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**Deliberative Restriction and Professional Roles**

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When you act in a professional capacity, this can restrict what properly features in the deliberation that guides your action. If you are a paramedic, you should concentrate on performing accurate first aid procedures, and not dwell on your patient’s distress. If you are a member of an appointment committee, your deliberation in ranking the candidates should focus on assessing their qualifications, not on how they will react to your decision. And if you have been appointed as a teacher of Philosophy, your teaching should be guided by deliberation concerning what will best educate your students about Philosophy, not some other interesting subject.

These are all cases where your professional role restricts the considerations that properly feature as reasons in the deliberative thought through which your action is guided. However, they illustrate three different ways in which that can be true. A professional role can restrict which reasons properly *feature in deliberation*; it can restrict which considerations actually *qualify as reasons*; or it can restrict the reasons by which it is appropriate for your *action to be guided*. The first aid example illustrates the first of these possibilities, the job committee example the second, and the teaching example the third. The aim of this essay is to explain the difference between these three kinds of case, to examine its importance, and to ask what reasons there are for assigning a given professional action to one of these three categories rather than another.

It will be helpful to have names for the three different kinds of deliberative restriction. The first involves what I shall call a *disregardable reason*. If we follow the practice of saying that a normative reason for an action is a fact that counts in its favour, then disregardable reasons have this form:

Fact *F* is a reason for action *A*, but *F* should not feature in your deliberative thought about *A*.

The clearest cases of disregardable reasons are those which it is distracting or disturbing to think about – so that thinking about them gets in the way of doing what they recommend. If you are crossing a flimsy rope bridge over a crocodile-infested river, the unpleasant consequences of falling off certainly do count in favour of walking across safely, but if thinking about those consequences will make you unsteady, you had better not do that. I think the first aid case has this kind of structure. The injured person’s distress is a reason for helping him, but the best way to deliver competent help may require not thinking about that reason.[[1]](#endnote-1)

My name for the second kind of case is *context-undermining*.[[2]](#endnote-2) Here, there is a different structure:

Fact *F* is a reason for actions of type *A* in other contexts, but contextual fact *C* prevents *F* from being a reason for *A* in *this* context.

The job committee example is of this second type. When you have a discretionary good to confer, the fact that Smiley will be more pleased than Dower to receive it is often a reason for giving it to Smiley – but not in the context of a job committee, when the good in question is the offer of a job.[[3]](#endnote-3) The professional context functions as an underminer: it is a contextual fact that deprives another fact (that Smiley will be more pleased) of the reason-giving status it has in other contexts.

The third kind of case has a name already. Following Joseph Raz, we can say that *F* is an *excluded reason* when we have this structure:

Fact *F* is a reason for action *A*, but fact *E* is a decisive reason not to be guided by *F* in *A*-ing.

*E*’s being a reason not to be guided by *F* is its being an “exclusionary reason” with respect to *F*: when the exclusionary reason *E* is decisive, we can say that *F* is an excluded reason.[[4]](#endnote-4) Raz gives the example of the soldier Jeremy, who is ordered by his commander to appropriate a tradesman’s van. The inconvenience to the tradesman (*F*) is a reason not to take his van, but the commander’s order *(E*) is a decisive reason for Jeremy not to be guided by *F* in acting. The teaching example shares this structure. If I know a lot about Chinese history, then that is a reason to educate my students about Chinese history, but if I have been appointed to teach Philosophy, then I have a reason of obedience to my university which, like Jeremy’s reason of obedience to his commander, plays an exclusionary role.

Notice the difference between these three structures. A reason for *A* that is disregardable or excluded is still a reason for *A*; but a consideration that is subject to context-undermining is not – it has lost that status. Discussions of Raz sometimes miss this point, running together reasons-exclusion and context-undermining.[[5]](#endnote-5) In Raz’s example, the order Jeremy has received does not prevent the inconvenience to the tradesman from being a reason against taking his van: what the order affects is whether Jeremy ought to *act for* that reason. Moreover, a reason’s being disregardable and its being excluded are not the same thing.[[6]](#endnote-6) In another of Raz’s examples, the tired investor Ann is presented at the end of a stressful day with the opportunity to make an investment decision with a deadline of midnight, but cannot trust her own judgement about the merits of the investment. The facts about the investment that make it financially advantageous are reasons for making it; but Ann’s exhausted state counts against guiding her action through an assessment of those reasons: they are excluded. However, Raz points out that if Ann is looking for some way to occupy her evening, there is nothing wrong with doing so by weighing up the pros and cons of her investment opportunity.[[7]](#endnote-7) Her exhausted state is not a reason against engaging in deliberative thought about the reasons for and against the investment; it is a reason against allowing such thought to guide her action.[[8]](#endnote-8) So the reasons for making the investment, although excluded, are not disregardable. And conversely, a reason that is disregardable need not be excluded from guiding your action. In the rope-bridge example, you do need your action to be guided in a way that minimizes the danger to you; but this requires you to keep that reason away from the forefront of your thought.

The tasks in what follows will be to defend and extend these claims – explaining the three-way distinction more fully, investigating the further subtypes that can be found within each of the three classes, and examining their application to the normative ethics of professional roles. I shall work through the different cases in turn, starting with disregardable reasons (in Section I), then turning to context-undermining (in Sections II-III), before considering three distinct sources of Razian reasons-exclusion (in Sections IV-VII). Two sources of reasons-exclusion are relationships of authority, illustrated by Jeremy, and circumstances of self-mistrust, illustrated by Ann. In Raz’s original discussion of reasons-exclusion, he also gives the example of the conscientious parent Colin, who is concerned about the example he will set if he sends his son to an expensive school, but promises his wife to base his decision only on the son’s interests: this illustrates a third source, which I call “task-based commitment”. My aim will be to show that all of these different possibilities have important professional applications, and that the differences between them are instructive.

