

# DOING AND ALLOWING HARM: THE HIDDEN ASSUMPTIONS OF A MORAL DISTINCTION

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## Abstract

C'è chi sostiene che sia possibile stabilire una distinzione moralmente rilevante tra fare il male e permettere che il male venga fatto. Ammettere o meno l'esistenza e la rilevanza morale di tale distinzione ha profonde ripercussioni sia a livello teorico che pratico.

Nelle prossime pagine riproporrò e criticherò il contributo più recente e cospicuo a favore della differenza tra fare e permettere il male (d'ora in avanti DFP). Sosterrò che – nonostante sia in linea di principio plausibile tracciare tale distinzione – il cardine della discussione sta nel comprenderne la rilevanza morale. In che senso si possa parlare di rilevanza morale è infatti una questione controversa.

Sostenere che la DFP sia moralmente rilevante, ad esempio, legittima gli agenti a disporre liberamente delle proprie risorse. Ma questa legittimazione non è priva di problemi: andranno affrontate sia questioni legate all'ingiustizia implicita nella DFP che all'accezione conservatrice di identità personale sostenute dai fautori della DFP.

Per quanto riguarda il problema dell'ingiustizia sosterrò che quando ci si confronta con problemi pratici – come l'obbligatorietà di dare denaro in beneficenza – i sostenitori della DFP sembrano sostenere implicitamente che i più sfortunati si meritino di trovarsi in condizioni di miseria e povertà. Tale posizione – come si vedrà – è fortemente problematica sia da un punto di vista etico che metafisico.

Successivamente – sulla scia della psicoanalisi freudiana – sosterrò che la DFP permette all'agente di preservare e giustificare una concezione dell'identità personale ben specifica.

Legittimare il diritto di proprietà di un agente sulle proprie risorse è importante poiché gli permette di perseguire quei progetti che costituiscono e formano il proprio ideale dell'Io; la DFP incoraggia l'agente a divenire il tipo di persona cui *già* aspirava, a prescindere da una qualunque riflessione critica. Questa prospettiva è sintomatica di una concezione dell'etica particolarmente conservatrice cui ci si può ragionevolmente opporre. Si può, per esempio, sostenere che il ruolo dell'etica dovrebbe essere quello di incoraggiare gli agenti a mettere alla prova la propria identità e cercare di adattarla al sopraggiungere di nuovi problemi, abbandonando dunque la tendenza a preservare e cristallizzare il proprio ideale dell'Io.

Is there a morally relevant distinction between cases in which the agent harms someone and cases in which she merely allows someone to be harmed? Holding that such distinction exists and is morally relevant has implications on theoretical and practical grounds.

In my paper, I discuss one of the most conspicuous defences of the existence of the distinction between doing and allowing harm (from now on, DAH). I argue that – provided that it is possible to establish such a distinction – what matters is whether and how this distinction would be morally relevant.

The moral relevance of such distinction is, in fact, much controversial. The main reason why the DAH should be morally relevant is that it legitimises the agents' authority over their own resources. I address two main issues: the problem of injustice within the DAH and the conservative account of personal identity held by the advocates of DAH.

Regarding the problem of injustice, I argue that when confronted with a practical problem such as the obligation to give money to charity, the DAH seems to imply that those in miserable conditions *deserve* it. Such a position appears to be untenable from both an ethical and a metaphysical point of view.

I then discuss the notion of personal identity that would benefit from the DAH in the light of some psychoanalytic concepts. The fact of legitimizing the agents' ownership of their own resources does matter because it allows them to fulfil those projects that constitute their Ego-Ideal. In other words, the DAH encourages the agents to become the person they *already* aspire to be, regardless of any critical reflection. Such perspective delineates a particularly conservatory way of thinking about ethics which may be rejected for several reasons. One could, for instance, argue that ethics should encourage agents not to stick to their old identity but rather to question it and adapt it when new problems arise.

### **Keywords**

Doing-Allowing harm, consequentialism, deontology, charity, justice, merit, Woollard

### **Introduction**

Some authors claim that there is a morally relevant distinction between cases in which an agent harms by acting directly and cases in which she merely allows someone to be harmed. This distinction is named «Distinction between doing and allowing harm», henceforth DAH. Thinking that such a distinction exists and is morally relevant has significant repercussions both theoretically and practically.

Some philosophers believe that a normative theory must account for this distinction. They argue, for example, that consequentialism must be rejected since it assesses the goodness of an action solely on the basis of its consequences. Therefore it will not matter if the harm is brought about by doing it or by allowing it.

Those who follow deontological ethics will argue for the existence of the DAH; deontologists hold that an individual is free to pursue her projects as long as she complies with specific duties, regardless of whether this project aims at the common good or not. From a deontological point of view, it is essential to distinguish between doing and

allowing harm to make its decalogue easier to follow. For the sake of simplicity, I will call the advocates of DAH *deontologists*, while by *consequentialists*, I will refer to those who believe that there is no such difference.<sup>1</sup>

As for the practical implications, one of the fields often considered when dealing with the DAH is charity; to what extent is an agent obliged to donate money to those who need it most? Consequentialists usually argue that if we can prevent harm by sacrificing our resources without losing anything of comparable value, we are obliged to do so.<sup>2</sup> Most people in rich countries should therefore donate a large part of their wealth to charity. Instead, advocates of the DAH believe that there is no such obligation. At most, a much narrower obligation to help can be established. Among these, Fiona Woollard – author of the most recent and conspicuous contribution in favour of the DAH<sup>3</sup> – argues that any acceptable moral doctrine should account for such a widespread and commonsensical distinction. Furthermore, she argues that such distinction is morally relevant because it ensures agents' legitimate possession of their resources.

The issue's focus is that, *ceteris paribus*, it is more difficult to justify those cases in which an agent directly harms someone than those in which she merely allows the harm. Consider:

Push: A boulder is in the middle of the road, blocking Bob's route to the hospital. The boulder can only be moved out of the way by pushing it down the adjacent slope. Victor is trapped on the slope, directly in the boulder's path. Freeing Victor or detouring around the boulder will delay Bob not to reach the hospital in time. Bob pushes the boulder. The boulder rolls down the slope, hitting Victor and crushing him to death.<sup>4</sup>

and

Non-Interpose: The boulder is already rolling towards Victor. Bob could drive his car into the boulder's path, bringing it to a halt. However, doing so would delay him so he would not

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<sup>1</sup> I am not implying that being a consequentialist entails refusing the DAH, and being a Deontologist implies embracing it.

<sup>2</sup> P. Singer, "Famine, Affluence, and Morality." *Philosophy & Public Affairs*, 1, 1972, p. 235.

<sup>3</sup> F. Woollard, *Doing and allowing harm*, Oxford University Press, Oxford 2016.

<sup>4</sup> Ivi, p. 3.

reach the hospital in time. Therefore, he does not drive into the boulder's path, and the boulder hits Victor.<sup>5</sup>

All the variables are identical; in both cases, Bob wants to save himself at all costs, he holds the same intentions and motivations. The same goes for the consequences of his actions; in both cases, Victor will die. In one case, however, Bob does harm, and he merely allows it in the other. According to Woollard, those confronted with these two scenarios have the intuition that Bob's behaviour is more difficult to justify in *Push* than in *Non-Interpose*.

Someone might argue that it is evident that these cases differ since, in the first case, Bob performs a much more distressing action than in the second one. This observation misfires. A consequentialist theory can also account for such a difference; a utilitarian, for example, might argue that the dismay felt by the agent in *Push* has a weight in the *felicific calculus*, and therefore we must judge more positively Bob's behaviour in *Non-interpose*. The DAH advocates argue that there is a difference even if *all* other variables remain unchanged.

