



OXFORD JOURNALS
OXFORD UNIVERSITY PRESS

Mind Association

Utilitarianism and the Virtues

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Source: *Mind*, New Series, Vol. 94, No. 374 (Apr., 1985), pp. 196-209

Published by: [Oxford University Press](#) on behalf of the [Mind Association](#)

Stable URL: <http://www.jstor.org/stable/2254745>

Accessed: 12/01/2011 17:52

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*Utilitarianism and the Virtues**

PHILIPPA FOOT

It is remarkable how utilitarianism tends to haunt even those of us who will not believe in it. It is as if we for ever feel that it must be right, although we insist that it is wrong. T. M. Scanlon hits the nail on the head when he observes, in his article 'Contractualism and Utilitarianism', that the theory occupies a central place in the moral philosophy of our time in spite of the fact that, as he puts it, 'the implications of act utilitarianism are wildly at variance with firmly held moral convictions, while rule utilitarianism . . . strikes most people as an unstable compromise'.¹ He suggests that what we need to break this spell is to find a better alternative to utilitarian theories, and I am sure that that is right. But what I want to do is to approach the business of exorcism more directly. Obviously something drives us towards utilitarianism, and must it not be an assumption or thought which is in some way mistaken? For otherwise why is the theory unacceptable? We must be going wrong somewhere and should find out where it is.

I want to argue that what is most radically wrong with utilitarianism is its consequentialism, but I also want to suggest that its consequentialist element is one of the main reasons why utilitarianism seems so compelling. I need therefore to say something about the relation between the two theory descriptions 'utilitarian' and 'consequentialist'. Consequentialism in its most general form simply says that it is by 'total outcome', that is, by the whole formed by an action and its consequences, that what is done is judged right or wrong. A consequentialist theory of ethics is one which identifies certain states of affairs as *good* states of affairs and says that the rightness or goodness of actions (or of other subjects of moral judgement) consists in their positive productive relationship to these states of affairs. Utilitarianism as it is usually defined consists of consequentialism together with the identification of the best state of affairs with the state of affairs in which there is most happiness, most pleasure, or the maximum satisfaction of desire. Strictly speaking utilitarianism—taken here as welfare utilitarianism—is

* This is an expanded version of a paper delivered as the Presidential address at the Pacific Division Meeting of the American Philosophical Association on March 25th. 1983, and published in the *APA Proceedings and Addresses* 57 (November 1983). Much of the text is unaltered and the ideas are the same, but I hope to have explained myself more clearly this time around. I am grateful to the Officers of the APA for granting me the original copyright.

Among the many people who helped me to write the original version, Rogers Albritton and Warren Quinn in Los Angeles, and Rosalind Hursthouse, Gavin Lawrence, and David Wiggins in Oxford, all have my special thanks.

¹ T. M. Scanlon, 'Contractualism and Utilitarianism' in Amartya Sen and Bernard Williams, eds., *Utilitarianism and Beyond* (Cambridge, 1982), pp. 103–28.

left behind when the distribution of welfare is said in itself to affect the goodness of states of affairs; or when anything other than welfare is allowed as part of the good. But it is of course possible also to count a theory as utilitarian if right action is taken to be that which produces 'good states of affairs', whatever these are supposed to be; and then 'utilitarianism' becomes synonymous with 'consequentialism'. By 'utilitarianism' I shall here mean 'welfare utilitarianism', though it is with consequentialism in one form or another that I shall be most concerned.

Although I believe that what is radically wrong with utilitarianism is its consequentialism, what has often seemed to be most wrong with it has been either welfarism or the sum ranking of welfare. So it has been suggested that 'the good' is not automatically increased by an increase in pleasure, but by non-malicious pleasure, or first-order pleasure, or something of the kind; in order to get over difficulties about the pleasures of watching a public execution or the pleasures and pains of the bigot or the prude.² Furthermore distribution principles have been introduced so that actions benefiting the rich more than they harm the poor no longer have to be judged morally worthy. Thus the criteria for the goodness of states of affairs have continually been modified to meet one objection after another; but it seems that the modifications have never been able to catch up with the objections. For the distribution principles and the discounting of certain pleasures and pains did nothing to help with problems about, e.g., the wrongness of inducing cancer in a few experimental subjects to make a substantial advance in finding a cure for the disease. If the theory was to give results at all in line with common moral opinion *rights* had to be looked after in a way that was so far impossible within even the modified versions of utilitarianism.

