Book Reviews

The Right, the All Right, and the Good

The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions. By Samuel Scheffler. *Oxford: Clarendon Press*, 1982. Pp. viii, 129. $12.95.

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Some days, I think I am a consequentialist; some days, I am sure I am not. Is it simply that I cannot make up my mind? Or is it that the meaning of consequentialism refuses to stay still? One thing seems sure: An approach to ethics that seems by turns as if it must be right, as if it cannot be right, and as if it misconceives the crucial questions shows all the signs of striking a deep philosophical chord.

I.

Samuel Scheffler feels the pull of consequentialism, and he feels the pull against it. In *The Rejection of Consequentialism*,[1] a book that has been eagerly awaited by moral philosophers, he tries to construct a moral theory that retains the strengths of consequentialism, but that at the same time avoids the powerful objections against it, by incorporating a crucial feature of nonconsequentialist views. This is an ambitious project, not because of its commonsense conclusions, but because of its aim of building a new theory out of parts of incompatible theories. In light of these ambitions, it is hardly a criticism to say that the project does not completely

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1. S. SCHEFFLER, THE REJECTION OF CONSEQUENTIALISM: A PHILOSOPHICAL INVESTIGATION OF THE CONSIDERATIONS UNDERLYING RIVAL MORAL CONCEPTIONS (1982) [hereinafter cited by page number only].

succeed. Like consequentialism, Scheffler's "hybrid" theory[2] seems sometimes persuasive and at other times to have missed the mark. It is worth understanding why.

Consequentialism is not so much a moral theory as a class of moral theories. All such theories hold some kind of stuff to be intrinsically good and define rightness—right action—in terms of that good. Thus, the rightness of an action depends on its consequences, on the extent to which it produces goodness. In the typical form with which Scheffler is concerned, consequentialism says that right action is action that maximizes the good. Classical utilitarianism holds pleasure or happiness to be the sole intrinsic good; in modern utilitarianism, the good is preference-satisfaction. These are paradigmatic consequentialist theories. In principle, however, consequentialism is open as to the content of the good. A theory is consequentialist by virtue of its structure—by virtue of the way the concepts of the good and the right are defined. Goodness is prior (logically or conceptually), and rightness is dependent on goodness.

Opponents of consequentialism argue that some actions are right even though they do not maximize the good. But this assertion is ambiguous. It can mean either that it is sometimes wrong to maximize the good, or that it is not always wrong not to maximize the good. Although these statements obviously have different meanings, each expresses an objection to consequentialism. The first is rooted in what we may call old-fashioned deontology; the second responds to the extremely strong demands consequentialism seems to make on agents.

The deontological objection provides the traditional contrast to consequentialism. Whereas the latter understands rightness as that which maximizes goodness, the deontologist says that some actions are wrong even though they maximize the good. Rightness, in this view, is not dependent, or at least not wholly dependent, on goodness.

Like its rival, deontology names not a theory but a class of theories: those that understand rightness as at least partly independent of goodness. But deontological views may vary as to the degree of independence. The "absolutist" variety, which is probably the most familiar, holds that some actions are wrong regardless of the consequences of not doing them. The absolutist might not allow torturing one innocent child to save the world.[3] But there are deontological views more moderate than the "whatever the consequences" variety; one might agree that any action could be justified if the consequences of not doing it were bad enough, but still insist that it is

2. P. 5.

3. This question is harder than Ivan's in *The Brothers Karamazov*, who asks whether torturing "to death only one little creature" would be permissible to make human beings happy. F. DOSTOYEVSKY, THE BROTHERS KARAMAZOV 291 (C. Garnett trans. 1950).

sometimes wrong to *maximize* the good.[4] Thus, a deontologist might allow killing one person to save the world but still maintain that it would be wrong to kill one person to save five, or even fifty, or to prevent someone else from murdering five or fifty. In a standard example, we are to suppose that the sheriff of a small town can prevent a riot in which hundreds of people will be killed only by framing an innocent person whose blood the mob is demanding. The deontologist says that the sheriff may not so act, even to prevent the great evil he knows will ensue. *There are some things you may not do.* But the consequentialist, it seems, cannot rule out anything in advance: It all depends on what promotes the good or minimizes the bad.

Most of us have fairly strong "intuitions" (in the jargon of contemporary moral philosophy) that the kinds of actions just described would be wrong, and when confronted with these hard cases, the consequentialist can usually come up with good consequentialist reasons for not allowing the repugnant deeds.[5] But since philosophers can tell their stories in ways that force the issue,[6] the consequentialist will sometimes be forced to approve abhorrent actions.

At this point we may not know what to think. Perhaps in those circumstances it *would* be justifiable to do what the consequentialist approves. Perhaps our reluctance is a spillover from those cases in which the questionable act would clearly not be right, or perhaps it is a vestige of our deontological upbringing. Yet we are pulled the other way too: Even if the consequentialist gives the right answer, he seems to give the wrong reason. Even if knowingly framing the innocent always has bad consequences, we feel convinced that bad consequences are not the whole source of its wrongness. Let us call this conviction, the idea behind the view that it is sometimes wrong to maximize the good, the deontological objection to consequentialism.[7]

The other standard objection to consequentialism is more straightforward, at least in appearance.[8] If I am morally required always to produce

4. *Cf.* J. RAWLS, A THEORY OF JUSTICE 30 (1971) (deontological theories do not "characterize the rightness of institutions and acts independently from their consequences. All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy."). Rawls' view diverges from the older, more common definition given by Broad: "Deontological theories hold that there are ethical propositions of the form: 'Such and such a kind of action would always be right (or wrong) in such and such circumstances, no matter what its consequences might be.'" C. BROAD, FIVE TYPES OF ETHICAL THEORY 206 (1931).

