*Author’s Preprint. Please cite published version.*

DIMENSIONS OF DEMANDINGNESS[[1]](#footnote-1)

FIONA WOOLLARD

The Demandingness Objection is the objection that a moral theory or principle is unacceptable because it asks more than we can reasonably expect. David Sobel, Shelley Kagan and Liam Murphy have each argued that the Demandingness Objection implicitly – and without justification – appeals to moral distinctions between different types of cost. I discuss three sets of cases each of which suggest that we implicitly assume some distinction between costs when applying the Demandingness Objection. We can explain each set of cases, but each set requires appeal to a separate dimension of the Demandingness Objection.

*I.*

*Objections to the Demandingness Objection.* The Demandingness Objection is the objection that a moral theory or principle is unacceptable because it is too demanding: it asks more than we can reasonably expect. Although classically associated with Act–Consequentialism[[2]](#footnote-2), the Demandingness Objection has been applied to a wide range of other theories and principles, including Scanlonian Contractualism (Ashford 2003), Kantian Ethics (van Ackeren and Sticker 2015) and principles of beneficence (Cullity 2004; Wellman 2005) and distributive justice (Miller 1999). However, the Demandingness Objection itself faces a powerful family of criticisms, based on the worry that our intuitive understanding of what it is for a theory or principle to count as demanding cannot withstand scrutiny. David Sobel, Shelley Kagan and Liam Murphy have each argued that the Demandingness Objection only appears plausible because it implicitly – and without justification – appeals to moral distinctions between different types of cost (Sobel 2007, Kagan 1984; 1989, p. 19-24, Murphy 2000, chapter 3). Some costs are seen as relevant to whether a theory or principle is demanding while others are not. Sobel focuses on the implications of these observations for the Demandingness Objection as an objection against Act–Consequentialism. To accept that different types of costs are morally distinct is already to reject Act–Consequentialism. So, Sobel argues, even if the moral relevance of these distinctions can be justified, the Demandingness Objection is not an independent objection to Act–Consequentialism (Sobel 2007).[[3]](#footnote-3) Even if there is a special problem here for the Demandingness Objection as applied to Consequentialism, this family of criticisms should be of concern for any application of the Demandingness Objection. If the objection that a theory or principle is too demanding is to have any force, there must be a defensible understanding of what costs count as demanding.

I respond to both the general worry and Sobel’s more specific worry. I argue that it is appropriate for some costs and not others to count when assessing the demandingness of a theory or principle. I first set out three sets of cases each of which suggest that we are implicitly assuming some distinction between different types of costs when applying the Demandingness Objection. I then argue that we can explain each set of cases, but that each set requires appeal to a separate aspect of the Demandingness Objection. In determining which costs to count, we must pay attention to the background motivation of the Demandingness Objection, the context in which a theory or principle is assessed as being demanding, and the different ways in which a theory or principle can be demanding. Paying attention to these different dimensions of the demandingness objection leads to an account on which (a) costs suffered by an agent as a moral agent count towards demandingness but costs suffered as a moral patient do not count; (b) in practice demandingness objections appeal to costs an agent must suffer rather then allowing harm but not those which she must suffer rather than doing harm; (c) costs imposed in common cases count more towards demandingness than costs imposed in rare emergencies.

II

*Three Cases/ Pairs of Cases*. The first example comes from David Sobel:

*The Kidney Case*

Joe has two healthy kidneys and can live a decent but reduced life with only one. Sally needs one of Joe’s kidneys to live (Sobel 2007, p. 3).

Intuitively, any theory or principle that required Joe to give up his kidney to help Sally would be subject to the Demandingness Objection. As Sobel points out, any principle or theory that makes it permissible for Joe to refuse to donate his kidney to Sally leaves her facing an even greater cost than Joe would face were he to donate. If Joe does not donate, Sally will die. We need to explain why the cost to Joe counts towards demandingness while the cost to Sally does not (Sobel 2007, p. 3).

 The second pair of examples comes from Shelly Kagan:

*The Inheritance Cases*

Shelly’s rich uncle will leave him one million dollars unless Shelly tells him to donate it to famine relief. This donation could save many lives.