It was therefore suggested, by Amartya Sen, that 'goal rights' systems should be considered; the idea being that the respecting or violating of rights should be counted as itself a good or an evil in the evaluation of states of affairs.³ This would help to solve some problems because if the respecting of the rights of the subject were weighted heavily enough the cancer experiment could not turn out to be 'optimific' after all. Yet this seems rather a strange suggestion, because as Samuel Scheffler has remarked, it is not clear why, in the measurement of the goodness of states of affairs or total outcomes, killings for instance should count so much more heavily than deaths.⁴ But what is more important is that this 'goal rights' system fails to deal with certain other examples of actions that most of us would want to call wrong. Suppose, for instance, that some evil person threatens to kill or torture a number of victims unless we kill or torture one, and suppose that we have every reason to believe that he will do as he says. Then in terms of their total

² See, e.g., Amartya Sen, 'Utilitarianism and Welfarism', *Journal of Philosophy* 76 (1979), pp. 463-89.

³ Amartya Sen, 'Rights and Agency', *Philosophy and Public Affairs*, 11 (1982), pp. 3-39.

⁴ Samuel Scheffler, *The Rejection of Consequentialism* (Oxford, 1982), pp. 108-12.

outcomes (again consisting of the states of affairs made up of an action and its consequences) we have the choice between more killings or torturings and less, and a consequentialist will have to say that we are justified in killing or torturing the one person, and indeed that we are morally obliged to do it, always supposing that no indirect consequences have tipped the balance of good and evil. There will in fact be nothing that it will not be right to do to a perfectly innocent individual if that is the only way of preventing another agent from doing more things of the same kind.

Now I find this a totally unacceptable conclusion and note that it is a conclusion not of utilitarianism in particular but rather of consequentialism in any form. So it is the spellbinding force of consequentialism that we have to think about. Welfarism has its own peculiar attraction, which has to do with the fact that pleasure, happiness, and the satisfaction of desire are things seen as in some way good. But this attraction becomes less powerful as distribution principles are added, and pleasures discounted on an *ad hoc* basis to destroy the case for such things as public executions.

If having left welfarist utilitarianism behind we still find ourselves unable, in spite of its difficulties, to get away from consequentialism, there must be a reason for this. What is it, let us now ask, that is so compelling about consequentialism? It is, I think, the rather simple thought that it can never be right to prefer a worse state of affairs to a better.⁵ It is this thought that haunts us and, incidentally, this thought that makes the move to rule utilitarianism an unsatisfactory answer to the problem of reconciling utilitarianism with common moral opinion. For surely it will be irrational, we feel, to obey even the most useful rule if in a particular instance we clearly see that such obedience will not *have the best results*. Again following Scheffler we ask if it is not paradoxical that it should ever be morally objectionable to act in such a way as to minimize morally objectionable acts of just the same type.⁶ If it is a bad state of affairs in which one of these actions is done it will presumably be a worse state of affairs in which several are. And must it not be irrational to prefer the worse to the better state of affairs?

This thought does indeed seem compelling. And yet it leads to an apparently unacceptable conclusion about what it is right to do. So we ought, as I said, to wonder whether we have not gone wrong somewhere. And I think that indeed we have. I believe (and this is the main thesis

⁵ The original version continued 'How could it ever be right, we think, to produce less good rather than more good?'. I have excised this sentence because in the context the use of the expression 'doing more good' suggested an identification which I was at pains to deny. At all times I have allowed *doing good* as an unproblematic notion, because although it does raise many problems, e.g. about different distributions of benefits, it does not raise the particular problems with which I am concerned. I want to insist that however well we might understand what it was to 'do as much good as possible' in the sense of producing maximum benefit, it would not follow that we knew what we meant by expressions such as 'the best outcome' or 'the best state of affairs' as these are used by moral philosophers. Cp. the discussion on page 202 of the present version of this paper.

⁶ Op. cit., p. 121.

of the paper) that we go wrong in accepting the idea that there *are* better and worse states of affairs in the sense that consequentialism requires. As Wittgenstein says in a different context, 'The decisive movement in the conjuring trick has been made, and it was the very one that we thought quite innocent'.⁷

Let us therefore look into the idea of a good state of affairs, as this appears in the thought that we can judge certain states of affairs to be better than others and then go on to give moral descriptions to actions related productively to these states of affairs.