5. For example, he may argue that the institutions of justice, necessary for human well-being, will be undermined, or that killing induces bad traits of character.

6. They will say, for example, that no one will ever find out what the sheriff did, or that the sheriff will die of a heart attack five minutes later and his character will go no further.

7. P. 83; I. KANT, FOUNDATION OF THE METAPHYSICS OF MORALS 10 (L. Beck trans. 1959); W. ROSS, THE RIGHT AND THE GOOD 17, 35-39 (1930).

8. Pp. 7, 56; Williams, *A Critique of Utilitarianism*, in J. SMART & B. WILLIAMS, UTILITARIAN-

the objectively best state of affairs available to me, my life will not be my own. My own concerns and desires will be lost in the larger calculus of goods and bads, and the shape and content of my life will be at the mercy of that calculus. Full-time do-goodism will be my inescapable duty. This may seem not only unrealistic, but also wrong and misguided, for human beings will cease to be agents who are sources of choice and value, and become machines that churn out the good. As a result, consequentialism seems to undermine our integrity as agents. Call this—the idea behind the view that it is not always wrong not to maximize the good—the objection from integrity.

Scheffler's purpose is to construct a moral theory that avoids consequentialism's violation of personal integrity, while preserving what he takes to be its "deeply plausible-sounding feature," the idea that "one may always do what would lead to the best available outcome overall."[9] Thus, he rejects the deontological objection, but he seeks to free agents from the requirement always to maximize the good.

The differences between consequentialism, deontology, and Scheffler's hybrid theory can easily be displayed. On the now-common understanding of consequentialism—and, more important, on Scheffler's understanding—the consequentialist believes that:

(i) One is always morally required to maximize the good.

It follows, of course, that:

(ii) One is always morally permitted to maximize the good.

The deontologist denies both of these propositions; he denies (i) because he denies (ii), holding that:

(iii) One is not always morally required to maximize the good

and, more important, that:

(iv) One is not always morally permitted to maximize the good.

With the consequentialist, Scheffler holds (ii), thus denying (iv); with the deontologist, he holds (iii), thus denying (i).

The aim of Scheffler's book is to justify the departure from consequentialism that goes as far as (iii) but that stops short of the deontological

ISM: FOR AND AGAINST 75, 108-18 (1973).
9. P. 4.

premise of (iv). In his terms, he is defending the "agent-centered prerogatives" expressed by (iii) but rejecting the "agent-centered restrictions" expressed by (iv). So he must find a "theoretical rationale"[10] for prerogatives that does not also entail restrictions, and he must show further that there is no other rationale for restrictions.

Scheffler goes to great lengths to argue against the view that there is no middle ground: Either you are a consequentialist, who believes one is morally required to maximize the good, or you are a deontologist, who believes one is sometimes required not to. One might wonder why anyone would want to take the middle road. The simple, if somewhat tautological answer is that the idea that one may always maximize the good seems persuasive, but a moral requirement to this effect is absurd. The difficulty for Scheffler is to find a rationale for this view that does not concede so much as to abandon the consequentialist framework altogether.

II.

The idea that one is always morally obligated to produce the best available state of affairs, Scheffler argues, ignores a crucial feature of persons; it ignores the "independence of the personal point of view."[11] Consequentialism "requires the agent to treat the concerns generated from his point of view as altogether dependent for their *moral* significance" on their weight in an impersonal ranking of states of affairs.[12] It mandates that one not give one's own interests any more weight in deciding what to do than one gives other people's interests. But a person "cares differentially about his projects just because they are *his* projects."[13] And a moral theory, Scheffler thinks, should take account of this fact: not just for pragmatic reasons or because of what it tells us about "the nature of human fulfillment"[14] (the good will be maximized if people are allowed to care about their projects out of proportion to their weight in an impersonal calculus), but also because of its connection with "the character of personal agency and motivation."[15] What is at stake here is integrity in the literal rather than the more familiar moral sense. A person cannot be divorced from his projects and plans—cannot view them simply as projects or plans belonging to someone, it matters not whom--without ceasing to be a whole human being.[16]

10. *Id.* Scheffler speaks at various places of finding a "principled" or "theoretical rationale" or "motivation" for agent-centered prerogatives and restrictions. *See, e.g.*, pp. 4, 95.
11. P. 56.
12. *Id.*
13. P. 57.
14. P. 62.
15. *Id.*
16. Williams, *supra* note 8, at 116-17 (describing nexus between personal integrity and priority of

Of course, a consequentialist theory can count integrity as a good, and so take account of this feature of persons. The consequentialist will then seek the preservation of integrity; he will aim at increasing the number of people successfully carrying out their projects and plans.[17] But such a strategy is prey to just the objections it is designed to avoid: When sacrificing my integrity maximizes integrity overall, I am required to sacrifice it.[18] That it is *my* integrity can have no special moral significance for me; "the *moral* significance of a personal point of view, with its accompanying commitments and concerns, is entirely exhausted by the weight that point of view carries in the impersonal calculus, *even for the person who has the point of view.*"[19]

A moral theory can best take account of the independence of the personal point of view, Scheffler argues, not by counting it as a good to be maximized, but by "reflecting" it, "by freeing people from the demand that their actions and motives always be optimal from the impersonal perspective, and by allowing them to devote attention to their projects and concerns to a greater extent than impersonal optimality by itself would allow."[20] The rationale, then, for an agent-centered prerogative is that it is the best way to incorporate a concern for the independence and integrity of the person. But this rationale does not justify agent-centered restrictions. It explains why people do not have to do what is best, but it gives no reason for thinking they should not if they want to:

