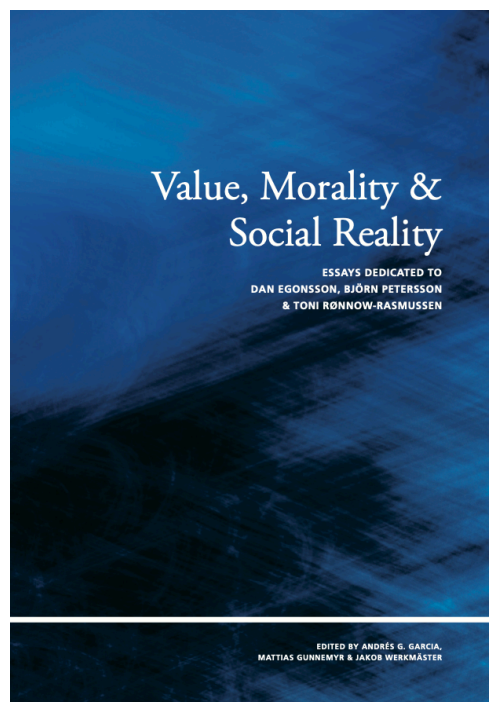


# Egalitarian Justice as a Challenge for the Value-Based Theory of Practical Reasons

*Benjamin Kiesewetter*

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# Egalitarian Justice as a Challenge for the Value-Based Theory of Practical Reasons

Benjamin Kiesewetter

**Abstract.** In this essay, I argue that the objections that have been raised against the view that equality is intrinsically valuable also provide objections to the view that all practical reasons can be explained in terms of value. Plausible egalitarian principles entail that under certain conditions people have claims to an equal share. These claims entail reasons to distribute goods equally that cannot be explained by value if equality has no intrinsic value.

The relation between reasons and value has attracted a lot of attention in the recent meta-ethical literature. Some philosophers – Toni Rønnow-Rasmussen is one of their most prominent proponents – have explored the idea that value can be analyzed in terms of reasons.<sup>1</sup> Others have suggested that reasons must itself be explained in terms of value. While these views appear to be in tension at first sight, the most popular versions of them turn out to be consistent with one another: there is no contradiction in holding that all reasons *for action* are to be explained in terms of value, while at the same time maintaining that value is to be analyzed in terms of reasons *for attitudes*.

Some of the arguments in favour of a value-based view of practical reasons have to do with the alleged attraction of a much more general Value-First Approach to

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<sup>1</sup> See esp. Rabinowicz and Rønnow-Rasmussen (2004), Rønnow-Rasmussen (2011) and Rønnow-Rasmussen (2022, Pt. II).

normativity.<sup>2</sup> But there are also arguments related to the nature of *action* in particular, which are therefore neutral on the question whether value or reasons *for attitudes* are explanatorily more fundamental. For example, it looks like the value-based theory of practical reasons harmonizes well with the so-called Guise of the Good Thesis, according to which intentional action always aims at some good.<sup>3</sup> For it seems plausible to think that acting intentionally involves acting for reasons, and that acting for reasons involves taking oneself to have a reason to act. The value-based theory of practical reasons suggests that taking something to be a reason for action involves taking the action to be good in some way or other. Together, these assumptions entail that acting intentionally involves taking the action to be good, thereby explaining (a version of) the Guise of the Good Thesis. But since this argument for the value-based theory appeals to an assumption that is specifically concerned with the nature of intentional action, it is neutral on the question of whether value is also prior to reasons for attitudes other than intentions and thus neutral on fitting attitude accounts of value.

