

## Index

- act-consequentialism, 17, 43, 54, 100, 176, 186, 187–8, 193, 215, 216, *see also* consequentialism
- act-utilitarianism, 17, 24, 86, 106, 119, 128, 136, 137, 138, 142, 146, 176, *see also* utilitarianism
- Brandt, Richard and, 149–51
- counterintuitive conclusions of, 5, 7, 8, 17, 27
- Hare, Richard Mervyn and, 144, 146, 147
- Mill, John Stuart and, 108–9
- rule-utilitarianism, critique of, 138–43
- twentieth-century critique of, 132–4
- Albee, Ernest, 18, 34, 92
- Anscombe, Elizabeth, 7
- Austin, John, 8, 137
- Paley, William and, 99–100
- Stout, Alan Ker on, 138–9
- Beauchamp, Philip, *see* Bentham, Jeremy
- Bentham, Jeremy, 8, 17, 18, 22, 23, 24, 25, 26, 27, 47, 76, 77, 81, 82, 83–5, 92–100, 101, 102, 105, 106, 118, 127, 137, 140, 141, 152, 153, 154, 162, 190, 217, 218, 220, 222, 223
- human legislation and, 92–4, 97
- indirect legislative perspective and, 97–9
- rejection of natural theology and, 94–7
- secular approach of, 83, 92
- Berger, Peter, 110
- Berkeley, George, 58, 152
- legislative perspective, use of, 59–63
- Locke and, 59, 62
- Birks, Thomas Rawson, 94
- Brandt, Richard, 175, 193
- extended rule-utilitarianism and, 137–8
- ideal code and, 149–50, 195
- legislative approach to morality of, 150–1
- Brink, David O., 108
- Broad, Charlie Dunbar, 129
- Bull, Hedley, 36
- Butler, Joseph, 83, 120, 130, 153, 190
- benevolence, critique of, 73–4
- Hutcheson, Francis and, 76
- legislative perspective and, 73
- Shaftesbury and, 73
- spectator metaphor and, 76
- Cohen, Gerald Allan, 205
- conscience-consequentialism, *see* motive-consequentialism
- conscience-utilitarianism, *see* sanction-utilitarianism
- consequentialism, 7, 10, 127, 173, *see also* act-consequentialism, motive-consequentialism, and rule-consequentialism
- definition of, 3, 5, 22
- disjunctive, 169
- indirect, 164, 194
- institutional, 159
- legislative perspective and, 20
- natural law and, 33–57
- secular, 99, 152
- theological foundations of, 8
- weak, 7, 48, 50, 152, 198
- context
- legislative, 12, 57, 84, 92, 103, 109, 124, 125, 127, 159–61, 164, 167, 168, 169, 209, 211–13
- political, 16, 29, 163, 164, 190, 209, 211–13
- Cooper, Anthony Ashley, *see* Shaftesbury, Third Earl of
- Crimmins, James, 18, 95, 140
- Crisp, Roger, 108, 121
- Cumberland, Richard, 25, 34, 42–7, 57, 101
- Dancy, Jonathan, 11
- Darwall, Stephen, 64, 73
- Davis, Kevin R., 203
- discretion, 3, 6, 13, 15, 163, 168, 210
- Donner, Wendy, 103, 107
- Ewing, Alfred Cyril, 134–5

