Impartiality and Associative Duties

David O. Brink

Utilitas / Volume 13 / Issue 02 / July 2001, pp 152 - 172
DOI: 10.1017/S0953820800003113, Published online: 26 January 2009

Link to this article: http://journals.cambridge.org/abstract_S0953820800003113

How to cite this article:

Request Permissions : Click here
Impartiality and Associative Duties

DAVID O. BRINK

University of California, San Diego

Consequentialism is often criticized for failing to accommodate impersonal constraints and personal options. A common consequentialist response is to acknowledge the anti-consequentialist intuitions but to argue either that the consequentialist can, after all, accommodate the allegedly recalcitrant intuitions or that, where accommodation is impossible, the recalcitrant intuition can be dismissed for want of an adequate philosophical rationale. Whereas these consequentialist responses have some plausibility, associational duties represent a somewhat different challenge to consequentialism, inasmuch as they embody neither impersonal constraints nor personal options, but rather personal constraints. Our intuitions about associational duties resist capture within the intellectual net of consequentialism, and such duties do admit of a philosophical rationale at least as plausible as anything the consequentialist has to offer.

This essay might have been entitled 'Why I am Not a Consequentialist'. For while I am quite sympathetic with consequentialist, especially utilitarian, conceptions of impartiality, I think that such views are unable to accommodate the moral demands of special obligations, especially those arising out of associational bonds. The socialist writer Michael Harrington once confessed to the bourgeois influence that parenting had exerted on his own political positions. In a similar vein, my doubts about whether associative duties can be fitted within the intellectual net of consequentialism have been fuelled, in part, by my own experiences of the rewards and demands of parenthood. If these doubts are well founded, then consequentialism cannot be the whole truth about morality.

My views might be described in the context of familiar debates between consequentialists and their critics. Consequentialists evaluate actions, people, institutions, and so on, in terms of the value they promote; one is to be morally preferred to another just in so far as the value of its consequences is greater than that of the other. The morally best action, character, or institution would presumably be the one that, in relation to available alternatives, produces the most value. Some critics of consequentialism focus on its account of duty or right action. The consequentialist account of duty is sometimes faulted for failing to accommodate constraints and options. Constraints are moral prohib-

---

1 My discussion makes various simplifying assumptions. I do not discuss various indirect forms of consequentialism that assess something, not in terms of its value, but in terms of conformity with something else (e.g., a rule) that is assessed on the basis of its consequences. Also, I do not discuss satisfying, rather than maximizing, forms of consequentialism. My guess is that everything I want to say could be said mutatis mutandis of these less standard forms of consequentialism.

2 As far as I know, this useful language was first introduced in Shelly Kagan, The Limits of Morality, Oxford, 1989, ch. 1.

© Edinburgh University Press 2001
Impartiality and Associative Duties

153

Itions that are often thought to correlate with moral entitlements that individuals possess—such as rights—that limit what someone may do to them, even in the pursuit of good consequences. On such views, it can be wrong to do something, even though doing so might maximize value. Critics have often focused on constraints, such as a duty not to kill or harm, that are in certain sense impersonal, inasmuch as they are duties that an agent owes to others regardless of other relationships in which she stands to them. Other critics have focused on options, rather than constraints, alleging not that the consequentialist demand for the agent to promote the good violates duties to others, but rather that it ignores prerogatives that the agent has to devote attention and resources to her own projects and those of others with whom she is associated out of proportion to their impersonal value. These options are in a certain sense personal, inasmuch as the prerogative belongs not to anyone in the moral situation but to the agent in virtue of her own projects and those of her associates. A common consequentialist response to such criticisms is to acknowledge the anti-consequentialist intuitions but to argue either that the consequentialist can, after all, accommodate the allegedly recalcitrant intuitions or that, where accommodation is impossible, the recalcitrant intuition can be dismissed for want of an adequate philosophical rationale.

Though my concerns about consequentialism's ability to accommodate associational duties are not especially novel, they don't fit neatly into recent discussions of consequentialism, inasmuch as they are neither impersonal constraints nor personal options. I share the doubts that some consequentialists have about whether impersonal constraints can be given an adequate philosophical rationale, and I have doubts about whether the personal point of view gives rise to options. But associational duties represent a somewhat different case; they embody personal constraints. I do not think that our intuitions about associational duties can be accommodated by the consequentialist, and I will suggest that they do admit of a philosophical rationale at least as plausible as anything the consequentialist has to offer, though I am uncertain about how best to represent their moral significance.

I. CONSEQUENTIALISM AND IMPARTIALITY

I am especially interested in utilitarian forms of consequentialism that require agents to promote human (or sentient) welfare or happiness. Different versions of utilitarianism result from different conceptions of human welfare or happiness. Whereas I favour perfectionist conceptions that understand the human good in terms of the exercise
of a person's essential capacities, I shall, for the most part, ignore the varieties of utilitarianism and focus on what unites them.

Why take utilitarianism (or other forms of consequentialism) seriously? Some have thought that it is an analytic truth that one ought to do the action with the best consequences. Others have thought that utilitarianism is attractive because it recognizes the central importance of benevolence as a virtue and the important role of sympathy in moral motivation. My own view is that the chief attraction of utilitarianism lies in its interpretation of the concept of impartiality. It is common to think of the moral point of view as one that asks an agent to transcend his own point view about what is important. Hume makes a related point in An Enquiry Concerning the Principles of Morals.

