

No Plausible Prerogative without Restrictions

One potentially attractive approach to the justification of deontic restrictions comes in the form of the idea that there is no plausible agent-centred prerogative without there being deontic restrictions. Thus, if there were a credible rationale for an agent-centred prerogative and if such a prerogative could be plausibly defended only if accompanied by restrictions, we would have an indirect justification for deontic restrictions. Let me elaborate.

The basic idea of the argument I here call »No Plausible Prerogative without Restrictions« has been developed against the backdrop of Scheffler's work. In his *The Rejection of Consequentialism* (1982), Scheffler delineates a spectrum of normative theories. At one end of this spectrum are what Scheffler calls »fully agent-centred theories«. Many traditional deontological theories fall into this category. Fully agent-centred theories include both deontic restrictions and what Scheffler calls an »agent-centred prerogative«. An agent-centred prerogative allows each agent to allot disproportionately more weight to her own interests, as opposed to the interests of others, when contemplating what she morally ought to do. Accordingly, an agent-centred prerogative will have the effect of allowing each agent to not do what is optimal, even in cases in which there are no deontic restrictions or deontic constraints limiting her pursuit of the good.¹³⁰ At the other end of the spectrum of moral theories and opposed to fully agent-centred theories, which include both restrictions and an agent-centred prerogative, are consequentialist theories, which know neither prerogatives nor restrictions. Against the backdrop of this spectrum, Scheffler then argues that there is a middle ground between the extremes that deserves more philosophical attention than it has so far received. In particular, he argues that views that include an agent-centred prerogative, but not deontic restrictions, should be considered more extensively. Such »hybrid views« should get more attention, according to Scheffler, because it seems much easier to identify a plausible rationale for an agent-centred prerogative than to identify a plausible rationale for deontic restrictions (this is Scheffler's asymmetry thesis). Moreover, the rationale for an agent-centred prerogative is not simultaneously a rationale for deontic restrictions (this is Scheffler's independence thesis).

130 Theories that include an agent-centred prerogative will thus allow for supererogation. For there will be situations in which an agent is allowed to do both what is optimal and what is non-optimal.

A number of authors have challenged Scheffler's hybrid theory. On the one hand, it has been argued that an agent-centred prerogative (ACP) will have rather unpalatable implications if it remains unchecked by deontic restrictions. On the other hand, it has been pointed out that Scheffler's theory is theoretically unstable in that the rationale he offers for the introduction of an agent-centred prerogative would also constitute a rationale in favour of the introduction of deontic restrictions. In accordance with these two strands of criticism, we can distinguish two versions of the argument that I have here summarised under the label »No Plausible Prerogative without Restrictions« (NPPWR). The first version of the argument says that ACPs without adequate restrictions have implausible implications. Therefore, there are restrictions. This is the argument implied by Kagan (1984), defended by Alexander (1987), and discussed by Scheffler (1992). Call it the no-plausibility version of NPPWR. The second version says that the rationale that underlies ACPs also justifies deontic restrictions. As Mack puts it: »a prerogative not clothed with restrictions fails to satisfy the rationale for the introduction of that prerogative« (Mack 2005, 361). This second version is defended by Mack (2005) and Schmitz (1990). Call it the no-satisfaction version of NPPWR.

In what follows, I will discuss both versions in turn. In section 8.1, I will first outline two objections that apply only to the no-plausibility version of the argument. While the first of these two objections will miss its targets, the second will turn out to be decisive. In section 8.2, I will discuss the no-satisfaction version of NPPWR. My conclusion will be that this version can motivate the introduction of some kind of constraint, but not of deontic restrictions in the way they are understood in the context of this thesis.

Against this backdrop, a short terminological note should be in order. Scheffler does not distinguish between deontic constraints and deontic restrictions. He uses the label »agent-centred restrictions« to discuss both phenomena. The authors responding to his work follow him in this practice.¹³¹ I will deal with this situation as follows. Whenever I adopt the labels of these authors or some variant of them (»agent-centred restrictions«, »ACRs«, »deontological restrictions«, »restrictions«) I will take this to mean »deontic constraints and deontic restrictions«. Only when the nouns »constraint« and »restriction« are preceded by the qualifier »deontic«, I will take this to denominate the notions that I circumscribed in defining »deontic constraint« and »deontic restriction«, respectively.

¹³¹ Schmitz (1990) mentions the ambiguity of Scheffler's notation, but makes use of it nonetheless.