Before exposing Woollard's account of the DAH, it is worth clarifying some issues about the *status* of intuition in moral reasoning.

First and foremost, one may argue that those who believe that such difference exists are under the spell of an illusion. As a matter of fact, they fail to exclude all variables. One must stress that such a distinction must hold *ceteris paribus*. What is of interest then is that the agent *does* harm in one case; in the other, he merely *allows* it. Those who believe that there is an actual moral distinction may be attributing hostile intentions to *Bob* in *Push* and not in *Non-interpose*. One is, indeed, used to associate evil motivations with those agents who are directly harming someone. Once eliminated the residual malevolence that we attributed to the agent, there no longer seems to be any moral difference between cases in which the agent does harm and cases in which he merely allows it. However, it will not do to solve this *impasse* in these terms.

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<sup>5</sup> Ibidem.

For various reasons, the use of intuition alone cannot settle ethical dilemmas neither can it be a good foundation for a normative theory. First and foremost, there is a methodological problem. Both supporters and detractors of the DAH make use of thought experiments to test readers intuitions.<sup>6</sup> These thought experiments consist in confronting moral intuitions in front of two different scenarios: in one, the agent does harm (i.e. *Push*), and in the other, she allows it (i.e. *Non-Interpose*).

In a thought experiment, as in any rigorous experiment, it is essential to isolate all the variables that the researcher means to measure. However, since it is in the very nature of a thought experiment that a scenario is merely *imagined*, some crucial variables may end up being left out.

The fact that these experiments are merely imaginative does not account for what the agent might feel in an actual situation. Nevertheless, our *Befindlichkeit*, the sensation to be situated in a particular situation, is fundamental for understanding one's emotional reaction and moral judgments. These thought experiments seem to highlight only those intuitions an individual would have in an imaginary situation. Hence, their heuristic power is significantly reduced.

It is precisely the emotional aspect on which moral judgements are based that leads to the next issue. If someone adopts a naturalistic meta-ethical perspective, moral intuitions must be conceived as a response of the individual to the environment – a response which regulates her homeostatic equilibrium and not an absolute key leading to objective good.<sup>7</sup> Intuitions ought therefore to be treated with suspicion. This requires a revisionist approach to normative ethics.

Following the Scottish sentimentalists, whose arguments seem supported by recent contributions in cognitive science and neuroscience,<sup>8</sup> it is reasonable to claim that every moral judgment is based on emotions and sentiments. Moreover, as Hutcheson points

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<sup>6</sup> See, for example, J. Rachels, "Active and passive euthanasia." *The New England journal of medicine* 292.9, 1975, pp.78-80.

<sup>7</sup> See M. Johnson, *Morality for Humans: Ethical Understanding from the Perspective of Cognitive Science*. University of Chicago Press, 2015.

<sup>8</sup>A., R. Damasio, *Descartes' error*. Random House, 2006 and J.J. Prinz, The Emotional Basis of Moral Judgements. *Philos. Explor.* 2006, 9, 29–43.

out,<sup>9</sup> *justifying reasons*<sup>10</sup> are used to evaluate an action only if an end has already been established; these reasons tell us nothing about the desirability of the end itself. If, for instance, one holds that it is good to rob someone, one will praise a pick-pocket for his skill. There are good reasons to acquire such skills since they help the agent to accomplish its end. This, however, does not mean that stealing is good *per se*. Therefore, when we justify some action, we always do so with a valued end in mind. However, according to Hutcheson, to explain why this end is valued, we must refer to a *cause*, not a reason. Hutcheson identifies this cause with the *moral sense*.

As soon as one accepts this perspective, any reference to some absolute moral truth becomes less credible. This position is tenable whether one believes that such intuitions rely on innate disposition or that our morals are shaped by culture. In both cases, the origin of these intuitions lies in the past. However, what may have worked in the past may be useless in the present. Thinking that our moral sense might always be a good compass rests on the ill-conceived idea that our current adaptation will always work. The fact that one has adapted to an environment does not mean that one is still adapted; the environment does change, and so do needs and solutions. Analogously, it would be somewhat unreasonable to rely solely on the sense of sight to spot a radioactive location.

A further issue is that not everyone shares the intuition that cases such as *Push* and *Non interpose* are morally different. One must remember that there is always an author behind a text, and what is presented as a *truism* is often none other than the author's prejudice; since it is not explicitly subjected to criticism, this prejudice passes unnoticed. A large part of contemporary literature in moral philosophy, referred to by the term «*carrelology*», has heavily relied solely on the intuition of moral philosophers. Recently, however, some philosophers started to question these «*obvious intuitions*». They began to conduct sociological and psychological surveys that led them to discover how our moral insights are particularly fickle and strongly influenced by context and by previous moral evaluation.<sup>11</sup>

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<sup>9</sup> F. Hutcheson, *An Essay on the Nature and Conduct of the Passions and Affections, with Illustrations on the Moral Sense* (1728), a cura Garrett A., Liberty Fund, Indianapolis 2002.

<sup>10</sup> Ibidem.

<sup>11</sup> F. Cushman, J. Knobe, W. Sinnott-Armstrong, "Moral appraisals affect doing/allowing judgments." *Cognition*, 108, 2008, pp. 281-289.

The issue, however, lies further upstream. Let us admit, for the sake of argument, that the 70% of individuals in a sample, the deontologists, hold that the DAH is morally relevant, while the 30%, the consequentialists, say that there is no difference. There is no reason to accept that the majority is right because of their numerosity. One could find oneself in a situation where the majority is composed by individuals who share a racial prejudice and therefore believe that it is good to inflict unjustified suffering on members of a minority. This is no far-fetched example; it suffices to think of the centuries of racial oppression or the slaughtering of billions of non-human animals every year. Cases such as these do not imply that the DAH is morally irrelevant; there might be good reasons to implement such a distinction in a normative system.

Before summarising Woollard's argument in favour of the moral relevance of the DAH, one needs examining how she gives account for such distinction.

### **A distinction between doing and allowing harm**

The crucial aspect of Woollard's account is that in cases in which the agent does harm, she performs a different kind of action than in cases where she merely allows it. Woollard invites the reader to consider the relationship between the agent and the harm in question as a sequence, or rather, as a chain of facts. Accordingly, to explain an event, one should isolate the facts that lead to the result. The sequence of *Push*, e.g., would be the following:

- 1) Bob pushes the boulder
- 2) The boulder rolls towards Victor
- 3) the boulder hits Victor
- 4) Victor dies.

When dealing with *Non-interpose*, however, this type of sequence will occur:

- 1) Something pushed the boulder
- 2) the boulder rolled down the cliff
- 3) the boulder hits Victor
- 4) Victor dies.

The difference in these two sequences lies in Bob appearing in the sequence in the first case but not in the second case. In situations as *Non-interpose*, the agent's involvement



would seem due to his vehicle's possible presence, which could have stopped the boulder. His presence will thus be due to a fifth fact, 5) Bob's vehicle is absent.

Woollard claims that some facts can be part of the sequence among all the facts relevant to the harm; such facts are called «*substantial facts*», while others are considered mere background conditions and are thus called «*non-substantial facts*».

