

Deontological Egoism

When I said that egoism and self-referential altruism would form a central part of the good life, I was of course using these terms themselves to describe kinds of activity and kinds of motivation. But it follows that we shall want egoism also as a moral principle: we want people to see it as not only legitimate but right and proper that they should pursue what they see as their own well-being.¹

1. Introduction

Egoism is the Rodney Dangerfield of moral philosophy: it gets no respect. The disrespect is to some extent invited, for egoists have advanced numerous, diverse, and conflicting versions of their theory. But the critics of egoism have not, as a rule, been fair. Some, such as G.E. Moore, formulate the theory in such a way as to make it implausible at best and incoherent at worst.² Others, thinking egoism a nonstarter, rule it out a priori. Little attention has been paid to the possibility that some version of egoism withstands rational scrutiny. I know of no moral theory—not even utilitarianism, which has always had legions of vociferous critics—that has been as misunderstood and maligned as egoism. It is the whipping boy of contemporary moral philosophy.

My aim in this essay is to rescue egoism from its (unfair) critics. I do this by setting out a coherent (and therefore a respectable) egoistic theory, one that, for reasons to be given, I call Deontological Egoism (hereafter “DE”).³ I will not argue for DE in the sense of giving reasons that every

¹J.L. Mackie, *Ethics: Inventing Right and Wrong* (Harmondsworth, England: Penguin Books, 1977), p. 173.

²“In general, most critics of egoism fail to heed the arguments and statements advanced by egoists themselves—which has contributed, in part, to the difficulty of dealing with the discussion in a coherent fashion.” Tibor R. Machan, “Recent Work in Ethical Egoism,” *American Philosophical Quarterly* 16 (1979): 1-15, p. 9. For a discussion of Moore’s (mis)characterization of egoism, see Eric Mack, “Moral Individualism: Agent-Relativity and Deontic Restraints,” *Social Philosophy and Policy* 7 (1989): 81-111, pp. 84-86.

³I do not address the descriptive (positive, social-scientific) theory known as “psychological egoism.” Nor do I argue for DE on the basis of psychological egoism, as is sometimes done. See, e.g., Fred Feldman, *Introductory Ethics* (Englewood Cliffs, N.J.: Prentice-Hall, 1978), pp. 88-90 (considering and rejecting the claim that the conjunction of psychological egoism and the “ought”-implies-“can” principle entails ethical egoism).

informed, rational person must accept, for that, in my view, is a misguided and fruitless approach.⁴ Nor do I maintain that the theory is *true* (whatever that might mean). Rather, I portray DE in the best light I can, drawing out some of its implications, eliminating confusions, and anticipating and responding to objections.⁵ At the end of the day, each reader must decide whether DE accounts better than its rivals for his or her values, beliefs, judgments, attitudes, emotions, ideals, principles, and commitments—in short, for the multifarious data of the moral life.⁶

The essay is structured as follows. In section 2, I distinguish and discuss several varieties of egoism, showing how deontological egoism (the super-set of DE; note the lower-case letters) differs from the others. Egoism, like consequentialism, is best viewed as a *class* or *family* of theories (a type) rather than as a particular theory (a token). In section 3, I focus attention on DE (a token of the type), comparing it to such frequently endorsed rivals as act-consequentialism (hereafter “consequentialism”), Samuel Scheffler’s “hybrid” theory (hereafter “the Hybrid Theory”), and so-called common-sense morality. This section of the essay is expository rather than argumentative or critical. It rests on two assumptions: first, that one cannot meaningfully criticize (or, for that matter, endorse) a theory without under-

⁴I share Ron Milo’s view that “Very deep and fundamental moral disagreements are ... possible, and these are often irresolvable by any rational means of persuasion.” Ronald D. Milo, “Moral Deadlock,” *Philosophy* 61 (1986): 453-71, p. 470. See also Jonathan Glover, *Causing Death and Saving Lives* (Harmondsworth, England: Penguin Books, 1977), chap. 2; Charles E. Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), p. 38 (“No mature view of morality can fail to acknowledge the existence of rationally unsetttable moral conflicts”); Richard A. Posner, *The Problematics of Moral and Legal Theory* (Cambridge, Mass.: Harvard University Press, 1999), p. 16 (“One function of moral philosophy is the articulation of possible moral systems with or without accompanying arguments”).

⁵Compare Henry Sidgwick, *The Methods of Ethics*, 7th ed. (Indianapolis: Hackett Publishing Company, 1981 [1907; 1st ed., 1874]), p. 14: “My object ... in the present work, is to expound as clearly and as fully as my limits will allow the different methods of Ethics that I find implicit in our common moral reasoning; to point out their mutual relations; and where they seem to conflict, to define the issue as much as possible.” Sidgwick disclaims any attempt to “establish” ethical first principles (*ibid.*). To his credit, he is one of the few moral philosophers who has taken egoism seriously.

⁶According to Simon Blackburn, “The ambition [of philosophy] is often one of finding system in the apparent jumble of principles and goals that we respect, or say we do. It is an enterprise of self-knowledge.” Simon Blackburn, *Being Good: An Introduction to Ethics* (Oxford: Oxford University Press, 2001), p. 5. The utility of a moral theory, in this view, lies in the system, order, organization, or harmony it brings to what would otherwise be disconnected, disordered, unorganized, and cacophonous elements. See also Larmore, *Patterns of Moral Complexity*, p. ix: “The goal of theory must be to discern some order in the welter of phenomena. This is as true of moral philosophy as it is of other forms of inquiry.” For another example of the “coherence” or “ad hominem” method (in the nonfallacious Lockean sense), see Joel Feinberg, *Harm to Others*, vol. 1 of *The Moral Limits of the Criminal Law* (New York: Oxford University Press, 1984), pp. 18-19.

standing it; and second, that understanding a theory requires understanding how it is like and unlike its rivals. Theories compete for the same cognitive space, so the enterprise is always comparative. Finally, in section 4, I reply to a series of objections, among which is the charge that DE is not really a form of egoism. None of these objections, I argue, is cogent.

2. Varieties of Egoism

Let us begin our investigation of egoistic theories by distinguishing the various features (or aspects) of action. Consider the following diagram:⁷

agent → end → action → consequence(s)

The *end* of an action is its motive or purpose: that for the sake of which it is performed. The *consequences* of an action are its causal upshots, whether intended or unintended, foreseen or unforeseen, desired or not desired. The *action* is what one does, as distinct from what one aims for or brings about. For example, my purpose in watering the concrete foundation of my house may be to prevent cracking, but, unbeknownst to me, I cause the concrete to rot. In terms of the diagram, I am the agent; my action is the watering of the foundation; my end or purpose in doing so is the prevention of cracking; but the consequence of my doing so—unintended and undesired!—is rotten concrete. Often, the consequences of an action are precisely those that were intended, foreseen, and desired by the agent; but this is neither necessarily nor always the case. Ends and consequences can come apart.⁸

Not all moral theories are theories of the rightness of action, of course. Some concern the goodness of persons. Among those that concern rightness rather than goodness, there are differences in emphasis. Some theories—those known as teleological—emphasize motives, purposes, or ends. They assert that the rightness or wrongness of an action is a function of the motive(s) with which, or the end(s) for the sake of which, it is performed. Given a certain end (such as overall happiness), an action is right insofar as the agent performs it for the sake of that end. Whether the end is realized is, in this view, irrelevant—in part, perhaps, because it is beyond the agent's control.

⁷See James F. Childress, "The Normative Principles of Medical Ethics," chap. 2 in Robert M. Veatch (ed.), *Medical Ethics*, 2nd ed. (Sudbury, Mass.: Jones and Bartlett Publishers, 1997), pp. 29-55, at p. 32.

⁸This is why it is a mistake, albeit a common one, to classify utilitarianism and other consequentialist theories as "teleological." Teleology (from the Greek word "telos," meaning end or purpose) is "The study of the ends or purposes [of] things." Simon Blackburn, *The Oxford Dictionary of Philosophy* (Oxford: Oxford University Press, 1994), p. 374.

Other theories—known as consequentialist—emphasize the consequences or causal upshots of action. They assert that the rightness or wrongness of an action is a function of what it brings about, even if unintended, unforeseen, and undesired. The consequences in question are those considered good by the theorist, which is why consequentialism, a theory of the right, requires or presupposes a theory of the good. The good, consequentialists say, is logically prior to the right.

A third type of theory, known as deontological, emphasizes something other than ends or consequences. A deontologist says that the rightness or wrongness of an action is a function of the kind of action it is—for example, a lie, a murder, a broken promise, a betrayal, or, more generally, a doing of harm. In the broadest sense of the word, “deontological” refers to any theory other than a teleological or a consequentialist theory.⁹ Thus, any theory that constrains the pursuit or maximization of the good, or that precludes action from certain motives (such as malevolence), would be, broadly speaking, deontological.

Each type of theory that I have sketched—teleological, consequentialist, and deontological—has both egoistic and nonegoistic variants. Teleological egoism is represented by the work of Ayn Rand, who, in 1961, wrote that, “To live for his own sake means that the achievement of his own happiness is man’s highest moral purpose.”¹⁰ A similar view was expressed (though not espoused) by Henry Sidgwick, who wrote that egoistic hedonism (a kind of egoism) implies “the adoption of his own greatest happiness as the ultimate end of each individual’s actions.”¹¹ The emphasis of these theories is on the ends, motives, or purposes of action.

Consequentialist egoism is represented by the work of the philosopher Jesse Kalin, who defined it as the view that “A person ought to do a specific action, all things considered, if and only if that action is in that person’s overall (enlightened) self-interest.”¹² In a slightly different formulation, Kalin puts it as follows: “For each person, it is most reasonable for him to pursue his own self-interest, even to the harming of others if necessary.”¹³

⁹This is how William Frankena and Samuel Scheffler use the term. See William K. Frankena, *Ethics*, 2nd ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1973), p. 15; Samuel Scheffler, *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*, rev. ed. (Oxford: Clarendon Press, 1994), p. 2. Later, I will introduce other, more specific senses of “deontological.” DE, as I will show, is deontological in every sense.

¹⁰Ayn Rand, “The Objectivist Ethics,” chap. 1 in *The Virtue of Selfishness: A New Concept of Egoism* (New York: New American Library, 1964), pp. 13-35, at p. 27 (italics omitted).

¹¹Sidgwick, *The Methods of Ethics*, p. 119; see also p. 95.

