

Scheffler's Independence Thesis

Abstract

One key to Samuel Scheffler's (1994) defense of a hybrid moral theory is the independence thesis, which asserts that (i) there is an underlying, principled motivation for including agent-centered prerogatives in an otherwise consequentialist moral theory and that (ii) this motivation does not likewise support the inclusion of agent-centered restrictions in an otherwise consequentialist moral theory. Obviously, Scheffler's defense of (i) is crucial for assessing his success in defending (ii) since the truth of (ii) depends on the motivation referred to in (i). In this paper I will consider two interpretations of Scheffler's defense of (i). I maintain that the first of these interpretations is consistent with (ii) but fails to establish (i) and that the second interpretation establishes (i) but is inconsistent with (ii). Thus, I argue, on these interpretations of Scheffler's argument for (i) the independence thesis is false.

1.0 Introduction

Samuel Scheffler (1994) has offered an extended defense of a hybrid moral theory that falls between a fully consequentialist moral theory and a fully agent-centered moral theory. One key to this defense is the independence thesis, which asserts that (i) there is an underlying, principled motivation for including agent-centered prerogatives in an otherwise consequentialist moral theory and that (ii) this motivation does not likewise support the inclusion of agent-centered restrictions in an otherwise consequentialist moral theory. Obviously, Scheffler's defense of (i) is crucial for assessing his success in defending (ii) since the truth of (ii) depends on the motivation referred to in (i). In this paper I will consider two interpretations of Scheffler's defense of (i). The first, suggested by Shelly Kagan (1984: 253-4), is that the inclusion of agent-centered prerogatives in an otherwise consequentialist moral theory is required for that theory to possess the "motivational underpinning necessary for genuine moral requirements." The second, suggested by Scheffler's own later writing (1997/2001, 2004), is that the fact that agents

typically value their personal projects, relationships, etc. generates reasons for those agents to act in certain ways and the inclusion of agent-centered prerogatives in an otherwise consequentialist moral theory is required to recognize those reasons. I maintain that the first of these interpretations is consistent with (ii) but fails to establish (i) and that the second interpretation establishes (i) but is inconsistent with (ii). Thus, I argue, on these interpretations of Scheffler's argument for (i) the independence thesis is false.

Section 2 of this paper provides background concerning the independence thesis, including the explication of agent-centered prerogatives and agent-center restrictions. In section 3 I will explain the two interpretations presented above and argue for the failure of the independence thesis on both.

2.0 Background

Scheffler's hybrid moral theory is achieved by including an agent-centered prerogative in an otherwise consequentialist moral theory. A fully consequentialist moral theory requires agents to always act in such a way as to bring about an optimal outcome as judged from the impersonal point of view. For example, while the death of someone close to me is worse from my point of view than the deaths of two people I do not know, from the impersonal point of view the death of someone close to me is better than the deaths of two people I do not know. More generally, in ranking of outcomes of an action from best to worst from the impersonal view, the personal projects, relationships, and commitments of all individuals are given equal weight. Consequentialism asserts that the

action that would produce the best outcome so ranked is the action one is morally required to perform. Thus, a fully consequentialist moral theory would require me to sacrifice my own projects if doing so would promote the projects of, say, two others. This result is viewed by some philosophers as unacceptable.

2.1 *Agent-Centered Prerogatives*

An agent-centered prerogative is a permission for agents to treat their own projects, relationships, etc. as more important than the projects, relationships, etc. of others in some cases. So, the inclusion of an agent-centered prerogative in an otherwise fully consequentialist moral theory would result in a moral theory that sometimes permits agents to act in such a way as to not bring about an optimal outcome as judged from the impersonal point of view. Scheffler suggests that one plausible way for an agent-centered prerogative to operate is to allow agents to assign greater moral weight to their own projects, relationships, etc. than they are assigned from the impersonal point of view. So, for example, an agent-centered prerogative might permit me to assign twice as much value to my relationship to my wife than that relationship is assigned from the impersonal point of view. A hybrid conception that included this agent-centered prerogative would permit me to act in a way that promotes that relationship even if not doing so would result in a better outcome as judged from the impersonal view *so long as* that outcome is not so much better from the impersonal point of view than the promotion of my relationship with my wife as to outweigh even the additional weight that the hybrid

conception permits me to assign to that relationship. Thus, a hybrid conception might allow me to spend money on diamond earrings for my wife even when I could donate that money to Oxfam, but it need not allow me to save my wife's life when doing so would result in genocide. Just what sacrifices from the impersonal point of view I am permitted to make in the interest of promoting my personal projects, relationships, etc. will depend on how much additional weight the agent-centered prerogative permits me to place on my own projects, relationships, etc. I will address the issue of how Scheffler might determine how much additional weight the agent-centered prerogative should allow in sections 3.1 and 3.2 below.