If the agent is connected to the harm by an unbroken chain of substantial facts, it will be said that he «does harm»; if there is at least one non-substantial fact in the chain, his action will be classified as «*allowing harm*». Again, consider the example of Drive-away:

Drive-Away: Bob, bitten by a poisonous snake, will die without immediate hospital treatment. Again the boulder is rolling towards Victor, trapped on the hillside. This time Bob's car is parked in the boulder's path. Anxious to get to a hospital, Bob drives it out of the boulder's path. The boulder hits Victor.<sup>12</sup>

In the above scenario, there is a substantial fact about Bob's behaviour: «Bob moves the car». However this fact is relevant to Victor's death through another non-substantial fact, i.e. «the car was *not* in the trajectory of the boulder». Therefore, Bob's behaviour will not be suitable to be part of the *Drive Away* sequence, but it may be considered a part of another sequence of facts. For example, it could be considered a substantial fact of the sequence of facts that led Bob to the hospital.

Woollard notes that it does not suffice to rely on intuition to distinguish between substantial facts and mere background conditions. Doing so would be a matter of shifting the problem. This would not explain anything; it would instead be a way of saying that our intuitions are now concerning a specific fact and not the whole sequence. However, intuition is not enough since there is no general agreement that such a thing as the DAH distinction exists. So far, we have been caught in a vicious circle by trying to explain an intuition with the same intuition.

Wollard, therefore, suggests a more sophisticated analysis of the sequence using the work of Jonathan Bennet.<sup>13</sup> Bennet thinks of facts as positive or negative. A positive fact

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<sup>12</sup> F. Woollard, *Doing and Allowing Harm*, cit. p. 9.

<sup>13</sup> J. Bennett, *The act itself*, Clarendon Press, Oxford 1995.

provides relatively more information than a negative fact. Consider the following propositions:

- 1) «Bob pushed the boulder.»
- 2) «Bob did not push the boulder.»

If we want to figure out which movement Bob made, proposition 1) will give us much more information than proposition 2). This is because the number of movements made by Bob that would make proposition 1) true is much smaller than the number of movements that would have made proposition 2) true. Hence, facts like 1) are considered positive facts, whereas facts like 2) are considered negative facts. This distinction, according to Bennet, bears no moral difference.<sup>14</sup> Woollard, on the other hand, senses the possibility of transforming assertive propositions like 1) and 2) into normative propositions like:

- 3) Bob should not push the boulder
- 4) Bob should save Victor's life

It is far easier for Bob to make proposition 3) true than 4) because the number of movements he can make to comply with 3) is much larger than the number of possible movements that he could make and satisfy 4).

With 4) Bob ought to do a particular movement, he is obliged to do X. In 3) instead he is free to do whatever he wants as long as he does not do Y. Hence, it would be more straightforward for Bob to make the proposition «Bob pushed the boulder» false than «Bob did not save Victor», because the number of movements Bob could have made to make the former true is smaller than the number of movements that would have made the latter true.

According to Woollard, it is possible to establish a link between positive and substantial facts. All positive facts are substantial, so whenever a fact concerning the agent's behaviour is positive it will be said that she *does* harm. Moreover, Woollard claims that when an agent is bound to the outcome of a specific sequence through negative facts, she would have merely *allowed* harm. Before exploring the ethical implication of distinguishing between positive and negative facts, a clarification is in order.

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<sup>14</sup> Ivi, p. 102.

Although all positive facts are substantial facts, not all negative facts are mere background conditions. Some negative facts may be substantial because they clash with our «normal presuppositions». Consider the following scenario:

No brakes: Bob lives in a neighbourhood where car thefts are frequent. After replacing yet another car, he decides to take action by sabotaging the brake cable. A thief steals Bob's car and dies in an accident.

The sequence is the following:

1) Bob sabotages the brake cable, 2) the thief tries to brake, 3) the brake cable is not functioning, 4) the thief dies in an accident.

Since 3) is a negative fact, and since, therefore, the chain of substantial facts would seem to be interrupted, one should classify Bob's behaviour as a case of *allowing* harm. However, this seems intuitively wrong, at least for Woollard; she thus extends her theory by inserting *ad hoc* the notion of «fact that violates our normal presuppositions».

With «normal presupposition», she refers, following Stalnaker,<sup>15</sup> to those propositions that are taken for granted in conversation or, rather, she refers to the knowledge that constitutes an implicit background to our actions. For example, if one takes the lift, one would expect a corresponding specific floor to each number. One acts taking certain facts about the world for granted; one relies on such knowledge, which allows acting with a degree of confidence.

In «No breaks», the negative fact corresponding to proposition 3) provides us with a piece of information that contradicts our normal presupposition. One usually expects the breaks to work. Since it is a fact that violates one's normal presupposition, it ought to be considered substantial.

Woollard's analysis goes further, but it will not be necessary to explore this in-depth for the purpose of the present discussion. It will suffice to add that cases similar to «no brakes», i.e., cases in which the agent's involvement in the scene is due to the fact that the agent removes a barrier, will be challenging to classify. If, for example, the agent is the owner of the barrier, Woollard claims that we ought to treat these cases as cases in which

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<sup>15</sup> R. Stalnaker, «Presuppositions», *Journal of Philosophical Logic*, 2, 1973, pp. 447-457.

the agent merely allows harm; if instead, the barrier is the victim's property, we should classify such a case as a case of doing harm.<sup>16</sup> In such cases emerges the important link established by Woollard between the notion of property and the DAH; this link will be discussed later in detail.

What matters is that Woollard has provided a distinct characterization of the facts that constitute a sequence in which the agent is doing harm and those that constitute a sequence in which the agent is allowing harm. The former is mainly constituted by positive facts, the latter by at least one negative fact.

It is, therefore, possible to establish a distinction between doing and allowing harm. Even though this distinction seems to rely on an arbitrary yardstick, it can be made. Unfortunately, the constant addition of *ad hoc* variables to comply with her intuitions makes Woollard's methodology problematic. Each counterexample becomes an exception to the rule rather than a hint to reconsider the theory; the latter is then modified as the author's intuitions force her to take new directions.

## **Moral implications**

Woollard seems to have provided a detailed description of her moral thinking rather than a normative theory. Nevertheless, once Woollard's assumption has been accepted, it is indeed possible to establish the existence of such a distinction. Moreover, even if there are some methodological problems, it would not entail the rejection of the theory. On the contrary, there may be practical reasons to accept the existence of the DAH distinction.

Woollard provides such reasons; she argues that the DAH distinction has to be accepted because it is *necessary* to enforce the agents' rights over their property and bodies. If this were not the case, we would find ourselves in a situation where the community could rightfully dispose of our possessions, and we could no longer be free to act as we desire. The community could legitimately pretend that an individual sacrifices her resources for the good of others. Therefore the DAH distinction is morally relevant.

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<sup>16</sup> F. Woollard, *Doing and allowing harm*, Oxford University Press, Oxford 2016.

To develop this argument, Woollard relies on the distinction made by Philippa Foot<sup>17</sup> between positive and negative rights; negative rights are rights to non-interference, positive rights are rights that an individual has over some kind of good. If an agent prevents an individual from acting, she will be violating the individual's right to freedom of movement and, therefore, to non-interference. In this case, the agent will be doing harm.

If, on the other hand, an individual is in need of some sort of support, such as, e.g. medical care, and if this support is being denied to her by an agent, the individual's right to benefit from this support is violated. The agent is therefore allowing that the individual suffers some harm.

Foot claims that the infringement of negative rights is more difficult to justify than the one of positive rights. Indeed, it is more difficult to justify cases in which the agent does harm than those cases in which she allows it.

Since Woollard herself agrees that it is not sufficient to rely solely on intuition,<sup>18</sup> she resorts to an argument proposed by Warren Quinn: the latter argues that if positive rights took precedence over negative rights, we would be led to the conclusion, unacceptable for Woollard and Quinn, that our bodies do not belong to us.