¹²Jesse Kalin, “In Defense of Egoism,” in David P. Gauthier (ed.), *Morality and Rational Self-Interest* (Englewood Cliffs, N.J.: Prentice-Hall, 1970), pp. 64-87, at p. 66.

¹³*Ibid.*, p. 79. Kalin calls this “a teleological moral principle,” but it is clear from the

Richard Brandt, who rejected egoism (but took it seriously enough to try to refute it), criticized the following version of the theory: “(x)(y)(x ought to do y if and only if y maximizes x’s utility).”¹⁴ This says that each person is morally obligated to maximize his or her utility. The emphasis of these theories is on the consequences of action, not on the ends, motives, or purposes of action.

Sometimes it is not clear which sort of egoism is being espoused. John Hospers says that, according to egoism, “my sole duty is to promote my own interests exclusively.”¹⁵ He also writes, somewhat confusingly, that “individuals should act for their own self-interest—that is, ... the only reason people should do something is to promote their own interests.”¹⁶ Joel Feinberg, who, like Brandt, rejects egoism, characterizes it as the doctrine that “all people *ought* to pursue their own well-being.”¹⁷ These formulations are ambiguous between teleological egoism and consequentialist egoism, for it is not clear whether the rightness of the action consists in its being performed for a certain *end* (viz., the promotion of self-interest) or in its realization of that end.

No theorist, to my knowledge, has defended a pure form of deontological egoism (meaning a form that bears no traces of either teleological egoism or consequentialist egoism), although Edward Regis, Jr., comes close:

On the view proposed here, ethical egoism has two defining characteristics: (1) that the achievement of one’s own personal happiness and well-being ought to be the ultimate (but not only) end of one’s actions, and (2) that no one has any unchosen moral obligation or responsibility to serve the interests or satisfy the needs of others.¹⁸

This formulation combines teleological egoism (the first characteristic) and deontological egoism (the second). The second characteristic makes rightness depend on something other than the ends or consequences of action. In an essay published a year later, Regis gave a different (and pithier) formu-

context that he means for it to be consequentialist (in my terminology).

¹⁴Richard B. Brandt, “Rationality, Egoism, and Morality,” chap. 6 in *Morality, Utilitarianism, and Rights* (Cambridge: Cambridge University Press, 1992), pp. 93-108, at p. 99. See also Shelly Kagan, *Normative Ethics* (Boulder, Colo.: Westview Press, 1998), p. 63: “ethical egoism” is the view that “an act is right if and only if it leads to the best consequences for the agent” [italics in original].

¹⁵John Hospers, “Baier and Medlin on Ethical Egoism,” *Philosophical Studies* 12 (1961): 10-16, p. 10.

¹⁶John Hospers, *Human Conduct: Problems of Ethics*, 2nd ed. (New York: Harcourt Brace Jovanovich, 1982), p. 83 (italics omitted).

¹⁷Joel Feinberg, “Psychological Egoism,” in Joel Feinberg and Russ Shafer-Landau (eds.), *Reason and Responsibility: Readings in Some Basic Problems of Philosophy*, 11th ed. (Belmont, Cal.: Wadsworth/Thomson Learning, 2002), pp. 547-59, at p. 547 (italics in original).

¹⁸Edward Regis, Jr., “Ethical Egoism and Moral Responsibility,” *American Philosophical Quarterly* 16 (1979): 45-52, p. 46.

lation: "Ethical egoism is the view which holds that one ought to pursue one's well-being and happiness, and that one has no unchosen moral obligation or duty to serve the interests of others."¹⁹

Since, as this survey shows, there are different varieties of egoism (corresponding to the different aspects of action), it would be rash—not to mention irresponsible—to dismiss all of them in one fell swoop. Regrettably, this has occurred. Opposition to consequentialist egoism is both widespread and intense. One well-known philosopher refers to it as "a pernicious doctrine," claiming that it encourages people to adopt "a wicked attitude."²⁰ Whether this is so is beyond the scope of this essay, and not just because it is (in part) an empirical matter. The point I wish to make is this. It is entirely possible that the reasons one has for rejecting, say, consequentialist egoism do not touch other varieties, such as deontological egoism. As I argue in section 4, this is not a reason to deny the label "egoism" to these other varieties, as if egoism were by definition or by acclamation unacceptable. (After all, one can reject Bentham's hedonistic utilitarianism without rejecting the class [consequentialism] of which it is a member.) It is, rather, a reason to adopt a more nuanced view of egoistic theories—to take seriously the possibility that some of them are coherent (plausible, attractive) while others are not.²¹

¹⁹Edward Regis, Jr., "What Is Ethical Egoism?" *Ethics* 91 (1980): 50-62, p. 61. My differences with Regis will be spelled out in section 3.

²⁰James Rachels, "Two Arguments Against Ethical Egoism," *Philosophia* 4 (1974): 297-314, p. 297. Rachels defines "ethical egoism" as "the view that the right thing for anyone to do, on any occasion, is whatever would best promote his own interests, no matter how other people's interests would be affected" (*ibid.*). This, in my terminology, is consequentialist egoism. Incidentally, section two of Rachels's essay is entitled "The Wickedness of Ethical Egoism." Imagine a philosophical essay (or section of same) entitled "The Wickedness of Eliminative Materialism" or even "The Wickedness of Political Libertarianism." When it comes to egoism, moderation and fairness go out the window. Nor, sadly, is this a recent phenomenon. Hobbes, a proponent of psychological (and probably also ethical) egoism, was known (for that and other reasons) as "the Beast of Malmesbury."

²¹In light of this, a more accurate title for Rachels's essay would be "Two Arguments Against Consequentialist Egoism," or perhaps "Two Arguments Against a Certain Form of Egoism." His title gives the impression that he has undermined or refuted *egoism*. To see the fallacy in this, suppose I argue against Bentham's hedonistic utilitarianism, but entitle my essay "Two Arguments Against Consequentialism." Clearly, that would be misleading. For either my arguments are directed at all consequentialist theories (i.e., at consequentialist theories as such) or they are directed only at Bentham's version. If the former, then the focus on Bentham is misplaced. If the latter, then the title is inaccurate (because too broad). Rachels may be excused for not addressing all egoistic theories. After all, Regis's essays defending a nonconsequentialist version of egoism had not yet been published. Today's philosophers have no such excuse.

Almost all reactions to DE have been negative. They fall into two categories. Some readers say (in effect) that it's egoism, so it can't be plausible. Others say (in effect) that it's plausible, so it can't be egoism. The first inference begs the question; the second is, of course, a non sequitur. What explains these fallacies? Simon Blackburn calls psychological egoism a

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[T]he right reaction is to look for moral principles that are not impractical, and not limitless in their demands. Adhering to anything more stringent might be saintly, and admirable, but it is not *demand*ed of us.²²

Let us turn to a particular member of the class of deontological egoistic theories, keeping in mind that deontological egoism is itself just one type of egoism. I shall characterize DE indirectly, by making use of a pair of distinctions introduced by John Rawls. In *A Theory of Justice*,²³ Rawls distinguishes between two kinds of moral requirement: duties and obligations. Duties, he says, are *natural* in the sense that “they apply to us without regard to our voluntary acts” (114/98). They “are owed not only to definite individuals, say to those cooperating together in a particular social arrangement, but to persons generally” (115/99). Obligations, in contrast, “arise as a result of our voluntary acts; these acts may be the giving of express or tacit undertakings, such as promises and agreements, but they need not be, as in the case of accepting benefits” (113/97). They “are normally owed to definite individuals, namely, those who are cooperating together to maintain the arrangement in question” (113/97).

Within the class of duties (now understood as natural, or nonvoluntary, moral requirements), Rawls makes another distinction: between positive and negative. A positive duty is “a duty to do something good for another” (114/98). Examples are “uphold[ing] justice” (109/94), “mutual respect” (109/94), “helping another when he is in need or jeopardy, provided that one can do so without excessive risk or loss to oneself” (114/98), and “mutual aid” (114/98). A negative duty, in contrast, “require[s] us not to do something that is bad” (114/98). Exemplary negative duties are “not ... harm[ing] the innocent” (109/94), “not ... harm[ing] or injur[ing] another” (114/98), “not ... caus[ing] unnecessary suffering” (114/98), and “not ... be[ing] cruel” (114/98).

Although Rawls does not say as much, the positive-negative distinction applies to obligations as well as to duties. For example, one has a positive obligation (now understood as a voluntary, or nonnatural, moral require-

“threat” to ethics, for, if true, it makes ethics “impossible” (Blackburn, *Being Good*, pp. 9, 29-37). One gets the impression that even *ethical* egoism—in any of its guises—is seen as a threat. But as I have been at pains to point out, the variation within the class of egoistic theories matters. Perhaps if I took “egoism” out of the theory’s name, it would get a fair shake. But that would be both inaccurate (therefore disingenuous) and cowardly, for, as I show in sections 3 and 4, the name is perfectly appropriate.

²²*Ibid.*, p. 49 (italics in original).

²³John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971; rev. ed. 1999). Subsequent page references to this book are in the text. In each case, there are two references, separated by a slash: the first to the original edition, the second to the revised edition.

ment) to uphold a just institution when “one has voluntarily accepted the benefits of the arrangement or taken advantage of the opportunities it offers to further one’s interests” (112/96). An example of a negative obligation (Rawls does not furnish one) would be promising not to do something I am morally entitled to do, such as felling timber on my property (where the neighbors value the trees as a wind shield, say, and ask me to refrain from cutting them). The two Rawlsian distinctions cut across one another, creating four mutually exclusive and jointly exhaustive categories of moral requirement, to wit:

	duties (natural) (nonvoluntary)	obligations (nonnatural) (voluntary)
positive	1	2
negative	3	4

As between categories 1 and 3, Rawls says “it seems plausible to hold that, when the distinction is clear, negative duties have more weight than positive ones” (114/98). I go further. I maintain that category 1 is empty: there are no positive duties. All other categories, in my view, are exemplified. That, simply stated, is DE. It is a theory about which sorts of moral requirement there are (and are not).²⁴

It is important to appreciate that DE does not require, much less require-but-constrain, maximization of the good.²⁵ I am not claiming, in other words, that there is a duty to maximize self-interest, subject to side-constraints. There is no duty to maximize self-interest. As we saw, this is what distinguishes deontological egoism from consequentialist egoism. What there is, as the Rawlsian chart shows, is the *absence* of a duty to benefit others (understood broadly to include prevention of harm to oth-

²⁴I hasten to add that Rawls does not share my view. He believes that category 1—positive duties—has members. Indeed, he says that “there are many natural duties, positive and negative” (114/98). One positive duty Rawls mentions is “the duty of helping another when he is in need or jeopardy, provided that one can do so without excessive risk or loss to oneself” (114/98). He calls this “the duty of mutual aid” (114/98). Another positive duty is “the duty of justice,” which “requires us to support and to comply with just institutions that exist and apply to us” and to “further just arrangements not yet established, at least when this can be done without too much cost to ourselves” (115/99).

