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## The Inescapability of Consequentialism

Philip Pettit

### Introduction

Among the moral theories that Bernard Williams criticized, one of the prime targets was consequentialism, in particular consequentialism in its utilitarian version (Smart and Williams 1973). Many of the charges he leveled against the doctrine were meant to apply to other theories that gave equal credence in his view to the idea of the systematic, almost algorithmic, morality he despised (Williams 1985). But he reserved a special degree of scorn for the consequentialist outlook, and subjected it to a life-long offensive. His hostility is matched only by that of earlier, rather more conservative critics like F. H. Bradley (1876, 107), who had condemned utilitarianism in equally extreme, and equally elegant, terms: ‘So far as my lights go, this is to make possible, to justify, and even to encourage, an incessant practical casuistry; and that, it need scarcely be added, is the death of morality.’

There are many lessons that consequentialists ought to take from Williams’s work but I believe that the doctrine survives the siege he laid to it. There may be plural sources of value; there may be many cases where the right choice is indeterminate; there may be room for continuing regret when you have done

what is right; there may be cause for remorse when you have just been unlucky, not strictly blameworthy; and there is certainly something silly, as Bradley also emphasized, about approaching moral problems in the spirit of an actuary. But consequentialism can adapt to all those observations and yet maintain its core commitments.

In the first section of this chapter I sketch a version of consequentialism that is designed to take Williams's lessons on board. In the second section I provide an overview of the various forms that the non-consequentialist rejection of this doctrine can take. And then in the third section I look at how the two approaches compare. I argue that in moral philosophy proper there may be something of a stalemate between the two, but that in political philosophy consequentialism is the only game in town. At least in this role, then, it remains an inescapable normative resource. If it is inescapable in this political role, of course, and at least available in the moral role, then that may be thought to argue on grounds of theoretical unity for endorsing it *tout court*. My main claim is that consequentialism is politically inescapable but I do believe that this inescapability has implications for its general standing.

## 1. Consequentialism

### Definition

According to consequentialism, the right alternative in any choice is a promotional function of the agent-neutral good.<sup>1</sup> The neutral good is the sort of good that can be identified in common terms from any perspective. It might also be described as the non-indexical good, since the main mark is that its expression does not require the use of an indexical such as 'I' or 'mine', 'we' or 'ours', 'here' or 'now'; it contrasts with agent-relative goods such as the success of my projects, the welfare of my children, the prosperity of my country. A neutral good in this sense may be particular or universal. It may consist in the prosperity of a named country or species, for example, or in the prosperity of all

<sup>1</sup> It is possible to represent both consequentialism and non-consequentialism as theories according to which the right is a promotional function of the good, where the difference turns on whether the good is taken as neutral or non-neutral; see Pettit (1997). I think that the representation taken in the current account is more faithful to how non-consequentialists generally think of their commitments.

rational or sentient creatures; it may require only peace between named feuding parties or peace in the universe at large. Usually, the good in consequentialist discussions is assumed to be universal as well as neutral in character, and I shall work with that assumption in what follows.

To say that the right alternative in any choice is a promotional function of the good is to say that it promotes the good better than any alternative; or at least that it has no superior in this regard: there may be other alternatives that are equally good, or in some way incommensurable with it. That an option promotes the good better than alternatives might mean that as a matter of contingent modal fact it produces more good than alternatives would have produced (Railton 1984).<sup>2</sup> But I shall assume that what is meant is that it has the highest expected value: it maximizes the expected good. And I shall take this in turn to mean that it maximizes the good that is expected according to a contextually suitable probability function: that is, roughly, according to a function that a person could not be epistemically faulted for maintaining in light of the contextually available evidence.

### Indirection

The primary focus in consequentialist thinking, as in contemporary ethics generally, is on the choice exercised by an individual in action: that is, on the choice between the different things that the agent can enact—between different options, as I shall say. An *option* is a package of probable outcomes of which the agent can rightly think in the course of deliberation: *I can do that*; the possibility is there for me to implement as I will. In a given case the only enactable options that are open may be to try to do X or to try to do Y. But I shall assume that there are enactable options other than tryings that often fit this bill. I can just write a letter or not write it, for example, just post a letter or not post it, and so on; and I may be in a position to recognize that such enactables are within my grasp.<sup>3</sup>

<sup>2</sup> This is contingent in the sense that it depends on the location of the actual world among possible worlds. What would have happened had I done X rather than Y is what happens in the nearest possible world where I do X. And what happens there may be something that was very unlikely to happen.

<sup>3</sup> The idea here is that something is enactable if, given the contingent way the world is, that fact that I choose it ensures that it gets done. It is not enough for an enactable option that my choosing it makes it likely to be done, but neither is it required that choosing it makes it logically inevitable (as with tryings) that it gets done.

Consequentialism can be applied to items other than enactable options, and in particular to predispositions to action such as plans and policies, habits, motives, and traits, as well as commitments to various social practices or institutions. In each of these cases, as with enactables, there are sets of alternatives whose members we may want to rank against each other. We may want to know which of such and such plans or habits or commitments it is best to exemplify, for example, and consequentialism offers us a way to determine this: the best alternative—the right alternative to have in place—will be that which maximizes the expected good, however the good is determined. It might be thought that the best plan or habit or commitment in any set of alternatives will be the one that predisposes to the best actions. But this need not be so, for a plan or habit or commitment can have consequences other than via the actions it sponsors. It may be best in virtue among other things of the assurance its presence gives people, for example, and of the possibility for engagement that it opens up between them (Pettit and Smith 2000).

The consequentialist theory of the right action is more complex than the consequentialist theory of the right item in any other category. This is because the features that make a particular action right may not derive entirely from the enactable option chosen—the content of the choice—but also from its causal origin: from the fact that it is chosen out of this or that predisposition. Suppose you ask me to help you move apartment. This may be the right thing to do in virtue, at least in part, of the fact that you are a friend and that helping you is more or less essential to preserving and nourishing our relationship. The likely contribution to our ongoing relationship is not a feature of the enactable option as such, however, since that option would not make such a contribution were it chosen on the basis of deliberation about what it is best overall that I do. Were I to choose to help you out of such comprehensive deliberation, then I would prove myself less than a friend; I would show you, at best, that my assistance was motivated by impersonal benevolence, not by a particular attachment to you. It is only if I choose to help spontaneously out of the predisposition constituted by our friendship—or at least out of what can pass for such a predisposition<sup>4</sup>—that I shall make a contribution to our ongoing

<sup>4</sup> Suppose you are not a friend but I would like to behave towards you as towards a friend, perhaps because of wishing to inaugurate a friendship between us. In that case I may respond as a friend would respond but not do so out of friendship. The enactable options are distinctive in that case. The option of helping you move apartment breaks in two: helping you move apartment in the manner of a friend; and helping you move but not in the manner of a friend.

relationship. The benefit that the action brings about materializes in virtue of the causal origin of the choice, not in virtue of the content chosen.