2.2 *Agent-Centered Restrictions*

Agent-centered prerogatives are contrasted with agent-centered restrictions. While agent-centered prerogatives are permissions for agents to act in certain ways in some cases, agent-centered restrictions are requirements for agents to act in certain ways

in some cases. Scheffler writes that agent-centered restrictions are:

{...} restrictions on action which have the effect of denying that there is any non-agent relative principle for ranking overall states of affairs from best to worst such that it is always permissible to produce the best available state of affairs so characterized. (Op. ct.: 2-3)

From this characterization of agent-centered restrictions it should be clear that a moral theory could include agent-centered prerogatives without including agent-centered restrictions. A moral theory that sometimes permits agents to produce less than optimal outcomes as judged from the impersonal point of view and always permits agents to

produce optimal outcomes as judged from the impersonal view would be such a moral theory. On the other hand, if a moral theory includes agent-centered restrictions, then it will also include agent-centered prerogatives. A moral theory that includes agent-centered restrictions at least sometimes requires agents to produce less than optimal outcomes as judged from the impersonal point of view and, so, sometimes permits agents to produce less than optimal outcomes as judged from the impersonal point of view. Thus, a hybrid moral theory, being a theory that includes agent-centered prerogatives without including agent-centered restrictions, is like the first moral theory indicated above: a moral theory that sometimes permits agents to produce less than optimal outcomes as judged from the impersonal point of view and always permits agents to produce optimal outcomes as judged from the impersonal point of view. Recalling that the independence thesis asserts that asserts that (i) there is an underlying, principled motivation for including agent-centered prerogatives in an otherwise consequentialist moral theory and that (ii) this motivation does not likewise support the inclusion of agent-centered restrictions in an otherwise consequentialist moral theory, it should be clear why this thesis is key to Scheffler's defense of a hybrid moral theory: if the independence thesis is false, then if there is good reason to include agent-centered prerogatives into an otherwise consequentialist moral theory then there is also good reason to include agent-centered restrictions in that moral theory. Thus, if the independent thesis is false, there is no stable position between fully consequentialist moral theories and fully agent-centered moral theories.

3.0 Two Interpretations of Scheffler's Argument for (i)

I indicated above that some philosophers have found the requirements of fully consequentialist moral theories to be unacceptable. The inclusion of agent-centered prerogatives in an otherwise consequentialist moral theory removes these requirements, thus solving the apparent problem. However, the inclusion of agent-centered prerogatives is only motivated if the problem it solves is, first, more than just apparent and, second, cannot be solved within a fully consequentialist moral theory.

Scheffler argues that the deeper issue that generates the apparent problem is as follows. A moral theory, as a regulative principle for humans, should take into account features of human nature. The independence of the personal point of view from the impersonal point of view is a feature of human nature. So, a moral theory should take into account the independence of the personal point of view from the impersonal point of view. (Ibid.: 57-8) Thus, insofar as a fully consequentialist moral theory does not take into account the independence of the personal point of view from the impersonal point of view, that theory faces a problem. Furthermore, if a fully consequentialist moral theory cannot solve this problem and a hybrid conception can, this is an underlying, principled motivation for including agent-centered prerogatives in an otherwise consequentialist moral theory.

According to Scheffler, the independence of the personal point of view from the impersonal point of view is constituted by the following facts:

Each person has a point of view, a perspective from which projects are undertaken, plans are developed, events are observed, and life is lived. Each point of view constitutes, among other things, a locus relative to which harms and benefits can be assessed, and *are* typically assessed by the person who has the point of view. This assessment is both different from and compatible with the assessment of overall states of affairs from an impersonal stand-point. (Ibid.: 56)

My valuing the life of my wife more than the lives of strangers, then, is an instance of the independence of the personal point of view. It is certainly true that in this sense the personal point of view is independent from the impersonal point of view. But what does it mean for this independence to be a feature of human nature, is it a feature of human nature, and why does this matter? Scheffler writes:

For if, as Rawls has said, ‘the correct regulative principle for anything depends on the nature of that thing’, we must surely reject any regulative principle for persons which ignores the independence of the personal point of view. (Op. ct.: 58)

This inference is problematic, even given that the independence of the personal point of view is a feature of human nature. To see this, take the human tendency to yawn when seeing others yawn. Research (Provine, 2005) indicates that this tendency is connected to human empathy, making it a good candidate for a feature of human nature. Following Scheffler’s reasoning, from Rawl’s claim and this fact we should be able to infer that we must surely reject any regulative principle for persons that ignores our tendency to yawn contagiously. But, of course, this conclusion is false. If this is a feature of human nature, it seems obvious that it is a morally unimportant one, and so ignoring it would not count against a moral theory. Even if the correct regulative principle for humans depends on the nature of humans, it does not follow that if a theory ignores some feature of human

nature then that theory is flawed. There are other ways for a regulative principle to depend on human nature.