Those who think that value is to be explained in terms of reasons for attitudes are, however, committed to a value-independent notion of a reason and should therefore be open to the possibility that some practical reasons are among those reasons that cannot be explained in terms of value. In this paper, I will argue that the considerations that have been brought forward against the view that equality is intrinsically valuable provide good reasons to reject the value-based theory of practical reasons: there are reasons of egalitarian justice that are not value-based. The argument complements structurally similar points I made in an earlier article that can be considered a companion of the present paper (Kiesewetter 2022). In this companion article, I argued that reasons created by the exercise of a normative power to obligate oneself or others, in particular reasons to keep one's (valid) promises and reasons to obey (legitimate) authorities, cannot plausibly be explained in terms of the value of the actions that they support. The normative assumptions on which this argument is built are, in my view, part of what is sometimes called 'commonsense morality', but they are clearly controversial among moral philosophers. The aim of the present paper is to strengthen the case against the value-based theory of practical reasons by providing another counterexample, which is independent of the assumption that we can create reasons by exercising normative powers. Needless to say, this argument also relies on normative assumptions that are not uncontroversial. However, if it can be shown that the value-based theory conflicts with a number of assumptions of commonsense morality that are independent of each other, this strengthens the case against it.

I shall start with introducing the value-based theory of reasons (§1) and rehearsing the challenge it faces with normative powers (§2). I will then turn to distributive

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<sup>2</sup> See e.g. Maguire (2016) and Wedgwood (2017, Ch. 4). The Value-First Approach seems also in the background of many epistemic teleologists, such as Foley (1987) and Goldman (2001).

<sup>3</sup> See Anscombe (1957, 70–78) for a famous defence of the Guise of the Good Thesis.

justice, arguing that the value-based theory fails to accommodate reasons to distribute goods equally in certain cases (§3). I conclude by reflecting on the question of whether the counterexamples to the value-based theory can be unified, and by briefly addressing the implications of the argument for the Guise of the Good Thesis (§4).

## 1. The Value-Based Theory of Practical Reasons

The value-based theory that I am concerned with in this paper can be stated as the following claim:

*The value-based theory of practical reasons (VBT):* For all agents A, and all actions  $\phi$  that A can perform: A has a reason to  $\phi$  if, only if, and because  $\phi$ -ing has value.

Some remarks are in order. As I understand it, VBT is neutral on whether the value of actions is instrumental or final. It includes theories according to which actions can be finally valuable, but also consequentialist theories according to which actions always derive their value from the fact that they are conducive to a finally valuable outcome. In line with the former view, Joseph Raz claims that “the only reason for any action is that the action, in itself or in its consequences, has good-making properties”<sup>4</sup>. The latter view is taken by Barry Maguire, who holds that “to be a reason for an option is to be a fact about that option’s promoting some state of affairs, on the condition that the state of affairs is valuable”.<sup>5</sup> Following Rønnow-Rasmussen (2002), one might deny that the property of being instrumentally valuable is a genuine value property (rather than simply the property of being conducive to a value). On this view, VBT should be understood as the view that all reasons for action are explained by the fact that the actions they support instantiate or promote a value.

Secondly, VBT is also neutral on whether the relevant value is personal or impersonal value, or whether it can be either. Roger Crisp provides an example for the former view, when he claims that “any ultimate reason for action must be grounded in well-being”<sup>6</sup>. Following Rønnow-Rasmussen’s recent arguments for the mutual irreducibility of personal and impersonal value (2022), however, proponents of VBT seem well-advised to allow both kinds of value as grounds for practical reasons. Moreover, it seems to follow from his view that VBT is a less unified theory than it appears on first sight.

Thirdly, as it is understood here, VBT claims that practical reasons are to be explained *directly* in terms of the value that complying with the reason instantiates

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<sup>4</sup> Raz (2001, 2). See also Wedgwood (2009).

<sup>5</sup> Maguire (2016, 237).

<sup>6</sup> Crisp (2006, 37).

or promotes. On other views, at least some reasons are explained *indirectly* in terms of value, by appeal not to the value of compliance, but, for example, the value of having a general rule that requires compliance, or the value of having a general disposition to comply (to mention just two possibilities). Such views are beyond the scope of this paper.

## 2. The Argument from Choice-Based Reasons

Consider the following two principles:

*The promising principle:* If A validly promises B to  $\phi$ , then A has an obligation, and thus a reason, to  $\phi$ .<sup>7</sup>

*The authority principle:* If A has legitimate authority over B, and A validly commands B to  $\phi$ , then B has an obligation, and thus a reason, to  $\phi$ .<sup>8</sup>

The notion of an obligation figuring in these principles is meant to be a normative notion, which entails a reason for compliance. It is, moreover, meant to be a contributory rather than an overall normative notion.<sup>9</sup>

As indicated already, I take these principles to be elements of moral commonsense. Conscientious promisors have to believe, as such, that they have a reason to keep their valid promises and conscientious subordinates have to believe, as such, that they have a reason to obey the valid command of an authority they consider legitimate. Those who sincerely participate in the practices of promising or authority relationships are thus committed to accepting the mentioned principles.