Sam’s mother is pregnant with a boy. If Sam’s rich, misogynistic, uncle dies before her mother gives birth, Sam will inherit a fortune. If not, her baby brother will inherit everything. The uncle is currently in good health so is unlikely to die in time unless Sam kills him (Kagan 1989, p. 22).[[4]](#footnote-4)

Intuitively, we would count a theory that required Shelly to tell his uncle to donate the money to famine relief as too demanding. We do not count a theory that requires Sam to refrain from murdering her uncle as too demanding. As Kagan points out, in both cases the cost to the agent is the same: in both cases, the agent is asked to forgo the prospect of gaining one million dollars to avoid countenancing the death of some other or others.[[5]](#footnote-5) Liam Murphy uses similar examples to show that demandingness objections typically ignore costs from areas of morality other than beneficence (Kagan, 1989, p. 23. Murphy, 2000, p. 37).[[6]](#footnote-6)

 The final pair of cases is borrowed from Peter Unger:

*The Pension Cases*

Due to recent changes to the pension laws, Frank can withdraw all or part of his pension savings in a lump sum. He could give most of this to a charity, sacrificing his comfortable retirement but saving many lives.

Bob has invested his pension savings in a very rare, uninsurable, mint condition Bugatti automobile, expecting to sell it at a large profit in a few years. A runaway trolley is racing towards a trapped child. Bob can press a switch, moving the runaway trolley to a different track. If he does so, the child will live, but the train will hit and destroy Bob’s Bugatti. Instead of a comfortable retirement, he will barely be able to make ends meets (Unger 1996,p.135-6).

A theory that required Frank to withdraw his pension savings would generally be seen as too demanding. In contrast, we don’t seem to think it is too demanding to ask Bob to give up his comfortable retirement in the Bugatti case. Most plausible moral theories will require agents to make very significant sacrifices in emergencies like this, but we do not typically object that the theories are therefore unacceptably demanding.[[7]](#footnote-7)

 Each of these three cases/ pairs of cases illustrates that our judgements of when a theory or principle counts as demanding implicitly distinguish between different costs. Some costs count towards demandingness; others do not. Unless we can defend these distinctions, the Demandingness Objection will lose much of its force.

III

*The Kidney Case: Agent Costs versus Patient Costs*. In the kidney case, we count a theory as demanding when it requires Joe to sacrifice his kidney to save Sally’s life, but we do not count it as demanding for a theory to allow Sally to die rather than require Joe to give her his kidney. I will defend this by arguing that the Demandingness Objection is about what is *demanded of the agent*: it focuses on costs to the agent as a moral agent. By the costs suffered by an agent as a moral agent I mean costs suffered by an agent that she has the opportunity to avoid but only by failing to conform to the relevant moral demand. These costs generate a distinctive objection because they have a distinctive structure.

In the original Kidney case, Sally suffers the cost of not receiving a kidney merely as a patient. The permissibility of Joe refusing to donate his kidney does not place any requirements on Sally. Even if we assume that Sally could use either persuasion or force to procure Joe’s kidney, this does not mean that a theory or principle permitting Joe to refuse to donate places demands on Sally as a moral agent. It would be a requirement for *Sally* not to use these means to acquire the kidney that placed demands on Sally as a moral agent.[[8]](#footnote-8)

We may sometimes have intuitions that there is something like a Demandingness Objection in cases where someone suffers costs merely as a patient. Consider Sobel’s variation of the kidney case in which Brad is required to kidnap Sobel and take his kidney to give to Sally (Sobel 2007, p. 7). Suppose that Brad is much stronger and Sobel would not be able to resist. On my view, there is no Demandingness Objection based on the costs to Sobel because he suffers these costs merely as a patient. We can explain the contrary intuition by noting that (a) it would be too demanding for Sobel to be required to accede to Brad’s action if he could resist; (b) requirements to take from a person more than he is required to give are prima facie suspect.

 The proposal that the relevant costs are those suffered as a moral agent fits with the idea that what we are concerned with is what is demanded of us by a moral theory. As Brian McElwee notes: ‘something is being *demanded* of an agent in a way that it is not being demanded of the patients. It is the agent alone who is being called to action by the theory.’ (McElwee *forthcoming*).

Sobel describes the appeal to the notion of what can be properly called a demand as ‘the linguistic argument’. Such an argument, he notes, cannot vindicate a Demandingness Objection that only counts some costs as relevant to demandingness. Without further argument for the special moral importance of those costs that can be properly called demands, it is unclear why such a Demandingness Objection should have any force (Sobel 2007, p. 8).