> Thus there might be an agent who willingly sacrificed his own projects for the greater good; on [Scheffler's] view his conduct would be supererogatory. Or there might be an agent whose project simply *was* to bring about the best state of affairs; this project would be in no way ruled out by the agent-centred prerogative . . . if someone *wants* to bring about the best state of affairs . . . there is no reason from the standpoint of personal integrity to forbid that. Such a person is surely not alienated "from his actions and the source of his action in his own convictions."[21]

Scheffler considers arguments for the deontological view and concludes that the "prima-facie difficulties with agent-centred restrictions" cannot be overcome.[22] He finds "an apparent air of irrationality surrounding the

one's own projects).

17. *See* pp. 58-60.

18. And, given the extent of deprivation in the world, this is no mere hypothetical: People will often be required to sacrifice their integrity.

19. P. 61.

20. P. 62.

21. Pp. 21-22.

22. P. 82.

claim that some acts are so objectionable that one ought not to perform them even if this means that more equally weighty acts of the very same kind or other comparably objectionable events will ensue . . . ."[23] Scheffler can find no way to dispel this air of irrationality. It is clear that we cannot explain why some actions are wrong simply by assigning them very high disvalue,[24] and generally, Scheffler argues, all strategies designed to justify deontological restrictions founder in just the way appeals to the disvalue of reprehensible actions do. Whatever it is that makes these actions reprehensible, it is odd to prohibit them even in cases where their purpose is to prevent more such actions.

Of course, the plausibility of rejecting deontological constraints, and of concluding that one is always permitted to maximize the good, depends partly on what one takes to be the good. The conception of the good embodied in classical utilitarianism and its modern variants, for example, may seem unsatisfactory for two reasons. First, one may believe that pleasure or happiness or want-satisfaction is not the only intrinsic good; one may think that integrity is a good, that there are intrinsic aesthetic or intellectual goods, or that motives themselves—independently of what they produce—can be good (sympathy or love) or bad (spite or malice). Second, one may believe that the distribution of goodness matters as much as the amount of goodness produced. In principle, standard utilitarianism permits and even requires ignoring the misery of a few in favor of "the pleasures of the many in order that total aggregate satisfaction or utility might be maximized."[25] Utilitarianism is morally indifferent as between a world in which some have a lot and others have very little, and a world in which goods are more equally distributed, if total utility is the same. The utilitarian will often have good utilitarian reasons for preferring more egalitarian distributions—for example, decreasing marginal utility—but he can have no reason for preferring them intrinsically.

But these are problems for standard utilitarianism, not necessarily for all consequentialist theories. A consequentialist can easily enough count "things" other than pleasure or want-satisfaction as intrinsic goods.[26] Scheffler's account is in this respect completely abstract; he does not reveal his conception of the good, except to say that it is pluralistic.[27]

23. *Id.*
24. P. 87.
25. P. 30.
26. For example, a consequentialist can maintain that some actions are good as well as right, that is, that some actions have intrinsic value. What distinguishes consequentialism is not its catalogue of the good, but its subjugation of the right. An action may be right because it produces good, or because it exemplifies the good, but its rightness must somehow depend on goodness; there is, for consequentialism, no such thing as intrinsic rightness.
27. P. 28.

He is much more specific about the matter of distribution. Unlike the utilitarian, Scheffler's conception of the good is inherently "distribution-sensitive." The weight he accords to benefiting a person increases as that person's relative well-being decreases.[28] But this principle is less stringent than, for example, Rawls': It does not accord absolute priority to benefiting the least advantaged.[29]

III.

The view that one is always morally required to produce the objectively best state of affairs available is about as familiar to students of moral philosophy as utilitarianism itself. And yet—what an extraordinary idea! One of the defects of Scheffler's extremely abstract approach is that he takes this idea completely for granted—takes it without question as the baseline from which deviations must be justified. But instead of asking whether a "departure" from this view can be given a "principled rationale," one might more sensibly begin by asking whether the view itself is credible.[30]

If consequentialism implies that one is morally required to maximize the good, we must wonder why the classical utilitarians—Bentham, Mill, Sidgwick—seemed to have been largely untroubled by the kinds of criticisms plaguing contemporary consequentialists. They do not seem to have worried that utilitarianism would make unreasonable demands on the individual. One possible explanation, of course, is that they were prepared to accept the consequences of consequentialism. This explanation, however, is implausible on its face: The original utilitarians were down-to-earth, practical men who aimed to do as little violence as possible to commonsense beliefs. There is, in addition, a great deal of direct evidence that they did not think utilitarianism required the heroic exertions ascribed to it by modern critics.

28. *See* pp. 26-31.

29. *See* J. RAWLS, *supra* note 4, at 14-15. It might be argued that to incorporate a distributive principle into a moral theory is to depart from consequentialism to that extent, as it might be argued that there are some "things" a consequentialist cannot count as goods and still remain a consequentialist. I consider these arguments briefly at *infra* pp. 561-62. For most of this essay, however, I will not challenge Scheffler's assumption that some distributions can be preferred within the consequentialist framework, on grounds of their intrinsic betterness.

