ABBREVIATIONS

AC
The view that an act's deontic status is determined by the agent's reasons for and against preferring its outcome to those of the available alternatives, such that, if S is morally required to perform x, then, of all the outcomes that S could bring about, S has most (indeed, decisive) reason to desire that x's outcome obtains.

BET
Outcome o₁ is better than outcome o₂.

CR
An act is morally permissible if and only if its outcome is not (on the agent's ranking) outranked by that of any available alternative.

CSC
The view according to which all the following are true: (a) it is, as of tᵩ, objectively morally permissible for S to perform a non-maximal set of actions, αᵩ, beginning at tᵩ (tᵩ < tᵩ) if and only if, and because, it is, as of tᵩ, objectively morally permissible for S to perform a maximal set of actions, MSAᵩ, that involves S's performing αᵩ; (b) it is, as of tᵩ, objectively morally permissible for S to perform a maximal set of actions, MSAᵩ, if and only if, and because, MSAᵩ is one of the optimal MSAs that is, as of tᵩ, scrupulously securable by S; (c) MSAᵩ is one of the optimal MSAs that is, as of tᵩ, scrupulously securable by S if and only if, and because, MSAᵩ's outcome is not, on S's evaluative ranking, outranked by that of any alternative MSA that is, as of tᵩ, scrupulously securable by S; and (d) MSAᵩ's outcome is not, on S's evaluative ranking, outranked by that of any alternative MSA that is, as of tᵩ, scrupulously securable by S if and only if, and because, there is no alternative MSA that is, as of tᵩ, scrupulously securable by S whose outcome S has both more requiring reason and more reason, all things considered, to want to obtain.

CSC⁺
The view according to which all the following are true: (a) it is, as of tᵩ, objectively morally permissible for S to perform a non-maximal
set of actions, \( \alpha_p \), beginning at \( t \) \((t < t)\) if and only if, and because, it is, as of \( t \), objectively morally permissible for S to perform a maximal set of actions, MSA, that involves S's performing \( \alpha_p \); (b) it is, as of \( t \), objectively morally permissible for S to perform a maximal set of actions, MSA, if and only if, and because, MSA is one of the optimal MSA's that is, as of \( t \), scrupulously securable by S; (c) MSA is one of the optimal MSA's that is, as of \( t \), scrupulously securable by S if and only if, and because, MSA's prospect is not, on S's \( t \)-relative evaluative ranking, outranked by that of any alternative MSA that is, as of \( t \), scrupulously securable by S; and (d) MSA's prospect is not, on S's \( t \)-relative evaluative ranking, outranked by that of any alternative MSA that is, as of \( t \), scrupulously securable by S if and only if, and because, there is no alternative MSA that is, as of \( t \), scrupulously securable by S whose prospect S has at \( t \), both more requiring reason and more reason, all things considered, to desire.

CSU

The view according to which all the following are true: (a) it is, as of \( t \), objectively morally permissible for S to perform a non-maximal set of actions, \( \alpha_p \), beginning at \( t \) \((t < t)\) if and only if, and because, it is, as of \( t \), objectively morally permissible for S to perform a maximal set of actions, MSA, that involves S's performing \( \alpha_p \); (b) it is, as of \( t \), objectively morally permissible for S to perform a maximal set of actions, MSA, if and only if, and because, MSA is one of the optimal MSA's that is, as of \( t \), scrupulously securable by S; (c) MSA is one of the optimal MSA's that is, as of \( t \), scrupulously securable by S if and only if, and because, MSA's outcome is not, on S's evaluative ranking, outranked by that of any alternative MSA that is, as of \( t \), scrupulously securable by S; and (d) MSA's outcome is not, on S's evaluative ranking, outranked by that of any alternative MSA that is, as of \( t \), scrupulously securable by S if and only if, and because, there is no alternative MSA that is, as of \( t \), scrupulously securable by S whose outcome contains both more constraint-adjusted utility and more comprehensively adjusted utility than MSA's outcome does.

DES

S has more reason to desire that \( o_0 \) obtains than to desire that \( o_j \) obtains.

DET

For any remotely plausible nonconsequentialist theory, there is a substantive version of consequentialism that is deontically equivalent to it.

DRAC

S's performing \( x \) is morally permissible if and only if, and because, there is no available act alternative that would produce an outcome that S has both more moral reason and more reason, all things considered, to want to obtain than to want \( x \)'s outcome to obtain.

S's performing \( x \) is morally permissible if and only if there is no available act alternative that would produce an outcome that S has both more moral reason and more reason, all things considered, to want to obtain than to want \( x \)'s outcome to obtain.

DRAC

S's performing \( x \) is morally permissible if and only if there is no available act alternative that would produce an outcome that S has both more moral reason and more reason, all things considered, to want to obtain than to want \( x \)'s outcome to obtain.

S's performing \( x \) is morally permissible if and only if there is no available act alternative that would produce an outcome that S has both more moral reason and more reason, all things considered, to want to obtain than to want \( x \)'s outcome to obtain.

DRAC

S's performing \( x \) is morally permissible if and only if there is no available act alternative that would produce an outcome that S has both more moral reason and more reason, all things considered, to want to obtain than to want \( x \)'s outcome to obtain.
Abbreviations

**MPU**
The view according to which all the following are true: (a) it is, as of \( t_p \), objectively morally permissible for \( S \) to perform a non-maximal set of actions, \( \alpha_p \), beginning at \( t_1 (t_1 < t) \) if and only if, and because, it is, as of \( t_p \), objectively morally permissible for \( S \) to perform a maximal set of actions, \( MSA_p \), that involves \( S \)'s performing \( \alpha_p \); (b) it is, as of \( t_p \), objectively morally permissible for \( S \) to perform a maximal set of actions, \( MSA_p \), if and only if, and because, \( MSA \) is one of the optimal MSAs that is, as of \( t_p \), personally possible for \( S \); (c) \( MSA \) is one of the optimal MSAs that is, as of \( t_p \), personally possible for \( S \) if and only if, and because, \( MSA \)'s outcome is not, on \( S \)'s evaluative ranking, outranked by that of any alternative MSA that is, as of \( t_p \), personally possible for \( S \); and (d) \( MSA \)'s outcome is not, on \( S \)'s evaluative ranking, outranked by that of any alternative MSA that is, as of \( t_p \), personally possible for \( S \) if and only if, and because, there is no alternative MSA that is, as of \( t_p \), personally possible for \( S \) whose outcome contains more aggregate utility than \( MSA \)'s outcome does.

**MR**
If a subject, \( S \), is morally required to perform an act, \( x \), then \( S \) has most (indeed, decisive) reason to perform \( x \), all things considered.

The deontic status of a non-maximal set of actions, \( \alpha_p \), beginning at \( t_1 (t_1 < t) \) is determined by the agent's reasons for and against performing \( \alpha_p \), such that, if \( S \) is, as of \( t_p \), morally required to perform \( \alpha_p \), then \( S \) has most (indeed, decisive) reason, all things considered, to perform \( \alpha_p \).

**MR∗**
The deontic status of \( \alpha_p \) is determined by the agent's reasons for and against performing \( \alpha_p \), such that, if \( S \) is, as of \( t_p \), morally required to perform \( \alpha_p \), then \( S \) has at \( t_1 \) most (indeed, decisive) reason, all things considered, to perform \( \alpha_p \).

Some **moral reasons** have absolutely no (<) moral requiring strength.

**MS**
It is, as of \( t_p \), objectively morally permissible for \( S \) to perform a non-maximal set of actions, \( \alpha_p \), beginning at \( t_1 (t_1 < t) \) if and only if, and because, at least one of the objectively morally permissible maximal sets of actions that are, as of \( t_p \), scrupulously securable by \( S \) involves \( S \)'s performing \( \alpha_p \).

**MSA**
A maximal set of actions—a set of actions, \( \alpha_p \), that is, as of \( t_p \), available to \( S \) (i.e., available either in the sense of being personally possible for \( S \) or in the sense of being scrupulously securable by \( S \)) is a maximal set of actions if and only if there is no other set of actions, \( \alpha_p \), that is, as of \( t_p \), available to \( S \) such that performing \( \alpha_p \) involves performing \( \alpha_p \) but not vice versa.

**MSU**
The view according to which all the following are true: (a) it is, as of \( t_p \), objectively morally permissible for \( S \) to perform a non-maximal set of actions, \( \alpha_p \), beginning at \( t_1 (t_1 < t) \) if and only if, and because, it is, as of \( t_p \), objectively morally permissible for \( S \) to perform a maximal set of actions, \( MSA_p \), that involves \( S \)'s performing \( \alpha_p \); (b) it is, as of \( t_p \), objectively morally permissible for \( S \) to perform a maximal set of actions, \( MSA_p \), if and only if, and because, \( MSA \) is one of the optimal MSAs that is, as of \( t_p \), scrupulously securable by \( S \); (c) \( MSA \) is one of the optimal MSAs that is, as of \( t_p \), scrupulously securable by \( S \) if and only if, and because, \( MSA \)'s outcome is not, on \( S \)'s evaluative ranking, outranked by that of any alternative MSA that is, as of \( t_p \), scrupulously securable by \( S \); and (d) \( MSA \)'s outcome is not, on \( S \)'s evaluative ranking, outranked by that of any alternative MSA that is, as of \( t_p \), scrupulously securable by \( S \) if and only if, and because, there is no alternative MSA that is, as of \( t_p \), scrupulously securable by \( S \) whose outcome contains more aggregate utility than \( MSA \)'s outcome does.

**NMR+MJS**
Non-moral reasons have some (>) moral justifying strength. And, thus, non-moral reasons can, and sometimes do, prevent moral reasons, even those with considerable moral requiring strength, from generating moral requirements.

**PAC**
\[ P(S, t_p, x_p), P(S, t_p, x_m), \ldots, \& P(S, t_p, x_n) \rightarrow P(S, t_p, x_q, x_m, \ldots, x_n) \]
where "P(S, t_p, x_q)" stands for "S is, as of t_p, permitted to perform x_q."

**PDC**
\[ P(S, t_p, x_q, x_m, \ldots, x_n) \rightarrow P(S, t_p, x_q, x_m, \ldots, x_n) \& P(S, t_p, x_0) \]
where "P(S, t_p, x_q)" stands for "S is, as of t_p, permitted to perform x_q."

**PER**
S has more reason to perform a than to perform a_0.

**RMAU**
It is, as of \( t_p \), objectively morally permissible for \( S \) to perform a set of actions, \( \alpha_p \), beginning at \( t_1 (t_1 < t) \) if and only if there is no alternative set of actions that is, as of \( t_p \), personally possible for \( S \) that would produce more aggregate utility than \( \alpha_p \) would.

**RO**
If \( S \) has more moral reason to perform \( x \) than to perform \( y (y \neq x) \), then \( S \) is not rationally permitted to perform \( y \). And, thus, if \( S \) has most moral reason to perform \( x \), then \( S \) is rationally required (i.e., has decisive reason, all things considered) to perform \( x \).

**RP**
The fact that \( S \) is morally required to perform \( x \) constitutes (and, thus, provides) an overriding (and, hence, decisive) reason for \( S \) to perform \( x \).

**SC**
The deontic status of a non-maximal set of actions, \( \alpha_p \), beginning at \( t_1 (t_1 < t) \) is determined by the reasons there are for and against the agent's preferring certain outcomes to others, such that, if \( S \) is, as of \( t_p \), morally required to perform \( \alpha_p \), then, of all the
Abbreviations

outcomes that S could bring about by performing some MSA that is, as of t_p, scrupulously secure by S, S has most reason to desire some subset of those that would result from S’s performing an MSA that involves S’s performing α_p.

SEC
It is, as of t_p, objectively rationally permissible for S to perform a non-maximal set of actions, α_p, beginning at t_p (t_p < t) if and only if, and because, at least one of the objectively rationally permissible maximal sets of actions that are, as of t_p, scrupulously secure by S involves S’s performing α_p.

SOU
S’s performing x is morally permissible if and only if there is no available act alternative that would produce both more utility for others and more overall utility than x would.