**I: Disregardable Reasons**

A fact gives you what I am calling a disregardable reason when it *is* a reason for performing an action, but should not feature in your deliberative thought about that action. Explanations of this could come from many directions: I could promise not to let a certain reason feature in my deliberative thought, or you could threaten me with dire consequences if I do. However, the most interesting cases of disregardable reasons – and the ones most relevant to professional life – are those where doing what a reason itself recommends requires you not to let that reason enter your deliberation. These cases can have various explanations: here, I examine five.

In a first kind of case, what deliberation impedes is accurate physical performance. The rope-bridge example illustrated this. We find professional applications of this in military (aiming a weapon), artistic (playing an instrument), sporting (throwing a pass), and medical fields (taking a blood sample). Here, deliberation is an obstacle because the skill in question is too fine-grained to be accurately controlled by it.[[9]](#endnote-9) It is only in rare circumstances that deliberating about how to exercise motor control is a help rather than a hindrance.

In a second class of cases, swift decision-making is needed. A trained firefighter making intuitive judgements about the safety of a burning building is one well-studied example of this;[[10]](#endnote-10) another is the use of weapons by police.[[11]](#endnote-11) In these cases, an apparent threat must be addressed immediately: deliberation is an obstacle to doing so because there is not enough time for it.

A third class involves correcting for bias. An athlete or soldier will reach a higher standard of physical conditioning by leaving judgements about when to stop training to an instructor. The pain and discomfort is a reason to stop, but one whose insistence in claiming attention makes it easy to exaggerate. Clamorous reasons like these can be better disregarded when deliberation about them is likely to misjudge their strength.

In all of these cases, it is possible for skilled practitioners to be guided by reasons that do not feature in their deliberative thought. Their skilled action can track the relevant reasons, non-accidentally conforming with them, without requiring an episode of deliberation in which those reasons feature. A seasoned firefighter who develops reliable premonitions of danger acquires a sensitivity to dangerous features of the environment that are good reasons for the action of evacuating a building – a sensitivity that can be exercised without deliberation.[[12]](#endnote-12) Here, the non-deliberative guidance of actions by reasons is apparently achieved by routinizing the skill in question so that it passes from the laborious supervision of our brain’s deliberative “System 2” to the more fluent, automated control of its “System 1”.[[13]](#endnote-13) Another way to achieve this is through attentional self-control, as in the rope-bridge example. In an unfamiliar situation, there will have been no question of routinizing the skills you need, but through attentional self-control you may still be able to achieve the emotional self-control that is necessary to prevent your emotional response to the alarming reasons bearing on your situation from impairing your physical performance.[[14]](#endnote-14)

In the same way, attentional self-control can also be necessary to facilitate accurate mental performance, giving us a fourth class of cases. For a professional example, think of airline pilots, who train in simulators to handle stressful emergencies. Part of what is impressive about the skills acquired through this training is the attentional self-control required for the methodical solving of technical problems under conditions of stress that naturally produce emotional triggers tending to disrupt this kind of thought.[[15]](#endnote-15)

This might seem to involve the opposite of disregardable reasons. The pilot, one might insist, is being trained *to deliberate* in a stressful emergency, instead of reacting emotionally. However, while that is true enough, it does not prevent this case from involving a disregardable reason. Emotions are intentional, object-directed states: they respond, fittingly or otherwise, to the way we take their objects to be. When the object *is* the way we take it to be we are responding to a fact about it, and when the emotion is fitting, the fact is a reason for the emotion.[[16]](#endnote-16) Danger is a reason for fear; loss, a reason for sadness. Emotions are typically evoked by a vivid awareness of the reasons that support them. When a pilot is confronted with a serious malfunction, the fact that everyone on board is at risk of dying a violent death is a very strong reason for correcting the malfunction: it is also a reason for terror. Giving *that* reason prominence in one’s deliberative thought thus risks generating emotions that are obstacles to the exercise of the necessary competence. So it makes sense to train one’s attentional self-control to avoid attending to this reason, in order to do what it recommends.

Therefore, this case does, after all, meet the description of a disregardable reason. And the same point has a more general application – in particular, to the caring professions, such as nursing. If you are a paediatric nurse, the facts about how a child’s suffering feels are reasons to provide both comfort and competent medical care. Those facts are also reasons to be upset. But, if bringing those facts vividly to mind will evoke an emotional response that compromises the competence of one’s care, there are good reasons for exercising emotional self-control; and one way to do that is through the attentional self-control that refrains from bringing these facts vividly to mind.

That gives us four different explanations of why doing what a reason recommends can require disregarding it in deliberative thought: this can be required for accurate physical performance, swift decision-making, correcting for bias, and accurate mental performance. A further, fifth explanation is also important in connection with the caring professions. Emotional and, therefore, attentional self-control can be needed in order to avoid burnout – that is, in order to sustain professional competence over the course of a career.[[17]](#endnote-17) That is another way in which keeping the full force of the reason-providing facts about others’ welfare from the forefront of one’s attention can be required in order to serve it with professional competence.

This way of understanding emotional self-control in the caring professions helps to explain why working to attain it is a significant challenge and attaining it an impressive achievement. When reasons call to be disregarded, this does not make them unimportant: on the contrary, it can be because they are very important that they risk overwhelming our attention and making it difficult to act effectively. But this carries with it a converse danger. When emotional self-control is exercised without a sensitivity to the welfare-promoting reasons that make it important, the result can be a “clinical” coldness that secures medical competence without comfort. That is a loss, because the disregardable reason still speaks against it.

**II: Context-Undermining**

The second of our three main kinds of deliberative restriction comes from context-undermining. To examine this, we can start with a fiduciary example. Suppose you are a lawyer who is appointed as the trustee of a fund, and I am the designated beneficiary. When you act in this fiduciary role, there is a restriction on the ways in which you can properly deliberate. When deciding what to do with the money you hold in trust, you should not proceed by weighing the interests of yourself and your relatives on the one hand, against my interests on the other. Deliberating in this way would be unprofessional, even if you concluded that the latter reasons were weightier, and spent the money on me. Then you would not have *acted* corruptly, but you would still have failed to conduct yourself as you should. The interests of yourself and your relatives are not eligible to feature in your deliberation at all.