²⁵For a sketch of a deontological egoistic theory that does require maximization, see Robert Nozick, “On the Randian Argument,” *The Personalist* 52 (1971): 282-304, p. 303 n. 12.

ers).²⁶ Obviously, DE does not rule out the *possibility* of a particular person's maximizing his or her self-interest, or indeed of maximizing the overall good (within the constraints set by negative duties and by his or her obligations).

I will return to this point shortly, but first let me forestall a confusion. From the fact that there are no positive duties (in the Rawlsian sense), it does not follow that one may never benefit another person. "Act A is forbidden" is not entailed by "Act A is not required." That is a non sequitur—indeed, an instance of what Richard Robinson calls "moral imperialism."²⁷ Like other moral theories, such as Kantianism and consequentialism, DE maintains that there are both required and forbidden actions. A person is required, according to DE, to discharge all of his or her obligations, whether positive or negative.²⁸ A person is forbidden, according to DE, to harm others, which would be a violation of negative duty.²⁹ Unlike some theories, however, DE insists that there are discretionary actions—actions that are neither required nor forbidden. Some of these actions may be mor-

²⁶Joel Feinberg distinguishes between a generic and several specific senses of "benefit." In the generic sense, to benefit another is "[t]o produce any kind of favorable effect on another's interest, including ... that of preventing harm threatened from another source" (*Harm to Others*, p. 139). It is clear from Rawls's examples that he uses "benefit" in the generic sense. For, as we saw, he defines "positive duty" as "a duty to do something good for another" (*A Theory of Justice*, p. 114/98). But one of Rawls's examples of doing something good for another is "helping another when he is in need or jeopardy, provided that one can do so without excessive risk or loss to oneself" (*ibid.*). This is harm prevention. So harm prevention is included in benefiting. When I say, therefore, that according to DE there are no positive duties (i.e., that category I is empty), I mean that there are no duties to "produce any kind of favorable effect on another's interest, including ... that of preventing harm threatened from another source."

²⁷"A political imperialist is one who wants his State to control all States. A moral imperialist is one who wants morality to control all actions. The political imperialist allows no neutral States. The moral imperialist allows no neutral actions. Every action, according to him, is either morally demanded or morally forbidden; no action is merely permitted, or morally indifferent." Richard Robinson, "Ought and Ought Not," *Philosophy* 46 (1971): 193-202, p. 200.

²⁸The class of positive obligations includes (but is not exhausted by) those that arise as a result of one's official capacity. For example, if I am a civil servant, I have, in accepting the position, committed myself to making decisions in an impartial manner. I may not, therefore, while acting in this capacity, maximize or pursue my self-interest, or show favoritism to those who are near and dear to me, if either of these actions conflicts with the obligation to be impartial. For a discussion of nepotism, cronyism, and corruption, see John Cottingham, "Partiality, Favouritism and Morality," *Philosophical Quarterly* 36 (1986): 357-73, p. 358.

²⁹As in the case of "benefit," I use "harm" in its generic sense. To harm another, generically, is "[t]o produce any kind of adverse effect on another's interests, including ... that of preventing a benefit (i.e. by thwarting, intercepting, or diverting) that would otherwise accrue from another source" (*Harm to Others*, p. 139). Like Feinberg, I endorse the *volenti non fit injuria* principle, which means that those who consent to having their interests set back are not thereby harmed (because they are not wronged) (*ibid.*, pp. 115-17).

ally praiseworthy and hence supererogatory. Others may be morally blameworthy. Still others may be morally indifferent. DE says nothing about which actions are which, since it is not a theory of the good. It is a theory of the right. What it does is make such judgments possible. It opens logical space for them (as it were). Like J.O. Urmson, I consider this a good-making feature of a moral theory.³⁰

To appreciate the structure of DE, let us compare it to three other theories (or theoretical types): consequentialism, the Hybrid Theory, and what Scheffler calls "the commonsense view."³¹ The consequentialist asserts that for all persons and situations, the right thing to do is to maximize the overall good.³² Anything less, or anything else, is morally impermissible. It follows that it is always permissible to maximize the overall good. But this entails that if the overall good can be maximized by harming others, then harming others is permissible. DE rejects that. DE does not allow a person to harm another in order to maximize his or her good (or the good generally).³³ Some other form of egoism may allow (or even require) this, but DE

³⁰See J.O. Urmson, "Saints and Heroes," in A.I. Melden (ed.), *Essays in Moral Philosophy* (Seattle: University of Washington Press, 1958), pp. 198-216. Roderick Chisholm proposes that we divide the class of discretionary actions into five categories (actually, seven, but two are either empty or, if exemplified, uninteresting). Discretionary actions are either good, bad, or indifferent (morally speaking). Chisholm calls the good ones "supererogatory" and the bad ones "offences." He then distinguishes between acting ("commission") and refraining from acting ("omission"). This creates five classes: (1) supererogatory commissions; (2) supererogatory omissions; (3) offenses of commission; (4) offenses of omission; and (5) totally indifferent actions. See Roderick M. Chisholm, "Supererogation and Offence: A Conceptual Scheme for Ethics," *Ratio* 5 (1963): 1-14.

In supererogatory commission, one does good even though one needn't (e.g., by giving an inept waiter a generous tip). In supererogatory omission, one refrains from doing bad even though one may (e.g., by not informing a busy waiter that he or she has brought the wrong dessert). In an offense of commission, one does bad because one may do so (e.g., by complaining to the manager about the waiter's ineptitude). In an offense of omission, one refrains from doing good because one needn't do so (e.g., by not thanking the waiter who finally brings the proper dessert). The examples are Chisholm's (*ibid.*, p. 11), the pithy formulations mine.

³¹Samuel Scheffler, *Human Morality* (New York: Oxford University Press, 1992), p. 122. The commonsense view, or commonsense morality, is not, strictly speaking, a *theory*, for that implies a certain self-consciousness. It is, rather, a "conception" or understanding of morality (or of what morality permits, requires, and forbids).

³²Here is J.J.C. Smart's formulation: "Roughly speaking, act-utilitarianism is the view that the rightness or wrongness of an action depends only on the total goodness or badness of its consequences, i.e. on the effect of the action on the welfare of all human beings (or perhaps all sentient beings)." J.J.C. Smart, "An Outline of a System of Utilitarian Ethics," in J.J.C. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), pp. 1-74, at p. 4.

³³Eric Mack calls this theoretical feature a "deontic restraint." See Mack, "Moral Individualism," p. 81. (Elsewhere, he calls it a "protective side-constraint" [*ibid.*, p. 83] and a "moral side constraint" [*ibid.*, p. 100].) In terms of the Rawlsian chart, Mack is trying to provide a "philosophical foundation" (*ibid.*, p. 81) for category 3 (negative duties). His "moral

does not. Nor does consequentialism allow duties or obligations to stand in the way of maximization. There is, according to consequentialism, just one duty: generalized beneficence. Suppose I have promised *X* that at time *t* I will do *A*, and that *t* has arrived. DE says that I must do *A*, since, by hypothesis, I voluntarily undertook the obligation.³⁴ Consequentialism makes the keeping or breaking of the promise a function solely of its effect on the overall good. In fact, that an action is the breaking (or keeping) of a promise is irrelevant to the consequentialist. Consequentialism doesn't see types of action; it sees only tokens.

Consequentialism differs from DE in two salient respects. First, consequentialism affirms rather than denies that there are members of category 1 (positive duties) in the Rawlsian chart. Each of us is obligated by consequentialism to benefit others (a set that includes ourselves) to the maximum extent possible. Second, consequentialism denies rather than affirms that there are members of categories 2 (positive obligations), 3 (negative duties), and 4 (negative obligations). The reason it denies this is that any such duties or obligations can, and sometimes do, stand in the way of good-maximization.³⁵ I should qualify this remark. If there *are* such duties and obligations, then, according to consequentialism, they are rules of thumb only, to be ignored without compunction when maximization so requires.³⁶

To understand how DE differs from the Hybrid Theory and from commonsense morality, I must prepare the ground. There are, we might say, three modalities of good-maximization. Maximizing the overall good may be obligatory, discretionary, or forbidden. These are mutually exclusive and jointly exhaustive categories. To say that good-maximization is discretionary is to say that it is neither obligatory nor forbidden (i.e., that it is permissible but not required). Scheffler characterizes consequentialism as the view that good-maximization is never discretionary and never forbidden. In other words, it is always obligatory.³⁷

individualism" is akin to, although not identical with, DE, for it says nothing—as DE does—about positive or negative obligations (categories 2 and 4, respectively).

³⁴I do not wish to imply that there are, or can be, no excuses for failure to do one's duty. But excusing failure to do one's duty is different from asserting, or concluding, that one *has* no duty.

³⁵Brad Hooker captures both differences when he writes that "standard kinds of act-consequentialism hold that it is morally right to harm people, or to ignore one's special obligations to those with whom one has some special connection, when such acts would bring about even slightly more good overall." Brad Hooker, "Rule-Consequentialism," *Mind*, n.s., 99 (1990): 67-77, p. 69.

³⁶See R.M. Hare, *Moral Thinking: Its Levels, Method, and Point* (Oxford: Clarendon Press, 1981), p. 38. Hare, a utilitarian, says that rules of thumb are chosen at the critical level for use at the intuitive level.

³⁷Scheffler, *The Rejection of Consequentialism*, p. 1. Subsequent page references to this book are in the text.