SR
If S is Selection required to perform x, then S has decisive reason to perform x, all things considered.

SU
The view according to which all the following hold: (1) dual-ranking act-consequentialism is true; (2) S has more moral reason to want o_j to obtain than to want o_i (j ≠ i) to obtain if and only if o_j contains more utility for others (i.e., for those other than S) than o_i does; and (3) S has more reason, all things considered, to want o_i to obtain if and only if o_i contains more egoistically adjusted utility than o_j does.

SU*er
S’s performing x is morally permissible if and only if there is no available act alternative that would produce both more utility for others (i.e., for those other than S) and more egoistically adjusted utility than x would, where egoistically adjusted utility includes everyone’s utility but adjusts the overall total by giving S’s utility, say, ten times the weight of anyone else’s.

SUPDC
sup(S, t_p (α_p, α_p ..., & α_p)) → [sup(S, t_p α_p), sup(S, t_p α_p), ..., & sup(S, t_p α_p)], where “sup(S, t_p α_p)” stands for “S’s performing α_p is, as of t_p, supererogatory.”

SUPER
It is, as of t_p, supererogatory for S to perform a set of actions, α_p, beginning at t_p (t_p < t) if and only if, and because, both of the following hold: (1) in performing α_p, S does not thereby only minimally or partially fulfill some positive duty, and (2) there is some alternative set of actions, α_p, also beginning at t_p (t_p < t) such that: (a) it is, as of t_p, both objectively morally permissible for S to perform α_p, and objectively morally permissible for S to perform α_p, and (b) S has more moral reason to perform α_p than to perform α_p.

SUPER-MAX
It is, as of t_p, supererogatory for S to perform a maximal set of actions, MSA_p, beginning at t_p (t_p < t) if and only if, and because, there is some alternative maximal set of actions, MSA_p, also beginning at t_p (t_p < t) such that: (a) it is, as of t_p, both objectively morally permissible for S to perform MSA_p, and objectively morally permissible for S to perform MSA_p, and (b) S has more moral reason to perform MSA_p than to perform MSA_p.

Abbreviations

SACP
It is, as of t_p, superperfecterogatory for S to perform a set of actions, α_p, beginning at t_p (t_p < t) if and only if, and because, there is some alternative set of actions, α_p, also beginning at t_p (t_p < t) such that: (a) it is, as of t_p, both objectively morally permissible for S to perform α_p, and objectively morally permissible for S to perform α_p, and (b) S has more moral reason to perform α_p than to perform α_p.

TAC
The view both (1) that act-consequentialism is true and (2) that an act produces an outcome that the agent has optimal reason to want to obtain if and only if it maximizes the good (impersonally construed).

TAC*er
S’s performing x is morally permissible if and only if S’s performing x would maximize the good (impersonally construed).

TCR
(1) S has more reason to perform a_p than to perform a_p if S has more reason to desire that a_p obtains than to desire that a_p obtains; (2) S has more reason to perform a_p than to perform a_p only if S has more reason to desire that a_p obtains than to desire that a_p obtains; and (3) if S has more reason to perform a_p than to perform a_p, then this is so in virtue of the fact that S has more reason to desire that a_p obtains than to desire that a_p obtains.

TCR-1
S has more reason to perform a_p than to perform a_p if S has more reason to desire that a_p obtains than to desire that a_p obtains.

TCR-2
S has more reason to perform a_p than to perform a_p only if S has more reason to desire that a_p obtains than to desire that a_p obtains.

TCR-3
If S has more reason to perform a_p than to perform a_p, then this is so in virtue of the fact that S has more reason to desire that a_p obtains than to desire that a_p obtains.

TCR-1+2
S has more reason to perform a_p than to perform a_p if and only if S has more reason to desire that a_p obtains than to desire that a_p obtains.

TCR
(1) S has more reason to perform a_p than to perform a_p if S has more reason to desire p_r than to desire p_r; (2) S has more reason to perform a_p than to perform a_p only if S has more reason to desire p_r than to desire p_r; and (3) if S has more reason to perform a_p than to perform a_p, then this is so in virtue of the fact that S has more reason to desire p_r than to desire p_r.

TCR
S has more reason to perform a_p than to perform a_p if and only if, and because, the set of all the non-pragmatic reasons that S has
for desiring that \( o \), obtains is weightier than the set of all the non-pragmatic reasons that \( S \) has for desiring that \( o \), obtains.

**TCR**

S has at \( t \), more reason to perform \( a \), than to perform \( a_j \) just when, and because, S has at \( t \), more reason to desire that \( o \), obtains than to desire that \( o \), obtains.

**TCR**

An agent’s reasons for and against performing \( a \), are determined by her reasons for and against preferring certain outcomes to others, such that if \( S \) has most reason to perform \( a \), then, of all the outcomes that \( S \) could bring about by performing some MSA that is, as of \( t \), scrupulously securable by \( S \), \( S \) has most reason to desire some subset of those that would result from \( S \)'s performing an MSA that involves \( S \)'s performing \( a \).

**TCR**

An agent’s reasons for and against performing \( a \), are determined by her reasons for and against preferring certain outcomes to others, such that \( S \) has at \( t \), more reason to perform \( a \), than to perform \( a_j \) just when, and because, \( S \) has at \( t \), more reason to desire \( p_i \), than to desire \( p_j \), where \( p_i \) and \( p_j \) are the prospects of \( a \), and \( a_j \), respectively.

**TMS**

The view according to which all the following are true: (a) it is, as of \( t \), objectively rationally permissible for \( S \) to perform a non-maximal set of actions, \( a \), beginning at \( t \) \( (t_i < t) \) if and only if, and because, it is, as of \( t \), objectively rationally permissible for \( S \) to perform a maximal set of actions, MSA, that involves \( S \)'s performing \( a \); (b) it is, as of \( t \), objectively rationally permissible for \( S \) to perform a maximal set of actions, MSA, that involves \( S \)'s performing \( a \); (c) MSA is one of the optimal MSAs that is, as of \( t \), scrupulously securable by \( S \); (c) MSA is one of the optimal MSAs that is, as of \( t \), scrupulously securable by \( S \) if and only if, and because, MSA’s prospect is not, on S’s \( t \)-relative evaluative ranking, outranked by that of any alternative MSA that is, as of \( t \), scrupulously securable by \( S \); and (d) MSA’s prospect is not, on S’s \( t \)-relative evaluative ranking, outranked by that of any alternative MSA that is, as of \( t \), scrupulously securable by \( S \) whose prospect \( S \) has at \( t \), more reason, all things considered, to desire.
Consequentializing Commonsense Morality

Unlike utilitarianism, nonconsequentialist theories—at least, the plausible ones—tend to comport with our considered moral convictions. In so doing, plausible nonconsequentialist theories avoid the sorts of deontic verdicts that got utilitarianism in so much hot water vis-à-vis moral rationalism. Recall from chapter 2 that utilitarianism conflicts with moral rationalism, for it requires agents to maximize aggregate utility even when they have sufficient reason to do otherwise. Unlike utilitarianism, though, plausible versions of nonconsequentialism comport with moral rationalism—at least, they do given certain plausible assumptions about what agents have decisive reason to do.

In this chapter, I hope to demonstrate that any plausible nonconsequentialist theory can be consequentialized, which is to say that, for any plausible nonconsequentialist theory, we can construct a consequentialist theory that yields, in every possible world, the exact same set of deontic verdicts that it yields. Since plausible nonconsequentialist theories tend to yield deontic verdicts that comport with moral rationalism, this will establish that some consequentialist theories (specifically, those that are extensionally equivalent to their plausible nonconsequentialist counterparts) comport with moral rationalism—again, given certain plausible assumptions about what agents have decisive reason to do. What’s more, these consequentialist theories will retain what we found most compelling about utilitarianism in the first place: its consequentialism, which we were driven to accept given the attractiveness of both moral rationalism and the teleological conception of reasons—or so I argued in the last two chapters. Thus, by consequentializing a plausible nonconsequentialist theory, we can construct a substantive version of consequentialism that takes what is best from both utilitarianism and nonconsequentialism. From utilitarianism, this newly constructed version of consequentialism takes utilitarian’s compelling idea—namely, the idea that an act’s deontic status is determined by the agent’s reasons for preferring its outcome to those of the available alternatives such that it can never be morally wrong for her to act so as to bring about the outcome that she has most reason to want to obtain. And, from nonconsequentialism, it takes nonconsequentialism’s intuitively plausible deontic verdicts and their compatibility with moral rationalism.

The chapter has the following structure. In §4.1, I show how to consequentialize a nonconsequentialist theory. In §4.2, I demonstrate that, for any remotely plausible nonconsequentialist theory, there is a consequentialist counterpart theory that is deontically equivalent to it such that the two theories are extensionally equivalent with respect to their deontic verdicts. I call this the deontic equivalence thesis or “DET” for short. I go beyond previous attempts to demonstrate DET by showing that, for any remotely plausible nonconsequentialist theory, we can construct a consequentialist counterpart theory that mimics its verdicts not only about what is permissible but also about what is supererogatory. What’s more, I show that consequentialism can accommodate moral dilemmas, agent-centered options, agent-centered restrictions, and the self-other asymmetry.

In §4.3, I show that whereas consequentialism can accommodate any deontic verdict that nonconsequentialism can accommodate, some prominent nonconsequentialist theories are unable to accommodate certain plausible deontic verdicts that consequentialism can accommodate. Thus, even just in terms of accommodating our considered moral convictions, consequentialism actually has a leg up on some of its nonconsequentialist rivals. In §4.4, I take issue with those who have claimed that one implication of DET is that every nonconsequentialist theory can be fairly regarded as a form of consequentialism, and that, therefore, we are all consequentialists. Lastly, in §4.5, I argue that although the consequentializer will need to appeal to our considered moral convictions in determining how outcomes rank, this in no way renders the resulting consequentialist position circular or uninformative.

§4.1 How to consequentialize

The recipe for consequentializing a nonconsequentialist theory is quite simple: take whatever considerations that, on the nonconsequentialist theory, determine the deontic statuses of actions and insist that those considerations determine how their outcomes rank. In this way, the consequentializer can produce a ranking of outcomes that when combined with her criterion of rightness yields, in every possible world, the same set of deontic verdicts that the nonconsequentialist
theory yields, such that, for any deontic predicate (e.g., "optional," "obligatory," "impermissible," etc.), the resulting consequentialist counterpart theory and the original nonconsequentialist theory will be in perfect agreement as to the set of actions that are in the extension of that predicate. Such theories are *deontically equivalent*.

To illustrate, suppose that we want to consequentialize some nonconsequentialist theory, turning it into a version of maximizing act-consequentialism, according to which an act is morally permissible if and only if its outcome is not outranked by that of any other available act alternative. The procedure for doing so is as follows. For any act that the nonconsequentialist theory takes to be morally permissible, deny that its outcome is outranked by that of any other available act alternative. The procedure for doing so is as follows. For any act that the nonconsequentialist theory takes to be morally permissible, deny that its outcome is outranked by that of any other available act alternative. For any act that the nonconsequentialist theory takes to be morally permissible, deny that its outcome is outranked by that of any other available act alternative. This procedure produces a ranking of outcomes that when combined with maximizing act-consequentialism’s criterion of rightness yields a deontically equivalent version of maximizing act-consequentialism.

Of course, the rankings of outcomes will need to be agent-relative (and, perhaps, also time-relative) in order to consequentialize certain nonconsequentialist theories, such as those that incorporate agent-centered restrictions. To see this, suppose that I have the choice of performing either A₁ or A₂ (with corresponding outcomes Q₁ and Q₂) and that you have the choice of performing either A₃ or A₄ (with corresponding outcomes Q₃ and Q₄). Assume both that you will perform A₃ if and only if I perform A₁ and that you will perform A₁ if and only if I perform A₄. Assume that A₁ involves my staying still, which will cause no one’s death, and that A₃ involves my moving about, which will cause the death of Alex. Assume that A₃ involves your staying still, which will cause the death of both Alex and Bonnie, and that Atribute involves your staying still, which will cause no one’s death. So Q₁ is the possible world in which I stay still and you move about, thereby causing the death of both Alex and Bonnie. And Q₄ is the possible world in which I move about—thereby causing the death of Alex—and you stay still. And given both that you will

move about (i.e., perform A₃) if and only if I stay still (i.e., perform A₁) and that you will stay still (i.e., perform A₄) if and only if I move about (i.e., perform A₃), it follows that Q₁ is identical to Q₄ and that Q₃ is identical to Q₄.