This is not convincingly explained by assimilating it to the cases we have just been discussing, as a disregardable reason. This time, we should not say that your relatives’ interests really are relevant as reasons bearing on what you should do with the money, but that you must prevent them from featuring in your deliberative thought in order to enable your action to be more effectively guided by those reasons. Instead, we should say that they are irrelevant. In other contexts, your relatives’ welfare counts in favour of the actions that will benefit them; but not in the context of a fiduciary role. This kind of role is a context-underminer: it prevents facts about the promotion of your relatives’ welfare, which elsewhere have the status of reasons for actions of benefiting them, from having that status here.

To explain this, we can begin by saying that when you act as my trustee, you act on *my* behalf, rather than your own. So it is *my* interests, priorities and attachments that bear as reasons on how you spend money as my trustee, not yours. But that is only approximately right.[[18]](#endnote-18) After all, there are agent-neutral reasons for me to promote anyone’s welfare, including your relatives’. So when we say that in acting as my trustee you exercise my agency, this does not fully explain why your relatives’ interests are disqualified as reasons. What needs to be added is that fiduciary agency is not just agency on another’s behalf – it is agency that is restricted to furthering a subset of the beneficiary’s interests (a subset that is specified in the fiduciary agreement you make).[[19]](#endnote-19) When you agree to act as my trustee, it is this kind of fiduciary agency that you are promising to exercise. This is not to say that the reasons bearing on your fiduciary agency are confined exclusively to facts about my interests. The fiduciary agency you can legitimately promise to exercise is constrained by other morally relevant reasons. You cannot acquire a moral obligation to treat other people unjustly for my benefit, merely by promising to do so. But you can acquire an obligation to exercise a kind of agency on which a restricted range of reasons bears.

That gives us one professional application of context-undermining, to the fiduciary roles explicitly undertaken by some professionals. However, there is a broader range of cases to which a corresponding treatment applies.

Another kind of application is found in the job committee example with which I began. Here, you act on behalf of an institution – exercising *its* agency – and this restricts the reasons that bear on how you discharge your institutional role. It is not that you are literally acting as a trustee of the institution; but you are acting on *its* behalf, not your own, and this again plays a context-undermining role. There are many contexts in which Smiley’s pleasure is a reason for actions that promote it; but in a context in which you are acting in your institutional role on the committee, it lacks the status of a reason for you to rank him more highly as a candidate for the job.

For a third kind of case, consider acting as a doctor. If, in considering whether to recommend surgery to your patients, you deliberate by weighing up their medical needs against the financial inducements offered by the implant manufacturer, you are deliberating badly, even if you conclude that the medical reasons prevail. It is wrong to think that the financial benefit to you is outweighed: it is medically irrelevant. This time, the point cannot be expressed by saying that you have been entrusted with exercising the agency of another agent. However, in presenting yourself as a doctor, you are assuring your patients that you will exercise a particular kind of agency – the agency of someone acting in the capacity of a doctor. On actions performed in that capacity, the only considerations that have a bearing as reasons are medical reasons. As in the previous cases, your professional role specifies a certain kind of agency, and the reasons bearing on the exercise of that kind of agency are restricted.

To say this is not to be committed to an absolutism about professional probity. There could presumably be circumstances of supreme emergency in which the trust attached to a professional role must be betrayed for some more important end. But that can be allowed for as follows. Professional roles such as the three just described involve the exercise of a specific kind of agency – fiduciary, institutional, medical – on the exercise of which a restricted range of reasons bears. In presenting yourself as the occupant of such a role, you are promising (implicitly or explicitly) to exercise that agency. As with a promise of any other kind, there are conceivably circumstances in which such a promise must be broken, justifiably infringing the duty created by the promise. But when the circumstances are not exceptional, and you should keep your promise, you keep it by exercising a kind of agency on which a restricted range of reasons bears. In an emergency case, you may have to ask, “Should I deceptively act like a doctor?” But that is a different question from, “How should I act as a doctor?” On the latter question, only medical reasons bear.

**III: Why Context-Undermining?**

That sets out my interpretation of fiduciary, institutional and medical agency: they give us cases of context-undermining, in which the professional context deprives personal considerations of the reason-giving status they would otherwise have.

However, let us pause to consider whether this can be resisted. Is it really so implausible to think that the personal considerations in these cases are persisting reasons that should be either disregarded in deliberative thought or excluded from action-guidance (or both)? It is true that that is not well explained, in the manner of Section I, by saying that these are reasons that must be kept from the forefront of your thought in order to allow you to do what they recommend. But there is another straightforward possibility. Why not just say that, in presenting yourself as the occupant of one of these professional roles, you have implicitly promised to consider and act on a restricted range of your reasons? There is no need to deny that they *are* reasons. They could be reasons that you have promised to discount in your deliberation and action. When you make such a promise, your having done so is a further reason to conduct yourself in the way you have promised. In this way, we can account for the difference that occupying the professional role makes to how you ought to think and act, without having to introduce the extra apparatus of context-undermining. Since this is a simpler, more straightforward explanation, we should prefer it.

My response to this is that this alternative treatment is *too* simple to be plausible. It systematically fails to account for the difference there can be between acting to achieve a personal end *instead of* acting in a professional role, and acting to achieve that end *by* acting in the role.

To see this, return to the fiduciary case in which you are a trustee managing a fund for my benefit. Suppose that one morning, you become acquainted with two facts – one professional and the other personal. The professional fact is that you have until the end of the day to invest money from my fund in a high-value asset A: if you miss this deadline, you will only be able to secure lower-value asset B. The personal fact is that your son’s business is in immediate jeopardy. A customer owes him money and is at risk of defaulting on the payment: if this happens, the business will go under. He urgently needs help to prevent this from happening. Now consider two variants of this case.

(a) You spend the day helping your son to secure alternative finance for his business. The son’s business survives; but you miss out on investing in asset A for me and secure only B.

(b) Lacking a means of helping your son, you spend the day arranging for the purchase of asset A from my fund. However, your preoccupation with your son’s plight is distracting, and despite applying yourself conscientiously, you make an error in the paperwork, with the result that your attempt to purchase A fails and you secure only B. Surprisingly, it then turns out that the seller of B is your son’s customer. The customer is therefore able to pay your son, whose business survives.