Scheffler now distinguishes two types of *nonconsequentialist* theory: “fully agent-centred conceptions” (page 4) (of which DE and commonsense morality are instances) and “hybrid conceptions” (page 5). Here is a summary of the four theories in terms of the three modalities (where “FACCs” stands for “fully agent-centered conceptions,” “GM” for “good-maximization,” “AC” for “act-consequentialism,” “HT” for “Hybrid Theory,” and “CM” for “commonsense morality”):³⁸

	AC	HT	FACCs	
			CM	DE
GM obligatory	Always	Sometimes	Sometimes	Never
GM discretionary	Never	Sometimes	Sometimes	Sometimes
GM forbidden	Never	Never	Sometimes	Sometimes

The chart shows at a glance what the four theories (or theoretical types) have in common, as well as how they differ. I will say more about the theories—and about two others not represented here—in section 4, where I consider objections to DE. My present aim is to show that DE is a distinct theoretical type.

I will now sketch (and illustrate) the two respects in which the Hybrid Theory diverges from DE. First, the Hybrid Theory affirms (with consequentialism) that it is never forbidden (i.e., that it is always permissible) to maximize the good (more precisely, “to produce the highest-ranked state of affairs that [the agent] is in a position to produce” [page 1]). DE denies this. Second, the Hybrid Theory affirms that it is sometimes obligatory to maximize the good. DE denies this as well.

With respect to the first divergence, the Hybrid Theory allows one to harm some individuals in order to do the best on the whole.³⁹ DE rules this out as a violation of negative duty (category 3 in the Rawlsian chart). The Hybrid Theory also allows one to violate one’s obligations (positive or negative). It would allow me to break my promises, neglect my children, or

³⁸Jonathan Bennett attempts something similar to this summary in his review of *The Rejection of Consequentialism*. See Jonathan Bennett, “Two Departures from Consequentialism,” *Ethics* 100 (1989): 54-66, p. 58 (“Consequentialism says ‘Always do A,’ the morality of personal concerns [i.e., the Hybrid Theory] says ‘You do not always have to do A,’ and deontology [e.g., DE] says ‘Sometimes you have not to do A.’”).

³⁹Scheffler’s remarks on this topic are cryptic. See *The Rejection of Consequentialism*, pp. 24, 36, 38-39. The best evidence that what I say in the text is his view is the following sentence: “What the distributive hybrid [i.e., the Hybrid Theory with a distributively sensitive ranking principle] does do ... is to permit individuals (and perhaps require governments) to harm a person if that is necessary in order to minimize overall weighted harms and produce the best available state of affairs” (p. 38).

do less than my fair share in voluntarily undertaken cooperative projects if doing so is inconsistent with maximizing the good.⁴⁰ (The same examples illustrate the second divergence.) Scheffler believes that the Hybrid Theory (note the name) captures the best of both consequentialism and deontology. It does this (he says) by carving out an “agent-centred prerogative” (hereafter “ACP”) (page 5) without imposing an “agent-centred restriction” (hereafter “ACR”) (page 2). In my view, the restriction (on maximizing the good) is essential rather than dispensable, whereas the prerogative (to refrain from maximizing the good) must be expansive (indeed, maximal) rather than, as Scheffler thinks, minimal. The Hybrid Theory, in short, incorporates too little of deontology and too much of consequentialism.⁴¹

⁴⁰Scheffler is clearer about this than he is about harm to others, although, inexplicably, he relegates the discussion to a footnote (albeit a long one). See *ibid.*, pp. 22-23 n. 8, 85 n. 2.

⁴¹Scheffler's argument for the Hybrid Theory is puzzling. Although he confesses to having found utilitarianism “thoroughly abhorrent” (*ibid.*, p. vi) early in his career, and although he insists that “the salient features of *all* moral conceptions [theories] stand in need of principled motivation” (*ibid.*, p. 121; italics in original), he treats consequentialism as if there were a presumption in its favor. He is not a consequentialist, however, because he worries about certain problems that consequentialism engenders, such as its propensity to undermine personal integrity (or the natural independence of persons) and its insensitivity to distributive considerations. His project, therefore, can be viewed as an attempt to carve away just enough of consequentialism to solve (or avoid) these problems, salvaging the remainder. I, in contrast, am not committed to consequentialism; nor do I accord it any normative presumption. Hence, unlike Scheffler, I am not motivated to salvage or reclaim any part of it.

Scheffler addresses this concern in chapter 5 of his book, but his response, with all due respect, is confused. He says that his search for a rationale for ACRs does not arise out of a “prejudicial antecedent belief in the presumptive plausibility of consequentialism” (*ibid.*, p. 122). It arises (he says) out of a “paradoxical feature” of ACRs, namely, “[t]he idea that it is objectionable to act in such a way as to minimize objectionable acts” (*ibid.*, p. 121). What he has in mind is a case in which I, the agent, can prevent a given harm (e.g., death by killing) to two or more individuals only by harming another person in the same way (i.e., by killing him or her).

But this characterization of the situation is contentious. It attends only to the *quantity* of the acts (how many killings there are) and fails to appreciate the *qualitative* difference between harming and allowing harm. (It also ignores the difference between *my* harming *X* and *your* harming *X*. See John Finnis, *Fundamentals of Ethics* [Oxford: Clarendon Press, 1983], pp. 116-17.) Scheffler may think that there is no morally relevant difference between harming and allowing harm, or between *my* harming and *your* harming. But for those of us who disagree with him on these matters—and there are many of us—there is no paradox; and if there is no paradox, then there is no independent need to provide a rationale for ACRs. In other words, Scheffler manufactures the very problem that leads him away from a fully agent-centered conception. He should not simply assume that it is a problem for everyone. For a defense of the view that there is a morally relevant difference between harming and allowing harm (i.e., that negative duties are more stringent than positive duties), see Jean Beer Blumenfeld, “Causing Harm and Bringing Aid,” *American Philosophical Quarterly* 18 (1981): 323-29.

4. Objections and Replies

It might well be that no moral theory escapes all philosophical objections, that no moral theory is without its counterintuitive implications. It is rather unlikely, I think, that we will be able to find a moral theory that gives us everything we initially want, without exacting any significant costs in terms of modifying or even abandoning some of our initial views. Rather, what we should hope for is to find a moral theory that provides what is, on balance, an attractive and plausible position.⁴²

All four objections to DE that I now consider are misplaced—but instructively so. The first and potentially most devastating objection is that DE is not a moral theory. The second admits that DE is a moral theory but maintains that it is too unambitious to be interesting (and therefore unfit to be added to the theoretical pantheon). The third is that, while DE is an ambitious moral theory, like consequentialism, it is not, properly speaking, a form of egoism; hence, I am engaged in the scholarly equivalent of false (or misleading) advertising. The fourth objection is that, even if DE is an ambitious moral theory *and* a form of egoism, it is to be rejected on grounds that it has counterintuitive consequences.

Is DE a moral theory? The motivation for saying that it is not a moral theory is that it does not require impartiality, which might be thought to be a necessary condition. Peter Singer, a noted impartialist, has written: “Ethics requires us to go beyond ‘I’ and ‘you’ to the universal law, the universalizable judgment, the standpoint of the impartial spectator or ideal observer, or whatever we choose to call it.”⁴³ James Rachels makes essentially the same point when he writes that “[m]orality is, at the very least, the effort to guide one’s conduct by reason—that is, to do what there are the best reasons for doing—while giving *equal weight* to the interests of each individual who will be affected by what one does.”⁴⁴ If impartiality is a necessary feature of a moral theory, then DE is not a moral theory.

But building impartiality into the very idea of a moral theory begs the question, for it merely asserts what theories such as DE deny, namely, that impartiality is essential to morality (or the “moral point of view”). Another way to put the point is that both Singer and Rachels are offering persuasive definitions of “ethics” or “morality.”⁴⁵ What *is* essential to morality is uni-

⁴²Kagan, *Normative Ethics*, p. 303.

⁴³Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1979), p. 11.

⁴⁴James Rachels, *The Elements of Moral Philosophy*, 4th ed. (Boston: McGraw-Hill, 2003), p. 14 (emphasis added).

⁴⁵In Simon Blackburn’s words, they are “simply legislat[ing] away the possibility of partial moralities.” Simon Blackburn, *Ruling Passions: A Theory of Practical Reasoning* (Oxford: Clarendon Press, 1998), p. 227. See also John Kekes, “Morality and Impartiality,” *American Philosophical Quarterly* 18 (1981): 295-303, p. 301 (“Champions of social morality rise to its defence by legislating their opponents out of morality. To be moral, we are told, is to be impartial, and to fail to be impartial is to fail to be moral”). The *locus classicus* on the

versalizability, but this is not the same as impartiality.⁴⁶ A moral judgment is universalizable just in case it can be made of all relevantly similar cases—that is, when its universalized form makes no reference to individuals. The judgments that follow from DE are universalizable in this sense. DE implies not only that I, the author of this essay, have an obligation to care for my children (or animal companions,⁴⁷ or spouse), but that everyone similarly situated has such an obligation. Everyone, according to DE, has an obligation to be partial. This may be paradoxical—and, to some, unattractive—but it is not self-contradictory.

R.M. Hare, a universal prescriptivist and utilitarian who believes (as I do) that universalizability is an essential feature of moral judgment (that is, part of the meaning of “ought”), concedes that partialistic judgments such as those generated by DE are (or can be) universalizable. He writes:

The principle that for all x , if x has made a promise, x ought to see that it is fulfilled, is as universal a principle as any; and so is the principle that for all x and y , if y is the mother of x , x ought to do certain sorts of things for y . No individual constant appears in them, and therefore moral judgements which rest on them are universalizable. It is surprising how seductive this confusion [between individual constants and bound individual variables] has been.⁴⁸

subject of persuasive definition is Charles Leslie Stevenson, “Persuasive Definitions,” *Mind*, n.s., 47 (1938): 331-50 (reprinted as chap. 3 in his *Facts and Values: Studies in Ethical Analysis* [New Haven: Yale University Press, 1963], pp. 32-54). For a contemporary elaboration of the concept of persuasive definition, see Keith Burgess-Jackson, “Rape and Persuasive Definition,” *Canadian Journal of Philosophy* 25 (1995): 415-54. Rawls says that “[t]he merit of any definition [e.g., of ‘justice,’ ‘morality,’ or ‘the right’] depends upon the soundness of the theory that results; by itself, a definition cannot settle any fundamental question.” Rawls, *A Theory of Justice*, pp. 130/112-13.

