth of things.[7] It is widely agreed that evaluative concepts are gradable, but according to the gradualist hypothesis, this is true for deontic concepts as well. Consider the following definition of the gradualist hypothesis:

> *The gradualist hypothesis* $=_{df}$ Our moral language includes, and should include, gradable deontic concepts such as SOMEWHAT RIGHT, A BIT WRONG, and ALMOST ENTIRELY RIGHT, and some acts we perform can be accurately described by these and other gradable deontic concepts.

It is best to not say anything at this point about how *many* gradable deontic concepts there are. Some gradualists may insist that there are infinitely many shades of moral gray, while others might think that the number is finite. It is also worth keeping in mind that words and concepts are, of course, different things. The words "somewhat right" and "a bit right" are not the same, but SOMEWHAT RIGHT and A BIT RIGHT could nevertheless be the same concept. Meaning tracks use, and as indicated by data reported in Chapter 1, "somewhat right" is often used interchangeably with "a bit right." This indicates that these phrases are likely to express synonymous concepts, so I will use both expressions for referring to the same idea. However, note that nothing important hinges on this. If further investigations reveal that SOMEWHAT RIGHT and A BIT RIGHT have different meanings, the gradualist should of course stop treating them as synonyms.

Another potentially contentious issue concerns the deontic concepts PERMISSIBLE and IMPERMISSIBLE. In some fields, such as deontic logic and philosophy of law, it is common to distinguish between permissible and impermissible acts rather than right and wrong ones, but even though the words "permissible" and "right" may have slightly different connotations, I will nonetheless accept the common stipulation that an act is permissible if and only if it is right, impermissible if and only if it is

[7] For a helpful overview of the distinction between deontic and evaluative concepts and properties, see Tappolett (2013).

wrong, and obligatory if and only if it is the only right option.[8] My reason for this is pragmatic as this significantly simplifies the presentation. So, to say that an act is somewhat permissible is equivalent to saying that it is somewhat right, and so on.

Advocates of the binary theory deny the semantic part of the gradualist hypothesis, and hence also the normative claim that some acts are somewhat right and somewhat wrong. According to the binary theory, RIGHT and WRONG (and PERMISSIBLE and IMPERMISSIBLE) do not permit of degrees. This is, of course, consistent with the idea that some acts may lack deontic properties altogether. The choice between using your left or right hand to open a door is, perhaps, not a moral choice. If so, neither option is right or wrong. This indicates that it might be a mistake to define the binary theory as the claim that *every* act is either right or wrong. The following definition is designed to be sensitive to this concern, without taking any definitive stand on its merits. (Mainstream consequentialists would of course insist that every act is either right or wrong because all acts have outcomes that can be ranked.[9])

> *The binary theory* $=_{df}$ Deontic concepts such as RIGHT and WRONG do not permit of degrees, meaning that no act could be somewhat right and somewhat wrong. Every act, if it has any deontic property at all, is either right or wrong.

This definition clarifies the disagreement between gradualists and those who defend the binary theory. I have less to say about deontic nihilism. This is partly because the nihilist approach to ethics is so fundamentally different. Consider, for instance, the virtue ethicist who believes that it is a mistake to evaluate acts as right or wrong because the central question in ethics is to identify character traits that make us flourish.[10] If I could show this to be false, then that would be worthy of more attention than the dispute between gradualists and binary theorists. For this reason, I leave it to others to discuss the pros and cons of deontic nihilism. However, I will mention some versions of deontic nihilism when that is helpful for understanding the gradualist hypothesis. For instance, the scalar consequentialist view proposed by Alasdair Norcross holds that acts should be ranked as

[8] See, for example, Tännsjö (1998: 51 ff).
[9] As explained on p. 8, this holds true even if the ranking is incomplete.
[10] While I take this to be the dominant view in the literature, it is worth keeping in mind that some modern virtue ethicists disagree. For instance, Hursthouse (1999: 18) claims that "An action is right iff it is what a virtuous agent would characteristically do in the circumstances," and Slote (2001) presents an alternative criterion of rightness for virtue ethicists.

better or worse in accordance with their consequences, but never as right or wrong simpliciter. This view shares some ground with the gradualist hypothesis, which makes it worth discussing.[11]

It is also worth keeping in mind that deontic nihilism is a big tent with somewhat fuzzy boundaries. Consider, for instance, J. L. Mackie's error theory.[12] The error theorist is willing to admit that people *say* that acts are right or wrong, but insists that all moral statements are false. Hence, "this act is right," "this act is wrong," and "this act is somewhat right and somewhat wrong" are all false, no matter what features the act has. The problem is that the same is true of the nihilist statement "this act has no deontic status." Because the error theory rejects its central claim, it would be odd to classify the error theory as a version of deontic nihilism. In fact, the error theory rejects the central claims of *all* major positions in this debate, that is, the binary theory, the gradualist hypothesis, and the nihilist theory. A possible way out could be to treat the error theory as a separate position that makes *no* claim about the deontic status of any act.