The fact that the right-making features of actions sometimes derive from the predisposition to action, not from the enactable content chosen, forces consequentialism to recommend an indirect strategy in decisions over action. The right enactable option in any choice—like the right plan, the right habit, the right practice—may be that which promotes the best consequences. But the right enactable option, being individuated independently of predisposition, does not always determine the right action. And that being so, it would be a mistake for an agent to ask directly in every choice of action which enactable option promises the best consequences. Asking that question may ensure in some cases that the agent misses out on the right action. If I deliberate comprehensively in the example given, I certainly miss out on the right action. The very fact of such deliberation means that even if I help you move, I act as an impartial benefactor, not as a friend. I favor you, not because of our relationship, but because you happen to be the best locus at which to invest my benevolent efforts; you are fortunate enough to lie on the trajectory of my philanthropic projects.

What indirect strategy does consequentialism recommend in decision-making over action? There are a number of possibilities, but the most appealing, to my eye, is illustrated by a strategy or habit that most of us actually display in the case of friendship (Pettit and Brennan 1986; Pettit 1997). This consists in responding without a second thought to the request of friends, and to the other demands of friendship, under more or less normal circumstances. Assuming such circumstances, I let natural affection carry the day, as we might say, or I give an exclusionary role to the consideration that this is my friend. But when do circumstances count as normal? When no red lights go on, no signals of alarm sound. Absent such indicators, the default assumption is that things are normal. The red lights do not go on when you ask me to move apartment but they would go on if you asked me, in the old joke, not to move apartment, but to move a body (Cocking and Kennett 2000). In the absence of such a signal, however, I respond to you as a friend, letting my affection pilot my behavior; I offload control to the movements of my sensibility.

Is it irresponsible to offload control in this way? Does it amount to the sort of self-effacing consequentialism in which the agent eliminates the possibility of deliberating over consequences (Parfit 1984)? No, because I offload only active control, not control, period. Think of how the cowboy in the cinematic image rides herd on the cattle, letting them have their way provided they cleave to

the path he puts them on, as they normally will. The cowboy does not exercise active control over the movement of the cattle but he does exercise a form of virtual or standby control, for he is ready to intervene on a need-for-action basis should one of the cattle begin to wander off the path. While I give over active control of my behavior to the movements of my sensibility in the friendship case, it remains the case that I ride herd on my sensibility and exercise virtual, standby control; I am ready to intervene on a need-for-deliberation basis should the red lights go on. Those red lights will go on, ideally, just when the cause of the neutral good is likely to be jeopardized by letting sensibility rule on its own. Things may never be calibrated to those ideal specifications, of course, but experience and learning ought to guard against at least the worst extremes of caution or complacency.<sup>5</sup>

The virtual or standby consequentialism that I have illustrated in the case of friendship generalizes readily to other cases. There are many right-making features of actions that are deliberatively elusive, deriving from the personal, non-deliberative predispositions out of which the enactable options are chosen. A given action may be right, not because of the features of the option enacted, but as a result of being chosen out of a certain plan or policy, in virtue of this or that motive or habit or trait, or by way of commitment to this or that social practice or institution. As I may engage the demands of commitment to a friend, letting them have default control over suitable choices—letting them rule in the absence of red lights—so I may engage the requirements of a variety of such deliberatively restrictive predispositions. I may favor the policy of acting spontaneously in a certain domain, opting for the first option that strikes me as satisfactory. I may follow a maxim of always telling the truth, denying myself the opportunity to reflect, case by case, on whether doing so is for the best overall. Or I may privilege in a parallel way a motive or trait like generosity or courage, giving more or less free rein to its promptings.<sup>6</sup> When I authorize the rule of such general predispositions in my life I let them govern me like modular,

<sup>5</sup> Consistently with everything said in this paragraph, of course, empirical considerations just might support a self-effacing consequentialism: a view that while the only right-makers are expected consequences, the chance that rule-breaking might be for the good is so unlikely that the best line is to block all recourse to consequentialist reasoning. This position, perhaps suggested in Rawls (1955), should be distinguished from rule-consequentialism, which we discuss later; this treats conformity to the rules as what makes an action right, breaking the connection with consequences.

<sup>6</sup> Prioritizing certain traits will amount to adopting a virtue ethic for consequentialist reasons. But notice that virtue ethics is sometimes taken to describe a non-consequentialist alternative, not a practice that consequentialism might endorse. See Pettit (1997) for discussion.

automatic pilots, provided that the red lights don't go on—provided that there are no contextually salient signs that a given situation is exceptional and that following the predispositions there might not really be for the best.

There are three aspects to any such strategy of indirection. First, it offloads active control to a modular pilot that operates more or less autonomously, like the modularized skill revealed in typing and in tying your shoelaces; second, it preserves virtual, standby control by keeping the agent ready to deliberate on a need-for-deliberation basis; and third, it outsources the trigger that prompts deliberation, letting external red lights dictate whether to reclaim active control or not. Critics sometimes suggest that indirect consequentialism has an artificial, even rococo character, but recent psychology shows that, on the contrary, this offloading, outsourcing mode of agent-control is absolutely characteristic of our species (Clark 1997). Being a friend, like being a lover, means giving up a certain active control of self, ceding such control to the other. Yet being a friend does not mean locking yourself into robotic fidelity to friendship's requirements. No one outside of mafioso circles will imagine that friendship requires a spontaneous, uncalculating response to a request to move a body. And as it is with friendship, so it is liable to be in the parallel cases also.

To sum up the discussion so far, then, consequentialism identifies the right option in any set of alternatives by the fact that it maximizes the expected good—the expected neutral and universal good—but when the alternatives are actions the issue of which alternative promotes the good in this way is subject to a complexity. The right action may be right in virtue of features of the agent's predisposition, not just in virtue of the features of the enactable alternative. And this means that the consequentialist criterion of right choice, applied to action, may require an indirect mode of decision-making. Under an indirect strategy, deliberation over the enactable options will be restricted so as to make room for the operation of suitable predispositions: suitable plans or policies, motives or habits or traits, or commitments to social practices. The right is always a promotional function of the good but in the case of action that function may have an indirect character.

### Different goods

While consequentialism makes the right a promotional function of the good, of course, different forms of consequentialism will operate with different accounts of the good, and may also differ in how far they take the good to be defined and determinate over various prospects. For all I have supposed, for



example, there may be distinct prospects such that how they compare in value is inherently indeterminate. Thus the good might be a bundle of distinct goods that are weighted against one another but not so precisely weighted that all indeterminacy in the ranking of alternatives is eliminated (Broome 1997).