I admit that an appeal to linguistic intuitions about what counts as ‘a demand’ cannot *on its own* justify drawing distinctions between costs. Nonetheless, I think we should pay attention to the linguistics. ‘Demand’ and its cognates show up all over discussion of the Demandingness Objection. The very name of the objection includes the word ‘demandingness’. Typical explanations of the objection refer to thoughts that theories or principles ‘ask too much of us’ (Sobel 2007, p. 1), or ‘demand more of us than it is reasonable to demand’ (Hooker 2009). We should take seriously the possibility that people explain the Demandingness Objection in this way because they are trying to point to an objection that distinctively concerns what a theory demands of us, rather than other types of costs associated with a given theory. If we can find a distinctive type of cost associated with what is demanded of us and a reason for being concerned about that type of cost, then we will have vindicated this version of the Demandingness Objection.

 We can meet this challenge. The costs that a theory demands are those suffered by an agent as a moral agent. These are costs that she has the opportunity to avoid but only by failing to conform to the relevant moral demand. This is a distinctive type of cost, worthy of its own distinctive objection, because it has a distinctive structure: the agent must choose between accepting the cost and failing to conform to the moral demand. When a moral theory leads to a person suffering a cost purely as a patient, the person who will suffer the cost will not face such a choice.

I will now suggest a reason to be concerned with what a theory demands i.e. with the costs that an agent suffers as a moral agent. Costs suffered as a moral agent have a distinctive structure. The agent must choose between accepting the cost and failing to conform to the moral demand. This means that costs that an agent suffers as a moral agent raise distinctive questions: they raise questions about the reasonableness of expecting an agent to conform to the moral demands. An underlying concern of the Demandingness Objection is the worry that some theories or principles ask so much of the agent that they mean it is not reasonable to expect an agent to choose to conform to the moral principle. Behind this lies the thought that morality should be such that it is generally reasonable to expect an agent to choose to conform to it. The Demandingness Objection charges that the target theories do not meet this condition. Because questions of the reasonableness of expecting an agent to conform to morality only arise with respect to costs suffered as a moral agent, it is costs suffered as a moral agent that these versions of the Demandingness Objection are concerned with.[[9]](#footnote-9)

This argument is not based on the thought that morality must provide overriding reasons for action in the sense that any act that is morally required must also be rationally required.[[10]](#footnote-10) First, the focus of attention is on the reasonableness of expecting an agent to conform to a moral theory or principle generally. Suppose we admit that morality need not be always overriding. There can be cases where morality asks so much of an agent that the agent’s overall reasons suggest he should not make that sacrifice – and yet the sacrifice really is morally required. One can admit this while still holding that such cases must be rare. Morality must for the most part make demands that we overall ought to live up to. Second, holding that it must be reasonable to expect an agent to conform to morality does not require us to think that an agent who acts immorally is acting irrationally.

A natural next suggestion would be that an agent must have sufficient reason to conform to a moral theory or principle. However, proponents of the Demandingness Objection do not want to deny that an agent has sufficient reason to do what is morally best even if this is supererogatory because it involves such huge personal sacrifices.

Nonetheless, the idea that it must be reasonable to expect an agent to conform to morality does relate to the relationship between moral requirements and what an agent has reason to do. Here is a rough sketch of how we might spell out this idea. The details depend upon one’s view of the nature of practical rationality. Suppose Alice and Zoe are both deciding how much of their money to donate to famine relief. Alice gives away as much as possible, retaining only as much as she needs to stay productive. Zoe does not give any money away. We might suppose that they are in relevantly similar situations and thus that the reasons there are to act in one way rather than another are the same for both. Despite this, the two end up with very different conclusions about how to act. There are various different ways of explaining how the two could, without being irrational, have come to such different conclusions. To remain neutral, we might, somewhat vaguely, say that Alice gives other–regarding or impersonal reasons a far greater role in her deliberation than Zoe does. Zoe, in contrast, assigns a greater role to reasons relating to her own personal goals and projects. Let us call a given way of assigning force to reasons in deliberating a ‘Reasons Weighting’. (This is not meant to imply that deliberating is a matter of balancing reasons like weights on a cooking scale.) Alice ‘uses a Saint’s Reasons Weighting’ and Zoe ‘uses a Sinner’s Reasons Weighting’.