These two cases have the same upshot: you purchase only B; your son’s business survives. But there is an important difference between them. In case (a), you face a choice between acting in two different capacities. You could perform a professional action, working in your professional role to invest the money in my fund; or you could instead perform a personal action, helping your son. In making that choice, you must balance two sets of competing reasons: the reasons you have to act as an agent of my financial interests, and the reasons you have to help your son instead. What you ought to do depends on how much is at stake for your son, and how much worse it will be for me if my fund is invested in B rather than A. If the calamity for your son is bad enough, and the missed investment opportunity is within the ordinary bounds of market fortune, it could be that you ought to help your son. Sometimes, you ought to attend to a serious personal emergency instead of acting in a professional role.

Case (b) has a different structure. Here, the benefit to your son is produced *by* acting in your professional capacity, rather than instead of acting in that capacity. That is not to say that there is any corruption or embezzlement. A benefit to your son results from your action, but it is produced without connivance, unwittingly. However, suppose we ask, “*Ought* you to have invested in B rather than A?” – expressing when we do so a question not about the blameworthiness of your action but about the balance of objective reasons bearing on it. Let’s say you ring an advisor who knows all the facts and you ask, “Which form ought I to sign?” The only proper answer is that you ought to sign the form for investment A. Signing the other form will have a happy outcome for your son. But you could not properly be advised, acting as my trustee, to invest in B for that reason. In case (b), the happy outcome is the result of an error in your fiduciary action: you ought to have invested in A, not B. In contrast, the balance of reasons in case (a) could favour helping your son. There, it could be correct to advise you that you ought to do that *instead of* acting in your professional role.

A context-undermining interpretation of the case makes sense of this difference. It allows that in (a) the personal considerations can bear on which action to perform, personal or professional; but it insists that in (b), the personal considerations lack the status of reasons bearing on how you exercise fiduciary agency when acting in your professional role. That is why you ought to perform the action that helps your son in (a) but not in (b).

One might try responding that the difference between the cases can be explained equally well without context-undermining, because the promise you make in agreeing to be my trustee is broken in (b) but not in (a). You promise that, *when* you are acting in your professional capacity, you will do what furthers my financial interests. But this is unconvincing. Your promise does not have that merely conditional structure: failing to turn up for work at all would not be a way of ensuring that you do not break your promise. Your promise is a promise *to act* in that capacity. So the promise is broken in (a), albeit justifiably. The justification comes from the weighty personal considerations. If those considerations were available as equally weighty reasons in (b), the promise-breaking would have to be equally justifiable there too. But it is not.[[20]](#endnote-20) If we reject the context-undermining interpretation, we are left with a view on which there is the same balance of reasons in (a) and (b), with the strength of the promise weighing against the personal reasons for breaking it in both cases. That view is unable to explain the difference in judgements about what you ought to do.

Examples (a) and (b) pertain to fiduciary agency. Similar pairs of examples can be constructed for the other kinds of professional agency, such as the institutional and medical kinds discussed earlier.[[21]](#endnote-21) The point to extract from them is this. The relevance of a personal consideration as a reason bearing on what you should do can depend on whether it falls outside or within the exercise of professional agency. A context-undermining interpretation of the structure of these cases is needed to make sense of this.

**IV: Reasons-Exclusion**

I started by distinguishing three kinds of deliberative restriction: those pertaining to disregardable reasons, context-underminers, and excluded reasons. Having examined professional-role applications of the first two, we can now turn to the third.

When Raz draws our attention to the phenomenon of reasons-exclusion, his fundamental point is simple. Among the many things for which you can have a reason, *not being guided by some other reason* is one. When fact *F* is a first-order reason for action *A*,fact *E* can be a higher-order, exclusionary reason not to act *for* reason *F* ­– even though *F is* still a reason for *A*. When the exclusionary reason is decisive, you ought not to act on the first-order reason: it is excluded. I think Raz’s three examples are successful illustrations of this structure: the authority-example, where *E* is the order Jeremy has received to appropriate the van and *F* is the inconvenience to the tradesman;[[22]](#endnote-22) the task-based commitment, where *E* is the promise Colin has made and *F* is the example he will set by sending his son to a less expensive school; and the example of self-mistrust, where *E* is Ann’s exhausted state and *F* is the financial benefit that the investment will produce.

The next three sections will examine these three sources of exclusionary reasons, giving professional applications of each. But first, we should examine Raz’s treatment of them in a more critical vein. We can agree with Raz that these are cases of reasons-exclusion, without accepting all of the claims he makes about them.[[23]](#endnote-23)

In particular, in a case like Jeremy’s, Raz wants to detach judgements about what Jeremy ought to do from judgements about the balance of reasons for and against his action. In the example he gives, the inconvenience to the tradesman is a strong reason against taking the van; the benefit the army will derive from taking it is relatively weak. So the balance of reasons is against taking the van, and the commander should not order Jeremy to take it. Nonetheless, once the order is given, Jeremy ought to obey it. As Raz sees it, the order does not change the overall balance of reasons bearing on his action, but it changes what he ought to do. Thus, Raz urges us to reject the principle that “[i]t is always the case that one ought, all things considered, to do whatever one ought to do on the balance of reasons.”[[24]](#endnote-24) (We can call that the Reasons-Ought Principle.) Instead, he maintains that “[i]t is always the case that one ought, all things considered, to act for an undefeated reason”[[25]](#endnote-25) – where a reason can be defeated in two ways: by being outweighed, or by being excluded. In this way, Raz maintains, we can reconcile the judgements that the order is bad (because the balance of reasons counts against the action it commands), and that Jeremy ought to obey it (because the reasons against are excluded, and thereby defeated). And we can explain why it makes sense for Jeremy to have mixed feelings about obeying this order: there is a sense in which he is doing the right thing, but also a sense in which he is doing the wrong thing, in doing what there are stronger reasons against.[[26]](#endnote-26)

