# Comment on Timothy Loughlin's "Scheffler's Independence Thesis"

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First of all, thanks to the organizers for letting an interloper from the South Side participate in the conference by commenting on Tim's paper which, in addition to being fantastically clear, was philosophically very stimulating.

Tim considers Scheffler's independence thesis, which consists of the following two, constituent claims:

1. There is an underlying principled motivation for including ACPs in an otherwise consequentialist moral theory.

2. The motivation for including ACPs in such a theory does not likewise support the inclusion of ACRs in the theory.

Tim offers two criticisms of attempts to argue for the independence thesis, with the conclusion being that, at least as yet, we have no reason to buy the IT. The second criticism, which comes at the end of the paper, purports to show that the very thing that Scheffler claims should motivate us to include ACPs in our moral theory – namely the fact that reasons generated from the personal point of view can be as strong as reasons generated from the impersonal point of view – also gives us good reason to include ACRs. While I have some questions about the argument, I'm not going to pursue this line of Tim's thought here.

Instead, I want to focus on the other argument Tim levels against the independence thesis. Here Tim's set-up is, perhaps, misleading. For he says that the kind of arguments we get from Kagan concerning motivation and moral theory are consistent with the second claim of the IT*;* that is, they are consistent with the claim that the motivation for including ACPs in an otherwise consequentialist

moral theory does not likewise support the inclusion of ACRs in that theory. But the crucial argument that Tim makes here is that Kagan-style considerations *offer no motivation for including ACPs in an otherwise consequentialist moral theory in the first place.* The claim that the motivation for including ACPs etc. does not support inclusion of ACRs now follows naturally if we assume that exactly what makes Kagan-style considerations fail to motivate the inclusion of ACPs will also make them fail to motivate the inclusion of ACRs. As such, the second claim is true – whatever motivates inclusion of ACPs does not motivate inclusion of ACRs – but only because, on closer inspection, it doesn't motivate the inclusion of ACPs in the first place. If it *did,* then the IT would be in fine shape, as Tim himself asserts on p. 10, when he grants the following conditional: "If [the] argument for i) is sound on this [the Kagan-style] interpretation, then ii) seems to be in a secure position." What Tim really wants to show is that the argument for i) – an argument which says, "Here is a good reason, or set of reasons, to include ACPs in our moral theory" – is no good.

Put very roughly, the argument for i) that Tim rejects is that the personal point of view is a feature of human nature – where this means that being responsive to, or caring deeply about, the demands generated from the personal point of view is part of our human nature – and that, as a part of our nature, it must be accommodated in our moral theory. Tim argues that there is no sense in which the personal point of view is a feature of human nature *such* that it can sanction the inclusion of ACPs in our moral theory. Why not? In answer to this question, Tim suggests two ways in which some feature might be said to be a part of human nature. First, it might present itself as a **tendency**, by which Tim seems to mean something like a natural impulse which we might, on any and every occassion, not act on: "An agent never acting aggressively is consistent with that agent having an aggressive nature; she simply overcomes the natural urges when they arise." (9) The second way some feature might be a part of our nature is as a **structural limitation**. I'm not exactly sure what Tim means by this, but it's clear from his subsequent discussion that if S is a structural limitation of some creature A, then when A is in a situation where S calls for a certain response, R, then A cannot but do R. Tim admits that if the personal point of view is a part of our nature in this sense, then a moral theory that did not accommodate it would thereby be lacking. This is because failure to accommodate it would mean that our moral theory demands that we act in ways that we are, literally, incapable of acting.

But, Tim asks, "What in Scheffler's argument might establish that the independence of the personal point of view indicates that humans are incapable of always acting so as to produce an optimal outcome as judged from the impersonal point of view?" He thinks the best Scheffler can do to establish this claim is to make an argument the first premise of which is:

1. "Humans cannot *always* be motivated by the concerns of those who inhabit the impersonal point of view because the actions of humans are not *typically* motivated by those kinds of concerns." (11. Emphasis added)