Any given Reasons Weighting generates conclusions about what the agent ought to do. If a given Reasons Weighting, RW, generates the conclusion that the agent ought to X, I shall say that she ought to X *relative to RW.[[11]](#footnote-11)*

I now introduce the Reasons Weighting *of a Minimal Reasonable Agent*. Reasonable agents lie somewhere in between saints and sinners. Reasonable agents are not totally self-absorbed. They have a reasonable concern to act morally. However, they also care about their own lives and personal projects out of proportion to the value of these things from an impersonal point of view. Thus the Reasons Weighting of a Reasonable Agent gives moral concerns[[12]](#footnote-12) a significant role in generating conclusions about what to do, but also gives a significant role to reasons springing from the agent’s own personal goals and projects, giving these reasons greater weight than they would have from the impersonal point of view. It is plausible that there is a range of Reasons Weighting of Reasonable Agents. The Reasons Weighting of a Minimal Reasonable Agent is the reasons weighting which gives the highest priority to personal reasons while still retaining a reasonable concern to act morally.[[13]](#footnote-13)

I suggest that when we say that it must be reasonable to expect an agent to conform to a moral theory or principle, we mean to say something about what the agent ought to do on the Reasons Weighting of a Minimal Reasonable Agent. We want to rule out the possibility that for the most part, on the Reasons Weighting of a reasonable agent, the agent *ought* *not* to conform to the theory or principle. In other words, we want to rule out the possibility that giving both moral reasons and personal reasons the kind of force assigned to them by a (minimally) reasonable agent leads to the conclusion that the agent has decisive reason not to conform.[[14]](#footnote-14)

One might worry that there is some circularity here. Is what counts as a reasonable agent going to depend upon a prior understanding of how much morality can demand of us? There is interdependence here but not vicious circularity. First, we have two separate questions here: (1) how much may morality demands of us? and (2) what overall reasons would an agent with a reasonable concern to act morally have? Second, Demandingness Objections can proceed by negative argument: given an understanding of what the target theory or principle demands, we can argue that it must be reasonable to weigh reasons in such a way that one ought not to give up so much.

It is appealing to think that morality cannot be such that, for the most part, on the Reasons Weighting of a Minimal Reasonable Agent, I ought not to do what is morally required. This fits with the sense of moral requirements as picking out the minimum acceptable behaviour according to a set of standards by which we can all be expected to live. Sobel (2007, p. 16), Singer (1993, pp. 320-1; 1999, pp. 308-9) and Dorsey (2012) all suggest alternative pictures on which it may often be unreasonable to expect an agent to act morally. On these pictures, after working out what morality requires, we then need to consider our own priorities, projects and relationships, deciding whether the moral requirement demands too much. Such a picture puzzles me. These seem to be calculations that ought to take place within morality.

I suggest we understand the Demandingness Objection as an objection that some theories or principles demand so much that this condition is no longer met: they imply that it is not, for the most part, reasonable to expect an agent to conform to morality. If the Demandingness Objection is understood in this way, then the costs relevant to demandingness are the costs that an agent faces as a moral agent: those costs which she could avoid but only by refusing to comply with the theory or principle. This explains why one might think that a theory that requires Joe to donate his kidney to Sally counts as unacceptably demanding on Joe, but a theory that permits Joe to refuse to give his kidney to Sally, with the result that Sally dies, does not count as unacceptably demanding on Sally. In fact, I think it is an open question whether a requirement to give a kidney under certain circumstances really would be too demanding. Perhaps a requirement to donate a kidney in at least some circumstances may be compatible with its being the case that, it is for the most part reasonable to expect agents to comply with morality.[[15]](#footnote-15) Nonetheless, the cost to Joe of being required to donate the kidney, unlike the cost to Sally of Joe not being required to donate the kidney, is relevant to working out whether a proposed principle or theory meets this condition.

IV

*Inheritance Cases: Doing versus Allowing Harm.* We now turn to the second set of cases:

*The Inheritance Cases*

Shelly’s rich uncle will leave him one million dollars unless Shelly tells him to donate it to famine relief.

Sam’s mother is pregnant with a boy. If Sam’s rich, misogynistic, uncle dies before her mother gives birth, Sam will inherit a fortune. If not, her baby brother will inherit everything. The uncle is currently in good health so is unlikely to die in time unless Sam kills him (Kagan 1989, p. 22).

Intuitively, a theory that required Shelly to tell his uncle to donate the money to famine relief would count as too demanding. However, a theory that requires Sam to refrain from murdering her uncle would not count as too demanding. The puzzle seems to be why we seem to count the costs of complying with constraints against allowing harm towards demandingness but not the costs of complying with constraints against doing harm. However, my response to this set of cases is not to argue that costs against allowing harm count more towards demandingness than costs against doing harm. I argue that both types of costs can affect how demanding a theory is. Nonetheless, Demandingness Objections in practice rarely appeal to costs arising from constraints against doing harm.