⁴⁶Nor is it the same as generality. See Hare, *Moral Thinking*, p. 41 (“[G]enerality is the opposite of specificity, whereas universality is compatible with specificity, and means merely the logical property of being governed by a universal quantifier and not containing individual constants. The two principles ‘Never kill people’ and ‘Never kill people except in self-defence or in cases of adultery or judicial execution’ are both equally universal, but the first is more general (less specific) than the second”). Singer, to his discredit, routinely conflates the concepts of impartiality and universalizability. See, e.g., Peter Singer, “Famine, Affluence, and Morality,” *Philosophy and Public Affairs* 1 (1972): 229-43, p. 232 (“If we accept any principle of impartiality, universalizability, equality, or whatever, we cannot discriminate against someone merely because he is far away from us (or we are far away from him)”). This conflation may be a manifestation of what Peter Berkowitz describes as “his [Singer’s] determination to present one particular opinion about the nature of ethics [viz., impartiality] as if it were necessitated by or identical to the ethical point of view [universalizability].” Peter Berkowitz, “Other People’s Mothers,” *The New Republic* 222 (10 January 2000): 27-37, p. 31. See also Blackburn, *Ruling Passions*, p. 226: “It is easy to confuse the requirement of universalism ... with a requirement of impartiality. But they are very different.”

⁴⁷See Keith Burgess-Jackson, “Doing Right by Our Animal Companions,” *The Journal of Ethics* 2 (1998): 159-85.

⁴⁸Hare, *Moral Thinking*, p. 140. According to Jerome Schneewind, “[Kant’s] categorical imperative clearly requires a kind of impartiality in our behavior. We are not permitted to make exceptions for ourselves, or to do what we would not rationally permit others to do. But

Hare believes that the conjunction of universalizability and prescriptivity, which are (he says) logical features of moral judgment, entails utilitarianism (i.e., impartiality).⁴⁹ The argument for this conclusion is fallacious, in my opinion, but I cannot discuss it here. In my view, one can be a universal prescriptivist (like Hare) but *not* a utilitarian. Indeed, one can be a universal prescriptivist and a proponent of DE! The point is this: Universalizability alone (meaning universalizability without prescriptivity) does not entail impartiality, and only universalizability is essential to morality.⁵⁰

A second objection to DE is that it sets its theoretical sights too low. It is said to be overly concerned with duty and insufficiently concerned with goodness, excellence, flourishing, and the realization of various moral ideals. The critic maintains that one can live a morally upright life according to DE simply by (1) refraining from harming others and (2) fulfilling whatever obligations one undertakes (which may be few or none). This, it is said, is too easy, too minimal, too unambitious, too, well, unattractive. Morality—as opposed, say, to law—demands more.

The first thing to be said in reply to this objection is that the duties acknowledged by DE are neither simply nor easily discharged. Take negative duties (category 3 in the Rawlsian chart), for example. Not all harms to others are obvious; some, such as polluting the air or water by doing seemingly

it would be a mistake to suppose that Kantian morality allows for nothing but impartiality in personal relations. The maxim 'If it is my child's birthday, give her a party, to show I love her' is thinkable and willable as a law of nature, as are some maxims of helping family members and friends rather than helping others." J.B. Schneewind, "Autonomy, Obligation, and Virtue: An Overview of Kant's Moral Philosophy," chap. 10 in Paul Guyer (ed.), *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1992), pp. 309-41, at p. 322; see also Cottingham, "Partiality, Favouritism and Morality," p. 359 ("the partialist's principle of action is, of course, universalizable in the sense that he may be perfectly prepared to prescribe that any parent in a similar situation ought to favour his own child").

⁴⁹See R.M. Hare, *Freedom and Reason* (Oxford: Clarendon Press, 1963), p. 123.

⁵⁰"Universalizability does provide a test for the rightness of my action, but it sets only minimal requirements, and these often in such fashion as to leave me a range of ways in which I can meet them." Edmund Pincoffs, "Quandary Ethics," *Mind*, n.s., 80 (1971): 552-71, p. 571. A related criticism of egoism—one of the first to be expressed in the philosophical literature—is that it cannot be consistently promulgated. See Brian Medlin, "Ultimate Principles and Ethical Egoism," *Australasian Journal of Philosophy* 35 (1957): 111-18. Whether this is so depends, of course, on the sort of egoism one has in mind. Medlin considers only one sort, what he calls "universal, categorical egoism." This is the doctrine that "everyone (including the speaker) ought to look after his own interests and to disregard those of other people except in so far as their interests contribute towards his own" (p. 112). According to Medlin, there are circumstances in which, by promulgating this doctrine, one violates it, which is inconsistent. Medlin's criticism does not touch DE, for DE does not require—indeed, it does not *allow*—one to promote one's own interests at the expense of (i.e., by harming) others. DE is consistently promulgatable (assuming, for the sake of argument, that this is a necessary condition for an adequate moral theory). For a critique of Medlin's reasoning, see Hospers, "Baier and Medlin on Ethical Egoism."

innocuous things (e.g., driving an automobile or killing weeds in one's yard), are hidden from view. They affect organisms that one never sees, including some that are not yet born. Living a life that is free of harm to sentient beings is, or can be, both challenging and demanding. Anyone who has ceased to consume animal products (Singer, to his credit, falls into this category) knows this. And most people do in fact undertake obligations (as by having children), which they are then required by DE conscientiously to discharge. Doing right by one's spouse, children, friends, colleagues, business partners, compatriots, and animal companions can be, and usually is, demanding.

Second, DE is not incompatible, as the objection suggests it is, with goodness, excellence, flourishing, or the realization of various moral ideals. The truth is that DE makes these distinctively human goods *possible*, and this, to my mind, is one of its underlying rationales (or attractions).⁵¹ As I pointed out in section 3, DE acknowledges a class of discretionary actions: those that are neither obligatory nor forbidden. Some of these—the supererogatory ones—are morally admirable or praiseworthy. A proponent of DE can encourage, praise, reward, and celebrate human striving at least as much as any other theorist—as the following passage makes clear:

As a rule of conduct, to be enforced by moral sanctions, we think no more should be attempted than to prevent people from doing harm to others, or omitting to do such good as they have undertaken. Demanding no more than this, society, in any tolerable circumstances, obtains much more; for the natural activity of human nature, shut out from all noxious directions, will expand itself in useful ones. This is our conception of the moral rule prescribed by the religion of Humanity. But above this standard there is an unlimited range of moral worth, up to the most exalted heroism, which should be fostered by every positive encouragement,

⁵¹The rationale of DE is a topic for another essay. But let me say this: Eric Mack's discussion of the rationale of what he calls "moral individualism" is to my liking, particularly his concept of having jurisdiction (literally, law-declaring capacity) over oneself, since that concept incorporates not only *authority* (to promote one's interests), but also *independence* (of or from others), *responsibility* (to and for those to whom one has made commitments), and *boundaries* (against aggression). See Mack, "Moral Individualism," pp. 105-11, esp. p. 109. See also Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 32 ("Side constraints [i.e., ACRs] express the inviolability of other persons") and Michael Slote, *Common-sense Morality and Consequentialism* (London: Routledge and Kegan Paul, 1985), chap. 2 (justifying "common-sense contra-utilitarian permissions [i.e., an ACP] in terms of "moral autonomy"). Shelly Kagan has claimed—rightly—that "nothing short of egoism would actually grant genuine moral independence to the personal point of view." Shelly Kagan, "Does Consequentialism Demand Too Much? Recent Work on the Limits of Obligation," *Philosophy and Public Affairs* 13 (1984): 239-54, p. 253. As we saw, Kagan rejects egoism, so logically he must either reject the requirement of genuine (i.e., complete) moral independence or state "a rationale for prerogatives that grant only *partial* moral independence" (*ibid.*; italics in original). He does the former. I adopt the alternative strategy (*modus ponens* rather than *modus tollens*). Since I insist on granting "genuine moral independence to the personal point of view," I am committed to egoism.

though not converted into an obligation.⁵²

It may surprise consequentialists (and others) to learn that this passage was written by John Stuart Mill. Moreover, it was published in 1865, *after* the appearance of *Utilitarianism*. Mill appears to be endorsing DE!

If consequentialists are genuinely concerned with promotion of the good, impartially considered, then they should attend to the real-world effects of various theories. Kagan, a consequentialist, is aware of the problem:

If morality demands that people do all the good that they possibly can, then everyone will constantly fall short, and in the long run this may lead to a general disdain or disregard for the moral rules. Ironically enough, people might actually do *more* good if the moral rules demand somewhat less of them. As usual, the empirical issues here are complex, but it does at least seem possible that a relatively modest principle of beneficence might actually produce more good than a more demanding requirement.⁵³

Isn't it also possible that not *requiring* generalized beneficence, but praising and rewarding it when it occurs, will produce more good than a modest principle of beneficence? I believe it is not just possible but probable. I agree with Kagan, however, that it is an empirical matter. I also want to point out, so as not to be misunderstood, that DE does not rest on its propensity to maximize the overall good (assuming it does this). Consequentialists such as Kagan are committed to embracing DE (as a rule of thumb!) if, as I expect, its general acceptance produces more good than their own favored theory.⁵⁴ Indeed, consequentialists have the burden of producing empirical research to show that DE does *not* maximize the overall good. For them to reject DE without supporting evidence is irrational, indeed a kind of theoretical prejudice.⁵⁵

A third and final reply to the objection that DE sets its sights too low is to point out that there are two vices, not one. There is the vice of setting the moral bar too low (so to speak) and the correlative vice of setting it too high. Different moral theorists set the bar (i.e., draw the line) in different

⁵²John Stuart Mill, *Auguste Comte and Positivism*, in *Essays on Ethics, Religion and Society*, ed. J.M. Robson, vol. 10 of *Collected Works of John Stuart Mill*, ed. F.E.L. Priestley (Toronto: University of Toronto Press; London: Routledge and Kegan Paul, 1969), pp. 261-368, at p. 339.

⁵³Kagan, *Normative Ethics*, p. 225 (italics in original).

⁵⁴"For some people, perhaps for most, the best way to make the world a better place is to focus on the people and activities that one is most inspired to care for and pursue." Susan Wolf, "Moral Saints," in Lawrence C. Becker and Charlotte B. Becker (eds.), *Encyclopedia of Ethics*, 2nd ed. (New York: Routledge, 2001), p. 1171.

