**“The Consequentializing Argument Against…Consequentializing? ”[[1]](#footnote-1)**

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ABSTRACT

Consequentializing involves both a strategy and conditions for its successful implementation. The strategy takes the features a target theory holds to be relevant to deontic evaluation of actions, and builds them into a counterpart ranking of outcomes. It succeeds if the result is 1) a substantive version of consequentialism that 2) yields the same deontic verdicts as the target theory. Consequentializers typically claim and their critics allow that all plausible alternative theories can be consequentialized. I demonstrate that even standard alternatives such as Aristotelean virtue ethics and Kantian ethics cannot be. The strategy either leaves out features relevant to deontic evaluation on such target theories, resulting in failure of deontic equivalence, or, if it is altered to include these features, fails to produce a substantive version of consequentialism. The consequentializing strategy thus demonstrates not that we are all consequentialists now, but why so many of us are not, that it is misguided to impose a consequentialist account of deontic evaluation upon alternative theories, that it is the commitment to a constraint on value rationales that distinguishes consequentialist theories, and that the plausibility of this distinctive constraint should be the focus of the debate going forward.

KEYWORDS: Consequentialize; Consequentialism; Virtue Ethics; Kantian Ethics; Value Rationale; Deontic Evaluation; Outcome Centered Constraint; Deontic Equivalence

Section I: INTRODUCTION

The strategy of consequentializing features that are intuitively relevant to the deontic evaluation of actions by building them into the telic evaluation of outcomes is almost as old as consequentialism itself. But the expansion of consequentialism in recent decades beyond rankings of outcomes as better for me and better overall to outcomes better relative to me[[2]](#footnote-2) has unleashed a spate of arguments for the conclusions that any ethical theory, or at least any minimally plausible candidate, can readily be converted into consequentialized form.[[3]](#footnote-3) The resulting consequentializing argument for consequentialism in its most ambitious form purports not simply to win a significant battle against other ethical theories, but to end the war entirely. If all plausible alternative theories can be captured without distortion in consequentialized form, and in particular if there are reasons to prefer theories in such a form, won’t it be most illuminating to compare and contrast ethical theories in their consequentialized form; indeed, aren’t all plausible alternatives best understood as forms of consequentialism? Even critics who answer this last question in the negative, however, typically grant that all plausible alternatives can be converted into consequentialized form.

But they cannot. Nor is the point that certain carefully configured alternatives resist consequentializing. (e.g. Brown, 2011) Even many standard alternatives, in particular Aristotelean virtue ethics and Kantian ethics, cannot be consequentialized. To focus the issue I adopt a standard account of consequentializing, upon which the consequentialized form of any ethical theory is “*a substantive version of consequentialism* that yields…*the same set of deontic verdicts* that it yields.” (Portmore, 2009, emphasis mine) The two central elements of the successful consequentializing of any target theory are that the counterpart 1) must be a substantive version of consequentialism, and 2) must satisfy deontic equivalence, yielding deontically equivalent verdicts. In what follows I will argue that the consequentializing strategy, even when applied to these standard alternatives, fails on its own terms to produce consequentialized counterparts: It can either produce a substantive version of consequentialism or secure deontic equivalence with the target theory, but not both. Moreover, I will show that the source of this failure is instructive, explaining why such alternatives are not forms of consequentialism, and why the framing of the argument invites the mistaken conclusion that they are.[[4]](#footnote-4)

The argument proceeds in two stages. The first assumes what I will characterize as a *reason independent view* of the deontic evaluation of actions.[[5]](#footnote-5) A reason independent view determines the relevant deontic values of actions through appeal to the reasons there are for the agent to perform them, but *independently of whether the agent performs the actions for these reasons*. On such a reason independent view if there are decisive reasons to pay a barista for a cup of coffee, then because the virtuous agent and Parfit’s infamously vicious gangster (2011, 216, 231-2) both intentionally pay the barista their actions will receive the same deontic evaluation, even though only one of them performs the action *for those reasons*. The second stage abandons the reason independence assumption, allowing in addition that alternative theories provide *reason dependent* deontic evaluations of actions. Such reason dependent deontic evaluations of actions take the agent’s reasons for performing the action to be essential to at least some fundamental deontic evaluations.[[6]](#footnote-6) On such views although the virtuous person and the gangster both intentionally pay for their coffee, and there are decisive reasons for each to do so, only the virtuous person performs an action for those reasons, hence only her action merits the relevant reason dependent deontic evaluation.