If positive rights took precedence over negative rights, and if we were in the situation in which we could save one person by killing two, we would then have to do so; but this would «activate» the rights to be saved of the other two people, since their lives would now be endangered and in need to be saved. However, in this case, the only *ratio* by which one could decide who to save is a utilitarian one. The rights of the two would weigh more just because saving them would maximize utility. To solve this dilemma, we must therefore choose between two options: in the first case, we could claim that negative rights must take precedence over positive rights; in the second case, we would have to hold that there is no difference; but this would imply that we ought to choose whom to save solely on utilitarian ground. However, accepting the utility principle is precisely what

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<sup>17</sup> P. Foot, "The Problem of Abortion and the Doctrine of Double Effect." (1967), in *Virtues and Vices and Other Essays in Moral Philosophy* materiali a c. di P. Foot, Clarendon Press, Oxford 2002, pp. 19 – 32.

<sup>18</sup> F. Woollard, *Doing and Allowing Harm*, p. 8.

deontologist intend to avoid. Therefore, they claim, negative rights have a priority over positive rights.

In order to better delineate this distinction and establish a solid link between such a distinction and the DAH, Woollard adopts the concept of «imposition», as proposed by Frances Kamm:<sup>19</sup> with the term «imposition», she refers to the idea that one intrudes, through one's behaviour, into someone else's «sphere».<sup>20</sup>

Through the concept of imposition, Woollard can identify a substantial difference between cases in which the agent harms and cases in which she merely allows it. In the first case, the agent imposes herself on the victim through what is called *causal imposition*. Here the agent invades the victim's sphere, depriving the victim of her freedom, thereby infringing the victim's right to non-interference. On the other hand, whenever the agent allows harm, she is not imposing herself on the victim; it would rather be the victim that would impose herself on the agent through a request of assistance. Moreover, such a request would be a *normative imposition*.

In *Push*, while pushing the boulder, Bob imposes himself causally on Victor. Therefore, asking him not to push the boulder would mean asking him not to infringe Victor's negative right. In *Non-interpose*, on the other hand, asking Bob to save Victor would mean asking him not to infringe Victor's positive right to be helped; Victor imposes himself normatively on Bob.

Doing harm involves *causal imposition*, whereas allowing harm does not — restrictions against allowing harm involve *normative impositions* on the agent by the victim. *Normative impositions* occur in those situations in which the agent must make true a substantial fact about her behaviour e.g. by benefiting the victim with her resources.

Therefore the victim is subject to a causal imposition by an agent if there is an unbroken chain of substantial facts linking the agent to the victim. In this case the agent's actions cause some effect on what belongs to the victim and thus infringe the victim's sphere. If, on the other hand, at least one non-substantial fact breaks the chain, the agent's conduct does not reach the victim's sphere. Here the victim imposes herself through a

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<sup>19</sup> F. M. Kamm, *Morality, Mortality: Death and Whom to Save from It*, Oxford University Press, Oxford 1993.

<sup>20</sup> F. Woollard, *Doing and Allowing Harm* p. 98.

normative imposition on the agent's sphere by asking her for help. Woollard has established a correspondence between causal imposition and violation of negative rights and normative imposition and violation of positive rights.

At this point, an important objection arises: the concept of imposition is vague. We may expand it to the point of considering any restriction of one's freedom as an imposition. If this were the case, DAH would collapse because the very distinction between substantive and non-substantive facts would disappear. Woollard argues, however, that the meaning of imposition ought to be understood in a narrower sense. There is a more intuitive and specific sense of imposition according to which the limitations resulting from an imposition are due to the fact that the needs of others intrude on the agent's property. «*It must require you to put what belongs to you at the use of others*».<sup>21</sup> The use of her intuition is again problematic here, as it would seem to be the same intuition through which one is led to argue that the DAH exists. This would mean that up to this point, we have been moving in a circle.

However, these objections do not constitute a reason for rejecting the DAH. Instead, what seems to matter are the consequences and moral implications to which the implementation of the DAH would lead.

The hinge around which the whole problem seems to revolve is the concept of property; what deontologists seem to be concerned about is the possibility of providing a theory guaranteeing agents the autonomous use of their resources. Woollard, in particular, argues that depriving an individual of secure access to her resources means depriving her of the possibility of implementing a life project. This could undermine what Woollard calls the *full-fledged agency* of an agent.

Woollard distinguishes basic agency from *full-fledged agency*: basic agency refers to an individual's capacity to act. Various impositions prevent an individual from exercising different degrees of her agency. If, for example, a person is locked up in a cell, her ability to perform actions is significantly reduced compared to that of an individual who has freedom of movement. Woollard argues that in the case of normative imposition, one

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<sup>21</sup> F. Woollard, *Doing and Allowing Harm*, p. 104.

does not significantly hinder the basic agency of the individual subject to this imposition. In this case, the individual is being asked to exercise it, indeed even for good reasons.<sup>22</sup>

By *full-fledged agency*, Woollard refers to the ability to act according to one's own goals, one's life plan,<sup>23</sup> or, we might say, according to one's character.

If a person is required to act to fulfil the community's greater good, she will not be free to act according to her own will and plans. On the contrary, this person's body would have to be co-opted to achieve those ends deemed to be good by some authority. In order to act according to one's *full-fledged agency*, it is necessary to have a genuine intention to pursue a project. However, the necessary condition for having such intention in the first place lies in the possibility of having the belief that one could actually be able to carry out the project in question; knowing that one is not entirely in control of one's own body would prevent the agent from cultivating such a belief.

Bernard Williams identified this issue in «*Utilitarianism: For and Against*» through what is known as the «integrity objection».<sup>24</sup> According to Williams' argument, utilitarianism is detrimental to the agent's integrity and hence unacceptable. The agent's integrity is namely jeopardized by burdening the subject with an excessive «negative responsibility», a locution with which the author refers to the same problem highlighted by Woollard when she speaks of normative imposition; the subject is deemed responsible for all the harm that she allows to be done to other agents.<sup>25</sup>

Williams' notion of integrity and Woollard's *full-fledged agency* serve the same function. Both authors want to preserve an essential component of an individual's character. Williams argues that an individual's integrity is an essential component of the person, a component that contributes to the formation of the person's identity and, in some way, maintains and preserves it. A person with integrity is able to keep together his actions with his character traits. An agent with integrity has a firm grip on the idea of

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<sup>22</sup> Ivi, p. 191.

<sup>23</sup> Ivi, p. 196.

<sup>24</sup> J.J.C. Smart, B. Williams, *Utilitarianism: For and Against*. Cambridge University Press, 1973.

<sup>25</sup> Unlike Woollard, Williams' attention is not focused on DAH, a distinction which he considers of little relevance in order to resolve the question; «*I doubt whether the sort of dilemma we are considering is going to be resolved by a simple use of this distinction*» (see Ivi p. 109). Both Woollard and Quinn certainly deserve credit for recognising the link between an abstract normative distinction and its repercussions on the existence of an agent. In fact, they both affirm the need to legitimise PFD in the name of preserving full-fledged agency and thus an individual's way of life, or, even better, his identity.



herself. She is, in a certain sense, predictable for herself as well as for others. She knows what it means to behave «naturally» and what others expect from her.