⁵⁵Note the parallel argument about the effects of a *laissez-faire* economy. It is *possible* that the poverty rate would be less in a *laissez-faire* economy than in the mixed economy we have, because, if people were not coerced into paying taxes for welfare programs, they would be less resentful and more generous. Again, this is an empirical matter. I merely speculate.

places, as Lon Fuller explains:

As we consider the whole range of moral issues, we may conveniently imagine a kind of scale or yardstick which begins at the bottom with the most obvious demands of social living and extends upward to the highest reaches of human aspiration. Somewhere along this scale there is an invisible pointer that marks the dividing line where the pressure of duty leaves off and the challenge of excellence begins. The whole field of moral argument is dominated by a great undeclared war over the location of this pointer. There are those who struggle to push it upward; others work to pull it down. Those whom we regard as being unpleasantly—or at least, inconveniently—moralistic are forever trying to inch the pointer upward so as to expand the area of duty. Instead of inviting us to join them in realizing a pattern of life they consider worthy of human nature, they try to bludgeon us into a belief we are duty bound to embrace this pattern.⁵⁶

No moral theorist can claim to have drawn the definitive line between duty and aspiration. To think that one has done so is to engage in persuasive definition. Therefore, DE has as much claim to the label “moral theory” as consequentialism or the Hybrid Theory. As for whether DE draws the line too low, that depends on the perspective and values of the person considering it. From my vantage point, Smart, Hare, Singer, Kagan, and other consequentialists draw the line too high, leaving little or no normative space for supererogation.⁵⁷ They “bludgeon” us, as it were, into believing that we are dutybound when we are not. From the point of view of consequentialists, of course, DE draws the line too low. But that, as they say, is the bone of contention.

The third of the four objections to DE is that it is not, strictly speaking, a form of egoism. If this is so, then I am guilty of false (or misleading) advertising. So we must ask: Am I on solid descriptive (i.e., lexical) ground in calling my theory “egoism”? That is to say, do I have a legitimate claim to the label? I believe I do. The word “ego,” in ordinary usage, means self, or that which is symbolized by the pronoun “I.”⁵⁸ “Ethical egoism” is defined by the *Oxford English Dictionary* as “The theory which regards self-interest as the foundation of morality.” The natural contrast with “egoism” is “altruism,” which means “Devotion to the welfare of others, regard for others, as a principle of action.” Nowhere in these definitions is it implied (much less specified) that the egoist, as such, must ignore either the interests of others or the commitments that he or she voluntarily undertakes. Therefore, the fact that DE embraces negative duties (category 3 in the Rawlsian chart)

⁵⁶Lon L. Fuller, *The Morality of Law*, rev. ed. (New Haven: Yale University Press, 1969), pp. 9-10.

⁵⁷I include Scheffler in this class, for, in spite of his repeated and strenuous disavowals, he can be thought of as a consequentialist—albeit one who allows individuals to escape its strictures when (and *only* when, and only to the *extent* that) maximizing the impersonal good requires a significant personal sacrifice. That is still, in my opinion, too demanding.

⁵⁸*Oxford English Dictionary*, s.v. “ego.”

and positive obligations (category 2) does not, in itself, take it out of the egoistic camp. Moreover, DE *denies* the natural opposite of egoism, namely, altruism, which is the view that one must be devoted to the welfare of others.

The critic might respond that this is irrelevant. Ordinary meaning is one thing, philosophical usage another. Just as psychologists use “schizophrenia” and lawyers use “burglary” in technical, nonstandard ways, philosophers use “egoism” in a technical, nonstandard way—a way that prevents DE from being considered a form of egoism. But I showed in section 2 that many different theories fall under the rubric “egoism.” Some of them (the ones I called consequentialist egoism) explicitly say that there are no constraints on the pursuit or maximization of self-interest. Others, such as the theory of Edward Regis, incorporate constraints. Regis believes, as I do, that an egoist must keep his or her commitments, even if doing so is suboptimal from a purely self-interested standpoint. Does the critic wish to say that Regis is misusing the term “egoism”? Is *everyone* misusing the term except Jesse Kalin and other proponents of consequentialist egoism? It is interesting to note that Regis, who is a professional philosopher (unlike, say, Ayn Rand), has published two lengthy essays on ethical egoism in reputable philosophical journals. Both have “ethical egoism” in their titles. Is this false (or misleading) advertising?

The best evidence that I am not misusing the technical term “egoism” is that two of the most prominent critics of DE are committed to considering it a form of egoism. As we saw, Scheffler identifies two agent-centered features that might be incorporated by a moral theory. The first, an ACP, allows the agent to give disproportionate weight to his or her interests. An ACP can be thought of as a release or escape from the putative obligation to maximize the overall good. The second feature, an ACR, forbids certain actions even though performing them would maximize the overall good. An example of an ACR is a prohibition on killing the innocent. (Note: Since there can be more than one ACR in a theory, I use the plural, “ACRs,” for this feature.)

A given moral theory can incorporate *one* of these agent-centered features, *neither*, or *both*. Scheffler, for example, defends an ACP but rejects ACRs. Kagan rejects both. Before classifying DE, let me make another distinction. I said that an ACP allows an agent to give disproportionate weight to his or her interests. Let us call this a “minimal” (or, less precisely, a “nonmaximal”) ACP. A “maximal” ACP, by contrast, allows an agent to give not merely disproportionate or greater than equal weight but *infinitely* greater weight to his or her interests. (There are, obviously, intermediate possibilities, but this distinction suffices to make my point.) What results from the three distinctions is a mutually exclusive and jointly exhaustive typology of moral theories, to wit:

		ACR	no ACR
ACP	maximal	1	2
	nonmaximal	3	4
no ACP		5	6

DE is a token of type 1, consequentialist egoism of type 2, commonsense morality of type 3, the Hybrid Theory of type 4, and consequentialism of type 6.⁵⁹ A consequentialist theory that endorses side-constraints (for ex-

⁵⁹Strictly speaking, the Hybrid Theory and consequentialism are types, not tokens. Also, as we saw, commonsense morality is not a theory but an understanding of, or approach to, morality. According to Scheffler, commonsense morality incorporates ACRs and a non-maximal ACP. Slote concurs: "Ordinary moral thinking makes room for agent-favouring permissions to pursue one's own life plans and interests, for duties (and supererogations) of benevolence (beneficence) involving a self-other asymmetry, and for deontological restrictions also involving such an asymmetry." Slote, *Common-sense Morality and Consequentialism*, p. 19.

Perhaps this is the place to comment on Scheffler's unfortunate terminology. He calls his theory a "hybrid," which implies that it is made by "combining two different elements" (*Oxford American Dictionary*, s.v. "hybrid"). Which two elements does he have in mind? Clearly, deontology and consequentialism. See Scheffler, *The Rejection of Consequentialism*, p. 6. So one *expects* the Hybrid Theory to take at least one element from deontology and at least one element from consequentialism. In fact, it takes one element from consequentialism, namely, its rejection of ACRs, but nothing from deontology. (A deontological view, Scheffler says, is one that incorporates an ACR [*ibid.*, p. 2]. But Scheffler rejects ACRs.) So the Hybrid Theory is not, strictly speaking, a hybrid. Nor is it "intermediate" between deontology and consequentialism, as Scheffler claims (*ibid.*, p. 6), for that implies a linear scale, which makes no sense in this context. What Scheffler has given us, therefore, is neither a hybrid nor an intermediate theory, but an *alternative* theory (or conception)—one that differs from, but does not draw equally from, its main rivals (*viz.*, fully agent-centered conceptions and consequentialism).

Scheffler might concede my point that the adjective "hybrid" is inappropriate, but insist that, *whatever* it is called, the Hybrid Theory is unique (or at least special) in that it neither (1) embraces both agent-centered features (as is the case with fully agent-centered conceptions) nor (2) rejects both (as is the case with consequentialism). The Hybrid Theory, he might point out, embraces one of the agent-centered features (an ACP) but not the other (ACRs). However, even this reasoning is specious, for, as the typology shows, there are *three* types of theory—2, 4, and 5—that have this feature. In other words, in the sense in which Scheffler uses the term "hybrid," there are *three* hybrid theories, not one. Types 1 and 3 are fully agent-centered conceptions; types 2, 4, and 5 are hybrids; type 6 is consequentialism. The upshot is that the Hybrid Theory is neither unique nor special. It is, of course, interesting, but that is another matter.

May I make a terminological suggestion? Theories that reject an ACP are, for that reason, impartialist. Theories that accept an ACP are partialist. Partialism, so understood, is a

ample, a prohibition on violating individual rights) is a token of type 5.⁶⁰ One virtue of this typology is that it shows, at a glance, what any two theories (or, more accurately, theoretical *types*) have in common, as well as how they differ. Scheffler and Kagan, for example, agree in rejecting ACRs but disagree about the acceptability of an ACP.

To return to the question with which we began, where do Scheffler and Kagan, who agree in rejecting DE (as well as all other tokens of type 1), place egoism in this typology? In his 1982 book, *The Rejection of Consequentialism*, Scheffler repeatedly characterizes egoism as the view (in my terminology) that there is a maximal ACP.⁶¹ In terms of the typology, any theory of type 1 or 2—any theory with a maximal ACP—is a form of egoism. Kagan, in his 1984 review of Scheffler's book, uses the term "egoism" in the same way.⁶² What is interesting about the exchange between Scheffler and Kagan is that Kagan thinks Scheffler's argument in favor of a nonmaximal ACP commits him to a maximal ACP (i.e., to egoism). Kagan treats this as a *reductio ad absurdum* of Scheffler's argument.⁶³ In response to Kagan, Scheffler admitted that he had not given a reason for preferring a nonmaximal to a maximal ACP, but pleaded that this was "beyond the scope of [his] undertaking."⁶⁴

matter of degree, with extreme partialists defending what I called a "maximal" ACP and moderate partialists defending a "nonmaximal" ACP. So perhaps ethical theorists should use the terms "extreme partialism," "moderate partialism," and "impartialism" for this dimension of moral theories. Scheffler uses "deontological" to refer to theories that accept one or more ACRs. This is appropriate, since "deontology" connotes, *inter alia*, constraint. Let us use that term and its complement, "nondeontological," for the second dimension of moral theories. This gives us the following labels (which, while inferior in point of mellifluousness, are at least descriptively accurate): Type 1 = deontological extreme partialism; type 2 = nondeontological extreme partialism; type 3 = deontological moderate partialism; type 4 = nondeontological moderate partialism; type 5 = deontological impartialism; and type 6 = nondeontological impartialism.