30. According to Brian Barry, G.E. Moore was the first to identify rightness with the maximization of goodness. Barry, *And Who Is My Neighbor?*, 88 YALE L.J. 629, 639 n.37 (1979). Moore maintained that "the assertion 'I am morally bound to perform this action' is identical with the assertion 'this action will produce the greatest possible amount of good in the Universe.'" G. MOORE, PRINCIPIA ETHICA 147 (1903). Barry describes this view as "the time-bomb that has been ticking away ever since" and that "has at last blown up utilitarianism." Barry, *supra*, at 639 n.7. But the maximization view seems implicit in the idea of consequentialism itself and has been asserted occasionally even by the original utilitarians: "[A] Utilitarian must hold that it is always wrong for a man knowingly to do anything other than what he believes to be most conducive to Universal Happiness." H. SIDGWICK, THE METHODS OF ETHICS 492 (1907).

In the first place, the utilitarians believed that individuals had limited power to affect the welfare of large numbers of people. In general, they thought, the effects of individuals' actions were confined within a fairly narrow range:

> The multiplication of happiness is, according to the utilitarian ethics, the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale—in other words, to be a public benefactor—are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to.[31]

If my world consists of those nearest and dearest to me, I will not often be called on to sacrifice my own interests, for at least two reasons. First, my interests and the interests of those dearest to me will often coincide. In addition, those nearest and dearest to anyone who thinks about utilitarianism (or any other moral theory) are likely to be reasonably well off, so that concern for their welfare will not be so demanding. If my world consists not of sick and starving millions but only of the people around me, the view that "generally speaking, each man is better able to provide for his own happiness than for that of other persons"[32] is highly plausible.

The utilitarians' belief in the limited power of individuals to "do much good to more than a very small number of persons"[33] still does not completely rebut the charge that utilitarianism demands too much. After all, one *could*, it seems clear, do more good by becoming a nurse and going off to Somalia or Bangladesh than by teaching in a university; Mill and Sidgwick could not, it seems, have denied such facts. They must instead have gotten around them. But how?

To answer this question we must look at classical utilitarianism in its original context, not as the abstract philosophical theory it has since become, but as the work of politically engaged thinkers who tried to give a theoretical foundation to their progressive social views. There are several related ways in which this understanding of what Bentham, Mill, and Sidgwick were about helps explain the puzzle before us.

In the first place, against the harsh, rule-bound deontological moralities that came before it, utilitarianism, with pleasure as its centerpiece, could easily look too soft and yielding. The utilitarians insisted, moreover, that there was nothing intrinsically good about self-sacrifice; there was no vir-

31. J. MILL, UTILITARIANISM 19 (G. Sher ed. 1979).
32. H. SIDGWICK, *supra* note 30, at 431.
33. *Id* at 434.

tue in denial per se.[34] So against what had come before, utilitarianism could seem to suggest more relaxation than repression.

More important, the utilitarians conceived their theory as applying in the first instance to the organization of society rather than directly to individuals. Even if they were not clearly rule-utilitarians, they often sounded like rule-utilitarians.[35] The rule-utilitarian does not ask, "What should I do (to maximize the good), given the world as it is?," but rather, "What rules ought to govern human conduct and the organization of society?" Focusing on the latter question lifts many of the burdens of consequentialism, for several reasons. First, the burdens are spread around; the individual need not bear the brunt of everyone else's negligence. Second, some burdens may be diminished just by being shared, either because beneficial feelings of solidarity are fostered, or because some of the usual costs of deprivation (like envy) are decreased if no one else has what one does not have. Finally, emphasizing general rules for social institutions forces one to pay attention to what is reasonable to expect of typical human beings.[36]

In addition to the general emphasis on the structure of social institutions, there is the tendency, noted by Sidgwick, "which Utilitarian ethics have always shown to pass over into politics. For one who values conduct in proportion to its felicific consequences will naturally set a higher estimate on effective beneficence in public affairs than on the purest manifestation of virtue in the details of private life . . . ."[37] What is wanted is not personal self-sacrifice but promotion of the general welfare.

For these reasons, then, the classical utilitarians were not bothered by the objection that plagues their descendants and around which Scheffler has built his theory. What explains the difference? In the early twentieth century, moral philosophy took an arid and asocial turn; when it was

34. J. MILL, *supra* note 31, at 15-16.

35. An early explanation of the distinction (not explicit in the classical utilitarians) between act- and rule-utilitarianism, can be found in Urmson, *The Interpretation of the Moral Philosophy of J. S. Mill*, 3 PHIL. Q. 33, 35-39 (1953). Urmson argues that Mill was a rule-utilitarian, and this is probably now the common view. *But see* Mabbott, *Interpretations of Mill's 'Utilitarianism,'* 6 PHIL. Q. 115, 116-19 (1956) (challenging Urmson's interpretation).

36. Thus in defending the view that people may show partiality to those near and dear, and need not be strictly impartial in distributing their beneficence, Sidgwick argues:

> that most persons are only capable of strong affections towards a few human beings in certain close relations, especially the domestic: and that if these were suppressed, what they would feel towards their fellow-creatures generally would be, as Aristotle says, "but a watery kindness" and a very feeble counterpoise to self-love: so that such specialised affections as the present organisation of society normally produces afford the best means of developing in most persons a more extended benevolence . . . .

H. SIDGWICK, *supra* note 30, at 434. Sidgwick is obviously concerned here not with what an individual calculating in isolation should do, but with the sorts of social institutions most likely to promote general utility. Yet Sidgwick is often taken to be an act-utilitarian. *But see* J. SCHNEEWIND, SIDGWICK'S ETHICS AND VICTORIAN MORAL PHILOSOPHY 340-49 (1977) (challenging this classification and suggesting that distinction between act- and rule-utilitarianism is too simple).