I will demonstrate in the next section that both Aristotelean virtue ethics and Kantian ethics incorporate a central role for reason dependent deontic evaluations of actions. Consequentialist ethical theories typically do not. If the consequentializing strategy assumes that the relevant deontic evaluations of target theories are all reason independent (Stage 1), it only captures the features relevant to such reason independent evaluations in the resulting rankings of outcomes. Implementation of the strategy upon such alternatives will fail to achieve deontic equivalence because it will elide from view all of the reason dependent deontic verdicts central to these target theories. The result is a theory in consequentialized form, but it is not a consequentialized form of the target theory. I demonstrate in Section III that if the strategy instead recognizes that such theories provide reason dependent deontic evaluation (Stage 2), and builds the features relevant to such evaluations into the counterpart ranking of outcomes, the resulting ranking does achieve deontic equivalence with the target theory, but it fails to yield a substantive version of consequentialism; indeed, it merely reproduces the target nonconsequentialist theory. Thus, my argument will show that either the consequentializing strategy does not produce a consequentialized form of the target theory (reason independence assumption), failing the test of deontic equivalence, or it does yield deontic equivalence (eschewing the reason independence assumption), but only because the product is not a substantive version of consequentialism.

The consequentializing strategy cannot do what it purports to – put even standard alternatives to consequentialist ethical theories into consequentialized form. But deploying the strategy does illuminate a central distinction between these alternative theories and forms of consequentialism, and suggests why the distinction is obscured in the current debate. I will close (Section IV) by highlighting these positive insights that flow from the failure of consequentializing.

Section II: Stage 1 – Reason Independent Consequentializing

Within the context of the assumption that all deontic evaluation is reason independent, both the consequentializing strategy itself and the test of deontic equivalence can seem straightforward. Such reason independence is a natural assumption for the consequentialist, for whom deontic evaluations of actions are typically taken to be a function of the value of the outcomes that they bring about and the reasons there are to bring about such outcomes, not of the reasons for which they are undertaken, but it is also assumed by many of the most influential critics of consequentialism (Thompson, 1999; Scanlon 2008, 21 and 28). Within the context of the assumption that deontic statuses are all determined reason independently, the strategy need only identify the reasons there are for determining the deontic statuses of actions on the target theory and the actions that these reasons identify as right, wrong, etc., and take these also to determine a substantive ranking of outcomes. The results are taken to support the deontic equivalence thesis by demonstrating that “for any remotely plausible non-consequentialist theory, there is a consequentialist counterpart theory that is deontically equivalent to it.” (Portmore, 2007, 39-40) If, for example, the target theory identifies decisive reasons deontically requiring the agent not to commit murder even to prevent two others from murdering, the consequentialized counterpart will rank higher “the outcome in which two others commit murder to the one in which she herself commits murder.” (Portmore, 2009, 329) The deontically required act on the target theory, not murdering, is the act that brings about the highest ranked outcome as identified by the counterpart form of consequentialism, the outcome that the agent has the most reason to bring about (her not murdering). The consequentialized counterpart theory deontically requires the agent to perform the act that the target theory also requires the agent to perform, resulting in a deontic equivalence.[[7]](#footnote-7)

Kantian ethics requires us to keep a promise even when breaking it would prevent two promise-breakings by others, and Aristotelean ethics requires us to stand by our friend even though as a result three other people will betray theirs. If the deontic evaluations involved were only reason independent, the consequentialist counterparts to such theories would rank highest the outcomes constituted (at least in part) by the agent keeping her promise and standing by her friend. Am I morally required to keep my promise and to stand by my friend? I need only consult the relevant rankings of outcomes,[[8]](#footnote-8) hence the target theories have been converted into consequentialized form.

But the reason independent assumption is false for these standard alternatives. They both endorse reason dependent accounts of certain deontic evaluations of actions; indeed, such reason dependent deontic evaluations play a fundamental role on such theories. Although the issue of whether either the Artistotelean or the Kantian account also incorporates reason independent deontic evaluations of actions is itself fraught, I grant going forward that there is a sense in which each does. The point is rather that each also incorporates reason dependent deontic evaluations of actions that are irreducible to reason independent counterparts or to other non-deontic evaluations. Because such deontic evaluations of actions are on these accounts reason dependent, but the relevant reason dependent features are not built into the rankings of outcomes on their consequentialized counterparts, such counterparts fail systematically to capture equivalents to these reason dependent deontic evaluations.

I will briefly elaborate upon each of these claims, demonstrating first that reason dependent features are central to evaluations of actions on the target theories, at least on standard interpretations. Second, I will draw upon a parallel between epistemic evaluation of beliefs and deontic evaluation of actions to make the case that on such alternative theories these are evaluations of actions, they are deontic evaluations of actions, and they are fundamental deontic evaluations of actions. Once these reason dependent evaluations and the features relevant to them are taken into account, it becomes clear that on the reason independence assumption the counterpart rankings of outcomes fail to yield verdicts deontically equivalent to those of the target theories, hence that the consequentializing strategy fails to satisfy its own standards for success.