⁶⁰Kagan describes such a theory in "Does Consequentialism Demand Too Much?" p. 240. James Rachels endorses such a theory in *The Elements of Moral Philosophy*, 4th ed., chap. 14, and in "Euthanasia," chap. 2 in Tom Regan (ed.), *Matters of Life and Death: New Introductory Essays in Moral Philosophy*, 2nd ed. (New York: Random House, 1986), pp. 35-76, esp. pp. 51-52.

⁶¹At one point, Scheffler refers to "an egoist version of the prerogative, according to which each agent was *always* permitted to pursue his own projects and advance his own interests, whatever they were." Scheffler, *The Rejection of Consequentialism*, p. 69 (italics in original). See also *ibid.*, pp. 8, 17-19, 21. On Scheffler's nonegoistic (i.e., nonmaximal) version of the ACP, an agent is only sometimes permitted to pursue her projects, because if an agent is allowed to give only finitely greater weight to her interests, then in principle she will have to abandon certain projects in order to maximize the overall good. But if an agent is allowed to give *infinitely* greater weight to her interests, as on a maximal ACP, then she will *never* have to abandon her projects.

⁶²See Kagan, "Does Consequentialism Demand Too Much?" pp. 251, 253.

⁶³*Ibid.*, p. 253.

⁶⁴Scheffler, *The Rejection of Consequentialism*, p. 70; see also p. 189 ("The question of

The critic of DE might respond that, while having a maximal ACP is a necessary condition for being a form of egoism, it is not sufficient. Another requirement (the critic might say) is that the theory incorporate no ACRs. In terms of the typology, this would mean that only tokens of type 2, such as consequentialist egoism, deserve the appellation “egoism.” So let us ask: Does incorporation of an ACR prevent an otherwise egoistic theory from being egoistic? To answer this question, let us shift our attention from types 1 and 2 of the typology to types 5 and 6. Suppose we add one or more ACRs to an otherwise pure form of consequentialism. To make the case concrete, suppose we stipulate that one must maximize the overall good without killing innocent persons (or, more generally, without violating any rights).

Does the imagined constraint make the theory nonconsequentialist? Someone might say that it does, but it is just as reasonable, if not more so, to describe it as “constrained” or “deontological” consequentialism. For consider: The objective of maximizing the overall good has not changed; there simply are constraints, now, on the pursuit of that objective. But if this is so, then adding one or more ACRs to an otherwise pure form of egoism does not, *eo ipso*, render it nonegoistic. The agent is still allowed to give infinitely greater weight to his or her interests than to those of others; there simply are constraints, now, on the projects that may be undertaken. It is “constrained” or “deontological” egoism.

My point is this: Adding an ACR (or ACRs) to a theory does not, by itself, change its basic nature. What makes DE a form of *egoism* is its incorporation of a maximal ACP. What makes it a form of *deontology* is its incorporation of one or more ACRs.⁶⁵ It might be instructive to compare DE to its political counterpart, libertarianism, which endorses individual liberty subject to (1) a harm principle and (2) the requirement that contracts be enforced. Imagine a critic saying that this is not “really” libertarianism,

why the prerogative *should* not take an egoist form—the question what is wrong with egoism—was said to be beyond the scope of my inquiry, and was therefore left open” [italics in original]). The essay from which this quotation is taken (“Prerogatives Without Restrictions”) was first published in 1992, ten years after the first edition of the book. I am not aware that Scheffler has given an argument, to this day, against a maximal ACP. He is clearly not an egoist, but he has done nothing to rule it out or even to cast doubt on it. The only reason I can think of why he would reject egoism is that he accords a presumption to consequentialism. But, as we saw, he denies that he does so. Until he rules out egoism, however, his theoretical position is unstable. He must give a reason for a nonmaximal ACP that is not also a reason for a maximal ACP.

⁶⁵DE, we now see, is deontological in every sense. First, it is neither teleological nor consequentialist (see section 2). Second, it is duty-based. (The Greek word “deon” means duty, so “deontology,” etymologically, means study or science of duty. See, e.g., Robert G. Olson, “Deontological Ethics,” in *The Encyclopedia of Philosophy*, 8 vols., ed. Paul Edwards [New York: Macmillan Publishing Company and The Free Press, 1967], vol. 2, p. 343.) Third, it incorporates one or more ACRs (constraints).

since liberty—the core value of libertarians—is being constrained by the harm principle and by the enforcement of contracts. The libertarian would (and should) respond that, just as liberty is not license, libertarianism is not anarchism. Libertarians, as such, endorse *ordered* liberty, not liberty per se. Consequentialist egoism, which allows no constraint on individual conduct (i.e., no ACRs), is analogous to anarchism, whereas DE is the moral analogue of libertarianism.⁶⁶

The fourth and final objection to DE, and the one that might be thought to be devastating, is that it has counterintuitive consequences. It is said to deliver the wrong verdict on cases such as the following:

Suppose I am taking a walk, and I see a small child fall into a wading pool. The child is drowning, and no one else is around. Would I be wrong if I ignored the situation? Clearly, to refrain from saving the child would be wrong, but DE implies otherwise. On DE, saving the child would be a supererogatory act. This implication does not accord with my considered judgment, nor with the judgment of most thoughtful people. By my lights, it counts heavily against DE.⁶⁷

This objection, to quote Ronald Dworkin from another context, is “an album of confusions.”⁶⁸ First, it assumes, without argument, that moral theories are to be tested by intuitions (or “considered judgments”). Consequentialists such as Smart and Singer reject this assumption. They say that the point of a moral theory is to guide behavior (i.e., to change the world), not to describe, track, or reconstruct people’s feelings, attitudes, judgments, or beliefs. Moral theory is prescriptive, not descriptive. Often, these theorists bite the bullet by embracing what most people, even “most thoughtful people,” consider “the wrong verdict.” If consequentialists (and others, such as Kantians) can bite the bullet, then so can proponents of DE. Thus, this is not a problem for DE in particular.

Second, the objection assumes—again without argument—that DE has more counterintuitive consequences, or more seriously counterintuitive consequences, than its rivals (assuming now, for the sake of argument, that intuitions matter). But if all moral theories have counterintuitive consequences—which they clearly do—then counterintuitiveness cannot count against any theory in particular. Kagan, a consequentialist, is aware of this:

⁶⁶An anonymous reviewer recommends that I use “moral anarchism” rather than “anarchism,” since (according to the reviewer) some anarchists consider themselves libertarians (and distinguish themselves from what the reviewer calls “limited statists”). This is fine. The contrast I mean to draw is between those theorists who affirm and those who deny that liberty may permissibly be restrained. The labels are unimportant. I thank the reviewer for the suggestion that my terminology might mislead and for a way to deal with it.

⁶⁷This criticism is from an anonymous reviewer of an earlier version of this paper.

⁶⁸Ronald Dworkin, *Law's Empire* (Cambridge, Mass.: Harvard University Press, 1986), p. 260.

Almost any normative theory is likely to have its counterintuitive aspects, and people can sincerely disagree as to which theory is, on balance, the most attractive. That is why there are few or no “knockdown” arguments in ethics (or anywhere, for that matter). All you can do is point out the attractive features of your own favored theory, explain why you are prepared to live with its various unattractive features, and try to show that the alternatives are even worse.⁶⁹

The irony of the objection, if made by a consequentialist, is that consequentialism itself, one of the chief rivals of DE, generates all manner of counterintuitive (in some cases, to my mind, quite horrifying) consequences. A reviewer of Kagan’s *The Limits of Morality*, which is a sustained defense of consequentialism, wrote: “Kagan writes with exemplary clarity and shows considerable ingenuity in arguing for his massively counterintuitive and really rather sinister thesis.”⁷⁰

This leads to a third confusion. What if intuitions differ, as surely they do? The critic simply *assumes* that intuitions are, or will be, uniform across individuals. But even if intuitions are “filtered” through logic and fact, so that they become “considered judgments” rather than “gut feelings,” there remains divergence among people. So what philosophical ice does the objection cut? Some people, admittedly, will find some of DE’s consequences counterintuitive. But some people, we *know*, find many of consequentialism’s (or Kantianism’s) consequences counterintuitive. No moral theory satisfies, or could in principle satisfy, everyone (or even every “thoughtful” or “reasonable” person, provided we understand those terms in a neutral, non-question-begging way).

The reason for this is that each moral theory, qua theory, carves the data in a different place, classifying some actions as right and others as wrong. It would be astounding (in the sense of antecedently highly improbable) if a given theory carved the data exactly as some actual person did, pretheoretically. It would be astounding in the extreme—indeed, miraculous—if a given theory carved the data exactly as *all* actual or possible persons did, pretheoretically. All the critic is saying, really, is that he or she finds DE counterintuitive (hence, presumably, unacceptable). That is fine. Since dif-

⁶⁹Kagan, *Normative Ethics*, p. 16.

⁷⁰Unknown reviewer, *Times Higher Education Supplement* (quoted in Oxford University Press 1999/2000 Philosophy Catalog, p. 51). Robert George calls the consequentialist strategy of “optimizing” consequences “utterly hopeless.” Robert P. George, *Making Men Moral: Civil Liberties and Public Morality* (Oxford: Clarendon Press, 1993), p. 88. Stephen Darwall has written that “the most serious source of objection to AU [act-utilitarianism] is that it conflicts so clearly with moral common sense about particular cases.” Stephen Darwall, *Philosophical Ethics* (Boulder: Westview Press, 1998), p. 131. For my review of Darwall’s book, see *Teaching Philosophy* 25 (2002): 251–54. Brad Hooker, a rule-consequentialist, says that act-consequentialism’s refusal to countenance acts of supererogation is “extremely counterintuitive.” Brad Hooker, *Ideal Code, Real World: A Rule-Consequentialist Theory of Morality* (Oxford: Clarendon Press, 2000), p. 152.

ferent people have different values and make different judgments in particular cases, they will be attracted to different theories.