Both of these principles entail that if certain conditions of validity and legitimacy are satisfied, persons have the power to create a reason for action by choosing to do so (namely, by choosing to promise or command an action), which is why we can call the resulting reasons *choice-dependent*. Such reasons contrast with *content-dependent* reasons, which are provided by features of the action they support rather than by the choice of a person who has the power to create it.

While it is clear how content-dependent reasons can be value-based, the existence of choice-dependent reasons is hard to reconcile with VBT. Since promises and commands can be valid even if the promised or commanded action is valueless, the

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<sup>7</sup> Compare Raz's "promising principle", which is more general: "If a person communicates an intention to undertake by that very act of communication a certain obligation then he has that obligation" (Raz 1986, 173). As he makes clear, Raz takes his principle to entail that "we are obligated to perform action X, if we promised to perform X" (*ibid.*).

<sup>8</sup> Compare Raz (1986, 60): "What is validly required by a legitimate authority is one's duty".

<sup>9</sup> See Kieseewetter (forthcoming) for a defence of the view that obligations can be contributory.

principles entail that people can choose to create reasons for antecedently valueless actions. The only way for the proponent of VBT to accommodate such reasons is to argue that keeping a promise or obeying an authority is valuable *as such*. But it is difficult to see why these acts would be valuable as such if not because they are ways of discharging an obligation. That is, in order to establish that keeping one's promises and obeying a legitimate authority are valuable, we already have to assume that these acts are obligatory, and hence we already have to assume that we have a reason to perform these acts. Consequently, we cannot appeal to this value in order to explain the reason. This is, in a nutshell, the argument that promissory reasons and reasons to obey, are counterexamples to the value-based theory of reasons.<sup>10</sup> It is natural to think that these points generalize to all choice-dependent reasons.

However, while the assumption of choice-dependent reasons can be supported by reference to our pretheoretical conception of morality, it is also notoriously controversial among moral philosophers. The case against the value-based theory of practical reasons would therefore be stronger if it did not rely on it. In the following section, I shall present a new counterexample against VBT, which is independent of the existence of normative powers and choice-dependent reasons.

### 3. The Argument from Egalitarian Justice

The argument I wish to defend is based on the following principle:

*The equal distribution principle:* If a number of persons are the only ones that have a claim to a share of some divisible good, and none of them has a claim to a greater share than any other, then each has a claim to an equal share, and agents in charge of distribution have an obligation, and thus a reason, to distribute the good equally.

To illustrate, suppose that Tommy and Annika spend the weekend picking apples and bring them to a juice-maker, who makes 100 bottles of apple juice out of the apples. Suppose that, for some reason, Tommy and Annika collect their shares of juice separately and the juice-maker is in the position to choose between two distributions. She could either give each of them 50 bottles, or she could give one 60 bottles and the other 40 bottles. The juice-maker knows that neither of them has invested more time or effort in collecting the apples and there is no other fact of the matter that grounds a claim to a greater share. In such a case, it seems compelling to think that the juice-maker has a moral reason to choose the equal distribution.

If there is a reason to distribute equally, then VBT entails that distributing equally is good. But what value is promoted or instantiated by equal distribution? Appealing to the law of diminishing marginal utility, one might argue that the ten

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<sup>10</sup> For the longer version, see Kiesewetter (2022, 32–44).

bottles in question have a greater benefit for a person who has 40 bottles than for a person with 50 bottles, and that for this reason equal distribution promotes welfare (in the sense of maximizing the sum of welfare that Tommy and Annika receive). But we can stipulate that this is not the case. It seems conceivable that Tommy and Annika get the same benefit from each bottle of juice, so that their overall welfare is not promoted by an equal distribution. That does not change the fact that they have a claim to an equal share.