I will only say enough here to make the case that on plausible interpretations of our traditional alternatives they incorporate reason dependent deontic evaluations of actions. Aristotelean virtue ethics takes eudaimonia, human excellence or flourishing, to be intrinsically good, and to be constituted by other intrinsically good things, e.g. virtuous traits of character and excellent relationships (friendship).[[9]](#footnote-9) These valuable things are reflected in reasons for acting, including for habituating ourselves in certain ways such that the right reasons for acting in any given situation become clear to us, and we act for these reasons.

Although the claim that Aristotlean virtue ethics even engages in deontic evaluation is fraught, I will proceed on the understanding, endorsed by Annas and Anscombe, that there is a place in Aristotelean virtue ethics for right actions as “the general, vague idea of actions that you should do” (Annas, 2014, 18). Let us simply grant that such virtue ethics engages in deontic evaluation of actions, moreover, that there is a role for reason independent deontic evaluations on such an account. Such a position seems to be supported by Aristotle’s own account of just and (by extension) right action:

Acts are called just or temperate when they are the sort a just

or temperate person would do (1105b7 II, 4)

It is not necessary to perform the action for the reasons that it is required in order to perform the just or right action, the action that the agent should perform; it is enough that the agent performs an act of the same type that the just and virtuous person would perform for such reasons.

But along with these reason independent deontic evaluations of just and right action, the Aristotelean also offers deontic evaluations of whether or not in performing some action the agent acts justly or rightly. In particular, Aristotle is clear that for actions that are just or right in addition “to be done…justly” (1105a30) or rightly, “the agent must also be in the right state when he does them” (1105a32):

First, he must know [that he is doing virtuous actions]; second, he must

decide on them, and decide on them for themselves; and, third,

he must do them from a firm and unchanging state.” (1105a 31-35;

see also 1120a24-29)

The features of actions that virtue ethicists take to be relevant to their being instances of acting justly, or rightly, or as the agent ought, essentially include the reasons for which they are done -- that they are done for good reasons, the reasons for which a virtuous agent will perform them. That the agent performs the right action (reason independent), and that the agent, in performing the just or right action, acts rightly or justly (reason dependent), both utilize the same deontic terms to evaluate the actions performed. The former is a reason independent evaluation, the latter a reason dependent evaluation. The reason independent evaluation applies to actions of the same “sort” or type that someone acting justly or rightly would perform. If acting justly is paying for my coffee for the right reasons reflecting the relevant things of value, the relevant “sort” of action is intentionally paying for coffee, and the agent performs the just action if she intentionally performs an action of this type. Parfit’s gangster thus fails spectacularly to act justly, but performs the same type of action someone acting justly would perform, intentionally paying for his coffee, thereby performing a just action. It is acting rightly or justly that appears to be the fundamental evaluation, and right or just action that is identified derivatively, as action of the same type as acting rightly or justly; moreover, it is acting justly or rightly that is most directly evaluation of actions themselves and not of act types.[[10]](#footnote-10)

The question of whether Kantian ethics incorporates reason independent deontic evaluations is also fraught,[[11]](#footnote-11) but in what follows I will grant that it does, indeed that performing the action that is in accordance with duty is performing the right action in such a reason independent sense. But again such reason independent deontic evaluation contrasts on the Kantian account with reason dependent deontic evaluation, in particular with evaluation of whether or not an agent acts as duty requires (“necessitates”), out of respect for the moral law (1997, 13). Kantian ethical and moral theory takes many interrelated things, including good wills, persons valued as ends in themselves, and freedom to have intrinsic worth.[[12]](#footnote-12) The value of these things is reflected in reasons to act, including reasons to structure our deliberative fields through habituation (Herman, 2007; Hurley, 2001), and the agent acts as duty requires, out of respect for the moral law, when he performs the action for such reasons – from duty.[[13]](#footnote-13) The agent who performs the act that is required by duty, but who does not act “from respect for the law,” (1997, 13) fails to act as necessitated by duty – as duty requires. This would appear to be a *deontic* evaluation of the *action* as lacking what for Kant is the most salient deontic status, that it is performed as duty requires, from respect for the moral law. Duty is, for Kant, the fundamental deontic concept, and “what constitutes duty,” he argues, is “the necessity of my action *from* pure respect for the practical law.” (1997, 16, emphasis mine) Such deontic verdicts are on such an account fundamentally reason dependent verdicts. The shopkeeper who fails to act from duty, merely acting in accordance with duty, does not act as duty requires him to, out of respect for the moral law. This is a negative deontic evaluation of his action; in failing to act from duty, as duty requires, he violates this fundamental deontic requirement on action. To avoid the relevant deontic censure, the action must be performed, as Herman emphasizes, not merely in accordance with duty but “from the motive of duty.” (2011, 91)[[14]](#footnote-14)

Such characterizations of these alternative views, and of the reason dependent deontic evaluations that are central to them, are often dismissed either as not really, appearances notwithstanding, evaluations of actions themselves, but of the quality of will or character manifested in their performance, or as not really deontic evaluation of actions, but some other kind of evaluation, e.g. aretaic evaluations.[[15]](#footnote-15) Just as evaluations of beliefs as true are fundamentally reason independent, the suggestion is that deontic evaluations of actions are fundamentally reason independent, and any consideration of the reasons for which the action is performed involves other non-deontic evaluation. It is evaluation of beliefs as true, reason independent evaluation, that is fundamental; similarly, it is deontic evaluation of actions as right, reason independent evaluation, that is fundamental.