Perhaps Scheffler means by ‘ignores’ something like ‘fails to make room for.’ Given the case of contagious yawning this alteration seems to capture something true. Morally unimportant features of human nature need not be explicitly attended to by a moral theory, but surely room must be made for them. A moral theory that forbade contagious yawning would be a failed moral theory given Scheffler’s reasoning and our assumption, and this seems correct. However, problems still remain. To see this, assume that aggression is a feature of human nature. Given my suggested alteration of Scheffler’s reasoning, it follows that we must surely reject any regulative principle for persons that does not make room for our aggression. But, at the very least, this conclusion is not obviously true. It is not obvious that a moral theory that completely forbids aggressive behavior should be rejected for that very reason. More relevant to this paper, the inclusion of some feature in a moral theory that makes room in that theory for aggressive behavior would not have a clear motivation. Thus, even if Scheffler were to show that the independence of the personal point of view is morally important, as a tendency toward aggression surely would be, he would still need to go further to show that failing to make room for the independence of the personal point of view is a flaw in a moral theory.

However, even if we assume that Scheffler could show both that the independence of the personal point of view is morally important and that failing to make room for it would be

a flaw in a moral theory, it would remain to be seen whether the hybrid theory is capable of making this room without falsifying the independence thesis. Whether this is possible will depend on just why it is that failure to make such room is a flaw for a moral theory. In the next two sections I will explore two different interpretations of Scheffler's argument for why this is the case.

3.1 First Interpretation

There are different ways something can be a feature of human nature. There are those features that are tendencies and there are those features that are structural limitations. An agent never acting aggressively is consistent with that agent having an aggressive nature; she simply overcomes her natural urges when they arise. On the other hand, an agent having no physiological reaction to the perception of a charging lion is inconsistent with that agent having a nature that includes deeply ingrained reactions. Not making room for features of the former kind would not obviously count against a moral theory. Not making room for features of the second kind would, under the auspices of the principle of ought-implies-can, count against a moral theory. Thus, if a case can be made for the independence of the personal point of view from the impersonal point of view being a feature of human nature of this latter kind, then that would be an important step in establishing (i) of the independence thesis, i.e. that there is an underlying, principled motivation for including agent-centered prerogatives in an otherwise consequentialist moral theory. This seems to be what Kagan has in mind when he

suggests that Scheffler might be arguing that the inclusion of agent-centered prerogatives in an otherwise consequentialist moral theory is required for that theory to possess the “motivational underpinning necessary for genuine moral requirements.” Thus, this interpretation has Scheffler showing that if a moral theory fails to make room for the independence of the personal point of view it will require agents to act in ways that agents cannot act. Surely this would be a problem for such a theory *and* would provide a motivation for including some feature in that theory that would make room for the independence of the personal point of view. Furthermore, on such an interpretation Scheffler has a way for determining how much additional weight an agent-centered prerogative should permit an agent to place on her own projects, relationships, etc.: as much as is needed to prevent the agent from being required to do that which she cannot do.

This interpretation is initially attractive. First, it makes sense of Scheffler’s claim from above that a theory that ignores the independence of the personal point of view should be rejected. On this interpretation, Scheffler is asserting that if a moral theory requires agents to act in a way that is inconsistent with the independence of the personal point of view, then that moral theory should be rejected because it requires agents to act in a way that they are incapable of acting. Whether or not this claim is true will be addressed below. Second, it is supported to some degree by textual evidence. Scheffler writes:

{...}if the independence of the personal point of view is an important fact for morality, that is not just because of its role in determining the nature of human fulfillment, but also, simply, because of what it tells us about the character of

personal agency and motivation: people do not typically view the world from the impersonal perspective, nor do their actions typically flow from the kinds of concerns a being who actually did inhabit the impersonal standpoint might have. (Ibid.: 62)

That some kind of limitation on what can be required of human agents is meant to follow from these features of human motivation and agency, and thus that a moral theory must make room for these features, is one way to understand their moral importance.