Consequentialism does not consider a fundamental aspect of agency; agency is always the agency of a particular person. One cannot expect an agent to abandon his life projects in order to conform to an impartial point of view. In fact, the agent «*is identified with his actions as flowing from projects or attitudes which he takes seriously at the deepest level, as what his life is about*».<sup>26</sup> To claim that an individual should always act to maximise utility would be to «*alienate him in a real sense from his actions and the source of his action in his own convictions. It is to make him into a channel between the input of everyone's projects, including his own, and an output of optimific decision*».<sup>27</sup> And since this would mean «*to neglect the extent to which his projects and his decisions have to be seen as the actions and decisions which flow from the projects and attitudes with which he is most closely identified*».<sup>28</sup> Williams argues that «*It is thus, in the most literal sense, an attack on his integrity*».<sup>29</sup> An agent's integrity consists therefore in her ability to originate her actions and act on her interests and life projects.

Both Williams and Wollard share the idea that it is crucial for an individual to act according to her life plans in order to conform to the ideal person she wants to become. Hence, undermining an agent's integrity or full-fledged agency would constitute an attack on the agent's identity.

Some projects and commitments do not merely direct short periods of an individual's life but give meaning to a person's entire existence. Williams refers to these as «ground projects» and «identity-conferring commitments». Such commitments reflect the way a person is or wants to be, and thus, determine part of the person's identity. As Williams states, «*In the case of projects of the sort I have called commitments, those with which one is more deeply and extensively involved and identified*».<sup>30</sup> Whoever abandons such commitments renounces her identity. Thus, for both Williams and Woollard, acting with integrity, or with a full-fledged agency, means acting in a way that reflects one's own

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<sup>26</sup> Ivi, p. 116.

<sup>27</sup> Ibidem.

<sup>28</sup> Ivi, p. 117.

<sup>29</sup> Ibidem.

<sup>30</sup> Ivi, p. 116.

identity. It means acting in compliance with the motives and interests that one feels to be deeply one's own. The desire to preserve one's identity seems thus why these authors reject utilitarianism and, in the specific case of Woollard Quinn and Foot, postulate a distinction such as the DAH.

## **Objection to the DAH**

My objection to the deontologist is twofold: first, I will argue that the justification of property underpinning the DAH entails a finalist metaphysics which is incompatible with a naturalistic approach; I will also argue that this distinction leads to the legitimization of unjust practice. In the second place, I will try to allay the concerns of the deontologists by elucidating the kind of *ethos* underlying both the deontological and the consequentialist perspectives.

The DAH, as argued by its supporters, is necessary to ensure that each agent can rightly claim to be the legitimate owner of her own resources and can therefore use them as she wishes. It is further maintained that everyone should be free to act as they desire; it is thus essential to defend each agent from normative impositions that force them to act and invest their resources in a way contrary to their will.

In order to analyse Woollard's claims, it is necessary to bear in mind that we are dealing with two distinct claims: the "resources claim", which states that a person's resources must genuinely belong to her, and the Body claim, which states that a person's body must genuinely belong to her.<sup>31</sup> Although *prima facie*, these are two different claims, they both underlie the desire to *instrumentally* dispose of one's own body and possessions so that one can freely implement one's life plans.

The first issue to be addressed is the relationship between DAH and justice. Since the central concept around which the DAH is structured is that of property, it will be reasonable to ask the conditions under which distribution of property can be claimed to

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<sup>31</sup>F. Woollard, *Doing and Allowing Harm*, p. 181.

be genuinely legitimate. What are the conditions under which an agent may legitimately dispose of specific resources?

According to Woollard, it seems that the *ratio* for the distribution of goods cannot be determined on a utilitarian ground. It will thus not be a matter of maximising utility; in that case, a distribution of goods that allocates to each individual the goods she needs in order to increase her well-being or at least to lift himself out of poverty would be legitimate.

This kind of distribution is what Woollard and the deontologists want to avoid since it would force each individual to think of herself as a means to benefit others. Therefore, Woollard argues that it is possible to make a non-need-based claim to justify one's needs. Such claim relies on what is known as the *First Occupancy Theory*, according to which the first individual to tap into a virgin resource is entitled to it, since, in doing so, she would not be dispossessing anyone.<sup>32</sup>

However, the *First Occupancy Theory* (henceforth FOT) should be rejected if one wants to maintain a naturalist approach to ethics. Such a theory, which is a constant *leitmotiv* in liberal theories of private property, seeks to legitimize the current state of affairs and to argue that the actual distribution of resources is just. This is, however, a way of legitimizing the privileges of some lucky individuals by disguising such privileges as rights.

Since the justification for the current distribution of wealth requires that the acquisition and transition that have taken place throughout history were legitimate, an essential part of the liberal argument relies on the genealogical reconstruction of how possessions were initially acquired.

John Locke has provided one of the most exemplary accounts for the FOT. He asks us to imagine that the first humans would find themselves in a world full of virgin resources, available to everyone. Later on, such a plethora of goods is divided among humans in a two-step process. The first individual who draws on a resource acquires a non-need-based claim on it, since she does not expropriate anyone (FOT). Then, her property rights are strengthened through her work on the resource.

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<sup>32</sup> J. Waldron, *The Right to Private Property*, p. 138.

The critical points of this genealogy are numerous. If Locke's proposed genealogy proves to be historically false, the whole argument is bound to collapse; indeed it is difficult to believe that «the present distribution of property and wealth currently possessed is the result of just acquisitions and subsequent fair transfers».<sup>33</sup> The historical reconstruction claiming that the first humans had at their disposal every natural resource, which did not previously belong to anyone, is simply false. It makes no sense to talk about a specific point in time when the species *homo sapiens* appeared on the planet. Natural selection does not work this way, it works gradually, step by step.

A second critical point of Locke's genealogy concerns the relationship between property and non-human animals. A comprehensive discussion of property cannot be limited to the legal dimension. Norms and rules are usually preceded by behavioural patterns, which, once approved, are made explicit in propositional form as norms. Without the solid basis of behaviour, there would be no norms. When we speak of properties, we implicitly refer to individuals' behaviours towards certain entities that will then be defined as «objects» or «resources» by the norms. Once established that it is correct to adopt an evolutionary perspective; it is reasonable not to exclude non-human animals *a priori* in discussions about property-related behavioural patterns.

When observing non-human animals, one notices that they exhibit human-like behaviour in dealing with their «properties». This is evident in the territorial behaviour of animals: the territory occupied by a specific individual is its own; the animal will move in it with confidence by marking its boundaries and guarding it by chasing away intruders. What is more, the animal will use the territory as a home, a resting place or a playground. Another example is the relationship between pets and their favourite toys. Pets reluctantly give their toys up to other animals and choose to play with them more often than they do with other objects. A bond of use and affection similar to the one that humans have with their properties can thus be observed also in non-human animals. To say that early humans legitimately acquired their possessions because they did not usurp anyone is therefore false: every ecological niche is inhabited by someone, and when one person takes possession of it, she is expropriating other animals. This expropriation may not be

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<sup>33</sup> Translated by Erich Linder S. Petrucciani, *Modelli di filosofia politica*, Einaudi, Torino 2003, p. 216.

recognised on a legal term, but this does not imply that the animal is not harmed in the process. If one wants to conduct a rigorous analysis, one should be suspicious of any theory that is tainted by an anthropocentric perspective.

There is a final issue underlying the FOT requiring further examination; the FOT, and ultimately the DAH distinction, imply an idea of merit that can only be justified by appealing to a finalist metaphysics that is incompatible with a naturalistic account of reality.

Do rich people *deserve* to be born wealthy? Does a witty person deserve to be born in a stimulating environment, or rather, with a brilliant brain? An affirmative answer would mean to consider a given succession of events as right in itself; it would thus imply that everything that happens is right and fair. However, no one deserves to be born into a particular social milieu, with its specific traditions; no one deserves to be born with the organism they are born with. One is born, and that is it. To argue otherwise would mean assigning an intrinsic value to the universe's plans, thereby advocating some creationist theory.