Now let us suppose that the nonconsequentialist theory to be consequentialized holds that I am obligated to perform A₁, and that you are obligated to perform A₄. In order for the consequentializer to hold that I am obligated to perform A₁, she must hold that Q₁ outranks Q₄. And this implies that Q₃ outranks Q₄ for Q₃ is identical to Q₁ and Q₄ is identical to Q₄. Yet, for the consequentializer to hold that you are obligated to perform A₄, she must hold that Q₄ outranks Q₃. How, then, can the consequentializer have it both ways: that Q₁ both outranks, and is outranked by, Q₄? The answer is that the rankings will need to be agent-relative. On my ranking, Q₁ outranks Q₄, which implies that, on my ranking, Q₄ outranks Q₃. Nevertheless, on your ranking, Q₄ outranks Q₃, which is consistent with Q₄ outranking Q₁ on my ranking. Thus, the maximizing act-consequentialist must hold that an agent is morally permitted to perform a given act if and only if its outcome is not, on the agent’s ranking, outranked by that of any other available alternative.

§4.2 The deontic equivalence thesis

I have claimed that, for any remotely plausible nonconsequentialist theory, we can construct a version of consequentialism that is deontically equivalent to it. This, again, is the *deontic equivalence thesis* (or "DET" for short). Rather than take a piecemeal approach to demonstrating the deontic equivalence thesis, I will attempt a more systematic approach, showing how consequentialism can accommodate all the various general features that can be found in various nonconsequentialist theories: moral dilemmas, supererogatory acts, agent-centered options, the self-other asymmetry, agent-centered restrictions, and special obligations. These are the features of commonsense morality. If I can show that all

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1 An act alternative is any of the mutually exclusive and jointly exhaustive act-tokens that are available to a given agent at a given time.

2 I am assuming that an act is morally obligatory if and only if it is the only morally permissible alternative available to the agent. See Vallentyne 1989, section 3.

3 Recall that whereas I use a, a₂, ..., aₙ to designate act-tokens, I use A₁, A₂, ..., Aₙ to designate act-types, such as lying, cheating, stealing, and so on. These act-types consist in sets of all and only those act-tokens that fall under the relevant descriptions. And I use Q₁, Q₂, ..., Qₙ to designate the sets of outcomes corresponding to all and only those act-tokens in A₁, A₂, ..., Aₙ, respectively.

4 Recall that I am assuming that counterfactual determinism is true—that for each act alternative available to the agent there is some determinate fact as to what the world would be like were the agent to perform the act. See note 1 of chapter 3.

5 S's evaluative ranking is not a ranking in terms of what S subjectively prefers, but rather a ranking in terms of what S ought, objectively speaking, to prefer.

6 This thesis sometimes goes by other names, such as the "Representation Thesis" (Orroh & Milne 1991) and "Dreier's Conjecture" (Brown 2004). The thesis, or some close cousin of it, has been defended and/or endorsed by Campbell Brown (2004), James Dreier (1993 and forthcoming), Jennie Louise (2004), Graham Oddie and Peter Milne (1991), Douglas W. Portmore (2007 and 2000), Michael Smith (2009), and Peter Vallentyne (1980).

7 Actually, I am not confident that commonsense morality—the morality of our commonsense moral convictions—includes moral dilemmas, but I will consider moral dilemmas regardless.
these general features can be consequentialized, then it should be easy enough to see how we could consequentialize the various deontic verdicts that are instances of these. I will proceed in the above order.

§§4.2.1 Moral dilemmas

As Peter Vallentyne notes, a “moral dilemma arises when an agent is in a choice situation in which he/she cannot satisfy the dictates of morality” (1989, p. 301). Various nonconsequentialist theories allow for moral dilemmas. Take, for instance, a deontological theory that includes an absolute prohibition against breaking one’s promises.13 On such a theory, a moral dilemma will arise whenever an agent makes a set of promises that cannot all be kept. Suppose, for instance, that, at tₜ, I promised Cristobel that I would perform A₁ at tₛ. Further suppose that, due to a lapse in memory, I promised Dolly at tₜ that I would not perform A₁ at tₛ. It is now tₛ, and I must decide whether or not to perform A₁ at tₛ. Promise breakings are, we are supposing, absolutely prohibited, but I cannot both perform A₁ and not perform A₁ at tₛ. So, no matter what, I will break one of my two promises and thereby act impermissibly.12 I face, therefore, a moral dilemma.

Although some philosophers deny that such moral dilemmas are even conceptually possible, there are many who think that they are. Some will, therefore, consider nonconsequentialist theories that include such moral dilemmas to be at least remotely plausible. So if the deontic equivalence thesis is true, then perhaps consequentialism should be able to accommodate such moral dilemmas. I will argue that there are two types of moral dilemmas (prohibition dilemmas and obligation dilemmas), that consequentialism can accommodate only one of the two (i.e., prohibition dilemmas), but that the other (i.e., obligation dilemmas) is clearly conceptually impossible.13

First, let us consider obligation dilemmas. These are choice situations in which two or more of an agent’s positive act alternatives are obligatory. An example

would be where an agent is both morally obligated to perform A₁ and morally obligated to perform A₂ can perform each of A₁ and A₂, but cannot perform both A₁ and A₂. And for this to be a genuine instance of an obligation dilemma, A₁ and A₂ must each be a positive act—that is, not merely the “act” of refraining from performing some act.

Consequentialism cannot accommodate such dilemmas. Consider that, on (maximizing act-) consequentialism, an act is obligatory only if its outcome outranks (on the agent’s ranking) those of every alternative. So A₁ is morally obligatory only if Q₁ outranks Q₂. And A₂ is morally obligatory only if Q₂ outranks Q₁. So in order for both A₁ and A₂ to be obligatory, Q₁ would have to both outrank, and be outranked by, Q₂ on the same ranking.14 And that is not possible.15 So it is impossible for consequentialism to accommodate obligation dilemmas. But this is not at all surprising, since obligation dilemmas are conceptually impossible. To see why, note that an act is obligatory if and only if both (i) it is permissible and (ii) all its available alternatives are impermissible (Vallentyne 1989, p. 305).16 From claim (i), it follows that, if A₁ is obligatory, then A₂, which is an available alternative, must be impermissible. But if A₂ is obligatory, then, according to claim (i), A₁ must be permissible. So, for both A₁ and A₂ to be obligatory, A₂ would have to be both permissible and impermissible. And that is not logically possible. Let us turn, then, to those moral dilemmas that are perhaps conceptually possible: namely, prohibition dilemmas.

A prohibition dilemma is a choice situation in which all the available alternatives are impermissible. Can consequentialism accommodate such dilemmas? Yes. For instance, there will be such dilemmas whenever an agent faces a choice situation in which there are an infinite number of successively higher ranked outcomes that she can bring about. To illustrate, suppose that an agent faces a choice situation in which God will make the total aggregate utility be whatever natural number she picks and that, if she fails to pick a natural number, God will make the total aggregate utility zero. No matter what she does, then, she acts wrongly. If she picks no natural number, she acts wrongly. And if she picks some natural number, n, she acts wrongly, for had she picked n + 1 instead, there would have been even more aggregate utility.

Of course, this establishes only that consequentialism can accommodate some prohibition dilemmas. To establish the deontic equivalence thesis, though, I need to show not only that consequentialism can accommodate prohibition dilemmas,

13 As I see it, a deontological theory is a nonconsequentialist moral theory that includes at least one agent-centered constraint. See below for a definition of “agent-centered constraint.”

12 Thus, on this theory, the common assumption that there is always at least one permissible act alternative available to the agent is false. And if this common assumption is false, then it must also be false to suppose that S is obligatory to perform x if and only if it would be wrong for S to refrain from performing x, for, if it is false to assume that there is always at least one permissible alternative available to S, then it could be wrong for S to perform x even though it would also be wrong for S to refrain from performing x, and S cannot be obligatory to do what is wrong. We should deny, then, that S is obligatory to perform x if and only if it would be wrong for S to refrain from performing x.

13 The distinction between obligation dilemmas and prohibition dilemmas as well as the forthcoming argument for obligation dilemmas being conceptually impossible come from Vallentyne 1989.

14 It has to be the same ranking, because there is only one agent involved, who is deciding whether to perform A₁ or A₂ at some specific time. Thus, it cannot be that we have, here, two different agent-relative or time-relative rankings.

15 I am assuming here that the ≺-outrank-≺ relation is asymmetric. A relation, R, is asymmetric just in case: if xRy, then ¬yRx.

16 See note 12 for why the proponent of moral dilemmas cannot instead hold that S is obligated to perform x if and only if it would be wrong for S to refrain from performing x. And see Vallentyne 1989 (pp. 307–309) for a defense of the definition of “obligatory” given in the body of this chapter.
but also that consequentialism can accommodate the various sorts of prohibition
dilemmas that any remotely plausible nonconsequentialist theory might entail.
So, for instance, the consequentialist needs to be able to accommodate dilemmas of
the sort that I considered at the beginning of this subsection, where, for in-
stance, I will act wrongly if I break my promise to Cristobal by not performing $A_x$
at $t_y$ and where I will act wrongly if I break my promise to Dolly by performing $A_y$
at $t_y$. To illustrate, then, let $Q_i$ be the set of all the outcomes corresponding to the
acts in $A_i$. And let $A_x$ be the set of all the (positive) act-tokens, $a_{x_1}, a_{x_2}, \ldots, a_{x_n}$
that entail my not performing $A_x$ at $t_y$ and let $Q_i$ be the set of all their corresponding
outcomes. And let us assume that I am conscious and deliberating at $t_y$, and so
must perform some positive act at $t_y$. According to the nonconsequentialist
theory to be consequentialized, it is both wrong for me to perform $A_x$ and
wrong for me to perform $A_y$, and yet I must do one or the other, for $A_x$ and $A_y$ are jointly
exhaustive. No matter what I do, then, I will act wrongly. How can the consequential-
ist accommodate such prohibition dilemmas?

To do so, the consequentialist must hold that whether $Q_i$ outranks $Q_j$, or vice
versa, depends on whether I perform $A_x$ or $A_y$. More specifically, the consequentialist

It may seem that the existence of a prohibition dilemma entails the existence of an
obligation dilemma, for it may seem that a prohibition against performing $x$ is just an obligation not to perform
$x$. In fact, the existence of a prohibition dilemma does not entail the existence of an obligation dilemma.
This is because obligation dilemmas, by definition, consist in obligations to perform two or more
mutually exclusive positive acts, whereas the obligation not to perform $x$ does not constitute an
obligation to perform any positive act. To illustrate, suppose that I promised, at $t_y$, not to perform $A_x$ at $t_y$,
but then died at $t_y$. In this case, I managed not to violate my obligation not to perform $A_x$ at $t_y$, even though
I did not perform any positive act at $t_y$. Thus, the obligation not to perform $x$ does not consist in an
obligation to perform any positive act. And this means that the situation in which I have promised
both to perform $A_x$ at $t_y$ and not to perform $A_x$ at $t_y$ constitutes a prohibition dilemma, but not an obligation
dilemma.

Let me just stipulate that there is only a finite set of outcomes available to me in this choice
situation. Thus, it will not be possible for the consequentializer to employ the original strategy for
accommodating prohibition dilemmas, which was to postulate that, for each available outcome, there is
always some other available outcome that outranks it.

I am assuming that intentionally remaining motionless is itself a positive act. One performs a
positive act when one intentionally does something, whether it be, say, walking, running, or
remaining motionless. It is possible for $S$ to not perform a positive act, $x$, without performing any other
positive act instead. For instance, if $S$ is unconscious at $t_y$, then $S$ is not performing $x$ at $t_y$, but neither is $S$ performing some other positive act at $t_y$.