When a man denominates another his enemy, his rival, his antagonist, his adversary, he is understood to speak the language of self-love, and to express sentiments, peculiar to himself, and arising from his particular circumstances and situation. But when he bestows on any man the epithets of vicious or odious or depraved, he then speaks another language, and expresses sentiments, in which he expects all his audience are to concur with him. He must here, therefore, depart from his private and particular situation, and must choose a point of view, common to him with others; he must move some universal principle of the human frame, and touch a string to which all mankind have an accord and symphony.

We might understand such transcendence in terms of adoption of a point of view that is impartial among the interests of affected parties. The utilitarian conception of impartiality says that each is to count for one and none for more than one. As such, it is person-neutral: it assigns no moral importance, as such, to whom a benefit or burden befalls; it is the magnitude of the benefit or harm that matters morally. This person-neutral conception of impartiality supports an aggregative moral standard. The utilitarian takes everyone's interests into account by aggregating their interests, balancing benefits to some against harm to others, as necessary, so as to produce the best total outcome.

If the utilitarian motivates her view by appeal to a substantive conception of impartiality, she must be prepared to respond to worries about its substantive implications. Many critics of utilitarianism trace

---


its difficulties with constraints and options to this aggregative conception of impartiality. Whereas balancing goods and harms may be acceptable \textit{within a life}, many think that it is not acceptable to balance goods and harms \textit{across lives}. On the aggregative conception, individual claims may simply be outvoted by a majority. In order to respect the separateness of persons, critics claim, distributions of benefits and harms must be acceptable, in the relevant sense, to each. This is a contractualist interpretation of impartiality, which seeks a kind of unanimity, in contrast to the majoritarianism of utilitarianism. This is one reason the friends of options and constraints often favour contractualist conceptions of impartiality.

How best to model impartiality is a large and important topic that I cannot explore properly here. But it is worth noting that utilitarian and contractualist conceptions of impartiality need not be treated as mutually exclusive alternatives. Given that people's actual holdings and prospects are often the product of arbitrary forces within natural and social lotteries, for which the individual has little responsibility, it would often be unfair in the distribution of benefits and burdens to give everyone a veto based on his actual position and preferences. To counteract the effects of morally arbitrary baselines in setting the terms of a contract, one needs to \textit{moralize} the contract. One needs to replace the question 'What arrangements could no one reject given knowledge of his actual endowments and preferences?' with something like the question 'What arrangements could no one reject in fair circumstances that abstract from morally arbitrary facts about his endowments and preferences?'. This arguably requires replacing the idea of an \textit{ex post} agreement among different individuals with conflicting interests with an \textit{ex ante} choice of a single self-interested individual under a veil of ignorance about his actual endowments and preferences. If we model contractualism this way, it is arguable that contractors would choose so as to maximize expected total or average welfare, for such a principle, in contrast with non-majoritarian principles, is antecedently more likely to advance one's interests once the veil is lifted (also see § 2 below).\footnote{Whereas unanimity may be the only decision rule acceptable to all \textit{ex post}, majority-rule can be acceptable to all \textit{ex ante}. Cf. Douglas Rae, 'Decision-Rules and Individual Values in Constitutional Choice', \textit{American Political Science Review}, lxiii (1969); Michael Taylor, 'Proof of a Theorem on Majority Rule', \textit{Behavioral Science}, xiv (1969); and Dennis Mueller, \textit{Public Choice}, New York, 1979, ch. 11.}

\footnote{For more discussion of this claim, see David O. Brink, 'The Separateness of Persons, Distributive Norms, and Moral Theory', \textit{Value, Welfare, and Morality}, ed. C. Morris and R. Frey, New York, 1993.} If so, contractualists need not reject the utilitarian conception of impartiality.
II. IMPERSONAL CONSTRAINTS

One source of concern about utilitarian impartiality is its apparent failure to accommodate impersonal constraints. These are duties that an agent owes to anyone— including perfect strangers— regardless of the relationship in which she stands to that person. Typically, these duties are correlated with claims or rights that a person has to be treated or not to be treated in certain ways. On one understanding, these duties are not to be violated even if doing so produces more value overall. Robert Nozick emphasizes this aspect of rights, when he insists that rights be understood as side constraints, rather than as important goals; it is wrong for an agent to violate one person’s right, even if so doing would minimize the total number of violations of such rights (by others).

In contrast to incorporating rights into the end state to be achieved, one might place them as side constraints upon the actions to be done: don’t violate constraints C. The rights of others determine the constraints upon your actions...

...This view differs from the one that tries to build the side constraints C into the goal G. The side-constraint view forbids you to violate these moral constraints in the pursuit of your goals; whereas the view whose objective is to minimize the violation of rights [and so treats rights as goals] allows you to violate the rights (the constraints) in order to lessen their total violation in society.

Among the rights that are often thought to function as side constraints on the pursuit of good consequences is the right to bodily integrity, which forbids a doctor from cutting up one healthy patient against his wishes in order to distribute his organs to five of his patients who are in need of transplants and would otherwise die.

Though almost everyone recognizes rights, and the conception of rights as side constraints is quite appealing, side constraints can appear paradoxical. As Nozick himself notes, if the non-violation of a constraint is so important, shouldn’t we take as our goal the minimization of violations of that constraint? Nozick’s own answer is to appeal to the separateness of person and the Kantian demand that we treat all agents as ends and never merely as means. But the Kantian requirement does not obviously require side constraints. Suppose that only by causing harm to B can A prevent individually comparable harms to C, D, and E. Kant’s demand requires that one treat rational agents as ends and not merely as means. If A harms B only in order to protect C, D, and E, perhaps A treats B as a means, but he need not treat her as a mere means. To do that would require viewing her as a...