We should begin by asking why we are so sure that we even understand expressions such as 'a good state of affairs' or 'a good outcome'; for as Peter Geach pointed out years ago there are phrases with the word 'good' in them, as, e.g., 'a good event' that do *not* at least as they stand have a sense.⁸ Following this line one might suggest that philosophers are a bit hasty in using expressions such as 'a better world'. One may *perhaps* understand this when it is taken to mean a 'deontically better world' defined as one in which fewer duties are left unfulfilled; but obviously this will not help to give a sense to 'better state of affairs' as the consequentialist needs to use this expression, since he is wanting to fix our obligations not to refer to their fulfilment.

Nevertheless it may seem that combinations of words such as 'a good state of affairs' are beyond reproach or question, for such expressions are extremely familiar. Do we not use them every day? We say that it is a good thing that something or other happened; what difficulty can there be in constructing from such elements anything we want in the way of aggregates such as total outcomes which (in principle) take into account all the elements of a possible world and so constitute good states of affairs? Surely no one can seriously suggest that 'good state of affairs' is an expression that we do not understand?

It would, of course, be ridiculous to query the sense of the ordinary things that we say about its being 'a good thing' that something or other happened, or about a certain state of affairs being good or bad. The doubt is not about whether there is some way of using the words, but rather about the way they appear in the exposition of utilitarian and other consequentialist moral theories. It is important readily to accept the fact that we talk in a natural and familiar way about good states of affairs, and that there is nothing problematic about such usage. But it is also important to see how such expressions actually work in the contexts in which they are at home, and in particular to ask about the status of a good state of affairs. Is it something impersonal to be recognized (we hope) by all reasonable men? It seems, surprisingly, that this is not the case at least in many contexts of utterance of the relevant expressions. Suppose, for instance, that the supporters of

⁷ Ludwig Wittgenstein, *Philosophical Investigations* (Macmillan 1953, and Blackwell 1958), § 308.

⁸ Peter Geach, 'Good and Evil', *Analysis* 17 (1956), pp. 33–42.

different teams have gathered in the stadium and that the members of each group are discussing the game; or that two racegoers have backed different horses in a race. Remarking on the course of events one or the other may say that things are going well or badly, and when a certain situation has developed may say that it is a good or a bad state of affairs. More commonly they will welcome some developments and deplore others, saying 'Oh good!' or 'That's bad!', calling some news good news and some news bad, sometimes describing what has happened as 'a good thing' and sometimes not. We could develop plenty of other examples of this kind, thinking for instance of the conversations about the invention of a new burglar alarm that might take place in the police headquarters and in the robbers' den.

At least two types of utterance are here discernible. For 'good' and its cognates may be used to signal the speaker's attitude to a result judged as an end result, and then he says 'Good!' or 'I'm glad' or 'That's good' where what he is glad about is something welcomed in itself and not for any good it will bring. But a state of affairs may rather be judged by its connection with other things called good. And even what is counted as in itself good may be said to be bad when it brings enough evil in its train.

Now what shall we say about the truth or falsity of these utterances? It certainly seems that they can be straightforwardly true or false. For perhaps what appears to be going to turn out well is really going to turn out badly: what seemed to be a good thing was really a bad thing, and an apparently good state of affairs was the prelude to disaster. 'You are quite wrong' one person may say to another and events may show that he *was* wrong. Nevertheless we can see that this quasi-objectivity, which is not to be questioned when people with similar aims, interests, or desires are speaking together, flies out of the window if we try to set the utterances of those in one group against the utterances of those in another. One will say 'a good thing' where another says 'a bad thing', and it is the same for states of affairs. It would be bizarre to suggest that at the races it really *is* a good thing that one horse or the other is gaining (perhaps because of the pleasure it will bring to the majority, or the good effect on the future of racing) and so that the utterance of one particular punter, intent only on making a packet, will be the one that is true.

This is not to say, however, that what a given person says to be a good thing or a good state of affairs must relate to his own advantage. For anyone may be *interested in* the future of racing, and people commonly are *interested in*, e.g., the success of their friends, saying 'that's a good thing' if one of them looks like winning a prize or getting a job; incidentally without worrying much about whether he is the very best candidate for it.