First, I will say a little bit about why both types of costs can affect how demanding a theory is. As Liam Murphy has pointed out, when we ask what costs an agent suffers by complying with a theory or principle, we need to decide what to use as the baseline for comparison. Murphy notes that many ways of choosing the baseline appear to incorporate prior moral judgements, to cast doubt on the relevance of claims that a theory is demanding or to clash with our intuitions about demandingness (Murphy 2000, Chapter 3).

On my account, we are interested in the costs that an agent could avoid by refusing to comply with the moral theory. The appropriate comparison is between the agent’s wellbeing[[16]](#footnote-16) if she complies with the theory and the highest level of wellbeing she could reasonably be expected to achieve if she felt free not to comply with the theory.[[17]](#footnote-17) We hold other factors, such as the behaviour of other agents, constant. This means that we initially generate judgements of how demanding a theory is for a particular type of agent in a given situation. A Demandingness Objection might state that a theory is too demanding overall or that it is too demanding on, for example, a typical person living in a relatively affluent country in the beginning of the 21st century. How demanding a theory is overall is a function of what it requires of agents in different situations.

My way of understanding the Demandingness Objection avoids the first two parts of the Problem of the Baseline. It does not presuppose prior moral judgments. Nor does it cast doubt on the relevance of claims that a theory is demanding: as I have argued, there is a reason to be concerned with these distinctive costs. My account may seem to fall prey to Murphy’s remaining objection: it may clash with our intuitions about demandingness. In situations like the second Inheritance Case, the agent could be much better off if she felt free not to comply with a constraint against killing. My theory counts costs like this towards demandingness. This clashes with our intuitive judgment that a principle that requires Shelly to tell his uncle to donate the money to famine relief is too demanding but a theory that requires Sam to refrain from murdering her uncle is not.

I explain by noting that we almost never raise a Demandingness Objection against a theory or principle because it forbids Sam from killing her uncle. In contrast, we often raise a Demandingness Objection against a theory or principle because it requires Shelly to persuade his uncle to give away his inheritance. This is because when we raise a Demandingness Objection to a theory or principle, we usually do so within a context of enquiry in which the class of comparison theories is implicitly or explicitly fixed. A theory without constraints against doing harm is not usually part of this context of enquiry.

 Consider, for example, the common objection that Act–Consequentialism is too demanding. When this objection is raised against Act–Consequentialism, the implicit class of comparison theories is: commonsense morality and some set of other academic moral theories, perhaps including Rule–Consequentialism, Scanlonian Contractualism, Rossian Deontology. The claim is that Act–Consequentialism is much more demanding than *those* theories. Neither Act–Consequentialism nor any of the theories in the comparison set would permit Sam to kill her uncle in order to inherit the money. Act–Consequentialism requires Shelly to give away his inheritance, but (at least at first glance) the other theories do not. Thus the demandingness of the cost to Shelly is relevant to the Demandingness Objection to Act–Consequentialism but the demandingness of the cost to Sam is not.

 We can bring this idea out by considering another alternative to Act–Consequentialism: Scheffler’s Hybrid Theory. Scheffler’s Theory includes one departure from standard Act–Consequentialism: an agent–centred prerogative. Agents are permitted to assign a certain proportionately greater weight to their interests relative to the interests of other people. An agent may choose the outcome that is best for her, even in cases where the loss to others outweighs the gain to her, provided that the size of the loss to others is less than or equal to M times the gain to her (where M is some prespecified constant) (Scheffler 1982, p. 20)[[18]](#footnote-18) Scheffler’s theory differs from commonsense morality in that it contains prerogatives to fail to promote the good but not constraints against promoting the good. Thus, on an appropriately specified M, Scheffler’s theory would require agents to aid when commonsense morality would not, but would permit agents to do harm when commonsense morality would not. On a view on which costs from constraints against doing harm do not count towards demandingness, this version of Scheffler’s theory would be more demanding than commonsense morality. I think that commonsense morality and the appropriate version of Scheffler’s theory are *equally demanding*. They are both much less demanding than standard Act–Consequentialism. The Demandingness Objection may tell us to prefer either commonsense morality or Scheffler’s theory to standard Act–Consequentialism. Other arguments are required to choose between commonsense morality and Scheffler’s theory.