---


Impartiality and Associative Duties

157

mere instrument or tool, not as someone whose own agency is valuable. But A need not view her that way; he presumably would take her agency into account. If so, A proceeds, but with great reluctance that derives from a concern with her agency; if A could have protected C, D, and E without harming B, he certainly would have. If A acts impermissibly in acting so as to minimize harm, it is not because in so acting he must be treating those whom he harms as mere means.

Furthermore, we may wonder whether impersonal constraints would be acceptable within a suitably moralized contract. If we appeal to an ex ante self-interested choice subject to ignorance about whether one will be A, B, C, D or E when the veil of ignorance is lifted, then there is every reason to believe that one would prefer a harm minimization principle to one representing a side constraint upon causing harm. For one clearly stands a better chance of avoiding harm under harm minimization than under a side constraint. If so, then impersonal constraints may seem problematic from the point of view of contractualist impartiality, as well as utilitarian impartiality.

So, despite the initial intuitive plausibility of impersonal constraints, they are not unproblematic. Absent some strong philosophical rationale for such constraints, it would be premature to reject utilitarianism for its failure to accommodate them.¹⁰

III. PERSONAL OPTIONS

Whereas some critics of utilitarianism focus on constraints, others focus on options. Utilitarian impartiality demands that an agent always act so as to bring about the impersonally best outcome. But especially when we recognize the variety of grave imperfections in the world and the opportunities that these imperfections provide for contributing to a better world, utilitarianism can seem very demanding indeed. So much so that we may begin to wonder whether utilitarianism leaves the agent room to pursue those projects and associations that she cares most about and give her life meaning. Bernard Williams has brought to our attention worries of this sort about the conflict between impartial moral conceptions, such as utilitarianism, and the personal point of view.¹¹ Responding to this conflict, Samuel Scheffler has proposed to moderate the demands of utilitarianism by recognizing moral options or prerogatives on the agent's

¹⁰ This is similar to the responses to constraints found in Samuel Scheffler, The Rejection of Consequentialism, Oxford, 1982, ch. 4; and Kagan.

part to devote time, energy, and resources to her own projects out of proportion to their impersonal value.  

Recognition of personal options is one way to recognize a limit on the sacrifices that morality can demand. As such, options can seem quite intuitive. And, unlike impersonal constraints, Scheffler argues, options are not inherently paradoxical. An important rationale for options is that they allow the agent to integrate morality into a reasonable life plan. In order for moral demands to be integrated into a reasonable and satisfying life plan, their demands must be motivationally accessible to agents. But, Scheffler argues, the 'natural independence of the agent's point of view' means that agents have concerns for themselves, their intimates, and their projects that is out of proportion to their impersonal value. But then impartiality without options won't be motivationally accessible to agents; only a form of impartiality moderated by options can be integrated into a reasonable and satisfying life plan.

I have no principled objection to personal options, but I am not sure these arguments are compelling. The demand for motivational accessibility seems to appeal to the voluntarist principle that ought implies can. This principle implies that a moral theory must set demands that agents can fulfil, and this condition might seem to require motivational accessibility. But the voluntarist principle is not beyond question. Morality may sometimes make demands that it is extremely hard or even impossible to live up to. This is the premise of some interpretations of tragic literature and moral dilemmas. We may also wonder whether utilitarianism fails the test of motivational accessibility. That may depend on how we understand the test. If motivational accessibility is relativized to people's actual motivations, then it may well be true that utilitarian demands are motivationally inaccessible to many, inasmuch as many no doubt do care about their own projects and commitments out of proportion to their impersonal value. But motivational accessibility, so understood, has very conservative implications, severely limiting the demands of moral reform. If this is how we interpret motivational accessibility, we may well decide to reject it as an acceptable constraint on moral theory. Alternatively, motivational accessibility might be relativized to possible or desirable motivations. But then a utilitarian morality may not be motivationally inaccessible. Motivation can be responsive to moral and other normative beliefs. But then if there are good arguments for an impartial

---

12 Scheffler, The Rejection of Consequentialism, esp. chs. 1–3; also see Scheffler, Human Morality, New York, 1992, esp. chs. 6–7.
13 However, there are other interpretations of moral dilemmas that do not threaten voluntarism. See David O. Brink, 'Moral Conflict and its Structure', Philosophical Review, ciii (1994), 215–47.
Impartiality and Associative Duties 159

morality, such as utilitarianism, acceptance of these arguments can help produce motivation congruent with such demands. In short, it is hard to identify a conception of the motivational accessibility requirement that both yields a plausible requirement and clearly rules out utilitarian conceptions of impartiality.

IV. PERSONAL CONSTRAINTS: ASSOCIATIVE DUTIES

In some ways, what is most puzzling is the thought that the personal point of view limits the demands of impartiality by way of options. In so far as common-sense morality recognizes limits on impartial demands, I think it recognizes duties, and not just permissions, of a personal nature. I am under duties of self-cultivation and duties toward intimates that limit the impersonal good I can be expected to promote. I have in mind what are sometimes called special obligations that an agent has toward himself and toward others to whom he stands in various sorts of special relationships. Different kinds of special obligations — including parental obligations, marital obligations, obligations of friendship, and collegial obligations — are rooted in different sorts of relationships or associations — including parent-child relationships, marriage, friendships, and professional relations. Some of these relations are undertaken in a wholly voluntary way (as when I choose a spouse, friends, or colleagues), whereas others appear to have significant non-voluntary aspects (I am unable to choose my parents). No doubt the nature and texture of such associations are quite variable, both among and even within particular kinds of association. Nonetheless, there are common themes of shared experiences, learning from another, mutual trust, co-operation, and mutual concern pervading such associations. Following Aristotle, we might characterize all these relationships as forms of friendship (philia), and we might understand friendship as involving good will toward one's friend that is based on shared history, where shared history might be understood in terms of the way in which the beliefs, desires, intentions, experiences, emotions, and actions of each interact with and influence those of the other. Indeed, it would be natural to think that the strength

14 These thoughts may also suggest a reply to Rawls's argument that utilitarianism violates the strains of commitment within a well-ordered society. (See Rawls, esp. pp. 175-83, 496-502.) If a well-ordered society is one in which citizens are regulated by a sense of justice, informed by a utilitarian conception of impartiality, then utilitarianism may not impose undue strains of commitment.