A fourth problem with the objection, and here we get to the nub of the matter, is that it underestimates the theoretical resources of DE. There is no reason why a proponent of DE cannot adversely judge those who fail to save drowning children (or indulge themselves while others starve). Death, everyone agrees, is bad; but badness is not wrongness (any more than misfortune is injustice). If I can prevent a death with little or no cost to myself, but choose not to do so, I am guilty of what Roderick Chisholm calls an "offence of omission."⁷¹ Just as one can do good when one has no moral obligation to do so (a "supererogatory commission"), one can omit to do good when, and perhaps because, one has no moral obligation to do so (an "offence of omission"). Consequentialism is impoverished relative to DE in the deontic modalities that it encompasses. The consequentialist recognizes only the obligatory and the forbidden.⁷² The proponent of DE recognizes the obligatory, the forbidden, supererogatory commission, supererogatory omission, offense of commission, offense of omission, and indifference. I submit that most people find the latter, richer taxonomy of action modalities more congenial than the former.⁷³ The moral life is complex, not simple. Our theories should respect this complexity.

Finally, I cannot forbear noting the irony in the objection from counter-intuitiveness. DE, as we saw, comprises (in Scheffler's terminology) both an ACP and ACRs. It is what Scheffler calls a fully agent-centered conception. Neither consequentialism nor the Hybrid Theory is a fully agent-centered conception. The former rejects both an ACP and ACRs; the latter accepts an ACP but rejects ACRs. In his first book, Scheffler noted that

⁷¹See Chisholm, "Supererogation and Offence."

⁷²This is not strictly correct. If two (or more) actions would produce *exactly* the same amount of utility, and no other available action would produce more, then neither action is obligatory (since the other may be done) and neither action is forbidden (since each may be done). The agent, in other words, has discretion as to which action (of those tied) is performed. See Kagan, *Normative Ethics*, p. 61. How likely it is for there to be a tie depends on the metric by which utility is counted. Kagan thinks ties will be "rare," which means the class of permissible actions will have few members (*ibid.*). Some utilitarians concede that consequentialism leaves no room for supererogation. See, e.g., Christopher New, "Saints, Heroes and Utilitarians," *Philosophy* 49 (1974): 179-89, p. 180. Critics, of course, have long known this. As Michael Slote puts it, "One of the chief implausibilities of traditional act-utilitarianism and act-consequentialism has been their inability to accommodate moral supererogation." Slote, *Common-sense Morality and Consequentialism*, p. 53.

⁷³Scheffler, surprisingly, agrees. He says that "morality as ordinarily understood is best construed as permitting what it neither requires nor prohibits, and this implies that a construal of morality as consisting exclusively in a set of demands and restrictions [think consequentialism] is *not* built into our ordinary use of moral concepts." Scheffler, *Human Morality*, p. 112 (*italics in original*).

ACRs “have considerable intuitive appeal.”⁷⁴ In his second book, Scheffler pointed out that “it is a basic tenet of our commonsense moral outlook that we are justified in devoting some disproportionate degree of attention to our own basic interests.”⁷⁵ In other words, an ACP is part of “our commonsense moral outlook.” So it would appear that the class of theories of which DE is a member—viz., fully agent-centered conceptions—is both commonsensical and intuitive. Scheffler, qua hybrid theorist, might be expected to be sympathetic to fully agent-centered conceptions, since they, like the Hybrid Theory, incorporate an ACP; so we should not be surprised to find him saying such things. But Kagan, a consequentialist, *concurs* with Scheffler in this, referring to fully agent-centered conceptions as “ordinary morality.”⁷⁶

If Scheffler and Kagan are right about the ordinarieness, intuitiveness, and commonsensicality of fully agent-centered conceptions (and I believe they are), then the critic’s claim that DE, which is a token of that type, has counterintuitive consequences is more than ironic; it is bizarre. One expects a critic to say that DE is unacceptable in spite of its intuitiveness, not that it is *counterintuitive!*⁷⁷ I want to be clear: I am not arguing from the intuitiveness of DE (such as it is) to its truth, coherence, plausibility, or acceptability. Rather, I am responding to the objection, now shown to be thoroughly confused, that DE is counterintuitive. If DE is to be rejected, it must be for a better reason than this.

⁷⁴Scheffler, *The Rejection of Consequentialism*, p. 7; see also p. 129 (“genuine intuitive appeal”) and p. 188 (“the appeal of agent-centred restrictions on the intuitive level is also considerable”).

⁷⁵Scheffler, *Human Morality*, p. 122. See also Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 5th ed. (Oxford: Oxford University Press, 2001), p. 169 (“The thesis that we have the same impartial obligation to persons we do not know as we have to our own families is both overly romantic and impractical ... [W]e believe that the common morality does recognize significant limits to the demands of obligatory beneficence” [footnote omitted]).

⁷⁶Shelly Kagan, *The Limits of Morality* (Oxford: Clarendon Press, 1989), p. 47. A qualification is in order. Scheffler denies that a *maximal* ACP (of the sort incorporated by DE) is part of ordinary morality. As he puts it, “The commonsense view is not that we may do whatever we please, but rather that we may, within limits, devote disproportionate attention to those things that matter most to us.” Scheffler, *Human Morality*, p. 122. In terms of the typology, Scheffler is saying that “the commonsense view” is reflected in theories of type 3, not in theories of type 1. So DE is not, in his view, the *most* intuitive theory. But it is *more* intuitive, by Scheffler’s own admission, than consequentialism, which incorporates *neither* of the two agent-centered features.

⁷⁷As Kagan puts it, “The intuitive grip of ordinary morality [i.e., a fully agent-centered conception] generally makes it difficult for us to take the claims of the extremist [i.e., the consequentialist] seriously. But intuitive support is not sufficient: the promissory notes of intuition must eventually be redeemed with a more adequate defense; when this cannot be done, we have reason to be sceptical of the counsels of intuition.” Kagan, *The Limits of Morality*, p. 386.

5. Conclusion

[A]s moral theorists we need to discover some theory that will allow for both absolute duties, which, in Mill's phrase, can be exacted from a man like a debt, to omit which is to do wrong and to deserve censure, and which may be embodied in formal rules or principles, and also for a range of actions which are of moral value and which an agent may feel called upon to perform, but which cannot be demanded and whose omission cannot be called wrongdoing. Traditional moral theories ... fail to do this.⁷⁸

I have argued, against the grain, that there is a respectable form of egoism. To respect a thing is to take account of it, to acknowledge its existence, to bring it within one's field of vision. This is why disrespect is infuriating: The person being disrespected ("dissed") is not *seen* (or is not seen *as a person*). That which is not seen takes up no moral space, and that which takes up no moral space has no interests to be considered (much less considered *equally*). For too long, egoism, as a normative ethical theory, has been ignored or disparaged, as if only a dolt or a cretin could embrace it. This explains why it has been called "wicked" (by James Rachels) and why otherwise reputable introductory texts, such as Mark Timmons's recent *Moral Theory*, ignore it.⁷⁹

But there is no reason for an egoist to be embarrassed. I have shown that at least one egoistic theory, Deontological Egoism, is both coherent and attractive. Of course, not everyone will *find* it attractive, but this has not kept other normative ethical theories from being taken seriously. The divine-command theory appeals only to theists—and not all of them. But Timmons and others are respectful toward it.⁸⁰ Utilitarianism (to take another example) is deeply repugnant to many of us, but that hardly disqualifies it for discussion (in or out of the classroom). Lack of universal appeal, or even of broad appeal, is no reason to exclude a theory from consideration.⁸¹ In the end, theory-acceptance is personal. As I said at the outset, each

⁷⁸Urmson, "Saints and Heroes," p. 208. See the quotation from Mill above (n. 52).

⁷⁹Mark Timmons, *Moral Theory: An Introduction* (Lanham, Md.: Rowman and Littlefield, 2002). Timmons, who says that his goal is "to provide an intermediate-level introduction to moral theory" (*ibid.*, p. ix), devotes entire chapters to divine-command theory, moral relativism, natural-law theory, classical utilitarianism, contemporary utilitarianism, Kant's moral theory, moral pluralism, virtue ethics, and moral particularism. Neither the glossary nor the index of the book has an entry for "egoism." Timmons does not see egoism.

⁸⁰Even defenders of the divine-command theory concede its unpopularity. See Philip L. Quinn, "The Recent Revival of Divine Command Ethics," *Philosophy and Phenomenological Research* 50, Supplement (1990): 345-65, p. 345: "theological voluntarism has not been popular among contemporary moral philosophers." Quinn says that his aim in the essay is to "breath[e] new life into theological voluntarism" (*ibid.*). That is precisely my aim with respect to egoism.

⁸¹I said in the Introduction that some critics of egoism rule it out a priori. Here is an example of that disrespectful strategy. According to Tim Mulgan, "The suggestion that we have no obligations whatsoever to others can seem extremely implausible. Indeed, many of us find

of us must decide which of the available moral theories—old or new, popular or unpopular—best systematizes what he or she already believes and values. Egoism is a respectable moral theory; it belongs in the pantheon.⁸²

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Egoism every bit as alienating as Consequentialism. Every moral enquiry must begin from some undefended assumptions. This book is addressed to those who accept that the needs of others place some moral demands upon us, and for whom one of the central tasks of moral theory is to balance the competing requirements of the individual's own good and the interests of others. The Egoist answer seems as extreme as Consequentialism, and even less plausible." Tim Mulgan, *The Demands of Consequentialism* (Oxford: Clarendon Press, 2001), pp. 9-10. So egoism and consequentialism are *equally* alienating and *equally* extreme. Both, moreover, are implausible, although consequentialism (Mulgan says) is less so. It may surprise the reader that Mulgan goes on—at book length!—to “construct a Consequentialist moral theory that is not unreasonably demanding” (p. 4). Egoism, which was looking good by comparison with consequentialism, gets left in the dust.

⁸²This essay is dedicated to two men who inspired and taught me, one by word and one primarily by deed. The first is Edward Regis, Jr., whom I have not met and do not know, but whose work on egoism exemplifies the twin philosophical virtues of perspicuity and perspicacity. The second is Gerald Leroy (“Jerry”) Rowbotham, my stepfather of thirty-three years, about whom the following words by H.L.A. Hart might have been written: “The hero and the saint are extreme types of those who do *more* than their duty. What they do is not like obligation or duty, something which can be demanded of them, and failure to do it is not regarded as wrong or a matter for censure. On a humbler scale than the saint or hero, are those who are recognized in a society as deserving praise for the moral virtues which they manifest in daily life such as bravery, charity, benevolence, patience, or chastity.” H.L.A. Hart, *The Concept of Law*, 2nd ed. (Oxford: Clarendon Press, 1994), p. 182 (italics in original).