It is also plausible to think that by and large, equal distribution of goods will promote valuable social relationships and work against power imbalances that can create a danger for valuable forms of societies. But this is not to say that such a value will be promoted in each particular case. And it seems that if we assume that an unequal distribution of apple juice in this particular case will have no impact on social relationships and power balances, this does not change the fact that Tommy and Annika have a claim to an equal share.

According to what Derek Parfit calls *teleological egalitarianism*, equality is intrinsically valuable.<sup>11</sup> Drawing on this assumption, proponents of VBT might say that the value that is promoted by equal distribution is equality itself. But the view that equality is intrinsically valuable has forcefully been criticized. As Harry Frankfurt points out, equality is a purely formal property and it is difficult to see how such a property could be intrinsically valuable.<sup>12</sup> Moreover, as Parfit and others have argued, the assumption that we have reason to promote equality entails that we have reason to *destroy* substantive goods if this is what it takes to establish equality (the so-called *Levelling Down Objection*).<sup>13</sup> For example, if the juice-maker has the possibility to choose only between an unequal distribution of bottles (60:40), on the one hand, and destroying all bottles and leave both Tommy and Annika with nothing (0:0) on the other, then teleological egalitarianism entails that there is a solid value-based reason in favour of destroying all bottles. Of course, teleological egalitarians can also say that there are stronger, welfare-based reasons against destruction. Intuitively, however, we do not weigh a welfare-based reason against destruction against an equality-based reason for destruction in such situations. Unless further values are promoted by the destruction of some good, we assume that there is no reason to do that *at all*.<sup>14</sup>

The situation here contrasts with cases of conflicting values. Assume, for example, that people's liberties are restricted in order to protect the vulnerable from

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<sup>11</sup> See Parfit (1997, 204). This view is held, among others, by Temkin (1993, 282).

<sup>12</sup> See Frankfurt (1997).

<sup>13</sup> See Parfit (1997, 210–11). See also Raz (1986, Ch. 9) and Temkin (1993, 247).

<sup>14</sup> Schroeder (2007, 92–97) argues that intuitions about the non-existence of reasons are not trustworthy in cases where these reasons would be massively outweighed. For some reasons to doubt this, see Kiesewetter and Gertken (2021, 275–76). Even if Schroeder is right, however, his view does not help with the Levelling Down Objection, for those who think that equality is an important value cannot plausibly assume that reasons based on this value are *massively* outweighed by welfare-based reasons.

severe risks, as it happened in most countries during the pandemic. Even if we grant, as many did, that this was justified or even required, we do not feel the temptation to say that there was *no reason* against restricting the liberties. There is a clear residual sense in which there would have been something good about not restricting the liberties, even if doing so was, all things considered, for the best. This sense of conflict seems to be absent in the case in which we have to decide between destroying a good (on the assumption that doing so promotes nothing but equality) and distributing it unequally.<sup>15</sup>

If equality is not intrinsically valuable, and only contingently related to other goods such as welfare, why do we have reason to distribute equally even in cases where this does not promote welfare or other values? According to *deontological egalitarianism*, unequal distribution is (under certain circumstances) unjust, or violates moral claim rights.<sup>16</sup> If an equal distribution of goods is possible in cases like the apple-picking example, then the persons involved have a right to an equal share. If they have a right to an equal share, then others have an obligation not to deny them their equal share by choosing an unequal rather than an equal distribution, and this obligation involves a moral reason for equal distribution. But saying this does not entail that equality has intrinsic value, or that persons also have a right to the destruction of goods if equal distribution is not possible. It thus avoids the above-mentioned objections to teleological egalitarianism.

In summary, there are strong reasons for thinking that the reason to distribute goods equally that figures in the equal distribution principle is not based on a presumed final value of equality, nor on any other value that equal distribution typically promotes. Rather, this reason seems to be a constitutive part of a claim to an equal share (or its corresponding obligation). If this is right, the equal distribution principle suggests an extensional argument against VBT: since there can be claims to an equal share even if there is no value in equal distribution, and such claims entail reasons to distribute equally, there can be reasons for valueless actions.