15 Aristotle discusses friendship in *Nicomachean Ethics*, books viii-ix. He recognizes various forms of friendship — complete friendship among the virtuous, friendship for pleasure, friendship for mutual advantage, familial (including parental) friendship, and civic friendship — all of which involve reciprocal good will that is sustained by friends sharing thought and discussion. I discuss these and other aspects of Aristotelian
of a friendship or association is directly proportional to the degree of psychological interaction and interdependence, with stronger and more intimate associations held together by greater psychological interdependence and influence. One might think of one's associational relations as forming a set of concentric circles in which my closer associates lie on the inner circles and more remote associates lie on the outer circles. But if special obligations are based on associational ties, then it would be natural for the strength of associational duties to be proportional to the strength of the underlying associational bonds.

If we understand associational duties on this model, then such duties depend upon the right sort of interpersonal interaction and influence and do not automatically arise from all interpersonal relations. So, for example, children would owe no typical filial duties to biological parents who have played no role in their nurture and development. Similarly, estranged spouses would not have typical marital obligations toward each other. Hermits who live in physical proximity to each other would not be obligated as neighbours. In so far as these restrictions on the scope of associative duties are reflectively acceptable, this makes the proposal to ground such duties in interpersonal interaction and influence more attractive.

On this view, associational relations ground special concern for the well-being of one's associates. This concern can take the form of negative duties to refrain from harming one's associates and positive duties to maintain the association and provide various forms of aid and comfort. But the object of one's concern will be one's associates and their well-being. Acting on this concern will often require modifying the roles that associates play in an association. This conception of associative duties contrasts with some strands within the communitarian tradition that find the content, as well as the ground, of associative duties in past associational relations and imply that associates have a duty to conform to the roles established by past association. Past association may ground a duty of concern, but it does not settle the form which such concern should take. If our past association has not been mutually beneficial, then our shared history gives us special reasons to modify the terms of our relationship so as to be better adapted to the needs of one or both parties. In the limiting case, friendship in 'Eudaimonism, Love and Friendship, and Political Community', Social Philosophy & Policy, xvi (1999), 252–89.

I think that this makes my view about associative duties reductionist in Scheffler's technical sense. See Samuel Scheffler, 'Relationships and Responsibilities', Philosophy & Public Affairs, xxvi (1997), esp. 195. But notice that this sort of reductionism contains no commitment to the voluntarist claim that all obligations are voluntarily undertaken.

For communitarian conceptions that tie the content, as well as the ground, of associative duties to the terms of past association, see F. H. Bradley, 'My Station and its Duties', repr. in F. H. Bradley, Ethical Studies, 2nd edn., Oxford, 1927, Alasdair
Impartiality and Associative Duties

special concern for the good of associates can provide reasons to discontinue an association, if that is what is best for associates.

In his important (and unjustly neglected) article ‘Self and Others’ C. D. Broad describes a view that recognizes associative duties in this way. He calls the view *self-referential altruism* and associates it with common-sense morality.18 Like utilitarianism, it recognizes a reason to be concerned about anyone whom it is in the agent’s power to affect for better or worse.

On the other hand, the altruism which common sense approves is always *limited in scope*. It holds that each of us has specially urgent obligations to benefit certain individuals and groups which stand in certain special relations to *himself*, e.g., his parents, his children, his fellow-countrymen, etc. And it holds that these special relationships are the ultimate and sufficient ground for these specially urgent claims on one’s beneficence.19

In this passage, Broad runs together issues about scope and weight. His considered view seems to be that morality has wide scope but variable weight. An agent has non-derivative reason to benefit anyone whom it is within her power to help, but the weight or strength of the agent’s obligations is a function of the relationship in which she stands to potential beneficiaries.

Perhaps associational bonds also create options, but, as Broad recognizes, they characteristically generate obligations or constraints. We have duties toward associates to enable and assist their development, projects and plans, to protect them from certain dangers, to console them in times of need, to provide constructive criticism, and so on. All else being equal, our duties toward those to whom we stand in special relationships take precedence over those we owe to non-associates. I think that Broad is right to associate the normative significance that self-referential altruism assigns to associational bonds with common-sense morality. And this is an aspect of common-sense morality that is hard to square with utilitarianism (and other forms of consequentialism). The problem is that special obligations involve duties to associates whose normative strength appears to be out of proportion to the impersonal good that their fulfilment embodies.