The liberal position, as presented here, is therefore unacceptable, the genealogy on which it is based is false and anthropocentric, and the FOT seems to be nothing more than a rationalisation designed to justify the property of the privileged. It sounds like a capricious child who claims she deserves a privilege «because she was here first». Who else would claim that things are fine as they are if not those who are already doing fine?

One can also ask how many assets each individual could rightfully claim to implement her life plans. Justifying and guaranteeing everyone the freedom to act as they see fit, entails setting no limits to what individuals can claim as their own. After all, an individual's life plan can be more or less lavish and, consequently, it can deprive other individuals of more or less resources. People can take more or less precautions for the future, and it is reasonable to assume that the wealthier an individual is, the easier it will be for her to dispose of her plans. DAH supporters do not seem to consider that resources are not infinite and that the consumption of a certain amount of resources by an individual necessarily implies deprivation of those resources from other individuals. Appropriation and deprivation are two sides of the same coin. This becomes even clearer when we move away from an anthropocentric perspective and consider the interests of all sentient beings.

The number of individuals claiming their own free space in the world increases exponentially. The DAH distinction relies on a disembodied anthropology uprooted from each individual's deep involvement with others, whether human or non-human.

If, conversely, one claims that there is no distinction between doing and allowing harm, it is then reasonable to maintain that each agent is responsible for the death and suffering of all individuals that she could have saved and «*if it is in our power to prevent something very bad from happening, without thereby sacrificing anything else morally significant, we ought, morally, to do it*».<sup>34</sup> This is, for instance, Peter Singer's position, who points out, through a well-known thought experiment, that we seem to have a duty to save someone in trouble, even if this would lead us to sacrifice something very valuable.<sup>35</sup>

The Pond: a manager is on his way to work dressed in her best suit. As she is hurrying to get to a very important meeting, she sees a baby fumbling in a pond. The manager immediately realises that the baby will drown.

Singer claims that most people would consider it intuitively mandatory to save the child from drowning, even at the cost of an expensive suit and of missing a very profitable meeting. Holding this intuition, Singer points out that one is willing to make considerable sacrifices to save a life that is in danger in the immediate vicinity, but one is not willing to give money to charity in order to save a life in danger, or to support a multitude of individuals in need. There is no substantial difference between being faced with a single person in need of rescue and receiving a letter from a charity organisation urging to donate.<sup>36</sup> Believing that these situations are morally different would just mean being deluded. This is *a fortiori* true if one believes that the DAH distinction is not morally relevant.

On the other hand, if one argues that there is such a distinction and that it is all the more necessary to ensure that an agent can freely dispose of her own resources, it would follow that there is virtually no obligation to give money to charity. The idea that morality

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<sup>34</sup> P. Singer, "Famine, Affluence, and Morality." *Philosophy & Public Affairs*, 1, 1972, p. 235.

<sup>35</sup> Ivi, pp. 229-243.

<sup>36</sup> P. K. Unger, *Living High and Letting Die: Our Illusion of Innocence*. Oxford University Press, Oxford 1996, p. 9.

requires a person to give up her own resources to save anyone who could be saved seems thus incompatible with what is claimed by the defenders of the DAH. For the latter, obliging an agent to make her resources available whenever someone else needs them most would deprive the agent of her authority over her property.

However, according to Woollard, there are indeed cases in which the individual is morally required to make substantial sacrifices to save a person's life. The authority of an agent over her own resources cannot be absolute. Woollard tries to find a compromise.<sup>37</sup> Once again, she resorts to her intuitions and tries to identify, by means of thought experiments, which elements of a given situation would constitute a sufficient condition to generate the duty to sacrifice one's resources to save a person in need. These elements are: 1) physical proximity, 2) whether or not the agent is the only person able to help, 3) a personal encounter between the agent and the person in need having taken place. A characteristic that these elements have in common is that they lead the agent to feel personally involved in the situation. In addition, the same elements appear to establish a solid psychological connection between the agent and the person in need. One may call it solidarity.

Woollard believes that «*morality shapes itself around the agent's point of view*»<sup>38</sup> and that the elements mentioned above emerge precisely within the person's point of view. Thus, she adopts an agent-centred perspective, which differs from the point of view of the universe adopted by utilitarians. The latter believe that one can adopt an impartial and neutral perspective that calculates pleasures and pains with equanimity. The agent-centred perspective would be preferable to the neutral perspective since it would more easily motivate people to behave justly: «*In general, a requirement to show deeper concern for those whose need does not loom large from the agent-centred perspective would be psychologically problematic. It would feel 'unnatural'. Compliance would be harder and thus much less likely*».<sup>39</sup>

A first objection immediately arises to this perspective: the fact that one is intuitively more motivated to perform specific actions does not entail that these actions are good. It

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<sup>37</sup> F. Woollard, *Doing and Allowing Harm*, p. 123.

<sup>38</sup> F. Woollard, *Doing and Allowing Harm*, p. 151.

<sup>39</sup> F. Woollard, *Doing and Allowing Harm*, p. 155.

is indeed unreasonable to propose moral rules that are entirely impractical, but it cannot be concluded that if most people are highly motivated to follow a given rule, it is good. For example, one may be highly motivated to eat hamburgers, but that does not entail eating hamburgers to be a good practice.

Facing two people in trouble, an agent may be more motivated to help one person rather than the other for reasons which may be morally questionable. People may want to favour individuals from their ingroups at the expense of others.<sup>40</sup> It means, for example, that members of a privileged group might be more inclined to favour other privileged people, thus preventing any possibility of improving the living conditions of those born in a disadvantaged social circle. As Woollard notes: «*An unfortunate race or class disparity seems to have crept in through the back door*».<sup>41</sup>

Woollard tries to solve this problem by reintroducing a distinction already devised by Frances Kamm, namely the distinction between «subjective salience» and «objective salience».<sup>42</sup> The former indicates that some elements are prominent in the field of action of a real agent. In this case, the agent may be prejudiced and thus not be motivated to act in a morally appropriate manner. For example, those belonging to a particular social group would feel personally involved in those belonging to their group and would tend to make substantial sacrifices just to save their fellow human beings. Furthermore, the agent's attention might be drawn to morally irrelevant elements, such as skin colour.

Woollard believes that this type of salience is not adequate for formulating moral norms. On the other hand, objective salience would be a good starting point for indicating those situations in which an agent should feel obliged to help. What is objectively salient would attract the attention of an ideal observer. If, for example, Bob is an observer guided by subjective salience, there will be situations which are not morally relevant to him, but they are so to an ideal observer, or *vice versa*. The purpose of this distinction is to ground moral demands that apply to every agent in a given situation, without these reflecting the idiosyncrasies of any particular agent.

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<sup>40</sup> Ibidem.

<sup>41</sup> Ivi, p. 154.

<sup>42</sup> F. M. Kamm, *Intricate Ethics: Rights, Responsibilities, and Permissible Harm*, p. 356.



One would agree with Woollard that the agent-centred perspective guided by subjective salience is unacceptable because of the xenophobic consequences it may lead to. Nonetheless, one should not be misled by the illusory aura of impartiality that covers the objective salience. The idea that moral norms should be based on an agent-centred perspective and that morally relevant factors should be identified on the basis of their objective salience should be rejected for two reasons.