I am assuming that the neutral good invoked in a consequentialist theory will be universal, as I said. But I should add that this assumption leaves an enormous variety of candidate goods in play. Not only will they include all presumptively universal goods such as happiness and freedom, peace and justice. They will also include distributional goods such as equal happiness and equal freedom. And they will include reflexive goods, as we might call them, which universalize indexically identified goals. Suppose that you and I prioritize the needs of our friends, each caring for our own in a special way; suppose that for each of us the indexical good described as 'caring for my friends' ranks as a personal goal. We might still endorse as a corresponding universal good the scenario in which everyone cares in the same special way for their friends: the scenario described in the formula (X)(X cares about X's friends).<sup>7</sup> The reflexive good that consists in everyone's caring about his or her friends will be just as neutral and universal as peace or justice, happiness or freedom.

What does consequentialism recommend to agents? Better, what sort of agents does the consequentialist commend? Fixing the relevant good, the ideal agents will be those who exhibit such a pattern of predispositions, and exhibit them over such a range of actions, that they do indeed maximize expected value. It is not true of these agents that they always think about how far the options before them in a choice of action promote value. But, things going well, it will be true of them that had the option they chose in any given case not promoted value, whether directly or indirectly, then they would not have chosen it (Railton 1984). Such agents will be effective forces for good.

### Three features

There are a number of features worth noting about the consequentialism adopted here. A first is that while it allows the domain of deliberation to be restricted for the sake of promoting the good in action—for the sake of satisfying

<sup>7</sup> Indeed the failure to endorse something like that universalized version of the personal maxim—and, more generally, the failure to value friendship-based caring on the part of any arbitrary person—would constitute an irrational refusal to acknowledge a basic isomorphism in the positions of different human beings.

the consequentialist criterion itself—it does not restrict the domain to which that criterion applies; it amounts to an unrestricted or global consequentialism (Smart 1956; Kagan 2000; Pettit and Smith 2000; Ord 2009). In this respect, it contrasts most saliently with a rule-consequentialism according to which the right personal or social rule in any domain is that which maximizes the expected good, and the right actions in that domain are those that conform to that rule (Hooker 2000). Such an approach has to hold that some rule-conforming actions are right even when they do not themselves maximize the expected good—even when conditions are such that it would be consequentially better to break the rule. The standby consequentialism described here avoids any such incompleteness in the commitment to the consequentialist criterion.

A second thing to note about the consequentialism described is that it does not prescribe, as opponents sometimes suggest it must, that agents should organize their lives around a love for the impersonal good. The consequentialist criterion of rightness often justifies a pattern of behavior on the assumption that it springs from a certain motivation, not independently of its origin; in our example, it supports my helping you move apartment out of friendship but not my helping you move apartment on the basis of comprehensive deliberation. Thus it does not recommend the replacement of other motivations by the motive of impersonal benevolence. On the contrary, it generally endorses motivations deriving from attachment to friends or children, a sense of commitment to promisees, or an attraction to actions that are in your character. And it generally commends the actions that those motives would prompt, precisely on the grounds that they are so prompted. It is good that friends act out of friendship in dealing with one another because acting on that motive binds them to one another; it would cease to be good in the same way if the motive of friendship were replaced by a motive of universal benevolence.<sup>8</sup>

The third point to note engages a criticism that Williams often makes of consequentialism. Even if the doctrine endorses giving limited control in your

<sup>8</sup> For another example, take the integrity theme that is prominent in Bernard Williams's work (Smart and Williams 1973). Given that any agent's integrity or wholeness is important, as Williams shows it is, consequentialists will not require an agent to act in a manner that undermines it; that would be to make the person ineffective as an agent, unreachable in interpersonal exchange, and entirely miserable. But when consequentialists give agent-integrity this importance, they will not suggest that agents should value their integrity for the score it makes possible in promoting the impersonal good. As in the case of friendship, the concern with integrity is justified on a consequentialist basis, not motivated on that basis.

life to a certain predisposition, he suggests that it will still require you, when you act under such a pilot, to have one thought too many (Williams 1981, 18). Acting as a friend, for example, the idea is that you will never respond spontaneously to the promptings of friendship. You will always have to do a back-of-the-mind, perhaps even a back-of-the-envelope, calculation on whether it is indeed right to give those promptings authority in your life. It should be clear, however, that the sort of consequentialism described avoids this problem (Railton 1984). You can act spontaneously under the promptings of friendship, and do so with a good conscience, without any second thoughts. If you silence or suspend those promptings in a given case, that will not be because of the internal deliverances of ongoing deliberation but because there are external warning signals: the red lights have gone on. Your friend has asked you, not to move apartment, but to move a body. Will this sensitivity to red lights mean that you are not a true friend in the cases where they do not go on? Will it make your friendship fragile in a way that friends cannot generally accept? Of course not. I shall not think the less of you as a friend—I shall not think you less a friend—if I am aware that there are limits on the requests I might expect you to fulfill without question.

Standby consequentialism is psychologically realistic in accepting the priority of the promptings that consequentialist reflection is meant to regulate and in allowing that such reflection may materialize only under the pressure of red lights. But it does not prohibit reflection on the impersonal good, of course, in the absence of red lights. On the contrary, it is hard to imagine that agents might conform well to the doctrine without occasional reflection on what sorts of predispositions are likely to serve the good and on whether the pattern in their behavior is generally satisfactory. Like any plausible moral theory, a consequentialism of this kind will encourage periodic reflection, even as it argues for not letting such reflection unmake the spontaneous swirl of everyday choice.

## 2. Non-consequentialism

### Three varieties

Non-consequentialism, as the very name suggests, involves nothing more or less than the rejection of consequentialism. This rejection may be sourced in any of a variety of considerations, of course, and may be upheld in various

degrees of strength. If consequentialism embraces a family of approaches, non-consequentialism embraces a tribe.

According to consequentialism, the right alternative in any choice is a promotional function, direct or indirect, of the good. Let someone satisfy the general constraint of promoting the neutral, universal good, then, and no complaint can be laid against that agent. According to non-consequentialism, this is not so in the realm of choices over actions. There may be choices where the right action happens to coincide with what promotes the good, but rightness is not a function of the good, at least not in every domain, and satisfying the promotional constraint is no guarantee of doing the right thing. There are at least some possible choices in which the right option to take is not the alternative that promotes the good, whether directly or indirectly.

Since non-consequentialists are united by their rejection of consequentialism, there are as many varieties of the approach as there are modes of opposing the common enemy. Where consequentialism holds that to do the right thing is to satisfy the general constraint of promoting the expected good, non-consequentialism can assume three broadly different forms. It can deny that there are general constraints of any kind—including the promotional constraint—whose satisfaction invariably constitutes doing the right thing. It can limit the application of the promotional constraint, arguing that there are cases where it is permissible to breach that constraint. Or it can propose other non-promotional constraints for the role that consequentialism gives the promotional constraint, arguing that those are the constraints that determine rightness, whether generally or in this or that domain of choice.