But this seems both confusing, and unnecessary. It is confusing, because it is hard to see what is the force of saying that the reasons against taking the van are *stronger* than the reasons in favour, if Jeremy ought, all things considered, to take it.[[27]](#endnote-27) But it is also unnecessary, because we can explain both the badness of the order and the appropriateness of mixed feelings about obeying it, without having to reject the Reasons-Ought Principle. As Raz himself points out, a single fact *E* can function as both a first-order reason for action and an exclusionary reason not to be guided by other first-order reasons. Indeed, he allows that this is true in Jeremy’s case. The commander’s order gives Jeremy both an exclusionary reason (not to act on his own assessment of the reasons) and a first-order reason for doing as he is ordered.[[28]](#endnote-28) However, once we say this, a more straightforward treatment of the example becomes available. As long as the first-order reason of obedience is strong enough to be decisive, then Jeremy ought to obey the order and take the van. But the order is still bad, as is the inconvenience to the tradesman. Jeremy should prefer not to have been given the order, and should also dislike its impact on the tradesman, while thinking that he has most reason to do as he is ordered, and that if the reasons against obeying the order were strong enough, he should disobey it.

Thus, accepting that there are excluded reasons does not require us to follow Raz in rejecting the Reasons-Ought Principle. With this in mind, we can now turn to the professional applications of reasons-exclusion, considering first those with their source in relationships of authority, then task-based commitments, and finally self-mistrust.

**V: Exclusion through Authority**

Reasons-exclusion through authority has applications of two different kinds to professional life. The first, illustrated by Jeremy, is found wherever there is a decisional division of labour within a hierarchical organizational structure. The military case is an especially pronounced example of this; but allocations of decision-making authority that create reasons-exclusion are present to some degree in all large organizations. To function effectively, a large organization needs the actions of its lower-level agents to be guided by decisions made at higher levels. The application of this point varies in scope. The actions a theatre nurse is instructed to perform by a surgeon during an operation are tightly circumscribed; the university administration’s direction of my actions as a teacher is much less specific. However, this is a difference of degree rather than kind. While I am not subject to others’ authority over how to teach my courses, it is not up to me whether I teach the Philosophy curriculum or something else. Perhaps my students would be far more enlightened by my compendious knowledge of Chinese history than my fumblings with Philosophy, but that decision is not available to me. In my case, the action over which higher-level decisional authority is exercised by others is broadly specified; but the actions I perform are legitimately determined, at this broad level of specification, by that authority.

This gives us a first set of applications of reasons-exclusion through authority. When I accept a role that falls under others’ managerial authority, I am agreeing to implement the legitimate decisions made by those with the relevant authority. This gives me both reasons to do as I am told – first-order reasons of obedience to the instructions I am given – and reasons to guide my actions in accordance with others’ assessment of the reasons rather than my own. This is not a justification for obedience that is mute or unquestioning: I retain reasons to challenge instructions that seem wrong.[[29]](#endnote-29) But there is an important difference between questioning a decision and treating it as one that is mine to make – between asking the surgeon whether she really does need a lancet and just passing her a scalpel instead.

The second application is in a way the opposite of the first. This concerns the situations in which a group of us needs to make a collective decision, and no member has greater authority to determine it than anyone else. Decision-making within an academic department is a familiar example of this. Usually, the way we should proceed is by adopting a fair and inclusive procedure in which we all have an equal opportunity to express an opinion and our views are given equal weight in determining the outcome. Respecting the fairness of this procedure then requires me to abide by its rules, and to cooperate in implementing the outcome we have decided. Once a collective decision has been reached, that decision then has authority over what I subsequently do, even when I am convinced that the majority should not have decided as it did. Here, too, I have strong reasons – reasons of fairness – to recognize the authority of the group to decide how I subsequently act. Again, these reasons function in two ways. They are reasons to do what the group has decided, and reasons to guide my subsequent actions in accordance with the group’s assessment of the reasons, rather than my own. Even if I am correct in judging that the group should not have decided as it did, the fact that it has done so provides me with a new reason – a reason of fairness – that can be decisive in determining how my action is guided thereafter.

**VI: Exclusion through Task-Based Commitment**

We can now turn to a second source of reasons-exclusion: the kind of task-based commitment exemplified by the conscientious parent Colin. Colin is concerned that if he sends his son to an expensive school, others will follow his example, and that this will be bad for them and for the local government school. However, he has promised his wife to base his decision solely on their son’s interests.[[30]](#endnote-30)

I think we should see Colin’s promise, like the order received by Jeremy, as functioning in two ways. First, it is an exclusionary reason – a reason for his choice of school not to be guided by reasons other than the son’s interests. But secondly, it is also a reason for actually sending their son to the school Colin believes will be best for him. To see this, suppose that Colin decides to send their son to St Smug’s, but accidentally posts the application letter to the wrong address and ends up inadvertently enrolling their son at Local High. If he then cheerfully tells his wife that he has succeeded both in keeping his promise to her (guiding his action solely by a consideration of their son’s interests) and in doing what he had most reason to do (sending him to Local High), she would be entitled to be unimpressed. Surely, Colin *has* (inadvertently) broken his promise to her.[[31]](#endnote-31) In saying that he will base his decision only on their son’s interests, what he has promised includes more than just what he explicitly said. In saying those words, he promises that he will send their son to the school that he believes to be best for him.

To say this is to treat Colin’s promise as a new reason for action that can outweigh his reasons for sending their son to Local High. But why not go further than this, and treat the promise as a context-underminer? Has not Colin promised to occupy a fiduciary role in relation to their son’s education – a role on the exercise of which only a restricted range of reasons bears: reasons relating to the son’s educational interests? If so, what is the difference between this case and the cases of fiduciary context-undermining discussed earlier?