This might sound strange, but Campbell Brown has offered the following example to illustrate
its possibility:

Suppose… that we endorse a theory according to which agents ought always to act so as to
maximise the aggregate preference satisfaction of all people… (and) we quite explicitly insist that only the preferences of actual people are to be taken into account… Now, con-
sider the following case. A couple would like to have a child; if they were to have a child, this
would increase their preference satisfaction. However, the child would prefer that she did not exist. Moreover, the child’s preference would be sufficiently strong or intense as to

outweigh the preferences of the parents…. What ought the parents to do, according to our
theory? Suppose first that they do have the child. In this case the child is an actual person,
and so her preferences count in determining what the parents ought to do. And, since the
child’s preference outweighs the parents’ preferences, our theory implies that the parents
acted wrongly; they ought not to have had the child. Suppose next that the parents do not
have the child. In this case, the child is a merely possible person, and so her "preferences"
do not count. Thus, again, our theory implies that the parents acted wrongly (2004, p. 33)
The idea that consequentialists can accommodate moral dilemmas in this way is Brown’s.

One of the assumptions is that we should reject what Erik Carlson calls the principle of normative
invariance, which holds that an act’s deontic status does not depend upon whether or not it is per-
formed (Carlson 1995, pp. 100–101). I make no claim concerning whether or not we should accept
this principle. But, then, I also make no claim concerning whether or not we should accept prohibition
dilemmas.

See Bradley 2006 for what seems to be a decisive refutation of satisfying consequentialism.

Harwood (2009, p. 182) defines supererogation in this way and, consequently, concludes that
maximizing act-utilitarianism can accommodate supererogatory acts. See also Vessel 2010 and
McNamara 1996a, p. 433.

\$\$4.2.2\$\$ Supererogatory acts, agent-centered options,
and the self-other asymmetry

A supererogatory act is, as the name suggests, an act that goes above and beyond
what is morally required. Clearly, satisfying consequentialism can accommodate
such acts. On satisfying consequentialism, agents are morally required only to pro-
duce an outcome that is ranked sufficiently high. Producing an outcome that ranks
even higher is supererogatory. But since it is doubtful that satisfying consequential-
is is even tenable, the consequentializer should hope that some non-satisfying
version of consequentialism, such as maximizing consequentialism, can also
accommodate supererogatory acts. Yet, as Michael Byron has pointed out, “It’s
difficult to see how a maximizing conception of morality can allow room for super-
erogation: If I’m required in every case to choose the best available option, how
could I ever do more than morality required?” (Byron 2004, p. 9) As we will see
below, the answer depends on what doing more than is required consists in.

To illustrate, suppose that we were to define a supererogatory act as one that
involves a greater self-sacrifice for the sake of others than is required. In that
case, even maximizing act-utilitarianism can accommodate supererogatory acts, because sometimes an agent will have a choice between two or more maximizing acts that differ with respect to whether more of the maximal quantity of utility goes to others or to herself. Such maximizing alternatives will be morally optional on maximizing act-utilitarianism, and those that involve more of the maximal quantity of utility going to others as opposed to the agent will, on the above definition, be supererogatory.

But we might wonder, though, whether this definition gets it right, specifically whether it correctly specifies the relevant sense of "doing more than is required." In specifying that "doing more than is required" entails "doing more for others than is required," this definition rules out the possibility of supererogation with respect to self-regarding duties. Yet it certainly seems possible to go above and beyond what such duties require. For instance, we might think that there is a duty to develop one's talents and that this is an imperfect duty, and, thus, one that does not require that we take every opportunity to develop our talents, but requires only that we develop our talents to a certain extent, taking advantage of a sufficient number of opportunities to develop our talents. But if this is right, then it is surely possible to go above and beyond the duty to develop one's talents, and yet doing so may be of no benefit to others. Here, then, is a plausible candidate for supererogation that the above definition simply rules out of court.

And the definition faces another, potentially more serious problem, for it seems that a supererogatory act must involve doing more of whatever there is moral reason to do more of. For example, we would not think that perspiring more than is required is supererogatory, because we do not think that there is any moral reason to perspire more than is required. We do not think, for instance, that if there are two means to fulfilling some duty, then taking the means that involves more perspiration would, in virtue of that fact alone, be supererogatory. But we should think that doing more for others than is required is supererogatory only if (and because) there is some moral reason to do more for others than is required. So even if it is true that doing more for others than is required is supererogatory, this is not fundamental to the definition of "supererogatory." Instead, what is fundamental is that an act is supererogatory only if there is more moral reason to perform it than to perform some other permissible alternative.

As a matter of fact, the consequentialist can accommodate supererogatory acts. To do so, she need only adopt what I call dual-ranking act-consequentialism.

DRAC S's performing x is morally permissible if and only if, and because, there is no available act alternative that would produce an outcome that S has both more moral reason and more reason, all things considered, to want to obtain than to want x's outcome to obtain.

As we will see in chapter 7, things are actually quite a bit more complicated than I make them out to be here. As we will see, I have been using the term "supererogatory," whereas I should probably be using the term "superperfectergeratory" instead. A superperfectergeratory act is one that goes above and beyond what perfect duty requires. The term "supererogatory," by contrast, is best reserved for acts that go above and beyond what all duty (perfect and imperfect) requires. For now, though, I will ignore this distinction and wait until chapter 7 before taking up these complicated issues.

To the best of my knowledge, Ted Sider was the first to propose a version of DRAC, and he did so in order to accommodate the self-other asymmetry. His version of DRAC is called self-other-utilitarianism (SOU): S's performing x is morally permissible if and only if there is no available act alternative that would produce both more utility for others and more overall utility than x would—see Sider 1993, p. 128.

I am assuming that not only are there moral and non-moral reasons to perform certain actions, but also moral and non-moral reasons to prefer certain outcomes to others. It seems to me, for instance, that whereas the reason that you have to prefer an outcome in which you receive more pleasure to an otherwise identical outcome in which you receive less pleasure is a non-moral reason, the reason that you have to prefer an outcome in which children in the Third World do not starve to an otherwise identical outcome in which they do is a moral reason. Your lacking a preference for more personal pleasure would not entail a moral failing, but your lacking a preference for children not starving would. The idea that morality governs not only intentions to act but also various other mental attitudes, such as desire, is not new. After all, we think that many moral sins involve having certain mental attitudes—e.g., lust, greed, envy, and pride.

Now, as Justin D'Arms and Daniel Jacobson (2000) have argued, moral reasons for desiring something are not of the right kind when it comes to determining whether that something is desirable. That is to say that they are not what I have called fittingness reasons. But, as I argued in chapter...
I call this dual-ranking act-consequentialism, because, on this view, outcomes are ranked according to two auxiliary rankings, and the permissibility of actions is a function of a principal ranking that is in turn a function of these two auxiliary rankings. The two auxiliary rankings are AR₁ (a ranking of outcomes in terms of how much moral reason the agent has to want each of them to obtain) and AR₂ (a ranking of outcomes in terms of how much reason, all things considered, the agent has to want each of them to obtain). And one outcome is outranked by another on the principal ranking if and only if the one is outranked by the other on both of the auxiliary rankings. Because, on DRAC, any act whose outcome is not outranked by that of some alternative on both AR₁ and AR₂ is permissible, some permissible acts have outcomes that rank higher on AR₂ than those of other permissible alternatives. And since AR₂ is a ranking of outcomes in terms of how much moral reason the agent has to act so as to bring them about, these acts are supererogatory. They are acts that the agent has more moral reason to perform than to perform some other permissible alternative.

To illustrate, it will be helpful to consider a substantive version of DRAC—namely, Schefflerian utilitarianism (SU). Consider its criterion of rightness:

\[
\text{SU} \quad \text{S's performing } x \text{ is morally permissible if and only if there is no available act alternative that would produce both more utility for others (i.e., for those other than } S) \text{ and more egotistically adjusted utility than } x \text{ would, where egotistically adjusted utility includes}
\]

3, non-fittingness reasons for desiring—such as agent-relative reasons for desiring—are relevant in determining what one ought to do. Indeed, according to the teleological conception of practical reasons, the only sorts of reasons for desiring that are not relevant in determining what one ought to do are so-called pragmatic "reasons," which I do not even take to be genuine reasons. See §§3.1.1, including notes 9 and 11.

26 Note that AR₁, AR₂, and the principal ranking that is function of the first two are all cardinal rankings. This is important, for, as we will see, it is these cardinal rankings that allow us to say that some supererogatory acts go to a certain extent further beyond the minimum required than other supererogatory acts do.

27 I am assuming that if, as I argued in chapter 3, how much reason, all things considered, an agent has to perform an act is determined by how much reason, all things considered, the agent has for preferring its outcome to those of the available alternatives, then how much moral reason an agent has to perform an act is determined by how much moral reason the agent has for preferring its outcome to those of the available alternatives.

28 Schefflerian utilitarianism (i.e., SU) is the view according to which all the following hold: (1) dual-ranking act-consequentialism is true; (2) S has more moral reason to want o₁ to obtain than to want o₂ if and only if o₁ contains more utility for others (i.e., for those other than S) than o₂ does; and (3) S has more reason, all things considered, to want o₁ to obtain than to want o₂ to obtain if and only if o₁ contains more egotically adjusted utility than o₂ does.

Unlike act-utilitarianism, SU accommodates both supererogatory acts and agent-centered options—options either to act so as to make things better overall but worse for oneself (or others) or to act so as to make things better for oneself (or others) but worse overall. To illustrate, consider the following scenario in which an agent named Edouard has the following four mutually exclusive and jointly exhaustive options: a₁, a₂, a₃, and A₄. Here, A₄ is an act-type—namely, that of performing something other than a₁, a₂, or a₃. The consequences of each of these options are laid out in table 4.1.

<table>
<thead>
<tr>
<th>x</th>
<th>U(x)</th>
<th>U₁(x)</th>
<th>U₂(x)</th>
<th>U₄(x)</th>
<th>deontic status</th>
</tr>
</thead>
<tbody>
<tr>
<td>a₁</td>
<td>7</td>
<td>10</td>
<td>17</td>
<td>80</td>
<td>merely permissible</td>
</tr>
<tr>
<td>a₂</td>
<td>2</td>
<td>4</td>
<td>6</td>
<td>24</td>
<td>impermissible</td>
</tr>
<tr>
<td>a₃</td>
<td>1</td>
<td>15</td>
<td>16</td>
<td>25</td>
<td>supererogatory</td>
</tr>
<tr>
<td>A₄</td>
<td>-1</td>
<td>20</td>
<td>19</td>
<td>10</td>
<td>supererogatory</td>
</tr>
</tbody>
</table>

29 I call this "Schefflerian utilitarianism," because, like the theory that Scheffler (1994) argues for, it accommodates agent-centered constraints (or what Scheffler calls "agent-centered prerogatives"); but eschews agent-centered constraints (or what Scheffler calls "agent-centered restrictions"). Schefflerian utilitarianism (i.e., SU) does, however, differ from Scheffler's Distributive Hybrid Theory in at least two important respects: (1) It does not give priority to benefiting the worse off and (2) it incorporates not only agent-favoring options, but also agent-sacrificing options. (I explain the difference between the two below.)

Schefflerian utilitarianism is nearly identical to Jean-Paul Velleis's egotistically adjusted self-other-utilitarianism—see Velleis, 2010, p. 308. I published my first formulations of Schefflerian utilitarianism and defended its ability to accommodate supererogatory acts in Portmore 2007. Since then, I have adopted Velleis's apt phrase "egotically adjusted" utility.

30 Traditional forms of act-consequentialism allow for moral options whenever two or more acts maximize the good, but they never allow for agent-centered options, which permit agents either to act so as to make things better overall but worse for oneself (or others) or to act so as to make things better for oneself (or others) but worse overall. On traditional act-consequentialism, it is never morally permissible to make things worse overall; maximizing the overall good is, on this view, always obligatory.