Now it may be thought that these must be rather special uses of expressions such as 'good state of affairs', because we surely must speak quite differently when we are talking about public matters, as when for instance we react to news of some far-away disaster. We say that the news is bad

because a lot of people have lost their lives in an earthquake. Later we may say that things are not as bad as we feared and someone may remark 'that's a good thing'. 'A bad state of affairs', we might remark on hearing the original news about people dead or homeless, and this will usually have nothing to do with harm to us or to our friends.

In this way the case is different from that of the racegoers or the cops and robbers, but this is not of course to imply that what we say on such occasions has a different status from the utterances we have considered so far. For why should its truth not be 'speaker-relative' too, also depending on what the speakers and their group are *interested in* though not now on the good or harm that will come to them themselves? Is it not more plausible to think this than to try to distinguish two kinds of uses of these expressions, one speaker-relative and the other not? For are there really two ways in which the police for instance might speak? And two ways in which the robbers could speak as well? Are we really to say that although when they are both speaking in the speaker-relative way they do not contradict each other, and may both speak truly, when speaking in the 'objective' way one group will speak truly and the other not? What shows that the second way of speaking exists?

What thoughts, one may ask, can we really be supposed to have which must be expressed in the disputed mode? Considering examples such as that of the far-away earthquake we may think that we believe the best state of affairs to be the one in which there is most happiness and least misery, or something of the sort. But considering other examples we may come to wonder whether any such thought can really be attributed to us.

Suppose for instance that when walking in a poor district one of us should lose a fairly considerable sum of money which we had intended to spend on something rather nice. Arriving home we discover the loss and telephone the police on the off chance that our wad of notes has been found and turned in. To our delight we find that it was picked up by a passing honest policeman, and that we shall get it back. 'What a good thing' we say 'that an officer happened to be there.' What seemed to be a bad state of affairs has turned out not to be bad after all: things are much better than we thought they were. And all's well that ends well. But how, it may now be asked, *can* we say that things have turned out better than we thought? Were we not supposed to believe that the best state of affairs was the one in which there was most happiness and least misery? So surely it would have been *better* if the money had not been returned to us but rather found and kept as treasure trove by some poor inhabitant of the region? We simply had not considered that because most of us do not actually *have* the thought that the best state of affairs is the one in which we lose and they gain. Perhaps we should have had this thought if it had been a small amount of money, but this was rather a lot.

No doubt it will seem to many that there must be non-speaker-relative uses of words evaluating states of affairs because moral judgements cannot

have speaker-relative status. But if one is inclined, as I am, to doubt whether propositions of this form play any part in the fundamentals of ethical theory there is no objection on this score. It is important however that the preceding discussion has been about propositions of a particular form and nothing has been said to suggest that all judgements about what is good and bad have speaker-relative status. I have not for instance made this suggestion for what Geach called 'attributive' judgements concerning things good or bad of a kind—good knives and houses and essays, or even good actions, motives or men. If there is some reason for calling these 'speaker-relative' the reason has not been given here. Nor has anything been said about the status of propositions about what is *good for* anyone or anything, or about that in which their good consists.

What has I hope now been shown is that we should not take it for granted that we even know what we are talking about if we enter into a discussion with the consequentialist about whether it can ever be right to produce something other than 'the best state of affairs'.

It might be suggested by way of reply that what is in question in these debates is not just the best state of affairs without qualification but rather *the best state of affairs from an impersonal point of view*. But what does this mean? A good state of affairs from an impersonal point of view is presumably opposed to a good state of affairs from *my* point of view or from *your* point of view, and as a good state of affairs from my point of view is a state of affairs which is advantageous to me, and a good state of affairs from your point of view is a state of affairs that is advantageous to you, a good state of affairs from an impersonal point of view presumably means a state of affairs which is generally advantageous, or advantageous to most people, or something like that. About the idea of maximum welfare we are not (or so we are supposing for the sake of the argument) in any difficulty.⁹ But an account of the idea of a good state of affairs which simply defines it in terms of maximum welfare is no help to us here. For our problem is that something is supposed to be being said *about* maximum welfare and we cannot figure out what this is.

In a second reply, more to the point, the consequentialist might say that what we should really be dealing with in this discussion is states of affairs which are good or bad, not simply, but *from the moral point of view*. The qualification is, it will be suggested, tacitly understood in moral contexts, where no individual speaker gives his own private interests or allegiances a special place in any debate, the speaker-relativity found in other contexts thus being left behind. This seems to be a pattern familiar from other cases, as, e.g., from discussions in meetings of the governors of public institutions. Why should it not be in a similar way that we talk of a good and a bad thing to happen 'from a moral point of view'? And is it not hard to reject the conclusion that right action is action producing *this* 'best state of affairs'?