If Scheffler's argument for (i) is sound on this interpretation, then (ii) seems to be in a secure position. If the motivation for including agent-centered prerogatives into an otherwise consequentialist moral theory is that doing so is required to prevent that moral theory from demanding from agents that which they are unable to provide, then the inclusion of agent-centered restrictions would not do any additional work over and above the work done by the inclusion of agent-centered prerogatives. If a theory has the problem of demanding from an agent that which the agent cannot 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. This is consistent with, and suggested by, Scheffler's defense of (ii) (Ibid.: 91-3).

However, the fact that humans sometimes are motivated by certain considerations does not entail that room for those considerations should be made in a moral theory. Recalling the discussion above, even if we are sometimes motivated by aggression, it does not follow that a moral theory should not require that we not act aggressively. However, if humans were incapable of being motivated by certain considerations, then they would be unable to act on those considerations. Thus, if a moral theory required

humans to act on those considerations, it would require humans to act in a way they are incapable of acting. Thus, such a theory would run afoul of the widely accepted ought-implies-can principle. But 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?

One way would be to understand Scheffler as implicitly arguing that humans cannot *always* be motivated by the concerns of those who inhabit the impersonal standpoint because the actions of human are not typically motivated by those kinds of concerns. If humans cannot always be motivated by the concerns of those who inhabit the impersonal standpoint, then humans cannot be morally required to always act in such a way that promotes those concerns. So, a moral theory should make room for the independence of the personal point of view.

The first step in the above argument is either trivial or implausible. It is trivial if it means that humans cannot always be motivated by those concerns because they have sometimes failed to be motivated by those concerns in the past or they will sometimes fail to be motivated by those concerns in the future. While there is a sense of "cannot" in which something cannot always be the case if it is sometimes not the case, this is not the sense of cannot required for the application of the ought-implies-can principle. So, on this reading of the first premise it misses the point. On the other hand, if "cannot" is read univocally throughout, then the first premise is implausible. Just because humans are not typically motivated by a certain kind of concern it does not follow that humans are unable

to always be motivated by that kind of concern.

We should not be surprised with these problems for this interpretation of Scheffler's argument. It is antecedently implausible that one can validly infer abilities from tendencies. It seems unlikely that we will be able to move from the fact that human motivation does not typically flow from a certain kind of concern to the claim that humans cannot always be motivated by that kind of concern. So, although this interpretation makes (ii) plausible, it is ill suited to establish (i). Thus, on this interpretation the independence thesis is false.

3.2 *Second Interpretation*

A second interpretation of Scheffler's argument for (i) is suggested by his later writings. Scheffler writes:

Among the things that we value are our relations with each other. But to value one's relationship with another person is to see it as a source of reasons for action of a distinctive kind. (1997/2001: 103)

And again:

{...}just as valuing one's relationships non-instrumentally involves seeing oneself as having what I will call relationship-dependent reasons, so too valuing one's projects non-instrumentally involves seeing oneself as having *project-dependent reasons*. (2004: 246)

The suggestion here seems to be that the personal point of view is a source of reasons for an agent to act that are independent of the reasons for an agent to act that come from the impersonal point of view. Humans are typically motivated by concerns from the personal point of view because they recognize the reasons that are generated from that point of

view. And this seems at least initially plausible. The value that I place on my relationship to my wife makes it the case that I have special reasons to act which other people who do not place similar value on their relationships to my wife do not have. I have a reason to buy my wife some earrings that others do not share and that is not generated by the value of my relationship to my wife as judged from the impersonal point of view.

For the sake of argument, I will assume that these reasons are moral reasons. I will also assume that these reasons are compatible with the reasons generated from the impersonal point of a view, a claim that Scheffler seems to be making when he writes:

This assessment {from the personal point of view} is both different from and compatible with the assessment of overall states of affairs from an impersonal stand-point. (1994: 56)

It is clear how Scheffler's argument on this interpretation would establish (i). Consequentialism requires agents to do that which they have most reason to do as judged from the impersonal point of view. But there is another source of reasons that consequentialism does not take into account in virtue of not taking into account the independence of the personal point of view. The reasons generated from this point of view could, at least in principle, equal the strength of reasons generated from the impersonal point of view. If there are equal reasons to act in one way and in another way, then it is permissible to act in either way. A consequentialist theory can only get this result by including an agent-centered prerogative. Thus, there is a principled, underlying motivation for (i). Furthermore, this interpretation, like the first

interpretation, provides Scheffler with a way to determine how much additional weight agent-centered prerogatives should allow agents to their personal projects, relationships, etc.: as much weight as is provided by the reasons that are generated from the personal point of view.