The view that there are no general constraints whose satisfaction guarantees doing the right thing is now often described as particularism. Adherents of the approach hold that rightness is determined particularistically from case to case, not on the basis of what any general constraint requires (Dancy 2004). They are non-consequentialists by accident, as it were, since they reject the presupposition that there are general constraints of rightness—a presupposition shared by other forms of non-consequentialism—rather than any proposition that distinguishes consequentialism. For that reason I shall not pay further attention to the doctrine here; I mention it only for completeness. As a matter of fact, I think that there are serious problems in maintaining the particularist thesis that there is no pattern to the variety of actions that count as right, over and beyond their being right, but this is not the place to pursue that critique (Jackson et al.).

The second way of rejecting consequentialism might be described as ‘prerogativism’, as distinct from particularism. It does not provide any alternative to the promotional constraint but argues rather that there are cases where that constraint does not apply; there are cases where agents enjoy the prerogative of not having to service the neutral, universal good (Scheffler 1982). Such a prerogative might entitle agents, at least in restricted circumstances, to seek certain personal goals—to develop their talents or relationships, their projects or hobbies, their relationships with friends—even at a cost to the promotion of the good.

The third and canonical way of being a non-consequentialist is to take a non-promotional constraint on action, perhaps perfectly general, perhaps customized to context, and to argue that in suitable choices the right option is the option that instantiates that constraint, even when instantiating the constraint means failing to promote the neutral good.<sup>9</sup> Take a constraint that prohibits violence. A non-consequentialist defense of such a constraint will imply that there are at least some possible situations where you ought to satisfy it, despite the fact that doing so does not promote the neutral good. A non-consequentialist defense of the constraint will imply that even if your being non-violent in such a situation would lead to more violence overall—even if there is no neutral good it would promote—non-violence may still be the right option for you to take.

Non-consequentialists who take this line may believe that non-violence is a neutral good but hold that rightness requires the instantiation or exemplification of that good in your own action, not its promotion generally. Or they may hold that the constraint of non-violence determines what it is right to do, at least in certain circumstances, independently of any connection to the neutral good; they may treat the constraint as compelling in its own terms, not for any good that its satisfaction would exemplify. In either case proponents will say that rightness is not a promotional function of the good, although they will say that for different reasons. In what follows I shall abstract from this difference.

<sup>9</sup> I mention the possibility of constraints that are customized to context to make room for someone, like Williams, who is dubious about general constraints, especially when they assume the abstract proportions of something like Kant’s universalizability constraint. When Williams argues that Jim ought to kill one of the Indians in his famous example, he presumably thinks that the same would apply across many variations: say, variations in which the identity of the agent changes, or the identity or indeed the ethnicity of the Indians (Smart and Williams 1973). Thus he presumably would endorse the constraint that applies across that limited range of circumstances. I think of it as a contextually customized constraint.

The third form of non-consequentialism comes in a variety of shapes, depending first on the degrees of strength with which the crucial thesis is maintained and, second, on the domains in which it is upheld. Thus, to take the first of these dimensions, a theory that rules out violence on a non-consequentialist basis may assume quite different degrees of strength:

- It may rule out all sorts of violence, or only violence of a certain kind: say, violence that serves no punitive or protective purpose.
- It may rule out such violence in every situation or only in situations that fall within a certain boundary: for example, the boundary set by ‘catastrophic moral horror’, to quote a stipulation from Robert Nozick (1974, 30); or the failure of ‘circumstances of justice’, to quote one from John Rawls (1971, 126–8).
- Where it limits the situations to ones that fall within a certain boundary, it may suggest that beyond that boundary the right is a function of the good—the boundary indicates the level at which the promotional costs of sticking with the constraint become excessive—or it may hold that even beyond the boundary rightness remains independent of the good.

As non-consequentialism may come in various degrees of strength, so, second, it may be defended in any of a variety of domains. The constraints that are privileged in the manner of the non-violence constraint just discussed may be of very different kinds.

- Constraints against treating any others in a certain way: violently, perhaps, deceptively, coercively, or manipulatively.
- Constraints against failing to treat those with whom you have made a contract—say, those to whom you have promised something—according to its terms.
- Constraints against failing to treat those in a privileged category—say, friends or family—with a certain favor or indulgence.
- Constraints against failing to help out those who have special, pressing needs—the destitute, for example, or those in danger—with assistance.
- Constraints against free-riding on the efforts of others, sharing in a benefit they produce without contributing to its production.
- Constraints that aspire to subsume more particular constraints, such as the Kantian constraint of acting only on a maxim that you can will as a universal law.

### A commonality

While the different forms of non-consequentialism vary enormously in domain of application and degree of strength, they are still unified by a salient commonality. Both in the second, prerogativist form and in the many different varieties of the third form, they prescribe predispositions that agents should follow in making choices, as an indirect consequentialism would also do. But in contrast to the consequentialist approach, they insist that the prescribed predispositions—those associated with prerogatives or with non-promotional constraints—do not have to be justified in consequentialist terms and that acting on them will sometimes mean failing to promote the neutral good.

Thus, on the non-consequentialist approach, there are cases where I am entitled to enjoy a certain non-promotional prerogative even when this means that there is less good realized in the world overall. Equally there are cases where I am obliged to be non-deceitful or non-violent, even should there be more deception or violence—and overall less good in the world—as a result of how others then choose. And there are cases where I am obliged to keep my promises or contracts, even should there be less contractual fidelity—and overall less good in the world—as a result of how others then choose. And so on.

This common non-consequentialist theme means that agents are entitled or obliged to treat themselves as special in a certain way, making their personal identity relevant to what they prescribe. Suppose I endorse a non-consequentialist constraint of non-violence. For convenience, suppose that I endorse a full-strength constraint; the argument that follows can be adjusted for anything weaker. I may be prepared to universalize this constraint, prescribing for every agent that he or she should be non-violent. But even if I do so, I will still prioritize my own non-violence.<sup>10</sup> Take a case where the personal and universalized constraints are in outright conflict, so that, as a result of my being non-violent myself, others choose to be violent on a massive scale: I may fail to oppose some threatening force, for example, and thereby allow a cascade of violent attack and defense. Even in that case, I will still prescribe non-violence for myself. The constraint imposes a

<sup>10</sup> The crucial consideration in the background is that when I universalize non-violence I do not make my goal of personal non-violence subsidiary to the goal of universal non-violence; that would require me to be violent if being violent advanced the universal goal, so that I would be endorsing a consequentialism that is trained on the reflexively characterized neutral value of everyone's being non-violent in their behavior. For background see Pettit (2000).