To see why such a response misfires; indeed, why it falls prey to the tendency that Julia Annas warns against, of applying “theory-laden uses” of the relevant evaluative terms which “unsurprisingly do not fit virtue ethics,” (2014, 15) it is useful to explore briefly the parallel between epistemic evaluation of beliefs and deontic evaluation of actions.[[16]](#footnote-16) Evaluation of a belief as true is a reason independent evaluation. If my belief is true, where our evidence for such a judgment is that there are compelling reasons to hold it, it is true whether or not I hold it for such compelling reasons. Similarly, if my action is right, where our evidence for such a judgment is that there are decisive reasons to perform it, it is the right action whether or not I perform it for such reasons.

But the fundamental form of epistemic evaluation of beliefs is whether an agent who believes that p *knows* that p, and such evaluations, at least on standard approaches, essentially involve reason dependent elements. The classical account of knowledge is the tripartite account, according to which knowledge is 1)justified 2)true 3)belief, and justification, the reasons for which we believe, alters in important respects what we believe. Robert Audi notes that on such accounts beliefs “can differ both in their content and in their basis.” (2010, 182) In each case “we believe one thing on the basis of, so in a sense *through*, believing another…beliefs are mediated by other beliefs.” (2010, 181) Two beliefs with the same propositional contents are in important respects different beliefs if they are based upon, hence mediated by, different beliefs. To know that p, then, the propositional content of the belief must be true, and the belief must be mediated by beliefs that provide the right reasons for holding it. If I believe for the wrong reasons, if “a crucial premise of my inference...is one I am unjustified in believing,” then not only does my belief lack justification, but it is not the same belief as that held by one who knows that p; (2010, 183) it is mediated by a flawed inferential base as the belief of the agent who knows that p is not. Such a true belief that p, mediated by an unjustified and false inferential base, will in turn ground unjustified and false beliefs. Tim Scanlon also emphasizes this aspect of belief:

…accepting a reason for or against one belief affects not only that belief,

but also other beliefs and the status of other reasons. This can happen in many

ways. (1998, 52)

Our unjustified true believer may hold a belief with the same propositional content as one who knows that p, but he does not believe for the right reasons, hence his belief differs importantly from that of one knows that p. One agent knows that p, the other merely believes truly that p, lacking knowledge that p; the agent’s belief and his justification for holding it are flawed in the latter case, resulting in a belief that p that falls short of knowledge that p.

Consider now the parallel with actions, which, as Scanlon points out, “exhibit a similarly complex structure.” (1998, 52) Two actions of the same type, e.g. two intentional actions of paying for coffee, are in important respects different actions if their performance is undertaken for different reasons reflecting different values. Such actions done for different reasons have different inferential bases, and are in this respect different actions. Like beliefs, such actions are mediated by the agent’s reasons for performing them, and two very different actions in this respect may nonetheless be actions of the same type.

Such a parallel between beliefs and actions suggests a parallel between the two epistemic evaluations of beliefs, as true and as knowledge, and two corresponding deontic evaluations of actions. Just as, in the case of belief, there are fundamental reason dependent epistemic evaluations of beliefs, whether the agent knows that p, and there are reason independent evaluations of beliefs that p as true, as having the same propositional content as knowing that p, so too we might expect a parallel distinction between fundamental reason dependent deontic evaluations of actions and reason independent evaluations of types of actions. The Kantian and the Aristotelean, we have seen, can plausibly be understood as providing just such parallel reason dependent and reason independent deontic evaluations, reason dependent evaluations of particular actions as acting rightly or as duty requires, as necessitated by duty out of respect for the law, and derivative, reason independent evaluations of actions as of the same sort that someone acting rightly or as duty requires would perform – right actions. Such a right action with an unjustified inferential base, e.g. the gangster’s action of paying for his coffee, will, mediated by its flawed inferential base, ground unjustified and wrong actions as constitutive and instrumental means to performing such an action of the right type. Parfit’s gangster’s reasons will lead him to pickpocket the money necessary to pay for the coffee, performing a wrong action in order to perform this right action, or to failure to complete payment should circumstances change (he learns the surveillance camera is broken), abandoning the right action midway through, or to keeping excess change should he receive it, effectively not paying for the coffee at all; the virtuous agent’s reasons that are constitutive of her acting rightly, by contrast, will guide her in a way that forecloses all of these courses of action: She will not pickpocket the money, she will complete the payment regardless of the functioning of the security camera, and she will not keep the excess change, insisting on completing the action mediated by reasons of justice and fair dealing.