37. H. SIDGWICK, *supra* note 30, at 495.

utilitarian at all, it retained only the broad and abstract features of classical utilitarianism and shed its subtleties: its political sense, its moral psychology, its understanding of human nature and social relations. Utilitarianism developed, for the most part, as a view about what an individual in isolation should do, and all that remained was the bare principle: maximize the good.[38] As meta-ethics prevailed over ethics, it was held that moral philosophy consists in the analysis of moral concepts, rather than anything that might directly affect one's life. It was easy enough to say that maximizing the good was obligatory—and unlikely that one's actual commitment to this view would be tested.

Scheffler takes seriously the logical extension of consequentialism that twentieth-century analytic philosophy has made central. He shares some of the flaws of that tradition, notably its extremely abstract approach. Thus he accepts unquestionably its "problematic," instead of at least noting the oddity or wondering at the origins of this consequentialist imperative. At the same time, however, he belongs to a generation of philosophers who are concerned about the implications of ethical theories for living one's life. The convergence of these two approaches is the driving force behind Scheffler's work.

IV.

There is yet another reason why the classical utilitarians were not beset by the problems Scheffler faces. A consequentialist must say that rightness depends on goodness, but it is a further step to say that rightness consists in *maximizing* goodness. Bentham, Mill, and Sidgwick all express views that diverge from this strong position. According to Bentham, for instance, to say that an action is right, or at least not wrong, is to say that it is "conformable to the principle of utility,"[39] and this means that "the tendency it has to augment the happiness of the community is greater than any it has to diminish it."[40] Thus, an action can be right even though other actions would have been even better. Mill and Sidgwick explicitly distinguish between obligatory and praiseworthy acts.[41] All these views

38. The argument that rule-utilitarianism collapses into act-utilitarianism reinforces this abstract and individualistic tendency. *See* D. LYONS, FORMS AND LIMITS OF UTILITARIANISM 62-118 (1965).

39. J. BENTHAM, AN INTRODUCTION TO THE PRINCIPLES OF MORALS AND LEGISLATION 3 (1907).

40. *Id.*

41. Mill characterizes the willingness to sacrifice one's own happiness for others as "the highest virtue which can be found in man." J. MILL, *supra* note 31, at 16. This suggests the distinction he makes elsewhere between conduct that is morally obligatory and conduct that we wish for or admire people for, but do not hold to be morally binding. *Id.* at 48.

Sidgwick, while admitting that the "distinction between Excellence and Strict Duty does not seem properly admissible in Utilitarianism," argues that it is

> practically expedient . . . to retain, in judging even the strictly voluntary conduct of others, the distinction between a part that is praiseworthy and a part that is merely right: because it is

imply that to be true to consequentialism, one must hold that goodness, and nothing else, determines rightness but just how much goodness one needs for rightness is an open question. More specifically, the consequentialist must hold that the more goodness an action produces, the "righter" it is,[42] but he need not maintain that for an action to be "merely right," in Sidgwick's phrase[43]—that is, morally acceptable—it must be optimal.

The consequentialist, then, can draw the line between rightness and wrongness—between what is permitted and what is not—far down from the optimal. Where he draws the line will depend on his views about human nature, his expectations of it, and, no doubt, his own temperament. As Mill observes, the consequentialist can be "puritanically rigorous" or "as indulgent as can possibly be desired by sinner or sentimentalist."[44]

This strategy may appear to be a simple solution to Scheffler's problem. For he is consequentialist enough, it seems, to agree that rightness depends on goodness; he wants only to deny that one is always obligated to maximize goodness. Why not draw the line of rightness, then, some distance down from the optimal, making saintliness and heroism recommended, but not required? For this, it seems, no principled rationale is needed.

But this approach will not help Scheffler; in seeing why, we discover problems with his view. On the line of reasoning just described, although it is permissible not to maximize the good, it is always preferable to bring more good into the world than not. Would Scheffler agree? What he says explicitly is just that one is permitted to maximize the good, as one is permitted not to. But his conception of persons and human agency and motivation implies something stronger. Something of ultimate value would be lost if people could not pursue their projects, could not live their lives according to their own scheme of value, and were instead always obligated to maximize the good. The natural conclusion is that it is not merely all right not to maximize the good; it is somehow better not to.

Scheffler wishes to allow maximizing the good so that those rare self-sacrificing or naturally altruistic souls may, like everyone else, pursue their projects, which happen to consist of maximizing the good.[45] On

> natural to us to compare any individual's character or conduct, not with our highest ideal—Utilitarian or otherwise—but with a certain average standard and to admire what rises above the standard . . . .

H. SIDGWICK, *supra* note 30, at 492.

42. J. MILL, *supra* note 31, at 7 ("[A]ctions are right in proportion as they tend to promote happiness.").

43. H. SIDGWICK, *supra* note 30, at 492.

44. J. MILL, *supra* note 31, at 20.

45. *See supra* p. 549.

Scheffler's assumptions, this is a good reason to permit them to maximize the good, but it is not clear why anyone for whom maximizing the good is not a project ought be permitted to do so. A person with less saintly projects who maximizes the good will thereby forsake his integrity. It seems, then, that Scheffler ought to conclude that some people ought not maximize the good, or that one is morally prohibited from doing so unless that happens to be one's project.[46]

It is impossible to penetrate these murky matters further without a better understanding of the nature of projects and the pull moral beliefs have on us. Scheffler does not discuss these issues in any detail, although he does deny that one's projects always take priority over objective goodness and badness.[47] But he does not explain how, except in the case of the saint or the altruist, moral beliefs become integrated into one's personality. I have my personal projects, but I may also believe that maximizing the good is desirable. Can I believe it is good or right without having some desire to do it? Is that enough to make it one of my projects? How do I fit it in with my other concerns? If I do not believe in maximizing the good, even more if I think it is wrong, then maximizing the good would violate my integrity in an obvious way.