19 Ibid., p. 280. As I (would like to) understand him, Broad should say that the altruism that common sense approves is of *variable weight*, rather than limited scope.
Consider Henry Sidgwick's admirably clear-headed attempt to accommodate special obligations within his hedonistic utilitarian framework. In the *Methods of Ethics* Sidgwick claims that common-sense morality is 'inchoately and imperfectly Utilitarian'.20 He maintains that 'the commonly received view of special claims and duties arising out of special relations, though *prima facie* opposed to the impartial universality of the Utilitarian principle, is really maintained by a well-considered application of that principle'.21 He argues that the recognition of special obligations and a differentially greater concern for those to whom one stands in special relationships is in general optimal, because we derive more pleasure from interactions with associates, we often have better knowledge about how to benefit associates, and we are often better situated causally to confer benefits on associates.22

However, even if the demands of special concern and impartial concern often coincide, the coincidence is imperfect. I may derive more pleasure from interaction with my associates than with strangers, but those who are strangers to me have their own associates who derive special pleasure from them. If so, it's not clear how an impartial concern with happiness explains why I would have any reason to privilege the claims of my associates over those who are strangers to me but associates of others. Moreover, often – where the beneficiaries are near at hand and the benefits in question are fairly obvious – I am just as well positioned epistemically and causally to benefit strangers as to benefit my associates. When this is so, the classical utilitarian has no reason to regard an agent's investments in his friends as a more efficient use of his resources. Suppose A and B are friends with each other but not as of yet with C. If A's reasons for caring about his friend B are exhausted by an impersonal concern with recognizing and promoting human welfare, then his special concern for B must be limited. If C's welfare could be advanced more efficiently than B's, then it is unclear why A should not abandon B for C or at least in this case prefer the stranger to his friend.

These accounts of special concern within an impartial or impersonal perspective appear unable to give a sufficiently robust account of special concern. There are different ways of trying to capture this problem. We might say that the problem is that utilitarianism's impartiality assigns only *extrinsic* significance to special concern; special concern is valuable only so far as it tends causally to promote happiness or virtue. By contrast, common sense attaches *intrinsic* signifi-
Impartiality and Associative Duties

cance to special relationships; the fact that A and B are friends gives A special reason to be concerned about B that he does not have to be concerned about C.

Alternatively, we might put this point in terms of the distinction some have drawn between agent-relative and agent-neutral reasons. The general form of agent-relative reasons makes essential reference to the agent who has them, whereas agent-neutral reasons do not. Reasons to promote the good, as such, are agent-neutral reasons, whereas reasons to promote the good of those to whom the agent stands in special relationships are agent-relative reasons. Association (e.g., friendship) seems normatively significant, because it seems to transform the reasons the agent has independently of the association (e.g., friendship). If so, one's reasons to be concerned about one's associates are agent-relative, whereas the impersonal conception of associative duties represents them as agent-neutral.

We can also make the point by adapting Nozick's distinction between end-state and historical principles. End-state principles are forward-looking in so far as they judge the moral permissibility of an act by its outcomes. How those outcomes come about is relevant only in so far as it has a bearing on the outcomes. By contrast, historical principles assess actions in terms of facts about how they came about, in particular, facts about the agent and his historical relations to various affected parties. The utilitarian account of what associates owe one another is an end-state view, because it looks only to how giving priority to one's own associates will affect total happiness and invests shared history between associates with significance only to the extent that it increases total happiness. By contrast, genuine associative relations, such as friendship, require investing this shared history with normative significance out of proportion to its impersonal value.

So, associational duties assign intrinsic and agent-relative significance to the shared history among associates. These features of associational duties resist capture within a utilitarian conception of impartiality. Special concern may not always trump impartial demands to promote happiness; but the former cannot be reduced to the latter. If so, we might entertain utilitarian or consequentialist

23 However, the intrinsic normative significance of special relations cannot be captured by recognizing the intrinsic value of associative relations within a consequentialist view. For instance, the consequentialist can assign special intrinsic value to friendship. But this won't allow the consequentialist to claim that an agent has reasons to give priority to his own friend when he could provide comparable or greater benefits to the friend of someone who is a perfect stranger to him.


25 Nozick, pp. 153–5. Nozick contrasts these two conceptions of justice in holdings, whereas I want to contrast two different conceptions of associative obligation.
views as revisionary challenges to the legitimacy of special concern but not, I think, as justifications of special concern.

V. A RATIONALE FOR ASSOCIATIVE DUTIES

Many would think that this is reason to conclude that however adequate utilitarianism is as an account of impartiality it represents an inadequate account of the sort of partiality characteristic of associational duties. However, while conceding the intuitive appeal of associative duties, some complain that such duties, like impersonal constraints, are paradoxical and require an adequate philosophical rationale that explains their normative significance. In particular, Scheffler has argued that associative duties are problematic on two fronts. Associative duties can appear overly demanding of agents when, as in some familial relationships, they obligate agents to have special concern for associates they have not sought out. Recognizing such duties appears to violate the voluntarist assumption that all duties must be voluntarily undertaken by the agent. Whereas the voluntarist is worried about the costs of association for the agent, there is distributive concern about the benefits of association. Precisely in so far as associative duties give more urgency to the claims associates make on each other, they reduce the comparative urgency of the claims of non-associates on associates. Associative duties privilege the claims of insiders against those of outsiders, and so might seem to give rise to legitimate complaints by outsiders. These objections render associative duties problematic and in need of an adequate philosophical rationale.

But it is hard to see these as decisive objections to associative duties. First, we might not be as concerned by either the costs or the benefits of associative duties if we bear in mind that such duties involve both costs and benefits. Insider privileges may seem less significant when they are balanced against insider burdens, and insider burdens may seem less onerous when insider benefits are reckoned in. Moreover, it is not clear that associative duties, as understood here, violate the voluntarist assumption. Because associative duties, on this view, do not arise from just any interpersonal relations but require interpersonal interaction and influence (§ 4), they depend upon the voluntarist principle, which insists that all obligations must be voluntarily undertaken by the agent, should not be confused with the voluntarist principle, discussed earlier (§ 3), according to which moral demands must be ones that agents are able (psychologically) to fulfill.