## Index

227

- fallibility, 3, 4, 8, 10, 16, 23, 25, 46, 47, 55, 57, 62, 63, 65, 79, 80, 87, 91, 102, 112, 152, 193, 194, 198, 206, 207, 208, 212, 215
- Forde, Steven, 39, 40
- Frankena, William, 146
- Fuchs, Thomas, 104, 109
- Gert, Bernard, 172
- Gibbard, Alan, 196–7
- Gill, Michael B., 64
- Goodin, Robert, 28, 159, 161, 162–4
- Grotius, Hugo, 23, 25, 33, 36–42  
legal conventions and, 33–4  
natural law, theory of, 42, 57  
Suarez, Francisco and, 35
- Hardin, Garrett, 77
- Hare, Richard Mervyn, 28, 143–7, 148, 175  
utilitarianism and, 143–7
- Harrison, Jonathan, 132–4
- Harrison, Ross, 94
- Harrod, Roy Forbes, 130–2, 133, 148
- Harsanyi, John, 28, 143, 146, 150  
rule-utilitarianism and, 148–9
- Hart, Herbert L.A., 136
- Hill, Thomas Jr., 151, 159, 181–3, 205
- Hobbes, Thomas, 33, 45, 46, 47, 131
- Hooker, Brad, 22, 28, 159, 174–80, 198, 204
- Hume, David, 59, 68, 97, 153  
justice as an artificial virtue and, 76–81  
rule-based thinking and, 78
- Hutcheson, Francis, 58, 65–72, 101, 152  
legislative perspective and, 69–72  
natural law and, 70  
moral sense and, 70  
Shaftesbury and, 69  
spectator metaphor and, 26
- hybrid approaches, 20, 134, 135, 142, 155  
benefits of, 192–9  
defense of, 29, *see also* legislative perspective,  
hybrid approach, and  
definition of, 7  
rule-utilitarians and, 8
- ideal conscience-utilitarianism, *see* sanction-utilitarianism
- Irwin, Terrance, 34–6, 38, 47
- Johnson, Conrad, 28, 159, 161, 164–6, 169
- justice  
benevolence and, 51, 67, 75  
Hume, David and, 76–81  
legal character of, 59  
Mill, John Stuart and, 106  
non-consequentialist theories of, 20  
non-ideal theory and, 206  
Rawls, John and, 103, 136, 202  
secularization of, 17–19, 26, 76–81, 153  
Sidgwick, Henry and, 121  
utilitarianism and, 143
- Kantianism, *see* Kant, Immanuel
- Kant, Immanuel, 9, 11, 49, 131, 134, 135, 143, 145, 203, 204  
approaches inspired by, 10, 134, 180–9  
consequentialism, critique of, 10  
legislative perspective and, 9–11
- Kaye, Frederick Benjamin, 66
- Korsgaard, Christine, 200, 202, 211
- Lazari-Radek, Katarzyna de, 28, 123, 159, 171
- legislative contexts, 191
- legislative perspective, 123–4  
contextual distinctions and, 13–16  
counterfactual, 109, 112, 126  
definition of, 2  
disjunctive consequentialism and, 174  
foundations of, 7  
four dimensions, 9–13  
hybrid approach and, 180–9, 191, 207–8,  
*see* hybrid approaches  
illustrations of, 2–5  
institutional consequentialism and, 169  
moral expression as legislation, 126  
morality as a code and, 87  
natural law theory and, 39–40, 53–6  
noncompliance and misapplication of rules  
and, 182  
political ethics and, 209–15  
Rawlsian rule-consequentialism and,  
174–80
- legislative point of view, *see* legislative perspective
- Leidhold, Wolfgang, 66
- Little, Olivia, 204
- Locke, John, 101, 152, 161  
consequentialism and, 55  
God as a legislator and, 26  
Kantian parallels in, 49  
legislative perspective of, 48  
natural law theory of, 48, 53–6  
rule-consequentialism and, 49–51, 57  
toleration and, 56, 57, 62  
virtue and vice and, 52
- Lyons, David, 6, 27, 106, 129, 141–2, 149, 208
- Mabbott, John David, 134
- Mackie, John L., 20, 142
- Mandeville, Bernard, 66
- McCloskey, Henry John, 141
- McKown, Delos B., 94