31 I have emphasized the third and fifth columns with bold-faced type since these two correspond to AR₁ and AR₂ of SU, respectively.
Schefflerian utilitarianism (i.e., SU) accommodates agent-centered options in that it permits agents to give their own utility anywhere from no weight at all up to ten times the weight of any other. Thus, Edouard can permissibly choose to do what is better for himself and perform \( a_3 \) as opposed to \( A_4 \) even though performing \( A_4 \) would be both better for others and better in terms of the impersonal good.\(^{36}\) Edouard has, then, the agent-favoring option of performing \( a_3 \) instead of \( A_4 \), where an agent-favoring option is just an option either to promote one’s own interests or to sacrifice one’s own interests for the sake of doing more to promote the overall good.

Furthermore, by allowing agents to give their own utility no weight, SU accommodates agent-sacrificing options, where an agent-sacrificing option is just an option either to maximize the impersonal good or to sacrifice one’s own interests for the sake of doing more to promote the interests of others.\(^{37}\) For instance, Edouard can permissibly choose to perform \( a_3 \) as opposed to \( a_5 \), thereby providing others with a net benefit of five utils at a cost of six utils to himself.\(^{38}\)

Thus, SU can accommodate what is known as the self-other asymmetry: the asymmetry found in commonsense morality between what agents are permitted to do to themselves and what agents are permitted to do to others. It seems that although an agent is not permitted to be indifferent toward the welfare of others, she is permitted to be indifferent toward her own welfare. She can, for instance, sacrifice her own hand so as to save Fay’s thumb even though it would be impermissible for her to sacrifice Gustav’s hand to save Fay’s thumb (and even if Gustav consents to her doing so). On commonsense morality, then, agents are permitted to sacrifice their own greater good for the sake of providing others with some lesser net benefit, but they are not permitted to sacrifice someone else’s greater good for the sake of providing others with some lesser net benefit—hence, the asymmetry between self and others.\(^{39}\) Of course, agents are not always permitted to sacrifice their own welfare. It would, for instance, be wrong, as SU implies, for Edouard to choose to perform \( a_5 \) as opposed to \( a_6 \). Such a choice would not only be worse for Edouard, but also worse for others.\(^{40}\)

Schefflerian utilitarianism (i.e., SU) can also accommodate supererogatory acts, or, at least, it can if the following is a plausible account of supererogation.

S’s performing \( x \) is supererogatory if and only if there exists some available alternative, \( y \), such that: (a) \( S \) is both morally permitted to perform \( x \) and morally permitted to perform \( y \) and (b) \( S \) has more moral reason to perform \( x \) than to perform \( y \).\(^{41}\)

Certain acts will, on SU, meet these conditions. Schefflerian utilitarianism (i.e., SU) is, as I have stipulated, a species of DRAC. Thus, like DRAC, SU has two auxiliary rankings: (AR.) a ranking of outcomes in terms of their utility for others, and (AR.) a ranking of outcomes in terms of their egotistically adjusted utilities. And since SU is a species of DRAC, we can infer that AR. of SU is a ranking of outcomes in terms of how much moral reason the agent has to bring them about. It specifies that the more utility for others an outcome contains, the more moral reason there is to want it to obtain and to act so as to ensure that it does obtain. Thus, Edouard has more moral reason to perform \( a_3 \) than to perform \( a_5 \), a permissible alternative, for \( a_5 \) produces more utility for others. And the same holds for \( A_4 \).\(^{42}\) Thus \( a_3 \) and \( A_4 \) would both be supererogatory on SU. What’s more, SU allows for a range of supererogatory alternatives, where some supererogatory alternatives involve going further beyond what is required than others do.\(^{43}\) For instance, \( A_4 \) involves going further beyond the minimum that morality requires than \( a_3 \) does in that there is more moral reason to perform \( A_4 \) than to perform \( a_3 \).

\section*{§§4.2.3 Agent-centered restrictions and special obligations}

Remarkably, we have just seen that a certain (non-satisficing) version of consequentialism, namely, SU (which is a species of DRAC), can accommodate many of the basic features of commonsense morality, including supererogatory acts, agent-centered options, and the self-other asymmetry. But can consequentialism accommodate agent-centered constraints as well? An agent-centered constraint is a constraint on maximizing the good that it would be wrong to infringe upon even in some circumstances in which doing so would minimize comparable

\(^{36}\) \( U(a_4) \) is seventeen, whereas \( U(A_4) \) is nineteen.

\(^{37}\) Agent-sacrificing options permit agents to forgo their own greater good for the sake of providing others with some lesser net benefit.

\(^{38}\) The benefit to others is \( U(a_3) \) minus \( U(a_5) \), which equals five. The cost to herself is \( U(a_3) \) minus \( U(a_5) \), which equals negative six.

\(^{39}\) Another way of putting it is that whereas the fact that S’s performing x would further S’s self-interest does not constitute a moral reason for S to perform x, the fact that S’s performing x would further someone else’s self-interest does constitute a moral reason for S to perform x. For more on the self-other asymmetry, see Sider 1993, Slobot 1984, and Selznick 2001.

\(^{40}\) Whereas \( U(a_3) \) is seven, \( U(a_5) \) is only two. And whereas \( U(A_4) \) is ten, \( U(A_4) \) is only four.

\(^{41}\) Again, as we will see in chapter 7, these conditions best describe those acts that go above and beyond what only perfect duty requires. In chapter 7, though, I will give an account of what it is for acts to go above and beyond what both perfect and imperfect duty requires. Also, I realize that some might want to add to conditions (a) and (b) a third condition: namely, (c) S’s performing x is more morally praiseworthy than S’s performing y. But I prefer to let the term "supererogatory" denote the pre-theoretic notion of going above and beyond the call of duty (i.e., of doing more than one has to), and an act can go beyond the call of duty without being praiseworthy, as where the agent performs the act with a bad motive—see McNamara Forthcoming. In letting the term "supererogatory" refer to the pre-theoretical notion of exceeding the minimum that morality demands, I follow McNamara 1996a.

\(^{42}\) \( U(a_3) \) and \( U(A_4) \) are fifteen and twenty, respectively, whereas \( U(a_2) \) is only ten.

\(^{43}\) On commonsense morality, there is often a range of supererogatory acts, where some supererogatory acts go further beyond the minimum required than others do (McNamara 1996a). For instance, it seems that not only is my choosing to spend my Saturdays helping the poor supererogatory, but so is my choosing to spend both my Saturdays and my Sundays helping the poor. Although both choices would seem to be supererogatory, the latter seems to go further beyond the minimum required of me than the former does.
infringements of that constraint. There are two types of agent-centered constraints: agent-centered restrictions and special obligations. Agent-centered restrictions prohibit agents from performing certain types of acts (e.g., murder) even in some circumstances in which doing so would minimize comparable performances of that act-type. Special obligations, by contrast, require agents to do certain things (e.g., to keep their promises) even in some circumstances in which their failing to do so would minimize comparable failings of that type. These special obligations often arise as the result of performing certain past acts (such as making a promise) but also come with occupying certain roles (such as certain professional and familial roles).

To illustrate how we could fairly easily, although rather crudely, modify SU so as to accommodate both agent-centered restrictions and special obligations in addition to supererogatory acts, agent-centered options, and the self-other asymmetry, consider modified Schefflerian utilitarianism (i.e., ModSU). Its criterion of rightness is:

\[ \text{ModSU} \quad S's \text{ performing } x \text{ is morally permissible if and only if there is no available alternative that would produce both more constraint-adjusted utility and more comprehensively adjusted utility than } x. \]

where the constraint-adjusted utility of an outcome is just the sum of the utility for others, adjusted by multiplying any disutility (or loss of utility) resulting from S’s infringement of an agent-centered constraint by five hundred, and where the comprehensively adjusted utility of an outcome is just its constraint-adjusted utility added to the product of S’s utility times ten.

Modified Schefflerian utilitarianism (i.e., ModSU) could easily accommodate a non-absolute constraint against, say, committing murder. Agents would, other things being equal, be prohibited from committing murder even so as to prevent up to five hundred others from each committing some comparable murder. And ModSU could easily accommodate a non-absolute constraint against failing to fulfill the special obligation that parents have to nurture their own children. Parents would, other things being equal, be prohibited from failing to nurture their own children even so as to prevent up to five hundred others from each comparably failing to nurture their children. Clearly, then, ModSU can accommodate both agent-centered restrictions and special obligations.

Of course, ModSU is terribly crude. But I offer ModSU, not as a plausible moral theory, but only as a simple illustration of how a species of DRAC could accommodate both agent-centered restrictions and special obligations. More sophisticated versions of DRAC would adopt more sophisticated principles on how to rank outcomes in terms of how much moral reason the agent has to desire them and in terms of how much reason, all things considered, the agent has to desire them. Below, I will demonstrate how these more sophisticated versions of DRAC can accommodate various intuitive judgments concerning agent-centered constraints.

Let A1–A3 stand for three distinct agents. Let V1–V3 stand for three distinct potential victims. Let \( c_1, c_2, c_3 \) stand for three distinct and sequential times. And let C1 stand for some set of agent-centered constraints. Assume that whenever I discuss multiple infringements of C1—which it be multiple infringements by different agents or by the same agent at different times—each infringement of C1 is, in all morally relevant respects, comparable to the others. That is, assume that there are no morally relevant differences between each of the infringements. So, for instance, assume that what each potential victim stands to lose is the same in each case. And assume that, for each infringement, the agent’s moral responsibility for that infringement is the same as it is for all the other infringements and their respective agents.

Now, consider the following schema:

4.1. It is impermissible for A1 to infringe upon C1 even if this is the only way that A1 can (short of doing something even worse) ensure that A2 and A3 do not each comparably infringe upon C1.

A number of our intuitive judgments are instances of this schema. Here are two examples:

4.1a. It is impermissible for A1 to commit murder even if this is the only way that A1 can (short of doing something even worse) ensure that A2 and A3 do not each comparably commit murder.

4.1b. I talk about a set of constraints rather than a single constraint because sometimes a single act-token will violate more than one constraint. Suppose, for instance, that I promised that I would not harm Hanna. In that case, if I harm Hanna by, say, murdering her then, in murdering her, I violate both the constraint against breaking a promise and the constraint against committing murder.
It is impermissible for A1 to break a promise even if this is the only way that A1 can (short of doing something even worse) ensure that A2 and A3 do not each comparably break a promise.

As I have already shown, versions of DRAC, such as MODS, can account for deontic verdicts such as 4.1a and 4.1b. But although consequentialism can account for such deontic verdicts, some philosophers argue that it gives the wrong explanation for them. The consequentialist's explanation for such deontic verdicts lies with, say, the fact that agents ought to have a special concern for their own agency—that is, for what they themselves do as opposed to what they merely allow to happen. Consequently, agents have more moral reason to desire that they refrain from infringing upon a constraint than to desire that each of two others refrain from comparably infringing upon the same constraint.

Contrary to this, Frances Kamm has argued that the explanation for why it is wrong, say, to murder one even so as to prevent two others from committing murder lies with the fact that the one who stands to be murdered for the sake of saving the other two has what Kamm calls a constraining right against being murdered—that is, a right not to be murdered even for the sake of minimizing comparable murders by oneself or by others (KAMM 1992 and KAMM 1996). Of course, the two others also possess this very same right. However, the agent only comes up against the right of his would-be victim, for it is only his would-be victim's right that he is considering infringing. So, on Kamm's view, the rationale for our judgment that it is wrong to murder the one so as to prevent the two others from each committing murder has nothing to do with the thought that the agent ought to have a special concern for his own agency. Rather, Kamm claims that "the agent's own act is special only in that it makes him come up against the constraining right" of his would-be victim (KAMM 1996, p. 279). This constraining right acts as a barrier against the permissibility of treating him in certain ways, such as, treating him as a means to the minimization of rights infringements overall.