⁹ Cp. footnote 5.

That special contexts can create special uses of the expressions we are discussing is indeed true. But before we proceed to draw conclusions about moral judgements we should ask why we think that it makes sense to talk about morally good and bad states of affairs, or to say that it is a good thing (or is good that) something happened 'from a moral point of view'. For after all we cannot concoct a meaningful sentence by adding just any qualification of this verbal form to expressions such as these. What would it mean, for instance, to say that a state of affairs was good or bad 'from a legal point of view' or 'from the point of view of etiquette'? Or that it was a good thing that a certain thing happened from these same 'points of view'? Certain interpretations that suggest themselves are obviously irrelevant, as, for instance, that it is a good state of affairs from a legal point of view when the laws are clearly stated, or a good state of affairs from the point of view of etiquette when everyone follows the rules.

It seems, therefore, that we do not solve the problem of the meaning of 'best state of affairs' when supposed to be used in a non-speaker-relative way simply by tacking on 'from a moral point of view'; since it cannot be assumed that the resulting expression has any sense. Nevertheless it would be wrong to suggest that 'good state of affairs from a moral point of view' is a concatenation of words which in fact has no meaning in *any* of the contexts in which it appears, and to see this we have only to look at utilitarian theories of the type put forward by John C. Harsanyi and R. M. Hare, in which a certain interpretation is implicitly provided for such expressions.¹⁰

Harsanyi for instance argues that the only *rational* morality is one in which the rightness or wrongness of an action is judged by its relation to a certain outcome, i.e. the maximization of social utility. The details of this theory, which defines social utility in terms of individual preferences, do not concern us here. The relevant point is that within it there appears the idea of an end which is the goal of moral action, and therefore the idea of a best state of affairs from a moral point of view. (It does not of course matter whether Harsanyi uses these words.)

Similarly Hare, by a more elaborate argument from the universalisability and prescriptivity of moral judgements, tries to establish the proposition that one who takes the moral point of view must have as his aim the maximization of utility, reflecting this in one way in his day-to-day prescriptions and in another in 'critical' moral judgements. So here too a clear sense can be given to the idea of a best state of affairs from a moral point of view: it is the state of affairs which a man aims at when he takes the moral point of view and which in one way or another determines the truth of moral judgements.

Within these theories there is, then, no problem about the meaning of

¹⁰ See, e.g., John C. Harsanyi, 'Morality and the Theory of Rational Behavior', *Social Research* 44 (1977). Reprinted in Sen and Williams, *op. cit.*, pp. 39-62, and R. M. Hare, *Moral Thinking* (Oxford, 1981).

expressions such as 'the best state of affairs from the moral point of view'. It does not follow, however, that those who reject the theories should be ready to discuss the pros and cons of consequentialism in these terms. For unless the arguments given by Hare and Harsanyi are acceptable it will not have been shown that there is any reference for expressions such as 'the aim which each man has in so far as he takes up the moral point of view' or *a fortiori* 'the best state of affairs from the moral point of view'.

If my main thesis is correct this is a point of the first importance. For I am arguing that where non-consequentialists commonly go wrong is in accepting from their opponents questions such as 'Is it ever right to act in such a way as to produce something less than the best state of affairs that is within one's reach?'¹¹ Summing up the results reached so far we may say that if taken in one way, with no special reference to morality, talk about good states of affairs seems to be speaker-relative. But if the qualification 'from a moral point of view' is added the resulting expression may mean nothing; and it may lack a reference when a special consequentialist theory has given it a sense.

In the light of this discussion we should find it significant that many people who do not find any particular consequentialist theory compelling nevertheless feel themselves driven towards consequentialism by a thought which turns on the idea that there are states of affairs which are better or worse from a moral point of view. What is it that seems to make this an inescapable idea?

Tracing the assumption back in my own mind I find that what seems preposterous is to deny that there are some things that a moral person must want and aim at in so far as he is a moral person and that he will count it 'a good thing' when these things happen and 'a good state of affairs' either when they are happening or when things are disposed in their favour. For surely he must want others to be happy. To deny this would be to deny that benevolence is a virtue—and who wants to deny that?