While this defense of (i) may be plausible, it does not lend itself well to the defense of (ii). It seems unlikely that Scheffler can provide a principled reason to think that the reasons generated from the personal point of view can match in strength the reasons generated by the impersonal point of view but never surpass them. If they can surpass them, then there would be more reason, at least in some cases, for agents to promote their personal projects, relationships, etc. than to produce an optimal outcome as judged from the impersonal point of view. If there is more reason for an agent to promote their personal projects, relationships, etc. than to produce an optimal outcome as judged from the impersonal point of view, then there is no non-agent relative principle for ranking overall states of affairs from best to worst such that it is always permissible to produce the best available state of affairs so characterized, i.e. an agent-centered restriction should be included in the moral theory. So, this interpretation of Scheffler's argument for (i) provides a principled, underlying motivation for the inclusion of agent-centered restrictions in a moral theory. So, on this interpretation the independence thesis is false.

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Scheffler’s presentation of (ii) reads:

{the motivation for including an agent-centered prerogative in an otherwise consequentialist moral theory} is independent of any rationale there may be for agent-centered restrictions, in the sense that someone who is motivated in this way to accept a prerogative can at the same time consistently refuse to accept such restrictions. (Ibid.: 81)

My interpretation of (ii) does not follow from Scheffler’s text interpreted literally. After all, *r* might be a reason for one to accept theory *x* and theory *y* even if there are compelling reasons to reject *x* but not *y*. Thus, it could be the case that *S* consistently accepts agent-centered prerogatives for reason *r* while rejecting agent-centered restrictions, even though *r* is equally a reason to accept agent-centered restrictions, perhaps because there are also compelling, independent reasons for *S* to reject restrictions, reasons that do not affect *r*. However, on this reading of Scheffler we cannot make sense of his defense of (ii), which focuses exclusively on rejecting the claim that the rationale he provides for including agent-centered prerogatives is also a rationale for accepting agent-centered restrictions. Furthermore, Scheffler writes:

The truth of the independence thesis is of course compatible with the existence of some **separate** principled motivation for agent-centered restrictions. Not only do I believe that the independence thesis is true, however, I also believe {...} that it is surprisingly difficult to find plausible suggestions in the literature as to what an underlying motivation for such restrictions might be. There is thus another thesis that in my opinion merits our close attention. *The asymmetry thesis* asserts that although it is possible to identify an underlying principled rationale for an agent-centered prerogative, it is not possible to identify any comparable rationale for agent-centered restrictions. (Ibid.: 82 boldface mine)

The fact that Scheffler points out that it is compatible with the truth of the independence thesis that a *separate* principled motivation, i.e. a principled motivation distinct from the principled motivation offered for the inclusion of agent-centered prerogatives, for including agent-centered restrictions might exist is fairly compelling evidence that Scheffler meant the independence thesis to rule out that the motivation for including agent-centered prerogatives is also a motivation for including agent-centered restrictions. It is this reading of Scheffler that I am concerned with in this paper and it is this reading that is reflected in (ii) above. Note, incidentally, that a refutation of either interpretation of Scheffler’s (ii) entails the falsity of the asymmetry thesis.

See, for example, Bernard Williams (1973) and Robert Nozick (1974).

And permits some actions.

Assuming that there are no good reasons to reject agent-centered restrictions that do not also apply to

agent-centered prerogatives. See footnote 1 above.

It should be pointed out that Scheffler maintains (Ibid.: 63-70) that it is not necessary to show that consequentialism is incapable of accommodating the independence of personal point of view from the impersonal point of view, but rather that the hybrid moral theory accommodates the independence in a way that consequentialism is incapable of accommodating it. Since my argument focuses on (a) whether or not the independence of the personal point of view needs to be accommodated and (b) whether or not the hybrid moral theory is capable of accommodating this independence without violating the independence thesis, this concession is unimportant in this paper.

John Rawls (1971: 29).

While Scheffler asserts that the argument of which this claim is a premise is overstated, his objection to that argument is not this premise but rather the premise that no consequentialist moral theory can take into account the independence of the personal point of view. Thus, I take him to endorse this claim.

This claim is not wholly implausible (Ardrey, 1961) but it is certainly controversial. Still, some tendency toward aggression in some circumstances seems very likely to be a feature of human nature.

Presumably there are other kinds of features as well.

I recognize that there is room for some confusion here. Consequentialists need not require that agents be motivated by the concerns of those who inhabit the impersonal point of view, a point that Scheffler is well aware of. So, when I write “motivated by the concerns of those who inhabit the impersonal point of view” this should be read as “motivated in such a way that one might intentionally act in a way that promotes the concerns of those who inhabit the impersonal point of view.”