However these issues are resolved, Scheffler's concern with integrity dictates a stronger conclusion than that one is permitted not to maximize the good. The language of permissions and prohibitions seems inadequate to these issues, but it is unfortunately the only language Scheffler uses. Given his views about integrity, and given people as they are (unsaintly and only moderately altruistic), the world in which people pursue their own projects and do not maximize the good is not just a second-best concession to realism; it is morally superior to the world in which they sacrifice their projects to maximize the good. But to admit this, it seems, is to abandon consequentialism altogether; it is to move beyond just allowing people not to maximize the good, and in the direction of recommending against it.

V.

It is not obvious why the independence of agent-centered prerogatives

46. This conclusion looks paradoxical. It seems peculiar to prohibit people from maximizing the good: Prohibitions against doing something are necessary only where there is some desire to do what is prohibited; only those whose project is to maximize the good have the requisite desire; those people, however, are exempt from the prohibition, for maximizing the good does not jeopardize their integrity. Thus it sounds odd to say that people are prohibited from maximizing the good, when only their own desires sustain the prohibition. But there is no real paradox here. On some theories, for example, such as egoism, one in fact ought to do what one wants to do. Such theories make right action dependent on one's desires; if the latter changed, the former would change as well.

47. Pp. 8, 20-21.

from agent-centered restrictions should be hard to maintain, and one is inclined at first to wonder why Scheffler works so hard to show that his hybrid view does not lead to the deontologist's more radical departure from consequentialism. Yet on further reflection it begins to seem as if the two views, and the underlying objections to which each responds, stand or fall together. The argument at the end of the last section is one reason for this conclusion: If integrity is definitive of our nature as agents, then a moral theory must do more than simply allow us to maintain it. But there are other reasons for thinking the objection from integrity and the deontological objection go together.

Let us recall Scheffler's argument that although consequentialism can accommodate a concern with integrity by counting it as a good to be maximized, this strategy is inferior to his own, which takes account of integrity in the structure of the theory itself. At the same time, Scheffler maintains that deontological restrictions on action cannot be justified. They are not imposed by the rationale for agent-centered prerogatives: "to protect individuals from the demand that they organize their conduct in accordance with some canon of impersonal optimality."[48] A prohibition against doing so does not follow. And the question Scheffler poses to the deontologist looks insuperably difficult:

> The question is not: what is it about people that makes it objectionable for them to be victimized? But rather: what is it about a person that makes it impermissible for him to victimize someone else even in order to minimize victimizations which are equally objectionable from an impersonal standpoint?[49]

Put this way, the question compels thinking in terms of the impersonal counting up of violations and choosing the course that minimizes them. And, not surprisingly, this approach is incapable, as Scheffler argues, of justifying agent-centered restrictions, just as it was incapable of justifying agent-centered prerogatives.[50]

But, at this point, the deontologist ought to object to the terms of the question. He is not concerned with the impersonal standpoint; at least, he is not concerned enough to sacrifice his convictions for it. Of course, if he does not do the abhorrent thing, there will be more badness in the world. But that is not the point. The deontologist believes that "each of us is specially responsible for what *he* does, rather than for what other people do."[51] This is a concern with integrity, not in Scheffler's sense of living

48. P. 94.
49. P. 100.
50. *See supra* pp. 549-50.
51. Williams, *supra* note 8, at 99; *see* Nagel, *The Limits of Objectivity*, in 1 THE TANNER LEC-

one's life and carrying out one's projects—though the deontologist may be concerned about this too—but in the sense of not doing what one believes to be wrong, of not acting badly or compromising one's values. This is integrity in its more usual sense: moral integrity.

Of course, one may find this view less than satisfactory, for just the kinds of reasons Scheffler offers. If a certain kind of act is so awful, more of them are even more awful. The anti-consequentialist stance may seem even to smack of self-indulgence, of too much concern with one's own moral purity—let the world be damned.[52] Our problem here, however, is not to decide the merits of this position. It is rather to see the connection between this deontological view and Scheffler's middle ground: the defense of agent-centered prerogatives. The difficulty is that, on the one hand, the argument Scheffler makes in defense of his view can be made by the deontologist, and, on the other, the criticism that can be made against the deontologist can be made against Scheffler.

Scheffler argues that the best way to build a concern with integrity into a moral theory is not to count it as a good among others to be maximized, but to give it a special place, reflecting its connection with our nature as agents, by allowing people to pursue their projects. It can be argued with equal force that the best way to incorporate a concern with right action into a moral theory is not to count it as a good to be maximized, but to reflect its connection with our nature as morally responsible agents by prohibiting certain actions and emphasizing that each person is responsible for his own conduct.

Scheffler argues that it is irrational not to allow otherwise objectionable actions when that is the only way to prevent more of them. It can be argued with equal force that if integrity is so important, it is irrational not to sacrifice one's own if doing so will promote aggregate integrity.