personalized or identity-dependent obligation that is not made void by the effect of its satisfaction on the choices and behavior of others.<sup>11</sup>

The identity-dependent character of non-consequentialism means that how I rank certain scenarios will depend crucially on whether I myself figure there. Thus I may have to know whether I figure there, and in what role, before I can make a judgment.<sup>12</sup> Suppose that I am asked to assess the two following scenarios, on the basis of the non-violence constraint. In one, an anonymous agent, NN, resorts to violence in a way that breaches the non-violence constraint but as a result there is less violence of that sort overall; in the other, the agent, NN, refrains from such violence but as a result there is more of that sort of violence overall. If I know that I am NN, then consistent with being committed to non-violence myself, I shall rank the second scenario above the first. If I know that I am one of the other agents, then consistent with that commitment I shall rank the first scenario over the second; not to do so would be to look with equanimity on the prospect of my being violent.<sup>13</sup>

It is not surprising that non-consequentialism should make rankings of this kind dependent on the identity of the person who is making the ranking. Non-consequentialism allows or requires you as an agent to give counter-promotional importance to what you do. As a moral judge of scenarios that diverge on the basis of people's choices, you should pay attention on a non-promotional basis to what is required of you as one of those agents, if indeed you are one of the agents. Non-consequentialism allows or requires you to act in a certain way, even if your acting in that way is not for the best overall—and

<sup>11</sup> I assume in this discussion that non-consequentialism is time-independent, though identity-dependent; in other words it is personalized to the agent as that agent continues through time, not personalized to the agent-at-a-time.

<sup>12</sup> This argument cannot be circumvented by a stipulation to the effect that if non-consequentialism prescribes something like non-violence, that is to have no implications for how the agent to whom the prescription is addressed should rank scenarios like those presented here. That stipulation would be tantamount to saying that someone can embrace a principle without being committed to things that the principle entails. For a fuller discussion see Pettit (1997). As I mention there, I came to see the importance of this feature in a discussion with Frank Jackson and Michael Smith.

<sup>13</sup> The result in each case will be unchanged even if I universalize the non-violence constraint and hold that everybody should be non-violent. The only effect of that universalization will presumably be that if I know that I do not figure at all in those scenarios, then again I shall rank the first over the second; the universalized constraint will be fulfilled on the part of more people in the first than in the second. Applying the universal constraint to scenarios in which I do not figure will amount to the same thing, plausibly, as judging those scenarios for how far the satisfaction of the universal constraint is promoted: for how far it is the case for all X, or for arbitrary X, that X is non-violent in how he or she treats others: (X)(X is non-violent in X's behavior towards others).



even if another person's acting in that way would be quite welcome, or at least not similarly objectionable.

Non-consequentialist assessment is always identity-dependent in this sense. It allows or requires you to try to maintain a certain record of behavior, even when the behavior recorded is not for the best overall. This is just the other side of the coin from the feature of consequentialism that Williams, while focusing excessively on direct consequentialism, emphasized: it requires agents to think of themselves as conduits for the promotion of the good, and to live with whatever the cause of the good requires them to do, be it ever so distasteful or repugnant (Smart and Williams 1973).

The identity-dependence of moral assessment explains many features of non-consequentialist doctrines. It means that in relevant domains and to relevant degrees, agents ought to look after their own performance and not take responsibility for what that implies for how things work out more generally in the world; this is God's responsibility, on the traditional theocentric version of the approach (Schneewind 1998).<sup>14</sup> Identity-dependence also means, to take up a second connotation of non-consequentialism, that in relevant domains, to relevant degrees, agents should be concerned with the agent-relative value of their behaving thus and so: their respecting the rights of their interactants; their keeping their promises; their caring for their family or friends; their nurturing their talents. And it means, finally, that there is a morally significant distinction to draw between doing and allowing, acting and failing to act. If you ought to refuse to exercise violence even when that means that others are going to be more violent overall, then what you do is more important than what you allow; the non-violence you yourself embrace compensates for the greater violence that you fail to prevent.

### 3. Consequentialism versus non-consequentialism

#### Moral theory

As I have set up the two approaches, they agree in recommending that people should exemplify certain predispositions in action, eschewing or limiting comprehensive, case-by-case deliberation over what is for the best in each decision

<sup>14</sup> Taken to the limit, the theocentric version will require you to do what is right, then, even should the heavens fall: *fiat justitia, ruat coelum*.

they face. But where consequentialism thinks that the right predispositions to exemplify are those that contribute to the promotion of the expected good, non-consequentialists all insist that this need not be so. They hold that the predispositions that it is right to exemplify, whether as internalized prerogatives or constraints, may not always be such as to maximize expected value.

What positive account do non-consequentialists give of the precise prerogatives or constraints that it is right to internalize as predispositions? And what rationale do they offer for why those predispositions in particular should be privileged? The question is pressing, since non-consequentialists will have to choose in every domain between subtly different candidates and in each case they will have to offer a rationale for the choice they make that does not invoke consequences. Take even a basic constraint such as that which would prohibit the intentional taking of human life. This may be cast as exception-less or it may be confined to prohibiting the taking of innocent human life. And if it is confined in that way, 'innocent' may be given one or another interpretation. Non-innocent parties may just be those who threaten you or others with some other serious harm, or those who seem likely to inflict harm, or those who have harmed you or others in the past, or whatever. The variations are legion and the non-consequentialist who proscribes the taking of human life will have to choose between them and justify that choice on a non-consequentialist basis.

Many non-consequentialists fail to provide such a basis. Robert Nozick (1974) maintains that individuals have rights of a Lockean character, including rights of ownership, and that there are things no person or group may do to them, regardless of the consequences. But he recognizes that there are many different sorts of property rights or constraints and that the Lockean system is just one of many possibilities. So why privilege the Lockean? His answer is straightforwardly consequentialist: Lockean rights are preferable because of the many beneficial consequences that their implementation would produce (Pettit 2001). Among such consequences, he cites the fact that the scheme 'increases the social product' and 'enables people to decide on the principle and types of risks they wish to bear' (Nozick 1974, 177).<sup>15</sup>

But not all non-consequentialists ignore the problem raised. A number of distinct proposals in the literature argue that there is a single overarching

<sup>15</sup> Elsewhere Nozick falls back on Kant, when he is pressed about why natural rights make a non-pragmatic claim on our allegiance. See Nozick (1981), ch. 6.

principle, identity-dependent and so distinctively non-consequentialist, that determines the predispositions it is right to exemplify: the prerogatives it is right to claim or the constraints it is right to satisfy.