The virtuous agent acts rightly, or as required by duty; the gangster at best merely performs an action of the right type, the type that someone acting rightly or as duty requires would perform. On such accounts, the fundamental deontic evaluation of actions, like the fundamental epistemic evaluation of beliefs on the classical account, is a reason dependent evaluation. Such an evaluation deploys the same deontic concepts as those involved in entirely reason independent evaluations; indeed, they are the fundamental deployments of such concepts in the evaluation of actions (not just act types) on such theories.

Crucially, the point is not that the consequentialist cannot reject the centrality of such reason dependent deontic evaluation of actions, much as reliabilists in epistemology (Foley, 2003, 314-316) reject the centrality of reason dependent epistemic evaluation of beliefs. The point is that this is for the consequentialist, like the reliabilist, to reject the accounts of deontic and epistemic evaluation deployed by these alternatives, and with them the reason dependent deontic and epistemic evaluations of actions that such accounts generate. The consequentialist’s focus on reason independent deontic evaluation of act types as the fundamental form of deontic evaluation departs from traditional reason dependent approaches to deontic evaluation of actions,[[17]](#footnote-17) much as the focus by reliabilists in epistemology on reliably tracking reason independent truth as the fundamental category for epistemic evaluation is a radical departure from standard reason dependent epistemic evaluation.

It is thus reason dependent evaluation of beliefs as cases of knowing that p that provides the relevant parallel to reason dependent deontic evaluation of actions as cases of acting rightly or as duty requires. Such reason dependent evaluations are fundamental to such accounts, they are paradigmatically evaluations of the actions and beliefs themselves, and they are deontic and epistemic evaluations of such actions and beliefs. Reason independent deontic evaluations of types of actions are on such alternative theories parasitic on the more fundamental reason dependent deontic evaluations, and they seem more properly understood as evaluations of types or sorts of actions rather than of particular actions, in particular of actions as being relevantly of the same sort as the actions that agents acting rightly or as required by duty would perform.

Matthew Hanser captures the rationale, implicit in this analogy between evaluations of beliefs and actions, for the centrality of such reason dependent deontic evaluation of actions. Actions, like beliefs, are exercises of rational powers, constituted in part by the reasons for performing such intentional actions (2005, 447) and holding such beliefs. If the reasons that an agent takes to justify do not, then in taking herself to be acting rightly she is *mis*taken and to be mistaken is to be *mis*guided, to be prone to subsequent failures in acting rightly and performing other right actions. Because her acts and beliefs are constituted in part by the wrong reasons, she may be performing the right action, but she is not acting rightly, and she may hold a true belief, but she lacks knowledge. (2005, 448) On these alternative theories it is a fundamental deontic verdict that she fails to act rightly, or as duty requires, whether or not she performs an action of the same type as someone who does act rightly or as duty requires.

Consider, with this backdrop, Portmore’s proposed “Kantsequentializing” of Kantian ethics. (2009) He takes it to be the case that the Kantsequentialist and the Kantian ethicist agree that persons are intrinsically, fundamentally, non-instrumentally valuable, i.e. that they share an account of the fundamental things of value that are reflected in reasons for action. The Kantian takes such values to be reflected in reasons to refrain from murdering even to prevent two others from murdering. It is contrary to duty to murder even to prevent two others from murdering. Deploying the consequentializing strategy, the Kantsequentialist takes relevant features to be reflected in the ranking of the outcome of refraining from murdering over the outcome of murdering (to prevent two murders). There are thus decisive reasons for the Kantsequentialist to refrain.

Portmore is clear, however, that the Kantsequentialist treats the Kantian target theory as a theory of objective rightness,[[18]](#footnote-18) of reason independent deontic evaluation. When an agent intentionally refrains, she performs the right action for both the Kantian and the Kansequentialist, and, because this is stipulated to exhaust the deontic verdicts on a theory of objective rightness, deontic equivalence is taken to be achieved. But we have seen that the Kantian theory of deontic evaluation is not merely a theory of objective rightness -- of reason independent deontic evaluation. The Kantian agent only acts as duty necessitates if she acts out of respect for the moral law – from duty, not merely in accordance with it. If the agent refrains but not for the right reasons, she does not act as duty requires on the Kantian account, she only performs an action of the same type -- merely in accordance with duty. This is a fundamental form of *deontic* failure for Kant, but the Kantsequentialist counterpart fails to capture either such fundamental deontic evaluations of actions or the features relevant to them in its ranking of outcomes, hence it fails to provide deontic equivalents to such deontic failures. Whereas the Kantian issues two deontic verdicts concerning the self-interested shopkeeper, that he performs the right action in accordance with duty, and that he fails to act as duty requires from respect for the practical law, Kantsequentializing only captures right action, action merely in accordance with duty.