 None of the plausible moral theories is the least demanding moral theory. They are all more demanding than, for example, moral egoism. There are many good reasons to rule out a moral theory like moral egoism that permits agents to do serious harm to others for personal gain. When putting forward Demandingness Objections, we assume that a certain level of demandingness is acceptable to avoid such theories. The Demandingness Objection criticizes a theory such as Act–Consequentialism for being *too* demanding, not for being somewhat demanding. Indeed, the claim is that Act–Consequentialism so demanding that it does not meet the condition that morality must be such that we can such that it is generally reasonable to expect an agent to choose to conform to it. The theories in the implicit comparison set are held in the background as examples of plausible versions of morality that *do* leave morality such that it is generally reasonable to expect an agent to conform to it.[[19]](#footnote-19)

 When it comes to Demandingness Objections to moral principles, rather than to complete moral theories, we consider these against an implicitly assumed background of other moral principles that are held constant. For example, when assessing a principle of beneficence, we typically hold constant principles concerning the acquisition and transfer of property, special obligations to one’s family and, most relevant to the inheritance case, the distinction between doing and allowing harm. These background principles are not questioned for the purpose of assessing the principle of beneficence, but are supposed to be defended elsewhere with other arguments.

 Thus, whenever a Demandingness Objection is raised, there are other arguments implicitly appealed to in the background. Contra Sobel, I do not think that this undermines the status of the Demandingness Objection as an independent objection against Act–Consequentialism. This is so even if some of the background arguments would be enough to reject Consequentialism. As argued in the previous section, Demandingness Objections raise a distinctive ground for rejecting a moral theory: the reasonableness of expecting an agent to choose to conform to that theory. Moreover, suppose that without some further argument, the Demandingness Objection does not decide between commonsense morality and some other alternative to Act–Consequentialism on which doing and allowing harm are treated equally. Suppose that the further argument needed would itself be enough to reject Act–Consequentialism. We still have an independent Demandingness Objection against Act–Consequentialism, which shows that, without considering doing versus allowing harm, we should reject Act–Consequentialism in favour of either of the two alternative theories.

V

*Pension Cases: Frequent versus Infrequent Demands.* We now move to the final set of cases:

*The Pension Cases*

Frank can withdraw all or part of his pension savings in a lump sum. He could give most of this to a charity, sacrificing his comfortable retirement but saving many lives.

Bob has invested his pension savings in a very rare, uninsurable, mint condition Bugatti automobile, expecting to sell it at a large profit in a few years. A runaway trolley is racing towards a trapped child. Bob can press a switch, moving the runaway trolley to a different track. If he does so, the child will live, but the train will hit and destroy Bob’s Bugatti. Instead of a comfortable retirement, he will barely be able to make ends meets (Unger 1996, p. 135-6).

Intuitively, a theory that requires Frank to sacrifice his retirement fund to save the lives of many others seems too demanding but a theory that requires Bob to sacrifice his retirement investment to save one life does not.

 There may be several things going on in the Bugatti case that explain why a requirement for Bob to sacrifice his car in this case does not seem demanding. For example, we may be implicitly assuming principles according to which it matters that the cost to Bob occurs as a side-effect of saving the child rather than as a means to doing so. Such an implicit appeal could work the same way as the appeal to the doing/allowing distinction discussed in Section IV. Here I want to take a step back from such factors. One might plausibly argue that we must draw some deontological distinctions of this kind because a theory that did not require Bob to sacrifice his Bugatti would be unacceptable, but a theory that required Frank to sacrifice his pension would be too demanding. This argument would be viciously circular if it is only by assuming the deontological distinctions that we can count a requirement for Frank to make the sacrifice as more demanding than a requirement for Bob to do so.

 Elsewhere, I argued that we should distinguish between the severity and frequency of requirements. ‘The *severity* of the requirement is how much the agent is required to sacrifice. The *expected frequency* of the requirement is how often the requirement is likely to place demands on an agent’ (Woollard 2015, p. 124). The greater the severity and the higher the expected frequency, the more demanding the theory or principle. The situation in which Bob finds himself is highly unusual. A requirement to sacrifice his Bugatti in such cases has a high severity but a low expected frequency. In contrast, for a relatively affluent agent living in an affluent country in the 21st century, Frank’s situation does not seem unusual. Depending on the pension laws, most of us might expect to find ourselves in this situation one day. This difference in expected frequency means than although the requirements have the same severity (they both ask the agent to sacrifice a comfortable retirement), a requirement for Frank to make the sacrifice is much more demanding than a requirement for Bob to do so.