There are, then, two competing explanations for deontic verdicts such as 4.1a and 4.1b:

The Victim-Focused Explanation: The explanation lies with the fact that the would-be victim has a certain kind of right—specifically, a constraining right—that acts as a barrier against the permissibility of infringing upon that right even for the sake of minimizing comparable infringements of that right by oneself or by others.

The Agent-Focused Explanation: The explanation lies with some fact other than the one stated in the victim-focused explanation, such as the fact that agents ought to have a special concern for what they do as opposed to what they merely allow to happen.

Kamm thinks that the victim-focused explanation offers the better explanation, whereas a consequentialist such as myself must hold that the agent-focused explanation offers the better explanation. In support of her contention, Kamm cites the following intuitive deontic verdict:

4.2 It is impermissible for A1 to kill V3 by introducing V3 to the lethal threat that she previously initiated against V1 and V2 even if this is the only way that A1 can (short of doing something even worse) ensure that V1 and V2 are not killed by this lethal threat (KAMM 2007, p. 252).

Imagine, for instance, that A1 earlier planted a bomb that will kill V1 and V2 unless A1 now throws V3 on top of the bomb. If A1 does this, V3 will die, but V1 and V2 will walk away unharmed. If, however, A1 does not do this, V1 and V2 will both die, and V3 will walk away unharmed. So A1 must choose either to be the murderer of V3 or the murderer of both V1 and V2. Intuitively, it seems wrong for A1 to throw V3 on top of the bomb, as 4.2 states. The victim-focused explanation accounts for this so long as we assume that V3 has a constraining right against being murdered. This right constrains A1 from using V3 as a means to minimizing even her (A1's) own infringements of that right.

It may seem that the agent-focused explanation, by contrast, cannot account for 4.2. After all, if agents ought to have a special concern for their own acts, then shouldn't A1 choose to minimize her own murders by throwing V3 on top of the bomb? The answer is "not necessarily," as even Kamm admits. The proponent of the agent-focused explanation can account for 4.2 by claiming that what A1 should be most concerned to minimize is not the number of people that she actually murders, but the number of people that she treats as a mere means by

49 I follow Kamm in labeling these two explanations victim-focused and agent-focused—see KAMM 1996, especially pp. 238–247. Somewhat differently, Richard Brook labels the victim-focused explanation "the patient-based defense" and the agent-focused explanation "the agency-based defense"—see BROOK 1991, especially pp. 197–201. Both labeling schemes are, however, potentially misleading. For one, the proponent of the victim-focused explanation may be no more focused on the victim (or patient) than the proponent of the agent-focused explanation is. They may disagree only on what type of right that the victim (or patient) has—that is, they may disagree only as to whether or not the victim's (or patient's) right is of the sort that cannot permissibly be infringed upon even so as to minimize one's own infringements of that right. Also, note that I mean for these two explanations to exhaust the possibilities. So, strictly speaking, I should label the agent-focused explanation the "non-victim-focused explanation."

50 This is what Kamm calls the "Guilty Agent Case"—see KAMM 1996, p. 242. Scanlon also relies on this case in arguing that the victim-focused explanation offers the better explanation—see SCANLON 2001, p. 47. And Brook employs a similar sort of case in arguing that the victim-focused explanation offers the better explanation—see BROOK 1991, p. 197.
To account for 4.4, the consequentialist will claim that agents should be more concerned with helping people escape from would-be murderers than with minimizing the number of deaths that they are responsible for and that, therefore, A1 ought to prefer the outcome in which she helps V3 escape from A2 to the outcome in which she prevents V1 and V2 from being killed by the lethal threat that she previously initiated.

And, to account for 4.5, the consequentialist will claim that, although agents should be more concerned not to introduce any new threats than to redirect existing threats so that fewer people will die, they should, nevertheless, be concerned to do the latter. Thus, A1 ought to prefer the outcome in which V3 dies as a merely foreseen side-effect of her redirecting the unstoppable trolley onto the fewer number to the outcome in which she allows V1 and V2 to die as the intended effect of her initial act of introducing that threat. Perhaps, the thought would be that although intending to bring about a person’s death as a means to achieving one’s aims counts as treating that person as a mere means, doing something that has only the foreseeable consequence of bringing about that person’s death does not. In any case, it should now be clear that the consequentialist can accommodate intuitions such as 4.1a, 4.1b, and 4.2–4.5.

§4.3 Beyond the deontic equivalence thesis: How consequentialist theories can do a better job of accounting for our considered moral convictions than even some nonconsequentialist theories can

Thus far, I have established that consequentialism can accommodate the same deontic verdicts that Kamm’s rights-based deontology can. Kamm might nevertheless object that even if consequentialism can accommodate judgments such as 4.1a and 4.1b, it gives the wrong explanation for them. The consequentialist’s explanation is the agent-focused explanation, whereas Kamm contends that the victim-focused explanation is the better explanation. Below, I will argue, contrary to Kamm, that the agent-focused explanation, not the victim-focused explanation, is the better explanation. There are two reasons why it is better. First, the agent-focused explanation can account for everything that the victim-focused explanation can account for and more. Second, unlike the agent-focused explanation, the victim-focused explanation has counterintuitive implications. I explain each in greater detail below.

Like the proponent of the victim-focused explanation, the proponent of the agent-focused explanation can account for deontic verdicts such as 4.1a, 4.1b, and 4.2–4.5. To do so, the proponent of the agent-focused explanation need only make certain claims about what agents should be most concerned to minimize. To account for 4.2, for instance, she need only claim that agents should be most
concerned to minimize the number of people that they treat as a mere means. Unlike the proponent of the victim-focused explanation, however, the proponent of the agent-focused explanation is able to account for certain additional deontic verdicts: specifically, instances of 4.1 in which there is no victim associated with A1’s infringement of C1.

To illustrate, consider the Wrongful Conception Case. A man named Larry wants very badly to have a biological son, and he can conceive only via crotus, and not through IVF or any other artificial means. But unfortunately for him, he has a rare disease, where only his X-chromosome-carrying sperm can swim. Given this, he can conceive only daughters. But suppose a new pill has just come out on the market that can help Larry get what he wants. The pill will cause a genetic mutation in Larry’s sperm, converting all his X-chromosome-carrying sperm into non-swimmers and all his Y-chromosome-carrying sperm into swimmers. An unfortunate side-effect of this mutation, however, is that it causes the sons that he thereby conceives to be born with a terminal genetic disease that induces a sudden and painless death at the age of forty. Larry is so eager to have a biological son that he gladly takes the pill, consequently giving birth to a son, whom he names Matthew. Matthew lives a good life up to the age of forty, which is when he suddenly and painlessly dies of his genetic disease. Had Larry chosen instead to conceive without taking the pill, he would have conceived a daughter, whom he would have named Nicole. Nicole would have lived to the ripe old age of eighty. The quality of her life would have been, on average, no better or worse than Matthew’s, but it would have been twice as long.

Let us call the act of taking the pill so as to conceive a boy who will live forty good years instead of a girl who would have lived eighty good years “A1” (the “1” standing for “taking”). Intuitively, it seems that Larry should not, other things being equal, take the pill (thereby performing an instance of A1) even so as to prevent two other men from each taking the pill.39 Thus, we have, here, the following instance of 4.1:

4.1c It is impermissible for A1 to perform an instance of A1, even if this is the only way that A1 can (short of doing something even worse) ensure that A2 and A3 do not each perform a comparable instance of A1.

Unfortunately for the proponent of the victim-focused explanation, she cannot account for 4.1c. The explanation for 4.1c cannot lie with the fact that the would-be victim has a constraining right, because, in the case of 4.1c, there is no victim, let alone an infringement upon some victim’s rights. To see this, let us examine the Wrongful Conception Case more closely. And let us assume both that Larry is made somewhat better off as a result of taking the pill and that the only people who are possibly affected by Larry’s decision are Matthew, Nicole, and himself. (It is fair to make these assumptions, for they do not seem to affect our confidence in 4.1c.) Given that Larry is somewhat better off having taken the pill, Larry is no victim. Nor is Matthew a victim, for he is not made worse off as a result of Larry’s decision to take the pill. Indeed, had Larry not taken the pill, Matthew would have never been born. And, surely, we should deny that, prior to even being conceived, Matthew had the right not to be conceived just because someone else even happier than himself could have been conceived in his stead. That is a very strange right indeed, and an implausible one at that. So I do not see how Matthew could be the victim, and, more importantly, I do not see how his rights could have been infringed upon. This leaves us with Nicole. But Nicole does not exist and, thus, has no rights. So she cannot be the victim. We can conclude, then, that Larry does not infringe on anyone’s rights in taking the pill and that, therefore, the explanation for the wrongness of his doing so cannot lie with the victim-focused explanation.

Of course, just because the proponent of the victim-focused explanation cannot explain something that the agent-focused explanation can does not mean that the agent-focused explanation is, all things considered, the better explanation. But it does mean that, other things being equal, the agent-focused explanation is the better explanation. As a matter of fact, though, things are not equal, but not in a way that favors the victim-focused explanation. As it turns out, the problem with the victim-focused explanation is not just that it cannot explain everything that the agent-focused explanation can explain. What’s worse, the victim-focused explanation has counterintuitive implications. Consider the following schema:

4.6 It is impermissible for A1 to infringe upon C1 once at t1, thereby harming V1, even if this is the only way that A1 can (short of doing something even worse) ensure that she does not comparably infringe upon C1 either twice at t1 or once on each of two separate future occasions, t2 and t3, thereby harming V2 and V3.

If the victim-focused explanation were correct, we should expect 4.6 to be true. The constraining right that V1 possesses would make it impermissible for A1 to treat her as a means to minimizing her own infringements of C1. But, as I show below, it is intuitive to think that 4.6 is false.40 Of course, we need to be very careful in constructing the relevant sort of test case. It is important that

39 When I conducted an admittedly nonscientific poll, I found that the vast majority of participants who had intuitions such as 4.1a and 4.1b also found 4.1c to be intuitive. For the poll and some analysis, see http://peasouph.typepad.com/peasoup/2009/02/constraints-agentfocused-or-victimfocused-part-ii.html.

40 Even if I am wrong about this, all is not lost for the proponent of the agent-focused explanation. She could still account for 4.6 by claiming that agents should be more concerned to refrain from infringing upon any constraints now than to refrain from infringing upon more numerous constraints later.
A1’s infringing upon C1 once be the only way that she can (short of doing something even worse) ensure that she does not herself comparably infringe upon C1 twice. If it is not, then A1 should take the more acceptable means to ensuring that she does not comparably infringe upon C1 twice. This means that we should not use as a test case one in which C1 includes an agent-centered restriction, for in order to construct a case in which A1’s infringing upon some agent-centered restriction, R1, at t₁ is the only way that A1 can ensure that she does not comparably infringe upon R1 at both t₁ and t₂, we must imagine that A1 loses control of her actions such that her later infringements of R1 are involuntary. And, in that case, the infringement at t₁ would not be comparable to the infringements at t₁ and t₂.

Nicolas Sturgeon nicely illustrates the problem:

Imagine a case in which, unless I deliberately kill one innocent person now, I make it inevitable that I will deliberately kill two tomorrow. How can this be? Perhaps I am supposed to be possessed of a thirst for innocent blood, known to grow steadily in its demands if left unsated, but also to disappear forever once satisfied. Also, although apparently enough in control to make it worth my worrying conscientiously about how to cope with this unwelcome intruder into my psyche, I am somehow debarred from the option of disabling myself—by depriving myself of weapons, turning myself over to the authorities, or whatever. So the case is hard to imagine. (1996, p. 521, note 7)

And it seems even more difficult—perhaps, impossible—to imagine a case in which the only way that I can ensure that I do not voluntarily commit two murders in the future is to commit one murder now. If these two future murders are indeed going to be murders that I voluntarily commit, then it must be that I can refrain from committing them—that is part of what it means for them to be voluntary. And if I can refrain from committing these two murders in the future even after refraining from committing murder now, then I should refrain from murder both now and in the future.