Kant provides a would-be principle of this kind in the categorical imperative, according to which, in its primary formulation, people should act only on maxims that they can will as universal laws. In each area where it applies, supporting a strict obligation, this is meant to identify a single maxim: a single domain-specific predisposition. Thus it is supposed to identify a commitment to truth-telling as the only appropriate predisposition in the area of communication. The idea, very roughly, is that it is impossible to act without contradiction on the rival maxim of lying at will. Were everyone to lie at will, the institution of communication would be undermined and the very idea of lying would lose its meaning.

This Kantian approach has to face the problem, however, that it does not seem to be capable of identifying a unique predisposition in each domain. There are many rivals to truth-telling apart from lying at will. Someone may lie to protect an innocent person and yet not be disposed to lie at will. And the maxim on which such a person acts, although it competes with the maxim of never lying, will still be one that it is possible without contradiction to will as a universal law. This problem may not be insurmountable within Kantian theory; certainly there have been many attempts to deal with related difficulties (Hill 1992; Herman 1993; Korsgaard 1996; Schapiro 2006).<sup>16</sup> But the problem may suggest that non-consequentialists should look elsewhere.

Two other proposals may prove more attractive. One is that the right predispositions for any agent to have are just those that make his or her life go well: those that promote, not the neutral, universal good, but the good of that very agent. This might be interpreted with the help of Bernard Williams's notion of an internal reason, although he himself doesn't ever develop such a line. You will have an internal reason to adopt a certain predisposition should you be in a motivating subjective state, *S*, that would provide a motive to adopt the predisposition if you 'deliberated rationally' (Williams 1981, 109) and—expanding on his further glosses—had full information, exercised

<sup>16</sup> These commentaries focus mainly, not on the problem of whether the Kantian approach can identify a unique predisposition in each domain, but rather on whether it can avoid prescribing an excessively rigorist one: for example, a predisposition to tell the truth, even when the inquirer seeks the information for purposes of committing a murder.

imagination well and met a number of such extra conditions (Pettit and Smith 2006). The predispositions it will be right for an agent to exemplify, under a natural application of the idea to this case, are those that the agent has most internal reason to instantiate.

Another non-consequentialist way of determining which predispositions it is right for an agent to exemplify can be developed from the contractualist theory that T. M. Scanlon (1998) champions, building on the work of John Rawls (1971; 1993; 2001). According to contractualism, it is wrong to breach those rules that no one could reasonably reject as principles for the general regulation of behavior. Applying the approach here, the right predispositions for an agent to instantiate will be dispositions to abide firmly by such rules.

The availability of these two responses to the question raised for non-consequentialism suggests that in moral theory there is no clear winner in the competition between the sort of consequentialism described in the first section and various forms of non-consequentialism. There is a serious question about the basis on which non-consequentialists can identify the predispositions that it is right to exemplify, but the answers I have associated with Williams and Scanlon do represent respectable, if not wholly unproblematic responses.<sup>17</sup> In the compass of this chapter, I am inclined to declare a stalemate.

### Political theory

In moral thinking the addressees of a theory are invited to employ its criteria of good and right in making moral judgments, not just about others, but also about themselves. It is because the individual addressees of a moral theory can figure both as the assessors who employ the theory and as the agents whom they assess that there is an opportunity for consequentialism and non-consequentialism to come apart. Consequentialism holds that the moral judgments passed should be independent of whether the assessors are identical with the agents: they should be dictated by the demands of the neutral, universal good. Non-consequentialism denies this, arguing that there are cases where the judgment passed should be sensitive to the identity of the assessor and the agent: there are cases, for example, where you are allowed to judge that you should be non-violent, even when that will lead to more violence, and less good, overall.

<sup>17</sup> For some problems see, on Williams, Pettit and Smith (2006) and, on Scanlon, Pettit (2006).

If this is right, then that raises a question as to how normative thought can be non-consequentialist when it comes to the assessment, not of the choices of individuals, but of other sorts of entity. Asked to give an assessment of various natural physiques, or works of art, or engineering designs, for example, I may wonder about the context of interests that I am supposed to take into account in offering a ranking. But there will be no issue of the kind that arises between consequentialism and non-consequentialism in the assessment of individual choices or actions; there will be nothing to wonder about on this front. Assuming that the assessment is to have general interest—assuming that it is not to be just a record of my taste, for example—the only basis for offering an assessment would seem to be a broadly consequentialist one.

In light of this observation, consider now the arrangements that come up for assessment in political theory. These are institutions that determine the options available to individuals across a broad front: for example, in marriage, friendship, ownership, civil respect, market exchange, group incorporation, and the recognition of legislative, judicial, and executive authority. While there is room for assessing such institutions on an aesthetic or economic or functional basis, there is also good reason to assess them in a manner that is continuous with our moral assessment of individual choices. They raise issues of how far they allow people to enjoy equality or justice or the chance to lead meaningful lives. And if an institution is judged harshly on any such issue, then that ought to influence our moral assessment of choices made under the institution. The injustice of a property system is relevant to the question of how far we ought to respect the titles or rights of owners, the unfairness of marriage conventions relevant to how far marital duties or rights are compelling.

There is no problem about how consequentialists might approach the moral assessment of social and political institutions; they will judge them for how well they promote what is taken to be the relevant good. But given that non-consequentialism is irrelevant in the assessment of natural physiques, works of art, or engineering designs, why isn't it also irrelevant in the assessment of such institutions? After all, those arrangements do not answer to any individual's choice. And even if they did, as in the myth of the original founder, the justice or other merits of an institution would not seem to turn on whether or not the founder's choice was defensible. Fortune may be such that a malicious choice led to a just arrangement, or a benevolent choice to an unjust one. Any institution of the kind envisaged depends for its survival, of course, on the

aggregation of actions and adjustments on the part of the individuals who live under them. But again the moral quality of the institution would seem to be independent of the quality of those aggregated choices; at the limit, private vice may make for public virtue.

Non-consequentialists may require of institutions that they should not force any individuals to breach their independently identifiable non-consequentialist obligations.<sup>18</sup> However, many individual obligations—for example, the obligation not to steal—are going to be defined, not independently, but in a way that presupposes the presence of certain institutions. And in any case, the requirement that institutions should not force individuals to breach individual obligations is unlikely to be able to discriminate between arrangements that vary by intuitive criteria in their moral appeal. How then might non-consequentialists go further and provide the basis for a more comprehensive ranking of social and political arrangements?

I consider three possible responses to this challenge, which I describe respectively as the rule-consequentialist, the rule-contractualist, and the group-agency responses. But before exploring these, I should make one further point of clarification. The challenge arises on an assumption maintained throughout this chapter that consequentialists and non-consequentialists differ, not on the neutral values that they countenance, but on the significance for an agent of giving countenance to such a value; consequentialists will argue that the agent ought to promote it and non-consequentialists will deny that this is necessarily the case. Thus it is not possible to reply that according to non-consequentialists social and political arrangements ought to promote justice, whether in general or in the actions of certain agents—say, where relevant, state officials—as if this were a distinctively non-consequentialist value; to take this line would be to embrace a variety of consequentialism in which justice-in-general or justice-among-officials is the target to be advanced.