Reason dependent deontic evaluations of actions are central to these alternative accounts of the deontic evaluation of actions, as reason dependent epistemic evaluations of beliefs are central to traditional accounts of knowing that p. They are not at all central to consequentialist accounts. A consequentializing strategy that fails to recognize the central role of such reason dependent deontic evaluations, hence that fails to build the features relevant to such evaluations into the ranking of outcomes, will fail to achieve deontic equivalence between these target theories and the consequentialized counterparts that purport to deontic equivalence with them. There is on such an interpretation of the strategy no equivalence of deontic verdicts, only at most of reason independent deontic verdicts. But this is a failure to achieve one of the two criteria for success of the consequentializing strategy, deontic equivalence. We are left within the context of the reason independence assumption not with an expansion of the consequentialist umbrella to comprehend such alternatives, but with an appreciation of its deep structural inability to do so.

Section III: Stage 2: Consequentializing Without the Reason Independence Constraint

We have seen that if the consequentializing strategy captures only features relevant to reason independent deontic evaluations of actions, counterpart rankings of outcomes will systematically fail to yield verdicts deontically equivalent to our standard alternatives. The strategy fails within the context of this assumption on its own terms. But it can seem equally clear how to avoid such failure. After all, the strategy tells us to build the features relevant to deontic evaluation of actions into the consequences, and clearly among the features that our two target theories take to be relevant to deontic evaluation of action is performance of the action for good reasons reflecting the relevant things of value. If we build such reason dependence into the outcome, then what must happen, the outcome, is not only the agent’s refraining from murdering, for example, but her refraining for the right reasons reflecting the relevant values.

This move to incorporating reason dependent features, and the rankings of outcomes that result, successfully avoids failure of deontic equivalence in cases like Parfit’s gangster. Because performance of the action for the right reasons reflecting the relevant things of value is now built into the outcome, and the gangster’s reasons for acting are as far as possible from the right ones, his paying for his coffee will not bring about the best outcome, and the failure of deontic equivalence on the reason independence assumption will be avoided. Similarly, the agent who keeps his promise only because it happens to be in his narrow self-interest to do so does not act for the right reasons reflecting respect for persons as ends in themselves. Because the relevant outcome is the occurrence of the performance of the action for the right reasons reflecting fundamental things of value, his action will not bring about the best outcome. Perhaps, then, the failure isn’t with the consequentializing strategy, but with the reason independent constraint on its exercise?

The Scylla of failure to secure deontic equivalence, however, is avoided here only at the price of falling into Charybdis. Building only features relevant to the reason independent evaluation of actions into the outcomes fails the test of deontic equivalence, but the price of abandoning this reason independence constraint is failure of the second test of successful consequentializing – production of a substantive version of consequentialism. The occurrence of the action of the virtuous agent will be ranked highly, and that of the gangster will not, because the best ‘outcome’ just is the successful performance of the right action for what the target theories identify as the right reasons, reasons reflecting what the target theories identify as the fundamental things of value. For these reason dependent theories of deontic evaluation, building the features relevant to deontic evaluation into the outcomes requires building the entire target theory into the ranking of outcomes: the best outcome *is* the successful performance of the right action for the right reasons reflecting the relevant things of value. But the consequentialized counterpart now is not a substantial consequentialist alternative; rather, it *is* the target theory, simply viewed from a different aspect. In successfully performing the right action for the right reasons I bring it about, as a constitutive consequence, that my action happens, and what makes it the best outcome is simply that it is a constitutive consequence of acting rightly or as duty requires.

For example, Aristotelean virtue ethics holds that virtuous agents have reasons to perform actions reflecting fundamental things of value. These reasons, when decisive, are the reasons for which the agent acting rightly undertakes the performance of the action. In successfully performing the action guided by her reasons for undertaking it she brings it about, as a constitutive consequence, that such a performance for such reasons reflecting such values happens. A ranking of such constitutive consequences of actions undertaken for right or wrong reasons that reflect or fail to reflect fundamental things of value is not a substantive alternative to Aristotelean virtue ethics, it *is* Aristotelean virtue ethics, albeit presented as emphasizing not the aim of acting rightly, guided by reasons, but the constitutive consequence of successfully pursuing this aim -- that acting rightly happens. Moreover, the ranking of outcomes is evacuated of substance by incorporation of the very features of these target theories that are necessary to secure deontic equivalence. Building the reason dependent features relevant to deontic evaluation of actions into the outcomes does produce a ranking with equivalent deontic verdicts, but only because it is the same deontic ranking of actions that occurs on the target theory embedded in the same explanatory rationale reflecting the same fundamental things of value, now simply viewed from the perspective of the constituent consequents of such actions, such that acting for the right reasons reflecting the relevant things of value is the best thing that can happen.