26 See Samuel Scheffler, 'Families, Nations, and Strangers', *Lindley Lecture Series*, Lawrence, University of Kansas, 1995, and 'Relationships and Responsibilities'. In the latter work Scheffler offers his own rationale for associative duties. But I don't understand that rationale and won't try to assess it here.
Impartiality and Associative Duties

165

tary actions of associates and so cannot be wholly non-voluntary. Furthermore, the voluntarist assumption that duties can be generated only by the agent's voluntary undertakings itself stands in need of a rationale. Indeed, voluntarism is flatly inconsistent with the utilitarian conception of duty that is entirely forward-looking in character and recognizes various non-contractual duties toward others. So the utilitarian is in no position to complain that associative duties violate voluntarism. The distributive objection does focus on a way in which associative duties require a deviation from egalitarian or impartial concerns, but, of course, this is just the obvious and direct consequence of recognizing the demands of partiality.

So I don't see that the support for associative duties here is any weaker than the support for utilitarianism itself. Sometimes utilitarianism is accepted as a conceptual truth or as self-evident. At other times, it is allegedly derived from first principles, for instance, when it is alleged to follow from modelling moral judgement on that of an impartial observer. None of these defences strikes me as remotely compelling. Stronger arguments appeal to substantive moral convictions, as when utilitarianism is justified by appeal to its concern with human well-being and harm, its foundation in the virtue of benevolence, or its interpretation of impartiality. However, few think that benevolence is the only moral virtue or that morality takes notice only of human good and harm and not of how goods and harms are produced or distributed. And even if the utilitarian interpretation of impartiality is defensible, most of us think that morality also includes demands of partiality owed to associates.

So I doubt that the associative duties that resist capture within the net of utilitarian impartiality are any more problematic than utilitarianism itself. Nonetheless, I would like to sketch a further

28 I have argued against analytical naturalism elsewhere; see David O. Brink, *Moral Realism and the Foundations of Ethics*, New York, 1989, ch. 6 and *Realism, Naturalism, and Moral Semantics*, *Social Philosophy & Policy*, xivii (2001). I have also argued against Sidgwick's philosophical intuitionist account of utilitarianism; see David O. Brink, 'Common Sense and First Principles in Sidgwick's Methods', *Social Philosophy & Policy*, xi (1994). Both Nagel and Hare think that if we model (i) the interpersonal combinatorial problem on (ii) the problem of how an individual would combine the interests of different individuals if she imagined living these lives *seriatim* then we are committed by temporal-neutrality to utilitarianism's person-neutrality. See Thomas Nagel, *The Possibility of Altruism*, Oxford, 1970, pp. 138 f.; and R. M. Hare, *Moral Thinking*, Oxford, 1981, pp. 110 f. But the model does not require the utilitarian conclusion. It would do so only if (iii) the individual treated these distinct lives (to be lived *seriatim*) as if they were parts or stages of one single super-life. But the question is precisely whether it is reasonable to understand (ii) as (iii).

29 Interestingly, whereas Kagan recognizes that any moral conception, including utilitarianism, must meet the demand for a philosophical rationale, he presses this demand only against friends of constraints and options, not against utilitarianism itself. See Kagan, pp. 18 f.
rationale for the normative significance of associative duties. This rationale appeals to an analogy between interpersonal and intra-personal friendship or association, which itself rests on familiar assumptions about persons and agency.39

John Locke distinguished between persons and men (or, as we might say, human beings) and claimed that the concept of a person is a normative or 'forensic' concept.31 In both morality and law, persons are responsible agents; it is only persons who are properly praised and blamed, because it is only persons who can properly be held accountable for their actions.32 Non-responsible agents, such as brutes and small children, appear to act on their strongest desires or, if they deliberate, to deliberate only about the instrumental means to the satisfaction of their desires. By contrast, responsible agents must be able to distinguish between the intensity and authority of their desires, to deliberate about the appropriateness of their desires and aims, and to regulate their actions in accord with these deliberations. This requires one to be able to distinguish oneself from particular desires and impulses – to distance oneself from them – and to be able to frame the question about what it would be best for one on the whole to do.33 If so, capacities for practical deliberation – formulating, assessing, revising, choosing, and implementing projects and goals in light of a conception about what is best – are essential to being a person.

On this view, personhood requires responsibility, which requires deliberative capacities, which require a conception of oneself as a temporally extended self endowed with deliberative capacities. If we view persons in deliberative terms, then it is natural to understand the persistence of persons in mentalistic terms that emphasize the continuous employment of deliberative faculties in the regulation of thought and action. On one such view, what makes persons at different times the same person and, hence, what unites different parts of a

---

39 I discuss these assumptions and their implications at greater length in 'Self-love and Altruism', Social Philosophy & Policy, xiv (1997).
32 (a) Non-responsible agents might usefully be praised or blamed for forward-looking (e.g., deterrent) reasons; but they do not deserve praise or blame. (b) In claiming that 'person' is a 'forensic' concept, Locke means not only that only persons can be held responsible but also that holding P2 responsible for P1's actions makes sense only if P2 = P1. I'm here appealing to the former claim. I doubt the latter claim is true; I suspect responsibility presupposes deliberative continuity, rather than identity.
31 This conception of personhood and responsibility is well represented in both ancient and modern traditions. Cf. Plato, Republic, 437e–442c; Aristotle, De Anima, ii.2, and Nicomachean Ethics, 1102b13–1103a3, 1111b5–1113a14; Cicero, De Officiis, i.ii; Bishop Butler, Fifteen Sermons, i.8, ii.12–15; Thomas Reid, Essays on the Active Powers of the Human Mind, ii.2; Immanuel Kant, Groundwork, 396, 437, 448; Critique of Pure Reason, A534/B562, A553–54/B581–82, A802/B830; Critique of Practical Reason, 61–2, 87; and T. H. Green, Prolegomena to Ethics, bk. II.
A single life is psychological continuity. A series of persons is psychologically continuous in so far as contiguous members in the series are psychologically well connected. A pair of persons are psychologically connected in so far as the intentional states (e.g., beliefs, desires, and intentions) and actions of one are causally dependent upon those of the other. Of particular importance—if persons are essentially responsible agents—are deliberative connections that hold among actions, intentions, and prior deliberations in the deliberate maintenance and modification of intentional states and in the performance of actions that reflect these prior deliberations. Connectedness is a matter of degree; it is a function of the strength and centrality of individual connections and the number of connections. Continuity can also be a matter of degree; if of two chains A and B, the links in A are better connected than the links in B, then any points in A will be more continuous than any points in B.