Of course, it is easy enough to imagine a case in which I will voluntarily commit two future murders if I do not voluntarily commit murder now. Just imagine that I am a sane but murderous criminal who murders anyone who confronts me, and then imagine that, unless I kill Otto now, Paula and Richard will be undeterred from confronting me in the future. Thus, if I do not kill Otto now, Paula and Richard will confront me in the future, and I will, then, murder them both. But even if that is what I will do if I do not murder Otto, this seems like a poor justification for murder. I should not murder Otto so as to prevent myself from murdering Paula and Richard if I could refrain from murder altogether.

To avoid having to imagine that one loses control over one’s actions, we should test our intuitions regarding 4.6 using cases in which C1 is a special obligation as opposed to an agent-centered restriction, for where C1 is a special obligation it is possible to imagine a case in which A1 never loses control over her actions and yet it is true that the only way for her to ensure that she does not infringe upon C1 twice is for her to infringe upon C1 once. Moreover, when testing our intuitions, we should compare pairs of cases that differ in only one respect: specifically, with respect to whether they are an inter-agent case or an intra-agent case. Inter-agent cases are cases in which the agent can, by infringing upon C1, prevent more numerous others from comparably infringing upon C1. Intra-agent cases, by contrast, are cases in which the agent can, by infringing upon C1, prevent herself from more extensively infringing upon C1.

Fortunately for us, we do not need to do the testing ourselves, for Theresa Lopez and her coauthors (2009) have already done it for us. They have constructed and performed the following experiment.

Half the subjects were presented with the following inter-agent case. Three people in Joe’s community, Mark, Bill, and Frank, are planning to move over a one week period. Joe has promised Mark that he would help him move. Meanwhile David has promised Bill and Frank that he would help each of them move. When the time comes to help, it turns out that the only way for David to keep his promises to Bill and Frank is if Joe drives him, which would require Joe to break his promise to Mark.

They were then asked to indicate agreement (on a 7-point scale) with the following statement:

All things considered, Joe should break his promise to Mark, so that David can keep his promises to Bill and Frank.

[The other half of the subjects got the following intra-agent case.] Three people in Joe’s community, Mark, Bill, and Frank, are planning to move over a one week period. Joe has promised each of them that he would help them move. When the time comes to do so, Joe realizes that he cannot keep his promises to all three. He can either keep his promise to Mark and break his promises to Bill and Frank, or he can keep his promises to Bill and Frank and break his promise to Mark.

56 Actually, things are a bit more complicated than I let on here. In chapter 7, I explore the issue with greater subtlety—see, in particular, my discussion of actualism, possibility, and securitism in §7.1.

57 I borrow these terms from LÓPEZ ET AL. 2009. Inter-agent cases are sometimes called "multiple-agent cases," and intra-agent cases are sometimes called "single-agent cases."

58 The case that they use, which they call the Promise-Breaking Case, is very similar to the one that I presented in PORTMORE 1998, pp. 12–13.
The participants who received this question were asked to rate agreement with the statement:

All things considered, Joe should break his promise to Mark, so that he can keep his promises to Bill and Frank. (LOPEZ ET AL. 2009, p. 310)

The responses to the inter-agent cases differed significantly from the responses to the intra-agent case.\(^{\text{29}}\) Whereas subjects tended to agree with the claim that Joe should break his promise to Mark to ensure that he keeps his promises to Bill and Frank, subjects tended to disagree with the claim that Joe should break his promise to Mark to ensure that David keeps his (David’s) promises to Bill and Frank. This experiment suggests, then, that whereas people tend to accept 4.1 and think that it is permissible for an agent to infringe upon a constraint so as to ensure that two others do not each comparably infringe upon that constraint, people tend to reject 4.6 and think that it is permissible to infringe upon a constraint once so as to ensure that one does not comparably infringe upon that constraint twice. This gives us good reason to think that the agent-focused explanation, not the victim-focused explanation, is the better explanation for deontic verdicts such as 4.1b.\(^{\text{30}}\)

I have shown, then, that not only can the consequentialist accommodate deontic verdicts such as 4.1a and 4.1b, but she can do so while providing a more plausible explanation for them than the one that rights-based deontologists such as Kamm provide. Ironically, then, it is the same intuitions (i.e., those that are instances of 4.1) that have led so many philosophers to reject traditional forms of consequentialism that now, given our new understanding of consequentialism as a theory that can accommodate agent-centered constraints, leads us to believe that commonsense morality might best be understood as a consequentialist theory.

§4.4 The implications of the deontic equivalence thesis

In the previous section, I argued that consequentialism can account for certain commonsense intuitions that rights-based deontology cannot account for, such as our intuition that Joe should break his promise to Mark to ensure that he keeps his promises to Bill and Frank in the intra-agent version of the Promise-Breaking Case. But if consequentialism and rights-based deontology yield different verdicts in this case, doesn't this mean that the deontic equivalence thesis (DET) is false? The answer is "no." Just because certain versions of consequentialism accommodate our intuitive verdict in the intra-agent version of the Promise-Breaking Case does not mean that other versions of consequentialism cannot accommodate rights-based deontology's counterintuitive verdict in that same case. Indeed, other versions can. To do so, the consequentialist need only claim that agents should be more concerned to ensure that they not break one promise, now, than to ensure that they not break more numerous promises later. So consequentialism can accommodate rights-based deontology's verdict in this case.

Given this and my arguments in the previous two sections, we should conclude that DET is true. But having done so, we still need to consider what the implications of this thesis are. Of course, one clear implication is that, for any remotely plausible set of deontic verdicts, there is some substantive version of consequentialism that generates it. But some go further and argue that another implication of DET is that every nonconsequentialist theory can be fairly regarded as a form of consequentialism, and that, therefore, we are all consequentialists.\(^{\text{31}}\) In this section, I argue that this is mistaken.

If DET is true, then, for any remotely plausible substantive version of nonconsequentialism, there is some substantive version of consequentialism that is deontically equivalent to it. But even if two theories agree as to which acts are right, that does not mean that they agree on what makes those acts right. It is important to note, then, that moral theories are in the business of specifying what makes acts right. And so even two moral theories that are extensionally equivalent in their deontic verdicts can constitute distinct moral theories—that is, distinct theories about what makes acts right.

Consider Kantianism and its deontically equivalent consequentialist counterpart, which I will call Kantsequentialism.\(^{\text{32}}\) These two theories agree as to which acts are right, but they would seem to disagree on what makes them right. On Kantianism, acts are right in virtue of their being instances of treating humanity as an end in itself. On Kantsequentialism, by contrast, acts are right in virtue of their outcomes not being outranked by that of any available alternative. Thus, they certainly appear to be two different moral theories.

We have to be careful, though, for appearances can deceive. It is clear that these two theories differ in the expressions they use to pick out the right-making features of actions, but this does not mean that the two different expressions do in fact refer to distinct right-making features.\(^{\text{33}}\) Consider an analogy. One person

\(^{\text{29}}\) As Lopez and her coauthors (2009, p. 317) report: "The mean response in the inter-agent version is 2.27 (out of 7); the mean response in the intra-agent version is 4.80. The difference between the conditions is statistically significant (t(235) = 5.263, p < 0.001.)."

\(^{\text{30}}\) See LOPEZ ET AL. 2009 for other experiments that support this contention. Particularly interesting is the fact that in one of their experiments, subjects tended to agree with the claim that it would be permissible to lie to ensure that one keeps two of one's own promises, while they tended to disagree with the claim that it would be permissible to lie to ensure that someone else keeps two of her promises. Thus, many think that we may infringe not only upon a special obligation but also upon an agent-centered restriction so as to minimize our overall infringements of agent-centered constraints.


\(^{\text{32}}\) I borrow this term from Richard Arneson. See http://philosophyfaculty.ucsd.edu/faculty/rarson/224ln97consequentialismandjustice.pdf.

\(^{\text{33}}\) I have Jamie Dreier to thank for getting me to see this point. I also thank him for suggesting the following analogy concerning temperature.
might hold that what makes something the same temperature as water boiling at sea level is that its temperature is 100° Celsius, whereas another person might hold that what makes something the same temperature as water boiling at sea level is that its temperature is 212° Fahrenheit. These two people use different expressions to describe the physical property that makes something the same temperature as water boiling at sea level, but they do not disagree on what that property is, for the two expressions refer to the exact same property. Their views are, therefore, mere notational variants of the same view.⁶⁶ Some philosophers suspect that the same is true of nonconsequentialist theories and their deontically equivalent consequentialist counterparts. To be deontically equivalent, theories must be necessarily coextensive in their deontic verdicts.⁶⁷ Thus, if Kantianism and Kantsquentialism are deontically equivalent, then, necessarily, an act is an instance of treating humanity as an end in itself if and only if its outcome is not outranked by that of some available alternative. But given that the two expressions on each side of the "if-and-only-if" are necessarily coextensive, we might suspect that they refer to the very same property.⁶⁸ And thus we might suspect that Kantianism and Kantsquentialism are mere notational variants of the same theory. Furthermore, if, as DBT implies, every nonconsequentialist theory is necessarily coextensive with its deontically equivalent consequentialist counterpart, we might even suspect that all nonconsequentialist theories are mere notational variants of their deontically equivalent consequentialist counterparts. And, in that case, we really would all be consequentialists.⁶⁹ But even if we might suspect that many nonconsequentialist theories are mere notational variants of their deontically equivalent consequentialist counterparts, it is clear that this is not true of all nonconsequentialist theories. After all, two theories are not mere notational variants of the same theory if each is true only if the other is false. And some nonconsequentialist theories are true only if their deontically equivalent consequentialist counterparts are false. This is because some nonconsequentialist theories are committed to a certain substantive view about the ranking of outcomes that is incompatible with the one that the consequentialist must adopt in order to yield the same deontic verdicts that the nonconsequentialist theory yields. In such instances, the nonconsequentialist theory will be true only if its deontically equivalent consequentialist counterpart is false. And, in that case, the two cannot be mere notational variants of the same view.

To illustrate, consider rule-utilitarianism, and recall that rule-utilitarianism is a nonconsequentialist theory given my convention of using "nonconsequentialism" as shorthand for "non-act-consequentialism."⁷⁰ In order to consequentialize certain versions of rule-utilitarianism (viz., those that incorporate agent-centered restrictions), the consequentializer must adopt a substantive view about how outcomes rank that is incompatible with the rule-utilitarian's own substantive view about how outcomes rank. Rule-utilitarians are committed to welfarism, the view that one outcome is outranked by another if and only if it contains more aggregate utility. Given this commitment to welfarism, the rule-utilitarian must deny that whether one outcome outranks another depends either on who is doing the ranking or on whether the person doing the ranking is a murderer or not. But, in order to consequentialize rule-utilitarianism (which, in its most plausible forms, includes an agent-centered restriction against the commission of murder), this is what its deontically equivalent consequentialist counterpart theory must hold. That is, the deontically equivalent consequentialist counterpart theory must hold that, other things being equal, an agent ought to prefer an outcome in which she refrains from committing murder to an outcome in which she commits murder to prevent five others from committing murder, whereas the rule-utilitarian must hold that the latter is preferable given both that she is committed to welfarism and that welfarism commits her to the view that agents ought always to prefer the outcome with the most aggregate utility. So rule-utilitarianism and its deontically equivalent consequentialist counterpart are committed to incompatible views about how outcomes rank, and thus each can be true only if the other is false. But if each can be true only if the other is false, then they cannot be mere notational variants of the same view. So we are not all consequentialists. Some rule-utilitarians, for instance, are clearly not consequentialists (that is, they are clearly not act-consequentialists).⁷¹

§4.5 An objection

I will end this chapter by considering a common objection. Since one of the consequentializer's main aims is to construct a substantive version of consequentialism

⁶⁶ As I use the phrase "mere notational variant," two theories, T₁ and T₂, about what makes something F are mere notational variants if and only if T₁ and T₂ both hold that what makes something F is the same metaphysical property but differ only in that they use different descriptions (perhaps, synonymous descriptions—perhaps, non-synonymous descriptions) to refer to that same property.

⁶⁷ It is not enough that the two theories yield the same deontic verdicts about every act that has so far been performed in the actual world. To be deontically equivalent, the two theories must yield the same deontic verdicts in every possible world.