Section IV: Constructive Insights: Beyond Consequentializing

It is thus not the case that all alternative theories can be put in consequentialized form. Nor do we need to manufacture carefully tailored ethical theories to demonstrate such failure; two of the standard alternatives suffice.[[19]](#footnote-19) The consequentializing strategy demonstrates that substantive, deontically equivalent counterparts of these alternative theories cannot be produced. Consequentializing does not expand the scope of consequentialism to encompass such alternative theories, it reveals that, and why, these theories limit the scope of consequentialism. In closing I want briefly to highlight certain constructive insights that flow from this generally critical argument.

The first insight concerns rationales for deontic evaluation. Many consequentialists have alleged that unless an ethical theory is a form of consequentialism it cannot provide a value based rationale for the deontic evaluation of actions; indeed, the claim that the good must be prior to the right is often supported through such arguments.[[20]](#footnote-20) The suggestion is that without a rationale appealing to better and worse outcomes to be promoted, deontic evaluations must rely on bare appeals to intuition or question-begging appeals to “obligations themselves.” (Smith, 2003, 587) The quest for a rationale for deontic evaluation drives us to a value based rationale, but, the thought continues, this is to drive us to some form of consequentialism.

The process of attempting to consequentialize our standard alternatives, however, reveals not only that they do provide value based rationales for deontic evaluation, but that 1)the consequentializing strategy presupposes that they do, and that 2)appeal to such value rationales in no way drives us to consequentialism. Each of our two alternative theories identifies particular things of fundamental value, takes such things of value to be reflected in reasons for action,[[21]](#footnote-21) and takes action for such reasons to determine deontic evaluations. For the Aristotelean eudaimonia, virtuous traits of character, and excellent relationships are reflected in reasons for action that determine the telic and deontic value of actions. For the Kantian freedom, goodness of wills, and respect for persons as ends are reflected in reasons for action that determine better and worse courses of action.

The theories thus offer value rationales for deontic evaluation of actions; moreover, the consequentializing strategy presupposes that they do. Kantsequentializing, for example, takes as its point of departure the Kantian appeal to the intrinsic value of persons as fundamentally, intrinsically valuable. The Kantsequentialist purports to share the Kantian’s fundamental values, and to endorse the claim that they provide a rationale for deontic evaluation. What the Kantsequentialist endorses in addition, and the Kantian denies, is a constraint on the form that any such value rationale can take, an outcome centered constraint upon the relationship between the things of value invoked and the reasons for action that reflect them:

*Consequentialist Constraint*: The relevance of fundamental things of value to reasons for action and deontic evaluations of actions is captured entirely, and without distortion, in relevant rankings of outcomes to be brought about.

Although our two standard alternative ethical theories are distinguished from each other by the things that they take to be of fundamental value, and forms of consequentialism are distinguished from each other by the things that they take to be of fundamental value, consequentialism itself is distinguished from our alternatives by commitment to this outcome centered constraint on acceptable value based rationales. The Kantsequentialist and the well-being act utilitarian could not disagree more about what the fundamental things of value are; they are both consequentialists because they take the relevance of things of value to be captured without distortion in substantive rankings of outcomes to be brought about. The Kantian and the Kansequentialist might seem to agree completely about what the fundamental things of value are; one is and the other is not a consequentialist because the latter takes the relevance of these things of value to reasons for action to be captured entirely in substantive rankings of outcomes to be brought about and the former does not. For the Kantian many of the reasons to act reflecting the value of persons as ends are not reasons to bring about outcomes; the Kantsequentialist claims that they all must be. [[22]](#footnote-22) But this is precisely why the consequentializing strategy cannot capture the features the Kantian takes to be relevant to deontic evaluation in outcomes to be brought about, save by collapsing such ‘outcomes’ into the constituent consequents of actions evaluated through appeal to reasons that reflect things of fundamental value the relevance of which cannot be captured without distortion in substantial rankings of outcomes to be brought about. That Kantian and Aristotelean ethical theories cannot be consequentialized demonstrates not that they reject the appeal to value rationales, but that they reject the outcome centered constraint upon such rationales for deontic evaluation characteristic of consequentialism.