Three Central Questions

Depolarizing ethical and political debates by introducing gradualist positions is desirable for obvious instrumental reasons, which I shall not dwell on here, but first and foremost because the gradualist hypothesis is interesting in its own right. I will focus on three questions: What does it *mean* to say that RIGHT and WRONG permit of degrees? What are the best *reasons* for accepting (or rejecting) the gradualist hypothesis? And what should a morally conscientious agent *do* if forced to choose among alternatives that are somewhat right and somewhat wrong?[13]

A natural answer to the first question is that we should interpret the gradualist hypothesis as a claim about moral indeterminacy or vagueness. Vagueness is a subspecies of indeterminacy: a concept is vague if is indeterminate and is susceptible to a sorites series, that is, if there exists a sequence of similar cases in which there is no sharp boundary between correct and incorrect applications of the concept. Philosophers have argued

[11] See p. 98 ff.
[12] Mackie (1977).
[13] A morally conscientious agent is motivated entirely by moral concerns and always performs acts that are optimal means to the end of acting morally.

that numerous deontic concepts, including RIGHT, WRONG, PERMISSIBLE, and IMPERMISSIBLE are vague in this sense.[14] For instance, Tom Dougherty asks us to consider how late a noisy party may go on. He suggests that it is determinately not wrong to make noise at 8 pm, and determinately wrong to do so at 3 am, but indeterminately wrong to make noise at 12 am. He also notes that this type of moral vagueness is problematic because it leaves us in a deliberative limbo.[15] Would it, for instance, be wrong for a neighbor to complain about the noise at 12 am? Dougherty notes that we might sometimes be able to eliminate moral vagueness by introducing new social conventions: "If the residents universally come to accept the 12 am parties, and common knowledge arises about this universal acceptance, then these parties do actually become morally acceptable."[16] However, not all instances of moral vagueness can be eliminated in this manner, as illustrated by the debate over abortion. It would be overly optimistic to think that it is possible to broker peace between pro-choicers and pro-lifers by simply introducing new social conventions. Their disagreement is much deeper than so.

Miriam Schoenfield notes that, "we can create a sorites series, admitting of borderline cases of permissibility, out of a series of abortions in which the fetus' age differ by a day (or a minute, or a second)."[17] Interestingly, she claims that "the only satisfactory account of moral vagueness is an ontic account."[18] In her view, moral vagueness would thus persist even if we were omniscient and spoke a perfect language. However, advocates of the gradualist hypothesis do not *have* to make any claim about moral vagueness. Rightness could vary in degrees in ways that do not require any vagueness. To account for such cases, we could simply add a moral concept between RIGHT and WRONG, which we could call SOMEWHAT RIGHT AND SOMEWHAT WRONG. Just like vagueness, this kind of moral indeterminacy could be ontic, epistemic, or semantic. The key difference would be that the transition from RIGHT to SOMEWHAT RIGHT AND SOMEWHAT WRONG would be discrete, meaning that there is no sorites series. In Chapter 5, I discuss these and other forms of moral indeterminacy and vagueness in detail.

[14] See, for example, Constantinescu (2014), Dougherty (2014, 2016), Schoenfield (2016), and Williams (2017).
[15] Dougherty (2016: 448).
[16] Ibid., p. 459.
[17] Schoenfield (2016: 263).
[18] Ibid.

The gradualist hypothesis differs in important respects from the familiar idea that moral values come in degrees. Everyone agrees that some good entities are better than other, less good entities, and that some entities are both a bit good and a bit bad at the same time. For instance, Mozart's opera *The Magic Flute* is good (because the music is great) but it is also somewhat bad (because the libretto is weak), but it is not as good as *The Marriage of Figaro* (because both its music and libretto are better). Another example is Castro's transformation of Cuba into a nondemocratic communist state. Castro's revolution was bad to a high degree (because human rights were violated on countless occasions), but the revolution was also good to *some* degree (because it led to significant improvements in healthcare and education for the poor).

The observation that evaluative concepts permit of degrees does not support the gradualist hypothesis.[19] This is so even if we believe that some moral values are on a par or incomparable. (The notion of parity I have in mind is that proposed by Ruth Chang.[20]) Imagine, for instance, that it is right to perform an act just in case the total balance of moral value produced by the act is *not determinately less* than that of any alternative act. If so, all non-defeated alternatives would be right simpliciter, regardless of whether the relevant values are on a par, incomparable, or fully comparable. If we instead believe that it is wrong simpliciter to perform every act that is *not determinately at least as good as* every alternative, this would offer no more support for the gradualist hypothesis. Both these analyses are compatible with traditional binary accounts of RIGHT and WRONG and do not support the gradualist hypothesis.