Let us see where this line of thought will take us, accepting without any reservation that benevolence is a virtue and that a benevolent person must often aim at the good of others and call it 'a good thing' when for instance a faraway disaster turns out to have been less serious than was feared. Here we do indeed have the words 'a good thing' (and just as obviously a 'good state of affairs') necessarily appearing in moral contexts. And the use is explained not by a piece of utilitarian theory but by a simple observation about benevolence.

This, then, seems to be the way in which seeing states of affairs in which

¹¹ See, e.g., Thomas Nagel, 'The Limits of Objectivity' in *Tanner Lectures*, vol. I (1980), p. 131, where he says that '... things would be better, what *happened* would be better' if I twisted a child's arm in circumstances where (by Nagel's hypothesis) this was the only way to get medical help for the victims of an accident. He supposes that I might have done something worse if I hurt the child than if I did not do it, but that the total outcome would have been better. It does not, I think, occur to him to question the idea of *things* being better—or *things* being worse.

people are happy as good states of affairs really is an essential part of morality. But it is very important that we have found this end *within* morality, and forming part of it, not standing outside it as the 'good state of affairs' by which moral action in general is to be judged. For benevolence is only one of the virtues, and we shall have to look at the others before we can pronounce on any question about good or bad action in particular circumstances. Off-hand we have no reason to think that whatever is done with the aim of improving the lot of other people will be morally required or even morally permissible. For firstly there are virtues such as friendship which play their part in determining the requirements of benevolence, e.g., by making it consistent with benevolence to give service to friends rather than to strangers or acquaintances. And secondly there is the virtue of justice, taken in the old wide sense in which it had to do with everything *owed*. In our common moral code we find numerous examples of limitations which justice places on the pursuit of welfare. In the first place there are principles of distributive justice which forbid, on grounds of fairness, the kind of 'doing good' which increases the wealth of rich people at the cost of misery to the poor. Secondly, rules such as truth telling are not to be broken wherever and whenever welfare would thereby be increased. Thirdly, considerations about rights, both positive and negative, limit the action which can be taken for the sake of welfare. Justice is primarily concerned with the following of certain rules of fairness and honest dealing and with respecting prohibitions on interference with others rather with attachment to any end. It is true that the just man must also fight injustice, and here justice like benevolence is a matter of ends, but of course the end is not the same end as the one that benevolence seeks and need not be coincident with it.

I do not mean to go into these matters in detail here, but simply to point out that we find in our ordinary moral code many requirements and prohibitions inconsistent with the idea that benevolence is the whole of morality. From the point of view of the present discussion it would be acceptable to describe the situation in terms of a tension between, for instance, justice and benevolence. But it is not strictly accurate to think of it like this, because that would suggest that someone who does an unjust act for the sake of increasing total happiness has a higher degree of benevolence than one who refuses to do it. Since someone who refuses to sacrifice an innocent life for the sake of increasing happiness is not to be counted as less benevolent than someone who is ready to do it, this cannot be right. We might be tempted to think that the latter would be acting 'out of benevolence' because his aim is the happiness of others, but this seems a bad way of talking. Certainly benevolence does not require unjust action, and we should not call an act which violated rights an act of benevolence. It would not, for instance, be an act of benevolence to induce cancer in one person (or deliberately to let it run its course) even for the sake of alleviating much suffering.

What we should say therefore is that even perfection in benevolence does

not imply a readiness to do anything and everything of which it can be said that it is highly probable that it will increase the sum of human happiness. And this, incidentally, throws some light on a certain type of utilitarian theory which identifies the moral assessment of a situation with that of a sympathetic impartial observer whose benevolence extends equally to all mankind.¹² For what, we may ask, are we to suppose about this person's *other* characteristics? Is he to be guided simply and solely by a desire to relieve suffering and increase happiness; or is he also just? If it is said that for him the telling of truth, keeping of promises, and respecting of individual autonomy are to be recommended only in so far as these serve to maximize welfare then we see that the 'impartial sympathetic observer' is by definition one with a utilitarian point of view. So the utilitarians are defining moral assessment in their own terms.