Why is it so difficult to maintain the moral distinction between agent-centered prerogatives and agent-centered restrictions? Not because their

TURES ON HUMAN VALUES 75, 119-39 (S. McMurrin ed. 1980). But Williams' words are misleading. They suggest that a person is responsible only for what he does, and not for what he omits to do. Although the denial of consequentialism is often conjoined with the belief that the distinction between actions and omissions is morally important, the former does not entail the latter. (Consequentialism, however, does imply that the distinction is not morally important.) One can believe, as Williams does, that people are especially responsible for the shape and content of their own lives, without thinking this is a matter only of what they do and not also of what they omit to do.

52. And, despite their arguments, Nagel and Williams do not come down clearly in favor of the anti-consequentialist answers to these moral dilemmas. *See* Nagel, *supra* note 51, at 126-35; Williams, *supra* note 8, at 117. They seem to be objecting more to what they see as the consequentialist's insensitivity than to his answers—as if a consequentialist could not recognize that the awful thing one does to prevent more awful things is not itself awful. But surely the consequentialist can recognize this; he advocates doing the lesser of two evils, but he does not deny that the lesser is still evil. What he cannot say is that doing the lesser evil is wrong, if to say it is wrong means, as we usually think, that one ought not do it. It is not clear how far Nagel and Williams are from this view.

content is indistinguishable: Certainly there is a difference between the view that one is permitted not to maximize the good and the view that one is required not to maximize it. The difficulty seems to come in choosing a point of view from which to judge what is right and what is all right. Either we judge from an impersonal, external perspective, in which case we give the consequentialist answer, or we judge from our personal standpoint in the world, in which case we sometimes give the nonconsequentialist answer.[53] It is not the specific content of Scheffler's claim, but rather his move to the agent-centered point of view, that opens the way for the deontologist and for the critic against both Scheffler and the deontologist. But note that it is not the concern with agency per se that opens the way for the deontologist and the critic—for a consequentialist can care about agency[54]—but the concern with *one's own* agency (the agent's agency). If I may take my projects more seriously than the Impartial Spectator would, why may I not take my moral purity more seriously too?

VI.

And yet, despite these arguments, I agree with Scheffler's conclusions: Where one would have to do an awful thing to prevent more awful things from being done, one may do it, that is, one may maximize the good or minimize the bad; one is not, however, always obligated to do the objectively best thing. If the above arguments are right, how can these views be consistently maintained?

Part of the answer to this question is simple, and part is complicated. The reason one is not *obligated* always to maximize the good is that there is no good reason to think one is. The only reason to think that one is obligated to maximize the good is the belief in consequentialism, conjoined with the belief that a consequentialist must be committed to this view. But, as I have argued, consequentialism does not require that one always do the best thing; it implies only that the more good one does, the better.[55] Where the line of obligatoriness is drawn, however, is an open question.

Explaining why it is not *wrong* to do something awful to prevent something more awful is more complicated. In part, it has to do with the great difficulty of maintaining one's integrity when faced with such clearly un-

53. *See* T. NAGEL, MORTAL QUESTIONS 196-213 (1979); Nagel, *supra* note 51, at 135-38.

54. *See supra* note 26; *infra* p. 560.

55. There are, of course, other things we value besides doing what is right. The right thing may not be the witty, the charming, the natural thing; one who always puts maximizing the good before all else may seem not fully human, or deficient in other qualities we value or admire. *See* G. ORWELL, *Reflections on Ghandi*, in COLLECTED ESSAYS 451, 459 (1961); Wolf, *Moral Saints*, 79 J. PHIL. 419 (1982). This point may dispel some of our dissatisfaction with the consequentialist account of the right: Rightness is one property of actions we value, but it is not the only one, and we should not expect rightness to include all that is worth valuing in the world or in people.

desirable options. Since nothing one can do in these dreadful situations seems quite right, nothing is clearly wrong either. For these extraordinary moral dilemmas simply confront one: One must choose either to do something or to refrain, and each course is morally loaded. One's knowledge of the terrible consequences of all choices may make proclamations about integrity seem self-deceptive. In any case, I do not think we conceive of such situations in terms of prohibitions at all. We are, in the end, more humble than that; we do not presume to judge. We would criticize someone confronted with such a choice not for what he decided, only for how. We would criticize him for acting too easily, for not agonizing.

There is another, more theoretical, reason for thinking it is permissible to do something awful to prevent something more awful. Remember that a deontological theory says that it is sometimes wrong to maximize the good; only the absolutist version insists that one may not maximize the good, whatever the consequences of not doing so.[56] The absolutist does not allow killing one person to save five, or however many. But the moderate deontologist concedes that consequences are relevant, and he may believe that the consequences of not killing in such a case are bad enough to justify the killing of one. What the deontologist cannot accept is the view that lying or breaking promises or killing is justified whenever doing so increases total utility. Killing one person would not be justified simply because it would make many others a bit happier.

Are we suggesting that the consequentialist must say that it *would* be all right to kill a person in order to cheer up a lot of others? This is a very crude consequentialist. He is indifferent between alternative distributions of the good, permitting the tradeoff between concentrated misery and a little bit of contentment spread thinly around. For him, there are no intrinsic goods that are not passive states of consciousness, like happiness or want-satisfaction. But a consequentialist need not be crude, just as a deontologist need not be absolutist. He can agree that certain kinds of motives or intentions are intrinsically, and not just instrumentally, good. The consequentialist can, furthermore, prefer some distributions of goods and bads on intrinsic grounds. This preference can be explained partly in terms of the "separateness of persons"[57] and partly in terms of the asymmetry between goodness and badness. Because persons are separate and because the calculus of goods and bads is additive, the individual good may be lost in the play of arithmetic: The net good or the total good may not be his own good. Yet we are concerned about the good of persons,

56. *See supra* pp. 545-46.