Origins of the Gradualist Hypothesis

The gradualist hypothesis is of recent origin. John Stuart Mill writes that "The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that acts are right *in proportion* as they tend to promote happiness, wrong as they tend to produce the reverse of happiness."[21] If we read this literally, it follows that acts that

[19] For a recent attempt to define a binary notion of "ought" in terms of "better," see chapter eight in Lassiter (2017). Lassiter does not discuss the gradualist hypothesis.

[20] Chang (2002) suggests that two items are on a par if and only if they are commensurable but not equally good, and neither item is better nor worse than the other. That two items are incommensurable means that no positive value relation holds between them, that is, it is false that one is better than the other, and it is also false that they are equally good or on a par.

[21] Mill (1863: 9), my emphasis.

Table 0.1 *Multidimensional consequentialists believe that B is more right than A and C, but not entirely right*

Act	Alice's wellbeing	Bob's wellbeing
A	99	1
B	50	49
C	0	0

produce half as much happiness as the optimal alternative(s) are half-right, and so on. However, Mill's gradualism seems to have been a slip of the tongue. In the rest of his writings, he never discusses this implicit notion of degrees of rightness, and he never uses the idea that rightness comes in degrees for supporting other claims, or for rebutting objections to his utilitarian theory.

The standard view among contemporary consequentialists is that an act is right just in case no alternative brings about better consequences, and that every act that is not right is wrong. This criterion is incompatible with the gradualist hypothesis. No matter what the consequences are, every act will either be right or wrong simpliciter. This holds true even if the best consequences are incomparable or on a par, because in that case the consequences are *not worse* than those of any alternative, meaning that each such acts is right. That said, some nontraditional consequentialist theories do allow for gradable notions of RIGHT and WRONG. According to the multidimensional account of consequentialism defended in my *Dimensions of Consequentialism*, an act's rightness or wrongness depends on several irreducible aspects, for example, the total wellbeing produced by the act *and* how wellbeing is distributed in society.[22] According to the multidimensional theory, moral rightness comes in degrees whenever no act is optimal with respect to all moral aspects. Suppose, for instance, that total wellbeing and equality are two separate moral aspects.[23] In the example in Table 0.1, act A is optimal with respect to total wellbeing but scores poorly with respect to equality.[24] The opposite is true of C. Act B is not optimal with respect to any of the two aspects, but scores quite well with respect to both. Multidimensional consequentialists believe that all three alternatives are somewhat right and somewhat wrong, but B is

[22] See Peterson (2013) for a detailed discussion of this proposal.
[23] For a definition of the term "moral aspect," see chapter one in Peterson (2013).
[24] Ibid., p. 13.

right to a *higher degree* than A and C. Multidimensional consequentialists might, for instance, conclude that B is almost entirely right (right to degree 0.99 on a scale from 0 to 1) while A and C are, roughly speaking, half right and half wrong (right to degree 0.5).

Some deontologists also accept the idea that RIGHT and WRONG permit of degrees. In *Moral Uncertainty and Its Consequences*, Ted Lockhart claims that "actions come in varying degrees of moral rightness between 'right' and 'wrong'."[25] He argues that this view is particularly attractive for those who accept W.D. Ross' theory of prima facie duties:

> Even for some deontological theories, we have no great difficulty entertaining a many-valued concept of moral rightness. A prima facie duties theory, for example, may readily regard actions that, ceteris paribus, accord with more prima facie duties than others as having greater moral rightness. Moreover, for some prima facie duties, it seems that we can conform to or violate them to greater or lesser degrees. Examples of such duties in W. D. Ross' theory include beneficence, nonmaleficence, and justice.[26]

Lockhart's proposal is a revisionary extension of Ross' theory, which Ross himself would not accept. Ross is committed to what Lawlor calls a "threshold account" of rightness, just as mainstream consequentialists: Acts that have the right kind of properties make it across the threshold, and those acts are right (or permissible) simpliciter.[27] All other acts are wrong. For mainstream consequentialists, the threshold property is that of having optimal consequences, and for Ross the threshold property is to be fitting to perform in light of all applicable prima facie duties.

Somewhat surprisingly, Lockhart's own theory is a hybrid view that collapses into a threshold account when only two alternatives are available:

> *x* has greater degree of moral rightness than *y* in situation *S* for agent *A* just in case, if *x* and *y* were the only alternatives open to *A* in *S*, then *x* would be morally right for *A* in *S* and *y* would be morally wrong for *A* in *S*.[28]

Lockhart's thesis is compatible with Hurka's common sense version of gradualism mentioned in footnote one, as well as with Mill's gradualist account of utilitarianism. However, as pointed out by Campbell Brown, Lockhart's reductive analysis is unable to compare degrees of rightness across different situations: "a person who uses her mobile phone while

[25] Lockhart (2000: 75).
[26] Ibid., p. 80
[27] Lawlor (2009).
[28] Lockhart (2000: 81).