Normally, we find maximal continuity within single lives. But there are significant forms of continuity across individual lives within friendship and other forms of interpersonal association. Interpersonal, as well as intrapersonal, psychological continuity is quite common. Interpersonal connections and continuity can be found among intimates who interact on a regular basis and help shape each other’s mental life; in such relationships, the experiences, beliefs, desires, ideals and actions of each depend in significant part upon those of the other. For instance, parents make plans for their children that affect the children’s actions, opportunities, and experiences; they impart information and teach skills; they make suggestions, act as sounding boards, and set limits. In these and countless other ways, parents help shape their children’s faculties, experiences, beliefs, desires, values, opportunities, and goals. Similar relations hold among spouses and friends who share experiences, conversation, and plans. They can also be found, to a lesser extent, among partners in co-operative ventures where the deliberations, desires, plans, and expectations of each are formed together and conditioned by each other. More generally, membership in various sorts of associations will affect the beliefs, desires, expectations, and plans of members so as to establish significant interpersonal psychological continuity among the association’s members. In these ways, interpersonal psychological connectedness and continuity can extend broadly within various kinds of association, even if the

degree of connectedness (and sometimes continuity) often weakens as these relations extend further.

If so, one’s relations to associates are similar in kind to, if different in degree from, those that hold between oneself now and oneself in the future. But this suggests that one has the same sort of reasons to be concerned about associates as one does about one’s own future self. Indeed, as I have argued elsewhere, an agent can regard the good of those to whom she is associated as a constituent part of her overall good, just as she should regard the good of her own future self as a constituent part of her overall good.35

How should I express concern for myself and my associates? I assume, with Aristotle, that it is in my interest to exercise those capacities that are central to the sort of being I essentially am.36 If I am essentially a person, then a principal ingredient in my welfare must be the exercise of my deliberative capacities. If so, I express concern for myself by developing my deliberative competence and pursuing projects and plans, such as creative vocations and avocations, that exercise my deliberative capacities. If the interests of my associates are part of my own interests, then I likewise have reason to be concerned about their deliberative competence and the proper exercise of their deliberative capacities.

How does this help provide a rationale for associative duties? For one thing, it suggests that associative duties are no more problematic than the demands of prudence. Most people, even many utilitarians, recognize the requirements of prudence as normatively significant. But then associative duties have as strong a rationale as the demands of prudence do. We can go further. For we can ask about prudence, as we can about any putative normative standard, why we should care about its dictates. For example, why should I care about promoting the good? Or, why should I care about my own interests? This is just to say that we can demand an explanation or rationale for the normativity of any putative standard. Once asked, these questions can prove difficult to answer, even for familiar and intuitively compelling standards. But appeal to a deliberative conception of the person helps explain how prudence, conceived in perfectionist terms as exercising one’s deliberative capacities, is a requirement of practical reason. For when prudence is understood in deliberative terms, it aims at the exercise of the very deliberative capacities that make one a responsible agent in the first place, capable of having and acting on reasons for action. Moreover, if my persistence depends upon the extension of my deliberative control into the future, we can see how the exercise of my delib-

35 See ‘Self-love and Altruism’.
Impartiality and Associative Duties

I have argued that associative duties resist capture within the intellectual net of consequentialist impartiality, and I have sketched a rationale for them that ties their normative significance to those very psychological capacities and connections that make us agents. But this leaves unsettled questions about the precise normative significance of associative duties. Here I briefly explore some different possibilities without reaching any definitive conclusions.

One monistic view would be that only associational relations have normative significance. Like all monistic views, this one has the virtue of theoretical simplicity. In particular, this view explains both the scope and the weight of moral concern in the same terms. Whom one is to have concern for and how much concern one should have are both a function of associational relations; one is to be concerned for associates and in proportion to the strength of the association. The obvious worry about this form of monism is that whereas obligations to oneself and one's associates are unproblematic, obligations to non-associates become problematic. The merits of such a view would depend in significant part on the scope of association. But on most views, the scope of interpersonal association must be limited, with the result that on this view the scope of moral concern must be limited.\(^37\) But this contrasts sharply with Christian and Enlightenment conceptions of morality as having wide scope, including all human or rational (or sentient) beings. Even self-referential altruism embodies moral concern of variable weight and wide scope. Moreover, such a moral view would seem to leave impartiality out altogether. Even if impartiality does not exhaust morality and morality does contain partial elements, a central

\(^{37}\) I discuss issues about the scope of such concern at greater length in ‘Self-love and Altruism’, § x.
assumption of the moral point of view, as we have seen (§ 1), is that it can and should sometimes transcend the agent's personal loyalties and concerns. To discard impartiality altogether would appear to throw the baby out with the bath water.