57. *See* pp. 11-12, 77-79; J. RAWLS, *supra* note 4, at 27-29. The emphasis in recent moral philosophy on the separateness of persons has its source in Rawls' claim that "Utilitarianism does not take seriously the distinction between persons." *Id.* at 27.

separate individuals. It is impossible to avoid the tension between division and addition entirely. But it can be avoided, in part, by counting some kinds of well-being or some portions of the welfare continuum as more important than others. We may call the most essential portions rights, and we may say that they are so important that they can only be sacrificed for the fulfillment of essential rights of others. There are other, weaker positions as well.[58] In any case, a consequentialist can by such means avoid the absurd conclusion that it would be all right to kill a person to please some others.

Is this still consequentialism? Clearly Scheffler thinks it is.[59] He does not see this aspect of his view—the acceptance of a distributive principle—as a departure from consequentialism. If he did, he almost certainly would have rejected consequentialism altogether, so as not to be saddled with conclusions that have long embarrassed utilitarians.[60] But it might be argued that one cannot build just anything into the good and still meaningfully describe one's theory as consequentialist. If this disagreement is to be more than the insistence by the consequentialist that he can say this or that is intrinsically good, and the insistence by the critic that *qua* consequentialist he cannot, the debate will have to be about *how* integrity, or a principle of distribution, is worked into the theory. Are these simply goods among other goods (in which case they will often be overridden)? Or do they have special weight or priority? How much weight? Any pluralistic theory must attempt to explain how to cash out the metaphor of weight, but then so too must a moderate deontological theory, under which consequences may sometimes override deontological restrictions.

These considerations lead us to wonder whether there is much to choose between the consequentialist who is not crude and the deontologist who is not absolutist. We begin with a clear distinction: between the utilitarian who cares just about pleasure and pain and is willing to bite the bullet when our intuitions about just distribution cannot be accommodated on consequentialist grounds, and the absolutist who will not tell a lie even to save the world. But most of us find neither view reasonable or adequate to our moral experience. As we move away from these extremes, to pluralistic and distribution-sensitive versions of consequentialism and to deontological views that allow consequences to count for something, the philosopher's labels "consequentialist" and "deontological" mean less and

58. *See supra* p. 551 (discussing Scheffler's position).

59. P. 26.

60. Until a decade or so ago, it was these problems about consequentialism—its apparent insensitivity to matters of justice, its willingness to violate the integrity not of agents but of victims—that preoccupied philosophers. The concern with the integrity of agents came to the fore with Williams' critique. *See supra* p. 548.

less.[61] The credible versions of each converge to a kind of intuitionism in which the rules are always prima facie and the various goods and bads, values and disvalues that attract and repel us have to be balanced through a process of judgment in every difficult case. In short, we find ourselves describing a view that reflects the character and complexity of the dilemmas we confront and the choices we have to make.

VII.

Scheffler's fundamental question derives its force, I think, from its resemblance to a different question. Only philosophers wonder (and, I have argued, largely for bad reasons) whether one is always morally required to do what is best. Many people, however, worry about whether they are doing enough—whether, given the misery and degradation of the lives of millions of people, and the lesser but still serious misfortunes of many more, their own affluence, comfort, and general well-being are morally acceptable. They are disturbed not by the abstract question, "Am I permitted not to maximize the good?," but by the concrete one, "How much should I be doing to make other lives less miserable, and when may I ignore all that and lead my own life?" Should I tithe, as the churches recommend? Giving a twentieth of my income seems too little, a half may be too much. There is, we feel certain, such a thing as too much, for reasons Scheffler has explained. But how much is that, and how much is not enough? Perhaps there is a line for duty, and a different line for decency. We are interested in both.

These are the problems that really disturb us. They cannot be answered abstractly, and so philosophers tend to avoid them. What is needed to answer them? First we must decide whether we are interested in the question for the isolated individual: What should I do given that everyone else continues as before? Or the social question: What practices can be legitimately demanded of people, given that the burdens are shared? These questions have different answers.[62] In addition, we will have to say much more about the kinds of things that are good and bad; inevitably, we will have to weigh them against each other, not a priori, but in the particular case. We may have to weigh "higher pleasures," not against lower pleasures but against "lower pains": the non-necessary but nontrivial benefits of advanced industrial society against the most primitive deprivations. These are messy line-drawing questions; they involve looking at what is at stake when a person gives up something to benefit someone in need, and

61. *See* Piper, *A Distinction Without a Difference*, 7 MIDWEST STUD. PHIL. 403, 403-24 (1982); Stocker, *Rightness and Goodness: Is There a Difference?*, 10 AM. PHIL. Q. 87, 92-98 (1973).

62. *See supra* p. 553.

at what is at stake for the recipient.

Given the world as it is, it is often easy to see just how much is at stake for the beneficiary. It is the costs to the donor of doing good that raise the most difficult questions. What aspects of a person's life are so important that it would never (or almost never) be right to interfere with them? Which are less serious or more contingent on general social practices? We can, if we like, put these questions in terms of an agent's projects. But we will have to do more than give it a name. Despite the central place of personal projects in Scheffler's theory, nowhere does he mention a single one, or distinguish among them. Yet we cannot begin to draw the lines, to decide what it is reasonable to expect people to give, without distinguishing among a person's many concerns and interests. I have no doubt that Scheffler would agree.[63] I only regret that he asked a question whose answer is clear—whether it is sometimes permissible not to maximize the good—rather than the more difficult question: When?

63. *See* pp. 8-9, 20-21.