At this point, Tim grants that there's one way to hear this claim that makes it true, but simultaneously renders it trivial and no good for showing what Scheffler wants to show. The second, substantive reading of the claim, however, renders it *implausible* since it depends on the idea that "because humans are not typically motivated by a certain kind of concern ... [they] are unable to always be motivtaed by that kind of concern." (12) In other words, it depends on moving from the fact that humans have a tendency, at least some of the time, not to be motivated by concerns generated from the impersonal point of view, to the claim that humans are incapable of always being motivated by those concerns. And this is a bad move. As Tim puts it: "It is antecedently implausible that one can infer abilities from tendencies." (12)

The assumption in the background here is that in order to make his case, Scheffler must show that acting from the personal point of view is a structural limitation of humans, that we literally cannot always act so as to procuce the optimal outcome as judged from the impersonal point of view. What drives the assumption is the surely right observation that if the independence of the personal point of view is a mere tendency of humans then, by definition, there's no reason we cannot ignore it in acting. A tendency *just is* the kind of thing it is possible not to act on.

But why think that in order to make his case Scheffler must show that humans are incapable of always acting as the impersonal point of view demands in this strong sense of "incapable"? Why can't Scheffler say instead, "Of course, it is *possible* in any given instance to overcome our tendency to act on considerations generated from the personal point of view. But to get people to never act on that tendency would require insane amounts of effort, incentives, punishments etc. And introducing all these efforts may very well make life miserable." (Now, I want to say: miserable even *considered from the impersonal point of view*, but that might not be a move Scheffler will want to accept since it seems to cut against the idea of the *independence* of the personal point of view). In other words, if a tendency is a deeply entrenched feature of human nature such that it requires fantastic amounts of effort and intervention to prevent people from acting on it, then we might well wonder whether a moral theory that fails to accomodate this fact fails as a moral theory, not because it violates "ought implies can" but because it recommends a course of action that will simply make things miserable given deeply entrenched features of humans. The motivation for including ACPs in our moral theory is that doing so is required to prevent that moral theory from demanding from agents that which they

cannot *reasonably be expected to provide.*

So here's where we are. I've suggested that there is non-trivial, plausible sense in which a tendency can be a part of our nature such that an adequate moral theory must accommodate it. As such, it is possible that the personal point of view, while not a structural limitation of humans, is a tendency that any adequate moral theory must accommodate. But I think a stronger point can be made on Scheffler's behalf. For the line of reasoning I just rehearsed applies as much to tendencies that we are inclined to see as bad – our tendency to be aggressive perhaps – and to those we see as good. It depends only on the idea that some tendencies are so deeply entrenched that there is no highly unproblematic way to demand that people never act on it.

But surely the tendency to act on considerations generated from the impersonal point of view is not like our tendency to be aggressive, which is to say unfortunate but, in all likelihood, to be tolerated. Rather, we have *prima facie* reason to think that the tendency to act from the personal point of view is a *good* tendency, and this without begging any questions. For even the most staunch defender of the impersonal point of view must admit, if her view is to be plausible at all, that at least part of what is best in human life are the relationships we enter into with others as friends, lovers, professors, husbands, father etc. And these roles and relationships, which provide the central locus of meaning and fulfilment in most people's lives, constitutively demand, for their continued practice, the presence of ACPs in a moral theory – I cannot be a friend at all if I *must* always act so as to bring about the optimal outcome from the impersonal point of view. The possibility of friendship is foreclosed to me. And so our tendency to act from the personal point of view is not just another tendency. Instead, as Scheffler notes in a passage quoted by Tim, it plays a central role in determining the nature of human fulfillment. So not only do we have a tendency it is unreasonable to ask people to never act on; we also have a tendency that, at least at first glance, is constitutively a part of what is best in life. This suggests a second sense in which it is unreasonable to ask people never to act on considerations generated by the personal point of view: to do so would be to demand that they not enjoy what is best in life.

These two points together (and perhaps separately?) suggest that Kagan-style considerations do establish the first claim of the independence thesis, which means that by Tim's own admission the second claim is in a secure position. This is because, to paraphrase Tim, if a theory has the problem of demanding from an agent that which the agent cannot reasonably provide, this problem can be solved by simply permitting the agent not to provide that thing. The theory need not go further and *require* that the agent not provide that thing. So, we get a principled reason for including ACPs while

nonetheless excluding ACRs.