 One might worry that a requirement for Frank to sacrifice does not have a very high expected frequency. Fred will receive his pension lump sum only once. Thus a demand for Fred to sacrifice most of his pension would place demands on him only once in his lifetime. That does not seem like a high expected frequency.

 It is relevant to demandingness that Fred will only face the demand to donate once in his lifetime. We should distinguish between one off sacrifices and repeated sacrifices. A requirement for Fred to give part of his lump sum away is less demanding than a requirement to transfer most of his pension every month (Woollard 2015, p. 131-2). Nonetheless, there is still a significant difference in expected frequency between the requirement on Frank and that on Bob. Bob’s situation is utterly unexpected. Nobody could have predicted that Bob would end up forced to decide whether to save a child by turning a runaway trolley on to his precious car. Indeed, arguably, if he had expected to end up in that position, Bob’s choice to buy the Bugatti would have been foolish or callous. In contrast, depending on the pension laws, most of us might expect to end up in something like Frank’s position. The requirement on Bob has an expected frequency that is not far off 0. The requirement on Frank has an expected frequency that is not far off 1. When such a severe sacrifice is in question, an expected frequency of not far off 1 is enough to make the sacrifice extremely demanding.

 Appeal to expected frequency explains the intuitive difference in demandingness between the requirement for Frank to aid and the requirement for Bob to do so. It also has some surprising implications. As Murphy has noted, most versions of the Demandingness Objection apply to situations of partial compliance (Murphy 2000, p. 12-13). The claim is typically not that a moral theory would be demanding in the ideal situation in which everyone complied, but that it is demanding on typical agents in the current situation in which most people do not comply. But the current situation in which most people do not comply is not privileged from the point of view of the theory. The ideal situation in which everyone complies with the theory may be seen as having a distinctive significance in assessing the demands of a theory. We might be justified in giving more weight to claims that a theory is demanding in the ideal situation than to claims that it is demanding in some other situation. But this does not seem to be the case with our current situation. It is only true that most of us can expect to be in a situation like Frank’s because of the situation of partial compliance in which we live. If we are going to take seriously the objection that a requirement for Frank to aid is too demanding, we need to take seriously complaints of demandingness arising from other situations of partial compliance: for example, war zones. From the outside if may seem as if the requirement to make severe sacrifices in a situation like a war zone has a low expected frequency. However, for people born within a war zone, these requirements have a high expected frequency. If we are going to appeal to expected frequency, we may need to reassess our often too easy assumptions that people facing the moral challenges associated with war zones are required to make very high sacrifices. Alternatively, we need to appeal to other morally relevant factors to explain why a sacrifice is required in a given case when it is not required in Frank’s case. We may have to let go of the thought that some demands are just too demanding full stop.

*Philosophy*

*School of Humanities*

*University of Southampton*

*Southampton*

*S017 1BJ, UK*

*f.woollard@soton.ac.uk*

*REFERENCES*

Ashford, Elizabeth 2003: ‘The Demandingness of Scanlon’s Contractualism’, *Ethics*, 113 (2), pp. 273-304.

Brandt, Richard 1979: *A Theory of the Good and the Right*, Oxford: Clarendon Press.

Cullity, Garrett 2004: *The Moral Demands of Affluence*, Oxford: Clarendon Press.

Dorsey, Dale 2012: ‘Weak Anti-rationalism and the Demands of Morality’, *Nous* 46 (1), pp. 1-23.

Hooker, Brad 2009: ‘The Demandingness Objection’ Tim Chappell (ed.), *The Moral Problem of Demandingness*, Palgrave Publishers, 2009, pp. 148–62.

Kagan, Shelley 1984: ‘Does Consequentialism Demand Too Much?,’ *Philosophy and Public Affairs* 13, pp. 239-54.

Kagan, Shelley 1989: *The Limits of Morality*, Oxford University Press.

McElwee, Brian *forthcoming*: ‘What is Demandingness?’

Miller, David 1999: *Principles of Social Justice*, Cambridge MA: Harvard University Press.

Murphy, Liam 2000: *Moral Demands in Nonideal Theory*, New York: Oxford University Press.

Scheffler, Samuel 1982: *The Rejection of Consequentialism*, New York: Oxford University Press.

Singer, Peter 1993: *Practical Ethics*, 2nd. ed. Oxford: Oxford University Press.

Singer, Peter 1999: ‘A Response’ in Singer and his Critics, ed. Jamieson, Malden, MA: Blackwell, pp. 308-9.