The answer is that an argument of the form I appealed to in making the case for a context-undermining treatment of the earlier fiduciary case does not apply here. Suppose that, as the application deadline for places at St Smug’s approaches, the local community faces a sudden crisis: they need Colin to drop everything to coordinate a media campaign against a disastrous development proposal. This could put him in a situation of the earlier type (a), in which he must choose between acting in different roles – either helping the community or deciding on his son’s education. And as before, if the stakes are high enough, we could have a case in which he ought to do the former instead of the latter. However, now there is a difference. In the earlier case, the trustee who decides to deal with an emergency instead of acting in the fiduciary role is (justifiably) breaking a promise. But here, there is no broken promise. This time, Colin *can* credibly say to his wife that when he helps the community he is not breaking his promise to her. His promise concerns how his decision-making about their son’s education will be conducted when he is engaged in it. It is not a promise about giving priority to that decision-making activity over the other activities competing for his attention. This is the point of describing Colin’s commitment as *task-based*: it is a commitment about how he will conduct himself *when* he is engaged in a certain task. The commitment that one makes in taking on a professional fiduciary role is stronger than that: it is a commitment concerning the priority that one will give to performing the fiduciary task, not merely how one will conduct oneself when performing it.

This means that where, earlier, we needed to invoke context-undermining in order to explain the difference between cases (a) and (b), here the difference between the corresponding cases can be explained without it. In an (a)-type case in which Colin helps the community instead of directing his son’s education, there is no broken promise. But in the (b)-type case in which Colin sends the application to the wrong address and thus helps the community *by* directing his son’s education, he does break his promise. So we can explain the difference between the cases, allowing that Colin ought to help the community in the first way but not the second, by simply appealing to the weight that his promise has as a reason against the second action but not the first.

We should therefore distinguish the task-based commitments that are a source of reasons-exclusion from the earlier kind of fiduciary commitment that gives rise to context-undermining. However, having distinguished the two, we should now notice that it is not only fiduciary commitments that have important professional applications: task-based commitments do so too. They apply wherever a professional role involves having to juggle different responsibilities.

To see this, consider the position of a medical consultant working in a teaching hospital. This role can carry responsibilities in patient care, teaching and examining medical students, research, supervision of junior staff, and administration. Earlier, I pointed out that in presenting yourself to others as a doctor, you commit yourself to exercising a kind of agency on which only medical reasons bear. This is a global commitment governing all of your actions as a doctor: it has the context-undermining function explained earlier. Financial inducements are not available as reasons bearing on your decision-making and action as a doctor: only medical reasons have that bearing. However, this still leaves you with various different medical reasons that bear on your actions, each competing for your attention. All that is needed to make this true is that you have more than one patient: then any time you spend on supplying medical care to one patient is time you could have spent on another. This competition is then amplified by all of the other responsibilities attached to the role.[[32]](#endnote-32) A job such as this presents you with a continuous sequence of choices about how to allocate your time, depending on an assessment of the relative strengths of the medically relevant reasons. When one patient’s condition worsens, you will need to attend to her instead of the other patient who had been expecting to see you; if the research project you are engaged in needs your urgent attention, you may have to postpone all of your patient appointments.

When, upon deciding which of these competing medical reasons prevails, you engage in a particular task within the role, this amounts to making a further commitment. This is a task-based commitment of the same kind as Colin’s promise. When you are treating one patient, you commit yourself to being guided by a restricted range of medical reasons. The most prominent of these are your patient’s medical interests. These are not the *only* reasons that bear on your treatment of her. The promise you implicitly make to your patient in acting as her doctor is constrained by other medical reasons: you are not promising to allocate medical resources to her to the detriment of your other patients, or to benefit her in a way that jeopardizes public health or breaches professional codes. But the task-based commitment you have made means that some of your medical reasons are subject to exclusion. Your treatment of one of your patients cannot be guided by the interesting research findings it could generate, the time it could save you to spend on your other patients, or the useful case study it would provide as teaching material.

The commitment you make not to do this, like Colin’s promise, has a conditional structure. You implicitly promise each of your patients that *when* you are attending to her your action will be guided by her medical interests, to the exclusion of those other medical reasons. In so doing, your promise functions as an exclusionary reason. But the commitment you thereby make is task-based. You make no commitment to attend to one patient rather than others, or to attend to your patients rather than your research projects. When you attend to one patient instead of another, or attend to your research project rather than your patients, you are not breaking any promise to them.[[33]](#endnote-33) However, as in the case of Colin, your commitment functions as a first-order reason for action as well as an exclusionary reason governing the reasons that can legitimately guide it. It gives you a reason *to do* what you believe to be best for the patient you are treating. If you rigorously confine yourself to thinking about what is in your patient’s best interests, then accidentally bungle your treatment instructions and end up prescribing a series of useless treatments that produce some fascinating research results, you cannot congratulate yourself that you have both kept your undertaking to your patient and assigned the treatment you had most reason to assign.

**VII: Exclusion through Self-Mistrust**

We have seen that deliberative restrictions can be imposed by the commitments you make to others in presenting yourself to them as the occupant of a professional role. I have been emphasizing that this can happen in two different ways. First, saying that you will act in a professional capacity can amount to making a global commitment to exercise a kind of agency on which a restricted range of reasons bears: fiduciary, institutional and medical agency were given as examples of this. Here, context-undermining applies: non-professional considerations lack the status of reasons for the professional actions in which agency of these kinds is exercised. Then, secondly, there are the task-based commitments you make when you pursue particular tasks within your role. These commitments function as exclusionary reasons: when you undertake to perform a professional task for someone, this can commit you to being guided by only some of the professional reasons you have and not others.

However, I made the point earlier that no promise is capable of generating an absolute moral requirement. For any commitment you make, there is some conceivable situation in which it must be broken. If you need to gather intelligence to avert a terrible war, and this requires you to pass yourself off as a doctor in order to spy for your country, you could be morally required to do that, all things considered. You would thereby be making and breaking a commitment to the patients you deceive, but justifiably so.

So the duties we have to adhere to standards of professional integrity allow for the possibility that they must sometimes be infringed. However, this leads us to a further, final application of reasons-exclusion to professional life: one that comes from self-mistrust.