Returning to the main line of our argument we now find ourselves in a better position to see that there indeed is a place *within* morality for the idea of better and worse states of affairs. That there is such a place is true if only because the proper end of benevolence is the good of others, and because in many situations the person who has this virtue will be able to think of good and bad states of affairs, in terms of the general good. It does not, however, follow that he will always be able to do so. For sometimes justice will forbid a certain action, as it forbids the harmful experiment designed to further cancer research; and then it will not be possible to ask whether 'the state of affairs' containing the action and its result will be better or worse than one in which the action is not done. The action is one that *cannot* be done, because justice forbids it, and nothing that has this moral character comes within the scope of the kind of comparison of total outcomes that benevolence may sometimes require. Picking up at this point the example discussed earlier about the morality of killing or torturing to prevent more killings or torturings we see the same principle operating here. If it were a question of riding out to rescue a small number or a large number then benevolence would, we may suppose, urge that the larger number be saved. But if it is a matter of preventing the killing *by* killing (or conniving at a killing) the case will be quite different. One does not have to believe that all rights to non-interference are absolute to believe that *this* is an unjust action, and if it is unjust the moral man says to himself that he cannot do it and does not include it in an assessment he may be making about the good and bad states of affairs that he can bring about.

What has been said in the last few paragraphs is, I suggest, a sketch of what can truly be said about the important place that the idea of maximum welfare has in morality. It is not that in the guise of 'the best outcome' it stands *outside* morality as its foundation and arbiter, but rather that it appears *within* morality as the end of one of the virtues.

When we see it like this, and give expressions such as 'best outcome' and

¹² See Harsanyi, *op. cit.*, Sen and Williams, *op. cit.*, p. 39.

'good state of affairs' no special meaning in moral contexts other than the one that the virtues give them, we shall no longer think the paradoxical thought that it is sometimes right to act in such a way that the total outcome, consisting of one's action and its results, is less good than some other accessible at the time. In the abstract a benevolent person must wish that loss and harm should be minimized. He does not, however, wish that the whole consisting of a killing to minimize killings should be actualized either by his agency or that of anyone else. So there is no reason on this score to think that he must regard it as 'the better state of affairs'.¹³ And therefore there is no reason for the non-consequentialist, whose thought of good and bad states of affairs in moral contexts comes only from the virtues themselves, to describe the refusal as a choice of a worse total outcome. If he does so describe it he will be giving the words the sense they have in his opponents' theories, and it is not surprising that he should find himself in their hands.

We may also remind ourselves at this point that benevolence is not the only virtue which has to do, at least in part, with ends rather than with the observance of rules. As mentioned earlier there belongs to the virtue of justice the readiness to fight for justice as well as to observe its laws; and there belongs to truthfulness not only the avoidance of lying but also that other kind of attachment to truth which has to do with its preservation and pursuit. A man of virtue must be a lover of justice and a lover of truth. Furthermore he will seek the special good of his family and friends. Thus there will be many things which he will want and will welcome, sometimes sharing these aims with others and sometimes opposing them, as when working differentially for his own children or his own friends.¹⁴ Similarly someone who is judging a competition and is a fair judge must try to see to it that the best man wins. The existence of these 'moral aims' will of course give opportunity for the use, in moral contexts, of such expressions as 'a good thing' or 'the best state of affairs'. But nothing of a consequentialist nature follows from such pieces of usage, found here and there within morality.

An analogy will perhaps help to make my point. Thinking about good manners we might decide that someone who has good manners tries to avoid embarrassing others in social situations. This must, let us suppose, be one of his aims; and we might even decide that so far as manners is concerned this, or something like it, is the only prescribed *end*. But of course this does not mean that what good manners require of anyone is universally determined by this end. A consequentialist theory of good manners would presumably be mistaken; because good manners, not being solely a matter of purposes, also require that certain things be done or not done: e.g. that hospitality not

¹³ I have discussed examples of this kind in more detail in 'Morality Action and Outcome', forthcoming in Ted Honderich, ed., *Objectivity and Value, Essays in Memory of John Mackie*. (Routledge and Kegan Paul).

¹⁴ See Derek Parfit, 'Prudence, Morality, and the Prisoner's Dilemma', *Proceedings of the British Academy* 65 (1979), pp. 556-64, and Amartya Sen, 'Rights and Agency'.

be abused by frank discussion of the deficiencies of one's host as soon as he leaves the room.¹⁵ So if invited to take part in such discussions a well-mannered person will, if necessary, maintain a silence embarrassing to an interlocutor, because the rule here takes precedence over the aim prescribed. Assuming that this is a correct account of good manners—and it does not of course matter whether it is or not—we can now see the difficulty that arises if we try to say which choice open to the agent results in the best state of affairs from the point of view of manners. In certain contexts the state of affairs containing no embarrassment will be referred to as a good state of affairs, because avoiding embarrassment is by our hypothesis the one *end* prescribed by good manners. But we should not be surprised if the right action from the point of view of good manners is sometimes the one that produces something *other* than this good state of affairs. We have no right to take an end from within the whole that makes up good manners and turn it, just because it is an *end*, into the single guide to action to be used by the well-mannered man.