### The rule-consequentialist response

The first response to the challenge is that the right social and political institutions to have in place in any domain are those that have the following character: assuming more or less universal compliance with each of the competing candidates, they score better in consequentialist terms than others. They may

<sup>18</sup> I am grateful to Sam Scheffler for this point.

score better because of their intrinsic or instrumental features, or because of a mix of both; the idea in either case is that under relatively ideal conditions they score over alternatives in neutral, universal value. To take a recent statement of such a viewpoint, the right arrangement in any domain is the one that imposes rules whose internalization by most people—give or take a qualification—holds out the best prospect for overall well-being (Hooker 2000).

Insofar as it bears on social and political institutions, and not on the choices that people make under them, this is a straightforward consequentialist proposal. The only thing unusual about it is that the property that is taken to make arrangements best is a modal one: the property of being best under relatively ideal—and almost certainly non-actual—conditions. But why might it count as a non-consequentialist response to our challenge? While it is consequentialist in determining the right arrangements to put in place in any domain, it offers a non-consequentialist account of what makes individual choices right. The right thing to do in any situation that is governed by the rules of a relevant arrangement will be to discharge the duties imposed by those rules: that is, to adopt a broadly deontological attitude. And it will be right to do this, even when doing so is manifestly not for the good: even when abiding by the rules is counter-productive in terms of whatever good is taken to be relevant.

This theory of rightness in individual choices amounts to a rule-consequentialism and, for reasons rehearsed earlier, I find it unappealing. A restrictive, indirect theory of act-consequentialism would seem to make more sense. It would hold that the costs of case-by-case deliberation may often argue for sticking by certain rules more or less unthinkingly but that someone who adopts that approach ought always to be open to any warning signals that in a given case fidelity is likely to be counter-productive; those signals ought to prompt prompt comprehensive deliberation about what to do in that case.

But even if the proposed theory of rightness for individual choices were found acceptable, this approach ought not to have any appeal for non-consequentialists in political theory: that is, in the moral assessment of social and political arrangements. In the political domain, the suggested response is straightforwardly consequentialist, arguing that we ought to rank such arrangements by how far they display a certain neutral, universal property. Rule-consequentialism represents a consequentialist theory of institutions that is paired off with non-consequentialist prescriptions for individual choice. But this pairing does not make it into a non-consequentialist theory.

### The rule-contractualist response

Few if any non-consequentialists actually invoke the rule-consequentialist response described, but a parallel, rule-contractualist response has recently gained some support. Where rule-consequentialism constructs a theory of institutions that pairs off with a deontology about individual duties, this other approach presents a theory of institutions that pairs off with a contractualist view of individual duties. But the theory it proposes turns out to be just as consequentialist as the theory presented in the first response.

Contractualists hold, according to Scanlon (1998), that an action is wrong if and only if it violates a principle for the general regulation of behavior that no one could reasonably reject. The regulation in view here is, of course, voluntary: it is regulation, to use an earlier expression of Scanlon's (1982, 110), on the basis of 'informed, unforced general agreement'. But the formula for determining whether actions are objectionable and wrong might have suggested to some a corresponding, contractualist criterion for determining whether socially imposed norms or politically imposed laws—and the arrangements that they establish—are objectionable in a parallel way: unjust or illegitimate or whatever.

Thomas Nagel (1991, 36–7) is prompted by this thought to say that we can transform 'contractualism as a moral theory' into a theory with a political character by 'substituting "enforced conformity" for "unforced general agreement"'. The idea, to rework Scanlon's favorite way of putting things, would be that norms and laws are objectionable if and only if they violate a principle for the enforced, general regulation of behavior that no one could reasonably reject; I ignore the question of whether this means no one in the society or no one anywhere. We are to assume that just as we can allegedly identify principles that no one could reasonably reject as principles for the unforced, moral regulation of behavior, so we can identify a presumptively narrower set of principles that no one could reasonably reject even as principles for the enforced, social regulation of behavior. And then the contractualist message is that unobjectionable norms and laws—and unobjectionable social and political institutions—are those that satisfy such principles.

The message is clear, perhaps even eye-catching, but it supports a consequentialist rather than a non-consequentialist political theory. Contractualism is a non-consequentialist theory of morality, since it requires each agent to satisfy the principles for the unforced, general regulation of behavior that no



one could reasonably reject and to do so even if this makes for a lesser satisfaction of those principles overall; it is in that sense an identity-dependent theory. But the political theory to which Nagel directs us is not like that. It holds up an ideal for any society or polity: that its norms and laws should conform to the principles for the enforced, general regulation of behavior that no one could reasonably reject. And that ideal offers a neutral, identity-independent criterion for ranking systems of norms and laws—social and political institutions—on the basis of how far they realize it.

What the Nagel suggestion would mean is that as we move from morality to politics, the contractualist constraint gets turned into a reflexive, orientating ideal. The ideal is not that the polity, considered as a source of laws, should satisfy a contractualist constraint akin to the constraint that private agents are expected to satisfy. What we are given, rather, is a reflexive ideal: for all societies and polities, X, X should establish norms and laws—and corresponding institutions—that satisfy principles for the enforced, general regulation of behavior that no one could reasonably reject. The consequentialism proposed may or may not be attractive; that will depend on how far the required principles are determinable and desirable. But the fact that it counts as a consequentialist theory is enough to make it irrelevant to the challenge we are discussing here.<sup>19</sup>

### The group-agency solution

But there is also a third line that non-consequentialists might take in response to the problem raised. They might say that where the relevant agent in issues of personal morality is the individual, the relevant agent in issues bearing on the rightness or wrongness of social arrangements is the people, considered as a social and even political agent. It is you as an individual agent who decides on whether to keep a promise, respect my property, or act like a friend. It is we as a group who decide on whether or not to try to alter the conventions governing promise-keeping or ownership or friendship. Thus we, the people, might be held in a contemporary democracy to have decided that arrangements of friendship should be allowed to emerge spontaneously and that we as a group should not try to shape them collectively; that the same is true of

<sup>19</sup> For a nice presentation and defence of such a consequentialist view—although he would not see it as consequentialist—see Beitz (1989), ch. 5.

promise-keeping in general but that there should be special provisions for enabling people to make formal contracts that can be upheld in court; and that in matters of property the titles and rights of ownership should be such and such and that they should be enforceable by legal sanction.