This source of reasons-exclusion is the one Raz illustrates with the tired investor Ann. This is unlike the other two sources of reasons-exclusion, in the following respect. Ann’s grounds for self-mistrust, which function as exclusionary reasons, do *not* also function as first-order reasons for or against an investment decision. The first-order reasons are confined to the benefits and costs attached to making the investment. The fact that Ann is exhausted calls into question the reliability of her access to the balance of those first-order reasons; but it is not itself a further reason to be added to that balance. Instead, the point is that Ann has good epistemic reasons not to trust her own judgement about the practical reasons bearing on her action. It is in this sense that the fact that she is exhausted is an exclusionary reason against being guided by the reasons favouring the investment. Her exhaustion does not affect whether the reasons favouring the investment outweigh the reasons against, but it affects her ability to form justified beliefs about whether that is so.

The professional application is this. We should accept that there can be circumstances in which a duty of professional integrity must, all things considered, be violated. Yes, there could conceivably be circumstances extreme enough to mean that, as a police officer, I should all things considered beat a suspect in order to prevent something much worse from happening. However, whenever it appears to me that I am in such circumstances, there are strong inductive grounds for mistrusting the appearances. The factors that explain police brutality are factors that explain the tendency of the perpetrators to think that their circumstances are unusual enough to justify the action.[[34]](#endnote-34) But such beliefs are hardly ever true. So if I find myself inclined to think that my circumstances are exceptional enough to justify beating a suspect, it is likely that my judgement is subject to the distortions that are typical in cases of police brutality. This makes it rational not to trust such judgements when I am inclined to make them. There is a very high epistemic bar I need to get over before it could be rational to think that I really am in a situation exceptional enough to justify this kind of action. I have standing reasons not to trust my judgement that my circumstances are exceptional, and not to let that enter my thinking about what to do. In this way, I am subject to an exclusionary reason of self-mistrust: when there are reasons that favour infringing a duty of professional integrity, I have a reason not to allow my action to be guided by them.

**VIII: Five Deliberative Restrictions**

We have arrived at a list of five different ways in which professional life can impose special restrictions on your deliberation. First, complying with your reasons for action can require disregarding some of them. This can be necessary for accurate physical performance, swift decision-making, correcting for bias, accurate mental performance, or avoiding burnout. Secondly, the agency you exercise in professional action may impose a restriction on the considerations that qualify as reasons, through context-undermining. Some considerations that are reasons for actions that you perform in a personal capacity are not reasons for the actions performed as the occupant of a professional role. Since they are not reasons at all, they should not feature in your deliberation about what to do.[[35]](#endnote-35) Thirdly, professional deliberation may be restricted by exclusionary reasons of authority, either through relationships of subordination within a decisional hierarchy, or through relationships of equality to other co-participants in collective decision-making. Fourthly, it may be restricted by exclusionary reasons of task-based commitment, when in presenting yourself as the occupant of a professional role you implicitly undertake to be guided solely by some professional reasons and not others. And fifthly, it may be restricted by exclusionary reasons of self-mistrust, when the standing reasons to be mistrustful of the impression that you have found an exception to standards of professional integrity are reasons for you not to be guided by the exception-supporting facts.

This discussion has sought to draw attention to the differences between the sources of these various deliberative constraints, and to notice the different impact they have on deliberation in professional life. The first emphasizes the importance of attentional training as a means to competent professional performance. The second sets constraints on what can count as a reason for professional action at all – what could qualify for inclusion in even the most well-informed advisor’s account of the considerations that count for and against professional action. The third and fourth put extra authority- or commitment-based reasons into the balance – but not reasons of absolute weight. The fifth does *not* affect the balance of my reasons, but tells me to mistrust my judgement about it.

I think these distinctions are reflected in the kinds of deliberation that characterize conscientious professional practice. Stepping into a professional role commits you to attentional self-discipline in your practical thought; it removes some facts from the set of reasons that bear on your actions; it adds others; and it moderates the level of confidence you can properly claim in your judgements about what the reasons are. A reflective professional in any field confronts four different questions. What are the reasons that bear on my action in a professional capacity? How should I train my thinking in order to respond to these reasons competently? What commitments should I take on within my professional role, what commitments have I in fact taken on, and how can I best satisfy them all? And, when it appears to me that there are reasons to act unprofessionally, should I trust the appearances?[[36]](#endnote-36)

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**Notes**

1. Kant can be seen as making a claim of this kind when he says: “pure practical reason does not require that one should *renounce* claims to happiness but only that as soon as duty is in question one should *take no account* of them.” (Immanuel Kant, *Critique of Practical Reason*, 5:93; italics in original.) [↑](#endnote-ref-1)
2. For fuller discussions of context-undermining, see my "The Context-Undermining of Practical Reasons", and *Concern, Respect and Cooperation*, Ch. 6. [↑](#endnote-ref-2)
3. Compare John McDowell’s idea that to be in a state of full Aristotelian virtue

   is to see the relevant reasons for acting, on occasions when they coexist with considerations that on their own would be reasons for acting otherwise, as, not overriding, but silencing those other considerations—as bringing it about that, in the circumstances, they are not reasons at all ("The Role of Eudaimonia in Aristotle’s Ethics" p. 17).