First of all, the existence of an ideal agent capable of identifying objectively moral factors is a fantasy. Such perspective is just a *deus ex machina* used to preserve Woollard's argument. Even if one were to admit the existence of a bias-free ideal agent, where would one find it? Who is really in the position to claim to be without prejudice and to be able to decide what should be considered morally relevant? Only a real agent can make the transition from the ideal to the real ground. To believe that there is such an ideal agent capable of discovering what really matters is, alternatively, a fantasy that postpones the search for the solution to the problem by relying on a future enlightened ruler, or a veiled suggestion to entrust the ability to judge to philosophers. The ideal agent does not exist. What is ideal is not real and cannot, therefore, make judgments.

Moreover, the link between the agent's motivation and obligations is significantly weakened when moving from subjective to objective salience. The agent-centred perspective's main merit consists in the motivational force provided to the agent when the latter follows the norms. The situations in which the agent is obliged to make sacrifices for others involves her personally. The agent will be more motivated to act in such situations because of the emotional bond between herself and the person in need. The problem lies in the fact that this emotional bond seems to emerge only in those situations that matter to *her*, not in those situations considered important by an ideal agent. If the agent's personal relationship motivates her to help someone in need, it is reasonable to believe that such a bond will be established only and exclusively with people belonging to her own ingroup. The fact that the ideal agent believes that one should not limit oneself to this particular case, but that the willingness to help should extend to all cases in which the agent had previously a personal encounter with the person in need, or the agent is in the vicinity and/or is the only one able to save the person in need, does not imply that the real agent will then be motivated to act according to these criteria. The necessity of the

agent-centred perspective is thus irrelevant. Why not also extend the call for help to those who are included by the criteria established by the ideal observer? Why not take the point of view of the universe? After all, the agent-centred perspective is no more motivating than an impartial consequentialist perspective. The advantage of a consequentialist perspective is that more individuals would benefit from it since the agent-centred perspective with objective salience would not motivate the agent to help those who are unrelated to or distant from her. The agent-centred perspective would thus reinforce the current distribution of wealth. Someone in need, living in a rich country, surrounded by rich people, will therefore be much more likely to be substantially helped than someone who does not have a good network of social relations.

## **Conclusions**

One may infer that the DAH is a doctrine that justifies the current distribution of resources and promotes unfair practices, guaranteeing the agent the possibility of ignoring the misery of those far away from her. This does not mean that the DAH is a useless doctrine that ought to be rejected in every circumstance, but as things stand, the inequities are so evident and profound that it is unreasonable to adopt ethical tools that may exacerbate them.

The notion of property on which the DAH relies faces the objection of being profoundly unjust. But, it may be argued, the DAH is a theory that aims at benefiting the privileged ones. One can, in fact, offer good arguments that it is good for privileged people to have their possessions secured and, more generally, that the possession of certain goods plays a beneficial role in individual development.

Enabling each individual to follow her own desires and life plans seems indeed to be a matter of great importance. Moreover, material resources are a prerequisite for implementing one's plans. But this does not compel us to postulate a doctrine such as the DAH. The DAH is presented as a necessary tool to protect agents from the normative

impositions that may derive from a *pure* consequentialist framework. However, this implies that consequentialism is an ethic that generates norms one is *forced* to obey.

This is not necessarily the case; we may actually distinguish between a pedagogical and a normative level. If utilitarian ethics lead to the assertion, for example, that the good consists in increasing general utility, this does not mean that individuals should be obliged to behave accordingly.

Duty in utilitarianism, or at least as it is interpreted here, is only conditional, not imperative. The actual methods through which one maximises utility depend on the most effective means. Nevertheless, such methods may take the form of an advice and not necessarily of an order: coercion is not necessarily the most appropriate means of maximising utility; indeed, the fact that something is gently suggested and not violently ordered in no way undermines its effectiveness. According to a consequentialist doctrine, it may well be assumed, on the one hand, that doing and allowing harm are morally equivalent and, on the other hand, that it is not necessary to force people to behave accordingly. Consequentialism must therefore address the problem of how best to persuade individuals to behave in the right way. One may intuitively be drawn to believe that coercive methods hardly solve problems. However, this issue should, in the end, be addressed through empirical investigations.

It could be argued that when one talks about normative impositions, one is not referring to physical coercion but rather to moral duty. This duty may seem too onerous: it might for instance make it appear impossible to have a clear conscience unless one decides to donate large amounts of money to charity.

Such concerns may be dissipated through some insights from Freud's writings. First, they provide us with a naturalised source of moral duty, which would have its origin in moral emotions such as guilt and shame. Moral duty would thus not have a transcendent and binding origin but an emotional one. Secondly, the sense of duty emerges within the development of the individual.

The origin of these feelings should be sought, according to Freud, in the process of the formation of the Ego-Ideal and the Super-Ego. During an individual's development, *«the parents' influence rules the child by granting expressions of affection and by threatening punishments, [whereby such punishments] demonstrate to the child a loss of love and are*

*thus to be feared in themselves*».<sup>43</sup> The Super-Ego is thus the result of an internalisation of an inhibition that was once external.

The Super Ego replaces the parents. It observes and threatens the Ego just as the parents previously observed and threatened the child.<sup>44</sup> It is, therefore, the result of a process of identification, « an alignment of an Ego to an extraneous one, whereby the former behaves in certain respects like the other one, imitates it and – so to speak – absorbs it».<sup>45</sup> The Super-Ego judges the subject's Ego using the Ego-Ideal as a term of comparison, and failure to conform to such ideal generates guilt. The Ego-Ideal is the model towards which the individual has learned to aspire to avoid punishment, obtain rewards or achieve satisfaction; it is what the agent aspires to in view of drive satisfaction. The Ego-Ideal thus emerges from the interweaving of those norms and behaviours that the child imagines will lead him back to a pleasant past equilibrium.

If, on the one hand, Freud maintains that the failure to reach the Ego-Ideal generates feelings of guilt in the subject, this is because he does not believe that there is a difference between the Super-Ego and the Ego-Ideal, or, rather, he believes that they are two different components of the same psychic component. According to other authors, such as Jeanine Chasseguet Smirgell,<sup>46</sup> the Ego-Ideal and the Super-Ego are two different components. Although their formation follows a parallel path, they differ in their effects. Failure to achieve the Ego-Ideal would result in shame rather than in guilt. These authors emphasise that the Super-Ego is linked to the acceptance of reality while the Ego-Ideal is related to the individual's attempt to return to a state of fusion with the mother.<sup>47</sup>

The feeling that characterises the Ego-Ideal is shame. «While the sense of guilt manifests when a boundary (established by the Super-Ego) is touched or trespassed, shame arises when a goal( presented by the Ego-Ideal) is not attained».<sup>48</sup> And if for Freud it is the Super-Ego that assesses the conformity of the present Ego to the Ego-Ideal, for

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<sup>43</sup> Translated by Erich Linder, S. Freud, *Neue Folge Der Vorlesungen Zur Einführung in Die Psychoanalyse*, in *Gesammelte Werke*, Fischer, Frankfurt am Main 1999, p. 68.

<sup>44</sup> *Ibidem*.

<sup>45</sup> *Ivi*, p 69.

<sup>46</sup> Translated by Erich Linder, J. Chasseguet-Smirgel, *La Maladie D'Idéalité. Essai psychanalytique sur l'idéal du moi*, L'Harmattan, Paris 1999.

<sup>47</sup> *Ivi*, p. 144.

<sup>48</sup> *Ivi*, p. 127.

Chasseguet-Smirgel «our fellow human beings serve for us as a mirror in which our Ego is reflected with its possible flaws».<sup>49</sup> She, thus claims, that a huge proof of the value of our Ego lies «in the image of ourselves that our fellow human beings return to us».<sup>50</sup>

Whether one agrees with Chasseguet-Smirgel or with Freud, one can conclude that the Ego-Ideal is the model which the subject imitates out of fear of loss of affection or moved by the pursuit of pleasure. Deviation from this model generates feelings of guilt and shame. These feelings, therefore, have the function of re-establishing some homeostatic balance in the individual; they help solving a problem. The individual imagines that by aspiring towards this ideal, suffering can be avoided.