The alternative to monism is dualism or pluralism. One form of dualism would recognize both partial and impartial elements within a moral theory by treating associative duties as side constraints on the impartial pursuit of the good. But whereas associative duties are constraints, in contrast with options, it is not clear that they are constraints, as contrasted with goals. If we recognize no limit on the positive and negative demands that associative duties may make, then interpreting associative duties as side constraints might never let us get around to meeting any impartial demands toward non-associates. Moreover, personal side constraints may suffer from the same sort of paradox that impersonal side constraints do. For if my meeting associative demands has normative significance, then why shouldn't I adopt as my goal the maximization of my meeting associative demands?

Another form of dualism is self-referential altruism. It recognizes the impartial demand to be concerned about anyone whom it is in one's power to benefit but claims that the strength or urgency of one's obligation to another is a function of the nature of the relationship between benefactor and beneficiary. This would treat associative relations as putting a sort of thumb in the scales of a utilitarian calculation so as to create a normative bias for associates. On this view, an agent is required to perform that action whose value is greatest after the consequences for everyone have been recorded and multiplied by the relevant factor (greater than one) corresponding to the strength of the relationships between the agent and beneficiaries. However, until we know how great the associate-multiplier is, it is hard to know or assess the consequences of accepting the multiplier view.

One reason utilitarianism appears quite demanding of some people is that the world contains a great deal of suffering some of which can be very efficiently relieved if the better-off make sacrifices. If others are not making their share of sacrifice (partial compliance), utilitarian demands for sacrifice will apparently increase. If each of us ought to give until the point that our sacrifices are as great as the benefits we confer, then, given the conditions of partial compliance, each of us is obligated to sacrifice a great deal. 38 This sort of sacrifice would involve

---

38 Cf. Peter Singer, ‘Famine, Affluence, and Morality’, Philosophy & Public Affairs, i (1972); and Liam Murphy, ‘The Demands of Beneficence’, Philosophy & Public Affairs, xxii (1993). Murphy's Co-operative Principle appeals to full compliance to set an upper limit on how much sacrifice beneficence can require; no agent can be asked to sacrifice more under partial compliance than she would under full compliance. If the co-
a very significant change in lifestyle for most of those living reasonably comfortable lives and would require sacrifices that would constrain the satisfaction of our associative duties. Would the introduction of an associate-multiplier significantly reduce the amount of sacrifice an impersonal point of view would otherwise require? Given the very high benefit-to-cost ratio of many relief operations – where I can save many lives by very small contributions – it's difficult to see how an associate-multiplier would significantly reduce utilitarianism's demands for aid under normal conditions of partial compliance unless the multiplier is very large indeed. If the multiplier is this large and is constant across different contexts, then associational demands are likely to defeat impersonal demands in all other contexts. As we approach full compliance, an associate-multiplier view would recognize no duties to non-associates. The resulting view would verge on a complacent moral theory that recognizes no impartial demands. But if we do not make the multiplier this large, self-referential altruism will, in actual circumstances of partial compliance, be forced to give precedence on most occasions to duties toward non-associates. It is hard to see how self-referential altruism with this sort of associate-multiplier would be much different from utilitarianism.

Still another form of dualism would treat either of these two kinds of moral demand – impartial demands to promote the good and partial associational demands – as a limiting condition on the other. But if the limiting condition is not to silence the limited condition, then the limiting condition cannot be set too high; the moral threshold that it sets – whether partial or impartial – must be one that can be met in a way that leaves large scope for the other sort of moral demand.

These forms of dualism try to effect theoretical reconciliation of the demands of partiality and impartiality while treating each demand as pervasive, in the sense of applying to all moral issues, and as creating potentially inexhaustible demands. The prospects for accommodation might be improved if we relaxed these assumptions. First, we might treat each perspective as generating imperfect duties in the sense that it sets some non-negligible threshold level of attention that agents must devote to impartial or partial demands but allows the agent some discretion about how and when to meet this threshold. Secondly, we make it easier to accommodate these threshold requirements if we can identify different spheres within which the demands of partiality and impartiality should operate. In an ideal world in which local or large-scale associations made impartial provision of the resources, edu-

sequentialist can incorporate Murphy's Co-operative Principle in a way that is not ad hoc, she can plausibly argue that consequentialism, though not complacent, is not overly demanding.
cation, and opportunities for self-development to each of its members, each agent would then be free to express partial commitments to herself and her associates in various spheres of her life, such as in her community, at her work, and within her family. But the background condition necessary to give partiality such free reign involves a level of social and political equality that we can only hope to approximate. In non-ideal circumstances, in which, from natural or man-made causes, many people lack these goods, agents who do have these goods will have to make non-negligible – but not limitless – contributions to non-associates. This can be done in predictable and comparatively non-intrusive ways through community and international charitable organizations. Agents who have met these threshold impartial demands would then be free to act on their partial commitments in various spheres.39

I am conscious that this dualistic suggestion for accommodating the potentially conflicting demands of partiality and impartiality remains imprecise about how these thresholds are to be set and suspiciously close to a familiar kind of western liberal orthodoxy about the nature and extent of our duties toward non-associates. But at the moment I see no better prospects for accommodating the equally real demands of impartiality and associative duties.40

dbrink@ucsd.edu

39 These claims about accommodation bear some resemblance to claims Nagel and Scheffler make about the reconciliation of personal and impersonal moral demands. See Thomas Nagel, *Equality and Partiality*, New York, 1991; and Scheffler, *Human Morality*, esp. ch. 8. The idea that partial and impartial moral demands might be best accommodated in different ethical spheres also bears some resemblance to Hegelian claims that different aspects of freedom are realized best in the different spheres of the nuclear family, civil society, and the state.

40 I have benefited from useful discussion with an audience at the International Society of Utilitarian Studies, March 2000, at Wake Forest University.