   See also Elizabeth Anderson, *Value in Ethics and Economics*, pp. 37–8. For critical discussion, see Jeffrey Seidman, "Two Sides of ‘Silencing". [↑](#endnote-ref-3)
4. See Joseph Raz, *Practical Reason and Norms*, Ch.1 (at pp. 35-48) and Postscript. Raz initially describes an exclusionary reason as a reason not to act for some other reason. As G.F. Schueler, "Exclusionary Reasons" points out, there is a sense in which every reason against an action is a reason against acting for the reasons in favour. But Raz’s idea of an exclusionary reason is more particularly that of a reason against acting *for* a first-order reason – against being motivated or guided by that first-order reason when one acts (see pp.178-85). [↑](#endnote-ref-4)
5. E.g., F.M. Kamm, "Rights", pp. 477, 488, 509. [↑](#endnote-ref-5)
6. *Contra* D.S. Clarke, Jr., "Exclusionary Reasons". Nor is an exclusionary reason a kind of peremptory, trumping first-order reason, as is suggested by Larry Alexander, "Law and Exclusionary Reasons". [↑](#endnote-ref-6)
7. Raz, *Practical Reason and Norms*, p. 48. [↑](#endnote-ref-7)
8. You might object: “Whiling away the time by comparing the strengths of reasons is not *deliberating*. Deliberating is assessing reasons as part of the process of deciding what to do.” To someone who insists on using the word “deliberation” that way, I am happy to concede that usage. I then rephrase my point as follows: deliberation, on that usage, has two components: it is (i) weighing reasons as (ii) an input to decision. Then Raz’s claim about exclusionary reasons is that they are reasons against (ii) but not (i). However, the reasons for deliberative restriction illustrated by the rope-bridge example are reasons against (i). So a difference remains. And anyway, including a reason in deliberation but then not acting on it would still satisfy Raz’s definition. [↑](#endnote-ref-8)
9. For discussion, see Ellen Fridland, "They’ve Lost Control: Reflections on Skill". [↑](#endnote-ref-9)
10. See Gary Klein, *Sources of Power: How People Make Decisions*, Ch. 2. [↑](#endnote-ref-10)
11. See Urey W. Patrick and John C. Hall, *In Defense of Self and Others: Issues, Facts and Fallacies -- the Realities of Law Enforcement's Use of Deadly Force*, Ch. 5. [↑](#endnote-ref-11)
12. Again, see Klein, *Sources of Power: How People Make Decisions*, Ch. 2 – also Ch. 10. This invites the question, “What account of ‘responsiveness to reasons’ can be given that captures these kinds of non-deliberative skill?” I offer an answer in my "Stupid Goodness", Sect. 3. [↑](#endnote-ref-12)
13. For an account of this distinction, see Daniel Kahneman, *Thinking, Fast and Slow*, Part I. [↑](#endnote-ref-13)
14. For a review of the psychological literature on emotional self-control, see James J. Gross, "Emotion Regulation: Current Status and Future Prospects". [↑](#endnote-ref-14)
15. See Ioana Koglbauer, et al., "Recovery Training in Simulator Improves Performance and Psychophysiological State of Pilots During Simulated and Real Visual Flight Rules Flight". [↑](#endnote-ref-15)
16. See Ronald de Sousa, *The Rationality of Emotion*; Michael S. Brady, *Emotional Insight: The Epistemic Role of Emotional Experience*. [↑](#endnote-ref-16)
17. See Vidette Todaro-Franceschi, *Compassion Fatigue and Burnout in Nursing: Enhancing Professional Quality of Life*. [↑](#endnote-ref-17)
18. So my attempt to explain “role-based context-undermining” in "The Context-Undermining of Practical Reasons" was incomplete. [↑](#endnote-ref-18)
19. For example, a standard fiduciary agreement specifies that it is the financial interests of the beneficiary that the trustee undertakes to serve. Then, although you might know that I will be made unhappy by my wealth, *that* aspect of my interests will be irrelevant to your fiduciary action too. For the further issues that arise once we examine more closely how the beneficiary’s financial interests should be specified, see Paul Weirich, "Trustee Decisions in Investment and Finance". [↑](#endnote-ref-19)
20. It may be excusable, if the distraction was great enough: that could render you blameless. But an excuse for doing the wrong thing is different from a justification that makes your action right. [↑](#endnote-ref-20)
21. I give parallel examples pertaining to the institutional case in "The Context-Undermining of Practical Reasons", Section V, and *Concern, Respect and Cooperation*, Section 6.5. [↑](#endnote-ref-21)
22. The claim is that in *this* case, the exclusionary reason could be decisive – not that all military orders must unquestioningly be obeyed: see Raz, *Practical Reason and Norms*, p. 38. [↑](#endnote-ref-22)
23. For a fuller development of the concerns that follow, see my "Weighing Reasons", Sect. VII. [↑](#endnote-ref-23)
24. Raz, *Practical Reason and Norms*, p.36. [↑](#endnote-ref-24)
25. Raz, *Practical Reason and Norms*, p.40. [↑](#endnote-ref-25)
26. Raz, *Practical Reason and Norms*, pp. 42-5. [↑](#endnote-ref-26)
27. It might be replied, “We have a basic concept of how strongly a fact counts in favour of an action or against. The inconvenience counts more strongly against taking the van, in this basic sense.” But then the companion worry is: What is the force of saying that Jeremy *ought* to take it, if all things (including the order) considered, the reasons against doing so are stronger? [↑](#endnote-ref-27)
28. Raz, *Practical Reason and Norms*, p. 42. [↑](#endnote-ref-28)
29. And to refuse to obey them if they are outrageous: see note [22]. [↑](#endnote-ref-29)
30. Raz, *Practical Reason and Norms*, p. 39. [↑](#endnote-ref-30)
31. Raz disagrees with this: see *Practical Reason and Norms*, p. 186. [↑](#endnote-ref-31)
32. For an overview, see Rosamond Rhodes, "The Professional Responsibilities of Medicine". [↑](#endnote-ref-32)
33. This is consistent with thinking that you can retain your duties as a physician towards patients who are also research subjects: for discussion, see Rosemarie D.L.C. Bernabe, et al., "The Fiduciary Obligation of the Physician-Researcher in Phase Iv Trials". [↑](#endnote-ref-33)
34. See Michael A. Caldero, et al., *Police Ethics: The Corruption of Noble Cause*. [↑](#endnote-ref-34)
35. Odd cases are possible in which I should deliberate about something even though it is not a reason. If thinking of sweet food as toxic is the only effective way of preventing myself from overeating, then perhaps that is what I should do. But professional life is not usually like that. [↑](#endnote-ref-35)
36. This essay has benefited greatly from written comments from Christine Swanton, extensive discussion with Robert Audi, and insightful comments from Sophie Grace Chappell, Justin Oakley, Tim Dare, David Killoren, Stephanie Collins, Tyler Paytas, Richard Rowland, Graham Oddie and Aaron Stalnaker, after presentations at Auckland and ACU Melbourne. [↑](#endnote-ref-36)