Sobel, David 2007: ‘The Impotence of the Demandingess Objection’, *Philosophers’ Imprint,* 7 (8), pp. 1-17.;

Unger, Peter 1996: *Living High and Letting Die: Our Illusion of Innocence,* Oxford.

van Ackeren, Marcel, Sticker, Martin 2015: ‘Kant and Moral Demandingness’, *Ethical Theory and Moral Practice* 18 (1), pp 75-89.

Wellman, Christopher H. 2005: ‘Famine Relief: The Duties We Have to Others.’ In *Contemporary Debates in Applied Ethics*, ed. Andrew Cohen and Christopher Wellman, Oxford: Blackwell, p. 31.

Williams, Bernard 1973: ‘A Critique of Utilitarianism’, In *Utilitarianism: For And Against*, ed. J.J.C. Smart and Bernard Williams, Cambridge: Cambridge University Press.

Woollard, Fiona 2015: *Doing and Allowing Harm*, Oxford: Oxford University Press.

1. This paper was delivered at the Proceedings of the Aristotelian Society, the University of Southampton, the Centre for Ethics, Law and Public Affairs at the University of Warwick, and the Open Minds XI Conference at the University of Manchester. I would like to thank audience members for helpful comments. [↑](#footnote-ref-1)
2. See, for example, Williams (1973): Sections 3-5; Brandt (1979), p. 276. [↑](#footnote-ref-2)
3. This worry can also be found in Murphy (2000), p. 39. [↑](#footnote-ref-3)
4. I have changed names and added some details to Kagan’s original case. [↑](#footnote-ref-4)
5. In Inheritance Case 1, the avoidable deaths are those of the famine victims. In Inheritance Case 2, the avoidable death is that of Sam’s uncle. I thank Conor McHugh for pressing me to make this clearer. [↑](#footnote-ref-5)
6. This reading of Kagan and Murphy is taken from Sobel (2007), p. 4-5. [↑](#footnote-ref-6)
7. See also Murphy (2000) p. 40 footnote, Sobel (2007), p. 10-11. [↑](#footnote-ref-7)
8. I thank Mat Coakley for helpful comments. [↑](#footnote-ref-8)
9. Sobel suggests that it would be odd to call a theory demanding because it asks a person to bear quite large costs as an agent if it leaves her overall better off because she receives significant benefits as a patient. (Sobel 2007, p. 10). On my view, the benefits that an agent gains through compliance with a moral principle are relevant to the reasonableness of expecting her to comply with it, but in complicated ways. There may be a moral “free rider” or “fairness” complaint against an agent who proposes to benefit from the compliance of others without also complying. Such reasons for compliance do not affect how demanding the theory is, but may be used after demandingness calculations have been made to show that less demanding alternatives to a theory are unacceptable. [↑](#footnote-ref-9)
10. See Sobel (2007), p. 16; Dorsey (2012). [↑](#footnote-ref-10)
11. It might be that I ought to perform an action relative to some Reasons Weighting and yet not that I ought to perform the action in any normatively significant sense. [↑](#footnote-ref-11)
12. I use the term ‘moral reasons’ to cover reasons concerning the wellbeing of others as well as considerations such as fairness and honesty. It is not a problem for my argument if we cannot give a clear analysis of which reasons count as moral reasons independently of a moral theory. It is enough if we can identify cases in which the force that it is reasonable to attach to personal concerns give one decisive reason not to conform to a moral requirement. I thank Joel Smith and Franziska Poprawe for comments. [↑](#footnote-ref-12)
13. Thanks to Jon Bebb for comments. [↑](#footnote-ref-13)
14. I thank Lee Walters, Conor McHugh, Alex Gregory, Jonathan Way and other participants in the Southampton Philosophy Department Research Day for helping me to get this idea clear. [↑](#footnote-ref-14)
15. I thank Jonathan Way for comments. [↑](#footnote-ref-15)
16. Focusing on overall levels of wellbeing may be too crude. Suppose that Joe is required to give up his kidney only if Sally is a billionaire who will give him so much money that his overall wellbeing is increased. One might still think that it would demand too much for Joe to be required to give up his kidney. I thank Aaron Wilson for pointing this out. [↑](#footnote-ref-16)
17. I thank Alex Gregory and Aaron Ridley for helpful discussion. [↑](#footnote-ref-17)
18. I believe that using the idea of an M-constant to explain Scheffler’s theory originates in Kagan (1984), p. 251. [↑](#footnote-ref-18)
19. I thank Jonathan Way for comments which helped me to clarify this section. [↑](#footnote-ref-19)