Proponents of VBT might reply that in cases in which the equal distribution principle entails a reason to distribute equally, equal distribution is good in virtue of being *just*. And indeed, this strikes me as a successful response to the extensional argument. But for an act to be just in the relevant sense is, in part, for it to satisfy a

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<sup>15</sup> Temkin concedes that the Levelling Down objection has “tremendous force”, but rejects it by way of arguing against another principle that he takes to be “at the heart” of the objection, namely: “*The Slogan*: One situation cannot be worse (or better) than another if there is no one for whom it is worse (or better)” (Temkin 1993, 248). The problem is that this claim is significantly stronger than the Levelling Down Objection, and the Levelling Down Objection has independent plausibility (see also Parfit 1997, 220). To say that for inequality to be bad, it must be bad for someone, is not to say that *nothing* can be bad if it isn’t bad for someone. For this reason, one cannot reject the former claim by arguing against the latter.

<sup>16</sup> See Parfit (1997, §3) for an illuminating discussion of the differences between deontological and teleological egalitarianism.



claim.<sup>17</sup> And for someone to have a claim to a good is, at least in part, for others to have obligations and thus reasons to not deny her that good.<sup>18</sup> The reason to distribute equally is thus part of what *makes* equal distribution just and, in this respect, good. Consequently, it cannot be explained by this goodness. So even if reasons for distributing goods equally are always accompanied by a value, this value cannot explain these reasons.

A related reply on behalf of VBT is that in cases in which the equal distribution principle requires it, equal distribution is good in virtue of *showing due respect* for the involved parties. Here, again, proponents of VBT must be cautious not to assume that equal distribution is required by respect *because* the relevant people have a claim to an equal share; it must be disrespectful to distribute unequally independently of any presumed claim to an equal share. This seems to be Frankfurt's view. Frankfurt characterizes respect as follows:

Treating a person with respect means, in the sense that is pertinent here, dealing with him exclusively on the basis of those aspects of his character or circumstances that are actually relevant to the issue at hand. Treating people with respect precludes assigning them special advantages or disadvantages except on the basis of considerations that differentiate relevantly among them. Thus, it entails impartiality and the avoidance of arbitrariness.<sup>19</sup>

On the basis of this characterization, Frankfurt argues that “it is the moral importance of respect and hence of impartiality ... that constrains us to treat people the same when we know nothing that provides us with a special reason for treating them differently”.<sup>20</sup> If we add to this the assumption that it is good to treat people with respect in Frankfurt's sense, we seem to be able to provide a value-based explanation of the obligation (and hence the reason) to distribute equally.

However, unless we presuppose that people have a claim to an equal share under the conditions specified by the equal distribution principle, it is not clear why impartiality should require equal distribution. A distributor of goods might also treat

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<sup>17</sup> There may be a sense of ‘just’ that does not involve the notion of a satisfied claim, but merely the idea that undeserved inequality is absent (as in “it’s unjust that place A has so much better weather than place B” or “it’s unjust that player A was so lucky with cards, while player B was so unlucky”). But the view that justice in this latter sense is non-derivatively valuable is vulnerable to the Levelling Down Objection, and can thus be put aside.

<sup>18</sup> One might hold that the claim or obligation *provides* a reason for compliance rather than being constituted by one. But this view faces the challenge to explain the sense in which claims or obligation are intrinsically normative – after all, many things that provide reasons are not intrinsically normative. Moreover, even if claims did not constitutively entail reasons, the present argument would still show that *claims* to an equal share cannot be explained by the value of compliance, and this is a conclusion that proponents of VBT are unlikely to accept (cf. Kieseewetter 2022, 36–37, for analogous points).

<sup>19</sup> Frankfurt (1997, 8–9).

<sup>20</sup> Frankfurt (1997, 10).

two potential beneficiaries impartially by letting a fair coin decide who will get a greater and who will get a smaller share. Intuitively, however, this is not a permissible distribution procedure in the circumstances specified by the equal distribution principle unless the affected parties have consented to it. And yet it cannot be disrespectful in the Frankfurtian sense of assigning advantages or disadvantages partially or arbitrarily. If it is disrespectful to distribute unequally on the basis of a fair coin toss, then this must be because the two parties have a claim to an equal share and the distributor lacks the authority to let the coin decide who will get a greater share unless these claims are waived. I conclude that respect in Frankfurt's sense cannot ground the reason mentioned in the equal distribution principle, as this is a reason that persists even if the requirements of impartiality and non-arbitrariness are consistent with unequal distribution.