On the picture proposed, non-consequentialists can cast the group agency as we, the people, and can characterize a criterion of rightness in social arrangements that is identity-dependent. They can hold that as you or I should abide by certain constraints in dealing with others, and do so on a non-consequentialist basis, so we as a corporate agent should abide by corresponding constraints in laying down arrangements for the guidance of individual interaction and community. This picture of moral philosophy at the societal level—this corporate version of non-consequentialism—is reminiscent of an approach to things that is represented by two exemplars of non-consequentialism, Kant and Rawls.

Kant holds that individuals should only act on maxims that they can will as universal laws: such universalizability is the general form of constraint that each is required to honor. And he argues, in parallel, that the state, representative as it is of us, the people, ought to operate in a similar manner, establishing laws that do not favor any one individual and that can be willed universally. As universalizability is a criterion of right action, so it is also a criterion of 'a rightful constitution'—a constitution under which 'law itself rules and depends on no particular person' (Kant 1996, 480–81).

John Rawls takes a similar view when he suggests that we, the people, are required in justice to adopt a certain basic structure in acting via the state; that is, via 'the political organization of the people' (Rawls 1999, 26). The idea is that the structure imposed by the state should be justifiable to each of us, its members, on the basis of its fairness (Rawls 1971; 1993). In the later formulation of his theory, he holds that this structure will be justifiable to the extent that it is guided by a public, political conception of justice—a conception that 'it is possible to work up' from the 'fundamental ideas' contained in our democratic 'political culture' (Rawls 2001, 34–5).

Although the group-agency solution to the challenge raised for non-consequentialism looks appealing, it runs into a serious difficulty. There is a compelling desideratum on any normative theory of social arrangements—any political philosophy—that non-consequentialism cannot satisfy, if it is cast in group-agency terms. The desideratum is that in assessing social arrangements a political philosophy ought to be able to consider all possible

alternatives to any given institution. There ought to be no restriction in principle on the institutional options that can be contemplated in determining which it is right to put in place.

The reason why the group-agency version of non-consequentialism runs into trouble with this desideratum is that it provides a criterion of right arrangements only over alternatives where we, the corporate people—we, the agent with the privileged identity—remain in place. We may think that one basic structure, A, should be preferred to another, B, on the grounds that under A we, the people, would satisfy a relevant constraint whereas under B we would violate it; with these alternatives we may use the non-consequentialist criterion to rank-order the options. But what are we to say of a third alternative, C, if under this option we, the people, change identity: if we are replaced by a different entity?

The identity of a corporate people or polity is often tied to the territorial and individual composition of the group, so that it may change in the event of secession or amalgamation. And the identity of the group-agent is certainly tied to the constitutional or organizational order that determines when it acts, so that it will change in the event of a shift that is not allowed under the existing constitution (List and Pettit 2011). This order will specify when the actions of members or officials are to be ascribed to the people—when those people count as acting in the corporate name—and when they are to be cast as the doings of those agents in a private capacity (Kelsen 1945).

This means that if any alternative arrangement in some domain—C, in our schematic example—involves a compositional or constitutional change in the people, then a corporate form of non-consequentialism will be unable to rank that alternative. We, the people, can rank A and B on the basis of how we, a corporate agent, deal with members under those alternatives. But it can only be silent on the merits of the alternative, C, in which things are reorganized so that a different people takes our place. The approach is committed to an artificial privileging of the status quo, taking it for granted that the arrangements under which we, the given people, continue to exist have an exclusive claim on our moral attention.

Corporate non-consequentialists may suggest one further thought in response to this problem. They may say that all this shows is that a people or polity cannot make such compositional and constitutional changes and hope to prove justifiable *ex post* to the individuals involved. But why can't it show *ex ante* that such a change is justifiable? Why can't the desirability of the change

be established by the fact that before the change the corporate agent involved can see and show that suitable principles allow and perhaps even mandate its acting so as to make that change—and this, even though it, the corporate agent, cannot itself survive the change?

The response does not work. Suppose that what a corporate people proposes to do in abolishing itself compositionally or constitutionally is justifiable *ex ante* to its members. Why might that be so? Given that the source of the justifiability cannot be the requirements of a continuing, suitably constrained relationship with those members, what can make the projected change look like one that ought to appeal to them? It can hardly be the anticipated historical fact of having originated in an irreproachable decision by an agency that no longer exists; irreproachable decisions, as noted earlier, can generate intuitively unappealing arrangements. If the arrangements to be brought into existence in the self-abolishing act of a corporate agent are to look justifiable to the individuals who will live under them, that can only be because of the identity-independent features they are expected to display. Once again the attempt to construct an adequate non-consequentialist theory of social and political institutions morphs into a form of consequentialism.

### The significance of this claim

The argument presented in this third section suggests that in passing moral judgments on social arrangements we inevitably have recourse to a consequentialist perspective. Thus it establishes the inescapability of consequentialism, in one possible sense of that phrase. But does this result have significance for the moral judgment of individual actions, not just social arrangements? Does it establish the inescapability of consequentialism in that more radical sense?

The desirability of having a single criterion of ultimate evaluation argues that if we have to live with consequentialism in political theory, then we ought also to try to live with it in moral theory. Consequentialism is capable of providing the final criteria of assessment for all individual actions, as well as all social arrangements, whereas non-consequentialism can provide candidates for that role only in respect of individual actions. But suppose it is desirable in itself, as many think, to have a unified, unvarying account of the ultimate yardsticks of moral assessment. That will argue that everyone ought to endorse consequentialism across the whole territory, avoiding the arbitrariness of preserving non-consequentialism in restricted pockets.

This consideration is supported by the fact that the domains of moral and political theory are not separated from one another in such a way that being a non-consequentialist about individual decisions sits entirely comfortably with being a consequentialist about institutional arrangements. The rightness of many individual decisions depends on the appropriateness of corresponding institutions. Whether it is right to respect private property punctiliously depends in part on the justice of the property regime in place. And the rightness of various other decisions depends on the justice or rightness of other social arrangements—for example, in the domain of family life, personal friendship, interpersonal respect, contractual commitment, collective cooperation, and political organization. But if the institutions are right only insofar as they promote suitable consequences, there is bound to be a problem with trying to insulate the rightness of individual choices from the relevance of the consequences that determine what is right at the institutional level.

These considerations make a case for thinking that not only is consequentialism inescapable in political theory; its inescapability in that domain argues for giving it a place in the domain of moral theory too. Trying to preserve the non-consequentialist perspective in the evaluation of individual decisions means giving up on the theoretical unity of normative thought and accepting a problematic separation between issues of individual choice and institutional design. Those costs ought to be serious enough to raise doubts about seeking to contain consequentialism, restricting it to the evaluation of social arrangements. Let consequentialism be granted its claims in that domain and those claims are going to be hard to resist in any area of normative thought.<sup>20</sup>

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