- Mill, John Stuart, 100, 101, 137, 154, 192, 213  
 act-utilitarianism and, 108  
 defense of freedom of expression of, 112–13  
 example of counterfactual legislative perspective in, 110  
 historical background of, 101–2  
 legislative perspective and, 107–12, 114–18  
 moral expression and, 115–16  
 secondary moral rules and, 102  
 Paley, William and, 84  
 public opinion and, 113–14  
 rule-utilitarianism and, 103–8, 109, 126
- Miller, Dale, 180
- Miller, David, 107, 206
- Montague, Philip, 180
- Moore, George Edward, 128–9, 141, 147  
 moral rules, 128
- moral expression as legislation, 42, 112–18, 126, 166, 192
- morality as legislation, 24, 26, 46, 143, 151  
 historical argument, review of, 151–5  
 justifying the hybrid approach and, 20–2  
 morality expressed as universal laws and, 180  
 necessary moral commitments of, 199–207
- Morison, William Loutit, 100
- motive-consequentialism, 187
- Nowell-Smith, Patrick, 135
- O’Flaherty, Michael, 83
- orthodoxy, utilitarian, *see* utilitarianism, orthodoxy and
- Paley, William, 8, 18, 22, 23, 26, 47, 81, 92, 94, 98, 101, 153, 161, 190  
 Austin, John and, 99–100  
 consequentialism of, 84, 87, 99  
 divorce laws, views on, 88  
 God, role of, 84–7  
 greatest good, promotion of, 89  
 property, views on, 88  
 religious toleration and establishment, views on, 90–2  
 rule-based approach of, 83  
 rules, principles for evaluating, 90  
 self-defense, views on, 89  
 suicide, views on, 90
- Parfit, Derek, 159, 181, 197  
 consequentialism, self-defeating, 19  
 Kantian contractualism, 183–8
- paternalism, 111, 112, 114
- Pettit, Philip, 179, 212
- political context, *see* context, political
- Portmore, Douglas, 202
- Proast, Jonas, 53–6
- Pufendorf, Samuel von, 33, 48
- Rawls, John, 5, 6, 20, 103, 136, 141, 150, 172, 176, 178, 202–3, 205
- religion, 74, 76, 161, 195, 213  
 Austin, John and, 100  
 benevolence and, 8  
 Bentham, Jeremy and, 99  
 divine legislation and, 8  
 Hutcheson, Francis and, 67  
 legislative perspective and, 29, 200  
 Mill, John Stuart and, 116  
 morality as legislation and, 25  
 Paley, William and, 84, 90–2  
 rule-utilitarianism and, 7  
 sanctions, *see* sanctions, divine  
 Sidgwick, Henry and, 118, 119  
 toleration and, 34, 47, 53–6, 57, 62, 71, 152, 205, 207  
 utilitarianism and, 18, 26, 127
- Rosen, Frederick, 24, 77
- Ross, William David, 130, 133, 154, 201
- rule-consequentialism, 8, 12, 17, 27, 28, 44, 46, 56, 100, 124, 127, 137, 161, 163, 165, 169, 186, 192, 193, 198  
 Brandt, Richard and, 137  
 Hooker, Brad and, 174–80, 203  
 legislative forms of, 54  
 Locke, John and, 34, 47–51, 54–6, 57  
 Parfit, Derek and, 183–9
- rule-utilitarianism, 5, 7, 8, 11, 17, 18, 24, 27, 83, 124, 127–8, 137  
 Brandt, Richard and, 137–8, 149–51  
 consistency of, 6  
 critics of, twentieth century, 138–43  
 development of, early twentieth century, 128–32  
 development of, mid-twentieth century, 132–8  
 Hare, Richard Mervyn and, 144–7  
 Harsanyi, John and, 148–9  
 Mill, John Stuart and, 6, 103–9, 126  
 religion and, 7, 74  
 rules, exceptions to, 132–5
- sanctions, 13, 64, 65, 93, 120, *see also* sanction-utilitarianism  
 conscience and, 27, 106–8  
 divine, 17, 18, 27, 45, 65, 67, 81, 85, 93, 95, 101  
 legal, 93, 98, 102, 109, 114  
 reputational, 27, 93, 97, 98, 102, 113–6, 153, 213, 215  
 sanction-utilitarianism, 106–8

*Index*

229

- Schauer, Frederick, 28, 159, 161, 166, 169, 174  
 four ways of thinking about rules of, 166–8
- Schneewind, Jerome B., 121
- Schultz, Bart, 18, 98, 103, 118, 119
- Sen, Amartya, 143, 146
- Shaftesbury, Third Earl of, 58, 66, 190  
 architect metaphor and, 26  
 Hutcheson, Francis and, 69  
 legislative approach to morality and, 63–5
- Sidgwick, Henry, 23, 100, 101, 118–25, 145, 154, 192, 196  
 esoteric morality of, 122–3  
 intuitionism and, 121  
 legislative perspective and, 118–20  
 moral motivation and, 17  
 moral rules for secular utilitarianism in, 102–3  
 secondary moral rules and, 102
- Simmons, A. John, 48–9, 51, 206
- Singer, Peter, 28, 123, 136, 159, 171
- situated perspective, 5, 9, 19, 21, 22, 98, 111, 124
- Smart, John Jamieson Carswell, 1, 6, 8, 27, 140–1, 187
- Smith, Adam, 68
- Sobel, Jordan H., 81
- Stephen, Leslie, 18
- Stout, Alan Ker, 139
- Suarez, Francisco, 33, 35, 38
- toleration, 34, 47, 53–6, 57, 62, 111, 207  
 Hutcheson, Francis and, 71  
 Locke, John and, 111, 152, 205  
 Paley, William and, 90–2
- Tuck, Richard, 36
- Tuckness, Alex, 20, 35, 50, 53
- Urmson, James Opie, 6, 104
- utilitarianism, *see also* act-utilitarianism, motive-utilitarianism, and rule-utilitarianism  
 consistency of, 6, 17, 24, 127, 138–43, 147, 174  
 definition of, 5, 22–3  
 Hume, David and, 80  
 impartiality and, 89  
 indirect, 120  
 orthodoxy and, 138–49  
 secular, 8, 92, 152
- Voitle, Robert, 64
- Waldron, Jeremy, 206
- Wallace, R. Jay, 202
- Whewell, William, 84
- White, Morton, 49
- Williams, Bernard, 143, 146, 147, 171, 203
- Wittgenstein, Ludwig, 209
- Zamzow, Jennifer, 201