As in the case of the arguments against VBT that were based on the promising and the authority principle, the argument based on the equal distribution principle is *explanatory* rather than *extensional*. It is not that there is no value in complying with the reasons that these principles postulate, but that the only value that is necessarily promoted or instantiated by complying with these reasons does itself presuppose these reasons and thus cannot explain them.

## 4. Conclusion

Reasons based in considerations of egalitarian justice plausibly belong to a group of reasons that cannot be explained by the value that complying with them instantiates or promotes. Is there anything they have in common with other reasons that defy an explanation in terms of value, such as choice-based reasons? It is plausible (though not uncontroversial) to think that promissory obligations and obligations to obey correlate with moral claim rights. Likewise, reasons of egalitarian justice seem to correlate with rights to an equal share. Moreover, all these rights are waivable: Just as a promisee can release a promisor from his promissory obligations and an authority can release a subordinate from his obligation to obey, people who have a claim to an equal share can also release those in charge of distribution from their obligation to give them their equal share. My hypothesis is that reasons correlating with waivable rights all defy an explanation in terms of the value of compliance.<sup>21</sup>

Why would this be so? It is natural to think that the point of a waivable right quite generally is not primarily to protect a value that is instantiated or promoted by compliance, but rather to protect the value that consists in *having normative control* over whether compliance is required.<sup>22</sup> It is good to be able to create promissory

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<sup>21</sup> See Kiesewetter (2022, 47). A further plausible case are reasons to refrain from using other people's property without permission (*ibid.*, 44–46).

<sup>22</sup> On normative interests, see Owens (2012, esp. 6–12).

bonds even if a specific promised action has no value (i.e., no value independently of the value of discharging promissory obligations). It can be good that an authority is in charge even if some commanded action is (independently of the command) pointless. And there can be value in having a claim to an equal share even if one has, in the particular case, no use for the share in question. Perhaps in order for the normative control involved in a waivable right to have value, it must be that compliance with the right is often or typically valuable as well. But as we have seen, it need not be. And yet does a moral right entail a moral obligation, and thus a moral reason for compliance.<sup>23</sup>

As indicated in the introduction, those who find the conclusion of this paper convincing are left with the task of explaining the Guise of the Good Thesis in a manner that is compatible with the rejection of VBT, or rejecting it in a way that explains why it has seemed attractive to so many. Though I can only very briefly sketch a response to this challenge here, one option that strikes me as promising is to reject the Guise of The Good Thesis and claim that its attractions can be accounted for in terms of a Guise of Reasons Thesis instead.<sup>24</sup> It is worth noting, however, that there also is a way to preserve the Guise of the Good Thesis for those who reject VBT. For recall that the argument against VBT was an explanatory rather than extensional one. Rejecting VBT on the basis of this argument is thus consistent with maintaining that compliance with practical reasons is necessarily valuable. This would mean that agents can take their actions to be good even if they act for reasons that are not value-based, without thereby committing any kind of mistake. And this suggests that a vindicating explanation of the Guise of the Good Thesis is available even to the opponents of VBT.<sup>25</sup>

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<sup>23</sup> Owens also argues that there are obligations to avoid what he calls “bare wrongings”, i.e. wrongings that do not breach anyone’s interest (cf. Owens 2012, 12–17). Being in the grip of VBT, however, he holds that these are obligations we need not have any reason to perform. His assumptions commit him to rejecting a weak form of moral rationalism, according to which moral obligations entail at least *pro tanto* reasons for action. I agree with Portmore (2011, 38–51) that such a view cannot accommodate plausible connections between moral obligation and blameworthiness.

<sup>24</sup> See Gregory (2013).

<sup>25</sup> I would like to thank Felix Koch and Thomas Schmidt for very helpful feedback on an earlier draft. Work on this essay was funded by the European Union (ERC Grant 101040439, REASONS FIRST). Views and opinions expressed are however those of the author only and do not necessarily reflect those of the European Union or the European Research Council Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

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