⁶⁸ Of course, more would need to be said to confirm this suspicion.

⁶⁹ But, as I have shown in another work, if we are all consequentialists, we are also all Kantians, all contractualists, and all virtue theorists, and all at the same time. See Fortinmore 2007, pp. 59–60. However, I no longer think that this is necessarily absurd. It would not be absurd if these are all notational variants of the same view.

⁷⁰ If the reader does not care for my stipulative definitions and would like an illustration involving a more stereotypically nonconsequentialist theory, then imagine welfarist Rossian pluralism. This is just Ross's deontological view combined with welfarism such that Ross's prima facie duty of beneficence is construed as a prima facie duty to maximize aggregate utility.

⁷¹ For a contrary position, see Dreier Forthcoming.
that comports with our moral convictions, the consequentializer will need to appeal to our moral convictions in determining how outcomes rank. Otherwise, the consequentializer will be unable to ensure that outcomes rank in such a way that when this ranking is combined with consequentialism’s criterion of rightness, the result is a set of deontic verdicts that comports with our moral convictions. But we might wonder whether this is legitimate. That is, we might wonder whether it is legitimate for the consequentializer to adopt one ranking over another on the basis that the former but not the latter yields intuitive deontic verdicts when combined with the following criterion of rightness:

**CR** An act is morally permissible if and only if its outcome is not (on the agent’s ranking) outranked by that of any available alternative.  

The consequentialist is committed to CR. So the consequentialist must rank outcomes in a way that is compatible with both CR and the intuitive deontic judgments that she wishes to consequentialize. Now there are at least three possible procedures that she might employ to arrive at such a ranking. These are:

- **The Footian Procedure**: Independently of any judgments that one has about how the available outcomes rank, come to some considered judgments about the permissibility of the various acts that produce them, and, to ensure that CR holds, rank their outcomes so that the only outcomes that are not outranked are those that are produced by acts that one judges to be permissible.  

- **The Anti-Footian Procedure**: Independently of any judgments that one has about the permissibility of the various act alternatives available to the agent, come to some considered judgments about how their respective outcomes rank, and rank the outcomes according to these judgments alone. To ensure that CR holds, maintain that the only permissible acts are those that produce outcomes that one judges not to be outranked.

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70 For the purposes of illustration only, I choose maximizing act-consequentialism’s criterion of rightness.

71 Of course, no one has judgments about how outcomes rank in the abstract. But, in this case, the judgment that one outcome outranks another is just the judgment that the agent ought (i.e., has most reason) to prefer the one to the other. We clearly do make such judgments. Many would, for instance, judge both that, if my child has just fallen out of the boat, I ought to prefer that she does not drown and that, if Odette can rescue only one of two groups of people drowning, then I ought to prefer that Odette rescues the group that includes my child even if the other group contains more people.

I call this the Footian Procedure, because it holds, like Foot, that the evaluative status of an outcome is determined by the deontic status of the act that produces it. More specifically, Foot (1985) held that an outcome is best only if the act that produces it is morally obligatory.

72 The product of this procedure is what Scanlon (2001) calls "Foundational Consequentialism."
outcomes rank with CR. Sometimes the adherent of the Coherentist Procedure will end up revising her deontic judgments in light of her more firmly held evaluative judgments (i.e., her judgments about how outcomes rank in terms of the agent’s reasons for desiring them). Other times she will revise her evaluative judgments in light of her more firmly held deontic judgments. The Coherentist Procedure will, therefore, yield both new deontic judgments and new evaluative judgments.

Given the viability of the Coherentist Procedure, then, it seems that the consequentializer can appeal to our considered moral convictions when determining how outcomes rank without rendering her view either circular or uninformative. There is, of course, no guarantee that the Coherentist Procedure will produce a ranking that when combined with CR yields a set of deontic verdicts that comports with all, or even most, of our considered moral convictions. But there are reasons to be optimistic. One reason is that it seems that many of our pre-theoretical judgments about how outcomes rank—that is, about how much reason the agent has to desire them—are already what is needed to render consequentialism compatible with our considered moral convictions. To illustrate, consider the following. Imagine that I visit an oracle to have my future told. The oracle’s visions of the future are always accurate even if they are sometimes less than fully specific. The oracle foresees that a year from now my daughter will be drowning in a lake. The only chance I will have of rescuing her will be by using the motorboat that is always docked at the lake’s pier. The oracle also foresees that a year from now

Otto’s two daughters will be drowning in a different lake. The only chance he will have of rescuing them is by using the motorboat that is always docked at that lake’s pier. The oracle foresees that only one of us will succeed in our rescue attempt, as he foresees that one of the two motorboats will fail to start, though he cannot foresee which one it will be; this part of his vision is just too hazy.

Unfortunately, there is no way to prevent what the oracle foretells from coming true; this I have learned from the many who have tried before. All I can do, then, is to hope that I will be the one to succeed. And, intuitively, this seems exactly what I ought to hope for. That is, it seems that I ought to prefer that I will succeed even though it would be better, impersonally speaking, if Otto were the one to succeed, since if he succeeds two girls will be saved as opposed to just one. This ranking of outcomes is exactly what is needed to ground, on consequentialism, a special obligation to save one’s own children even when one could otherwise enable someone else to save more of their own children. If I ought to prefer that I succeed, then, on consequentialism, I should, if given the choice, save my child rather than enable Otto to save his two children.

Here’s another example. Imagine that I go to the oracle a second time. This time he foretells that in a year’s time I will face the choice either to commit murder as so to prevent two others from committing murder or to refrain from murder and thereby allow the two others to commit murder. The oracle foresees that I will be tempted to murder the one to prevent the two others from committing murder, but he cannot foresee whether I will ultimately give into this temptation. In this case, it seems that I ought to hope and prefer that I choose to refrain from murder. And, again, we find that this is exactly what is needed to render consequentialism compatible with our considered moral convictions—in this case, our conviction that there is an agent-centered restriction against the commission of murder.

So one reason to be optimistic about the Coherentist Procedure yielding an evaluative ranking of outcomes that renders consequentialism compatible with our considered moral convictions is the fact that many of our pre-theoretical evaluative judgments are already what they need to be in order to render consequentialism compatible with our considered moral convictions.

Another reason to be optimistic that the Coherentist Procedure will produce a ranking that when combined with CR yields a set of deontic verdicts that comports

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78 I am assuming that sometimes we judge that an act is permissible (or impermissible) even though we judge that its outcome is (or is not) outranked. We might, for instance, judge that although I ought to prefer the outcome in which I back into the UNOS database and move my sick child to the top of the list for receipt of a donor organ, I ought not to do this. (Thank Josel Sulkkenen for suggesting this example.) At the very least, I am assuming that sometimes our degree of confidence in our judgment that a given act is impermissible (or permissible) is greater or lesser than our degree of confidence in our judgment that its outcome is (or is not) outranked. If, contrary to these assumptions, our deontic and evaluative judgments are, as the start, in perfect accord with both CR and our background beliefs, then the Coherentist Procedure will not yield any new judgments.

I am also assuming that we have intuitions about which outcomes should be preferred to which others and that these intuitions are, to some extent, independent of our intuitions about the deontic status of the acts that produce them. It seems to me that we clearly do have such independent intuitions. For one, whereas our intuitions about whether an agent ought to prefer the state of affairs in which she has performed a given action to one in which she has refrained from that action varies depending on the time at which the agent is making the evaluation, our intuitions about whether or not the agent should have refrained from that action does not—see, for instance, the example concerning the woman who refused to abort her fetus with Down Syndrome, which I described in note 11 of chapter 3. For another, we have intuitions about which states of affairs are to be preferred to which others even when these states of affairs are not produced by any agent’s action. For instance, we have the intuition that if I were to learn that some child at my daughter’s elementary school has died in a fire, I ought to prefer that it was not my daughter who died even if, impersonally speaking, it would be better if it were her as opposed to one of her more gifted classmates who died.

79 I very much doubt that our intuition about what I ought to prefer in this case is simply derivative of our intuition about what I ought to do in this case. After all, it is intuitive to think that I ought to prefer the state of affairs in which some stranger named Pablo saves my daughter to the state of affairs in which Pablo saves Otto’s two daughters, and this is no despite its being intuitive to think that Pablo ought to save Otto’s two daughters instead of my daughter. Moreover, it would be odd to think that what explains why I ought to prefer my daughter’s being saved to Otto’s two daughter’s being saved in the original case is the fact that the relevant agent (viz., me) ought to save my daughter, but that what explains why I ought to prefer my daughter’s being saved to Otto’s two daughter’s being saved in the Pablo case is something different altogether. After all, it cannot be the fact that the relevant agent (viz., Pablo) ought to save my daughter, for this is simply false.
with most of our considered moral convictions is the fact that our considered moral convictions will in part be shaped by this Coherentist Procedure. That is, sometimes we will on reflection reject our pre-theoretical deontic judgments precisely because they conflict with the deontic verdicts that are entailed by CR and our pre-theoretical evaluative judgments. So even if, in some instances, our pre-theoretical evaluative judgments yield deontic verdicts that conflict with our pre-theoretical deontic judgments when combined with CR, we will sometimes on reflection be willing to jettison some of these pre-theoretical deontic judgments in light of the intuitive attractiveness of moral rationalism and the teleological conception of practical reasons and their entailment of consequentialism. So, some of the pre-theoretical deontic judgments that might have otherwise made trouble for the consequentializing project will not survive our reflections. And so there is hope that the consequentializing project will succeed in advancing the cause of consequentialism by yielding a substantive version of consequentialism that comports with most, if not all, of our considered moral convictions and without our having to adopt an implausible ranking of outcomes.\footnote{I am assuming that any ranking that is in wide reflective equilibrium with both our deontic judgments and our background beliefs, including our views about practical reasons and their relationship to morality— I am thinking of the teleological conception of reasons and moral rationalism, respectively—would not be an implausible ranking.}

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In this chapter, I have argued that any plausible nonconsequentialist theory can be consequentialized. This does not mean that we are all consequentialists, but it does mean that it is possible to construct a substantive version of consequentialism that comports with our considered moral convictions. Of course, just because it is possible to construct a substantive version of consequentialism that comports with our considered moral convictions does not mean that the resulting version of consequentialism will be plausible. A given version of consequentialism is only as plausible as its underlying ranking of outcomes. But I have argued that there are good reasons to think that the most plausible ranking of outcomes will be the one that yields a substantive version of consequentialism that comports with most, if not all, of our considered moral convictions.

This is a happy result, for, ultimately, what we are after is some version of consequentialism that comports with our considered moral convictions. After all, if the arguments from chapters 2 and 3 are correct, we must accept some version of consequentialism. Furthermore, if I have been right in thinking that utilitarianism’s failure to comport with our considered moral convictions is what has gotten it in so much hot water vis-à-vis moral rationalism, then it seems that, given my arguments for moral rationalism in chapter 2, we must accept some version of consequentialism that comports with our considered moral convictions. Such a version of consequentialism would take what is best from both utilitarianism and nonconsequentialism. From utilitarianism, it would take utilitarian’s compelling idea—namely, the idea that an act’s deontic status is determined by the agent’s reasons for preferring its outcome to those of the available alternatives such that it can never be morally wrong for her to act as to bring about the outcome that she has most reason to want to obtain. And, from nonconsequentialism, it would take nonconsequentialism’s intuitively plausible deontic verdicts and their compatibility with moral rationalism given certain plausible assumptions about what we have decisive reason to do.

Of course, consequentialism’s ability to comport with our considered moral convictions (including our convictions about certain agent-centered options) is predicated not only on the plausibility of a certain ranking of outcomes, but also on the plausibility of our adopting DRAC’s dual-ranking structure. And DRAC’s dual-ranking structure can seem unmotivated. But things are not as they seem. There are, as I will show in the next chapter, good reasons to adopt DRAC’s dual-ranking structure. Thus, in the next chapter, I will continue to defend the plausibility of consequentializing commonsense morality by defending DRAC against this and other potential objections.