The models interiorized in the past are not necessarily suitable for solving present and future problems. It is thus always appropriate to view with some suspicion both one's feelings of guilt and shame and one's own Ego-Ideal. While the above models may prove helpful inasmuch as they may, to some extent, indicate an ideal towards which we may aspire, there is no certainty that this ideal will fit our and the society's needs.

These considerations lead to draw two conclusions: firstly, we can reinterpret *full-fledged agency* as the one condition in which the agent is guaranteed the possibility of conforming to her own Ego-Ideal. What has been said about the Ego-Ideal allows to affirm that the model to which the agent wants to conform her actions may also change over time.

Individuals are neither literary characters who must match their actions to an immutable essence nor disembodied narrators capable of writing their existence on a blank sheet of paper. Instead, they are animals whose identity is formed through the two fundamental processes identified by Mormino: *self-imitation*, i.e. the repetition of those actions that have enabled them to solve problems in the past – and this includes the repetition of their actions and the imitation of models – and *exploratory motion*, thorough which the subject seeks a homeostatic balance where self-imitation has failed.<sup>51</sup> One can think of the development of an individual's identity as a game in which the individual follows the rules and patterns that have proved more or less effective in the past.

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<sup>49</sup> Ivi, p. 128.

<sup>50</sup> Ibidem.

<sup>51</sup> G. Mormino, *Per una teoria dell'imitazione*, Raffaello Cortina, Milano 2016.

Identity is usually formed through a game with relatively loose rules; how strict and rigid these rules are, however, will depend on the power dynamics. Every player will be decisive in the constitution of each other's identity. Furthermore, some other entities are used for the game, and the way they are used is regulated within the game. The relationship of ownership is one of the fundamental rules around which our games develop.

In this context, the entities considered to be one's own have a particular role, «they are useful to...», «they serve to...». The link that is established with an entity of this type, whether living or not, derives from the memory of a situation in which the use of that entity has been, in some way, conducive to the resolution of a problem. Therefore, the desire to possess an object is a desire to have access to an instrument that can get one out of trouble. It is the desire to integrate into the range of one's own behaviour those behaviours that involve the use of that object. If the use of that object has led the individual to a situation that he values as positive, the same individual will tend to repeat the behavioural patterns that involve that object. In this sense, objects, such as our possessions, will become part of the individual's identity. The behaviours that involve those objects will present themselves as pleasant places where one can feel at home and therefore where one can be oneself. However, since different situations will require different objects, becoming excessively attached to one entity can be detrimental. One runs the risk of developing what could be called the «magic wand syndrome»: an object that has proved to be a suitable means to a specific end is generalised as a magic wand to solve every problem.

The same reasoning can be applied to the actions that shape our personal identity. An individual fulfils those roles that have supposedly been useful in the past and may therefore prove useful again. Since we are never sure what to expect from the future it seems reasonable to remain open to taking on new roles.

At this point, the idea to which the individual aspires has to be conceived as something that can be subjected to criticism and abandoned. Rejecting the DAH means encouraging the agents to abandon their Ego-Ideal and to replace it with another one by which they will pay more attention to the miseries of others, an ideal which may leave as much space as possible for as many individuals as possible.

Finding a moral justification for one's own behaviour is indeed reassuring. The anguish of seeing one's identity fragmented would seem to be a powerful motivation to maintain a justification that protects it. Losing one's identity, losing one's project throws the individual into deep anguish. In «Being and Time», Heidegger points out that the distressed individual sees his world as uncanny, meaningless and feels lost. «*But uncanniness means at the same time not-being-at-home*». <sup>52</sup> As the sense of one's world is questioned, all one's habits are judged. Doubts are raised about the goodness of one's behaviour. But this in itself cannot be the cause of the anxiety. The causes are to be found in emotionality, in the feeling of not feeling at home. Home should not be understood as the physical place where one lives but as the set of behaviours to which one has been accustomed. Habit is accompanied by the peaceful feeling of not being threatened. Those who follow their habits generally do so because they have learned that this is the best way to remain in balance. Feeling at home means being able to let one's guard down and be lulled by the ghost of satisfaction. Questioning one's identity, and thus the solution to one's problems means opening the door to the frightening shadow of punishment. In this sense, it can be said that fear and pleasure-seeking, two sides of the same coin, motivate every sentient individual to cling to old solutions and habits. As already noted, however, these old solutions can be harmful in the long run; they can harm both the individual and those around her. If the changing environment is to be taken into account, one must constantly keep oneself open to the possibility of deconstructing one's identity. An ethic that takes this into account cannot raise a set of behaviours to an absolute norm because they seem to have worked in the past, especially if these behaviours will produce more pain than pleasure.

On the other hand, an ethic that does not encourage individuals to question themselves seems to promote the vice of obtuseness. Therefore, we can agree with Ashford,<sup>53</sup> who, referring to William's *Integrity objection*, states that what Williams considers a defect is a great merit of utilitarianism. Utilitarianism encourages people to compromise their integrity in order to do good.

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<sup>52</sup> M. Heidegger, *Being and Time*, tr. By J. Stambaugh, SUNY Press, Albany, p. 176.

<sup>53</sup> E. Ashford, 2000. 'Utilitarianism, Integrity and Partiality,' *Journal of Philosophy*, 97, pp. 421–439.

The last point to be made concerns the desire to have a clear conscience. As Pascal, ironically, noted, «[a]s far as we can we turn men away from forbidden things, but when we cannot prevent the action at least we purify the intention».<sup>54</sup> The apprehension of wanting to see one's conscience clear at all costs has deleterious effects. It is customary to think that a moral agent must be somehow pure in order to be virtuous. After all, when we are children, we are brought up with the admonition «be good» or «be nice». Thus, «being good» becomes an essential feature of one's Ego-Ideal that one will find difficult to renounce. One way of attaining the Ego-Ideal will be to claim to be good and present oneself as a good person. One sews the flag of goodness on oneself and behaves like a hero to attract parental care and social approval. And there is more: terms like good and evil, primarily when used at a young age, tend to leave little room for nuance and children are usually inclined to establish an apparent dichotomy between what is good and what is evil. The good and the bad are the first characters through which each person learns to read her own existence; they are the first roles that one wants to play in the game of existence. The DAH reassures us and allows us to clear our conscience; it helps us fantasise and imagine being the knight in shining armour in our story. After all, one of the cornerstones of western ethics is «not to kill», and therefore not to be involved in the death of others. The distinction between doing and allowing harm does an excellent service to the self-esteem of the agent who wants to present himself to others as virtuous. However, in doing so, the DAH distracts the agent from his involvement in the suffering of others.

DAH is of some use only if one wants to assess the character of an agent because, in most cases, the agent who does evil does it intentionally and will therefore be inclined to do it again. Such individual is usually dangerous and needs to be avoided or blamed.

To ask oneself whether there is such a thing as the DAH is therefore to ask oneself whether one is willing to live with the knowledge that one's being in the world inevitably leads to harm other individuals or whether, on the contrary, one wants to preserve and justify one's status quo. Whether one likes it or not, everyone is immersed in a sea of scurrying bodies. Every resource consumed is a resource taken away from someone else.

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<sup>54</sup> Quote by B. Pascal, *Lettres Provinciales*, quoted by J. Rachels, *The End of Life: Euthanasia and Morality*, p. 92.



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