This analogy serves to illustrate my point about the illegitimacy of moving what is found within morality to a criterial position outside it. But it may also bring to the surface a reason many will be ready to give for being dissatisfied with my thesis. For surely a morality is unlike a code of manners in claiming rational justification for its ordinances? It cannot be enough to say that we *do* have such things as rules of justice in our present system of virtues: the question is whether we should have them, and if so why we should. And the reason this is crucial in the present context is that the justification of a moral code may seem inevitably to involve the very idea that has been called in question in this paper.

This is a very important objection. In its most persuasive form it involves a picture of morality as a rational device developed to serve certain purposes, and therefore answerable to these purposes. Morality, it will be suggested, is a device with a certain object, having to do with the harmonizing of ends or the securing of the greatest possible general good, or perhaps one of these things plus the safeguarding of rights. And the content of morality—what really is right and wrong—will be thought to be determined by what it is rational to require in the way of conduct given that these are our aims. Thus morality is thought of as a kind of tacit legislation by the community, and it is, of course, significant that the early Utilitarians, who were much interested in the rationalizing of actual Parliamentary legislation, were ready to talk in these terms.¹⁶ In moral legislation our aim is, they thought, the general good. With this way of looking at morality there reappears the idea of better and worse states of affairs from the moral point of view. Moreover consequentialism *in some form* is necessarily reinstated. For while there is

¹⁵ It is customary to wait until later.

¹⁶ See, e.g., Jeremy Bentham, *An Introduction to the Principles of Legislation* (1789), Chapter III, section 1.

room on such a model for rational moral codes which enjoin something other than the pursuit of 'the best state of affairs from the moral point of view' this will be only in so far as it is by means of such ordinances that the object of a moral code is best achieved.¹⁷

Thus it may seem that we must after all allow that the idea of a good state of affairs appears at the most basic level in the critical appraisal of any moral code. This would, however, be too hasty a conclusion. Consequentialism in some form follows from the premiss that morality is a device for achieving a certain shared end. But why should we accept this view of what morality is and how it is to be judged? Why should we not rather see that as itself a consequentialist assumption, which has come to seem neutral and inevitable only in so far as utilitarianism and other forms of consequentialism now dominate moral philosophy?

To counter this bewitchment let us ask awkward questions about who is supposed to *have* the end which morality is supposed to be in aid of. J. S. Mill notoriously found it hard to pass from the premiss that the end of each is the good of each to the proposition that the end of all is the good of all.¹⁸ Perhaps no such *shared end* appears in the foundations of ethics, where we may rather find individual ends and rational compromises between those who have them. Or perhaps at the most basic level lie facts about the way individual human beings can find the greatest goods which they are capable of possessing. The truth is, I think, that we simply do not have a satisfactory theory of morality, and need to look for it. Scanlon was indeed right in saying that the real answer to utilitarianism depends on progress in the development of alternatives. Meanwhile, however, we have no reason to think that we must accept consequentialism in any form. If the thesis of this paper is correct we should be more alert than we usually are to the possibility that we may unwittingly, and unnecessarily, surrender to consequentialism by uncritically accepting its key idea. Let us remind ourselves that the idea of the goodness of total states of affairs played no part in Aristotle's moral philosophy, and that in modern times it plays no part either in Rawls's account of justice or in the theories of more thoroughgoing contractualists such as Scanlon.¹⁹ If we accustom ourselves to the thought that there is simply a blank where consequentialists see 'the best state of affairs' we may be better able to give other theories the hearing they deserve.

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¹⁷ For discussions of this possibility see, e.g., Robert Adams, 'Motive Utilitarianism', *The Journal of Philosophy* 73 (1976) and Derek Parfit, *Reasons and Persons* (Oxford, Clarendon Press, 1984), pp. 24–8.

¹⁸ J. S. Mill, *Utilitarianism* (1863), Chapter IV.

¹⁹ John Rawls, *A Theory of Justice* (Cambridge, Mass., Harvard University Press, 1971); T. M. Scanlon, *op. cit.*