In addition, certain lessons learned from the implementation of the consequentializing strategy, and in particular from its failure to extend the consequentialist umbrella, help explain why it is so easy to make the assumption that any value rationale must be an outcome centered rationale, hence why it is so difficult to bring into focus the central question of whether, and if so why, the relevance of fundamental things of value to reasons for action is captured without distortion in rankings of outcomes to be brought about. For example, it seems plausible to expect that an adequate ethical theory will provide an account of the relationship between actions and outcomes, and in particular of actions as bringing about outcomes. Such an adequacy constraint might seem to favor both consequentializing and consequentialism. But we can now see that such an appearance turns on an equivocation between two very different senses in which actions can be understood as bringing about outcomes, a constituent sense and a rationalizing sense.[[23]](#footnote-23) The former is all that is required as a structural feature of an adequate ethical theory, and all that our standard alternatives support. It is the unwarranted slide to the latter, rationalizing sense that appears to provide support for consequentialism and consequentializing.

This distinction comes clearly into view with recognition that even for Aristotelean and Kantian theories, successfully performing the deontically required action brings it about, as a constituent consequent of such a performance, that the action for those reasons happens. More generally, it is a constituent consequence of successfully performing any action for any reasons reflecting any values that the action for those reasons happens: In lying to further my interests, I bring it about that my lying to further my interests happens, etc.

**Constitutive Sense**: In successfully performing the deontically recommended action for reasons, the agent brings about the outcome that her action for these reasons happens.

Because actions successfully performed for any reasons reflecting any values bring about outcomes in this constitutive sense, it is in itself completely agnostic with respect to rival ethical theories.

But implementation of the strategy also has revealed a commitment distinctive of consequentialist theories, a commitment that invokes a distinct sense of bringing about. The commitment holds that the relevance of things of value to reasons for action is captured without distortion in relevant rankings of outcomes to be brought about. Within the context of this distinctive consequentialist commitment, reasons to act will all be (albeit perhaps indirectly) reasons to bring about the outcomes that capture the relevance of things of value to reasons for action, hence in successfully performing the deontically required action an agent is always bringing about the outcome the value of which rationalizes its performance. This commitment suggests that all deontically required actions not only bring about outcomes in the first, constitutive sense, but also in a second, rationalizing sense:

**Rationalizing Sense**: In successfully performing the deontically recommended action for reasons, the agent brings about the outcome the value of which provides reasons for its performance.

Within the context of the consequentialist commitment that any value rationale must be outcome centered it is difficult to avoid the result that all relevant reasons to act are reasons to bring about outcomes in this second, rationalizing sense, hence that all deontically recommended actions are rationalized through appeal to the outcomes that they bring about. For consequentialist ethical theories, in successfully performing the deontically recommended action the agent not only always brings it about that her action happens in the constitutive sense, she also always promotes some outcome (capturing relevant values) that provides the rationale for its performance.

To highlight this distinction is at the same time to flag a tendency to run roughshod over it, to slide from the first sense, which provides no support for consequentialism against its rivals, to the second sense, which dictates the adoption of consequentialism in preference to its rivals. If, in keeping my promise, I bring it about that my promise keeping happens (constitutive sense), it can seem natural to slide to the claim that my aim, in keeping my promise, is to bring it about that my promise keeping happens (rationalizing sense). The illicit slide suggests that it is the value of the outcome, my promise keeping happening, that rationalizes my keeping my promise to bring this outcome about.[[24]](#footnote-24) But this is precisely what the Aristotelean and the Kantian deny. The relevant reasons to keep my promise, they hold, reflect values that cannot be captured without profound distortion in rankings of outcomes to be brought about. In acting for the right reasons, completing the required performances of actions guided by the reasons for undertaking them, agents bring it about in the constitutive sense that their promise keepings happen for those reasons. We have seen that the attempt to capture the resulting reason dependent deontic evaluation of such theories in rankings of outcomes leads to the collapse of rankings of outcomes into constituent consequents of deontically required actions – to a ranking of outcomes brought about only in the constitutive sense, not in the rationalizing sense.

I take no position here regarding the truth of the consequentialist constraint, hence no position on whether deontically recommended actions do always bring about outcomes not merely in the constitutive sense, but in the rationalizing sense as well.[[25]](#footnote-25) My point is that our alternative theories reject this constraint, that consequentialist alternatives endorse it, and that the tendency to slide between the two senses of bringing about obscures the importance of this distinctive constraint, and the need to focus going forward upon grounds for accepting or rejecting it. Insofar as the consequentializing strategy, faithfully implemented, highlights this distinctive constraint, it does not show us that we are all consequentialists now; rather, it clarifies why so many of us are not, why the reasons we are not tend to be elided from view in the consequentializer’s framing of the debate, and that it is the strength of the case for and against this distinctive consequentialist constraint that will determine who is right.

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2. Advocates of the move to evaluator-relative ranking of outcomes include Sen (1983, 113-132) Dreier (1993, 22-40), Smith (2003, 576-598), Louise (2004, 518-536), and Portmore (2007, 2009, 2011). [↑](#footnote-ref-2)
3. For examples of such consequentializing arguments, see Dreier (1993, 2011), Portmore (2007, 2009, 2011), Peterson (2010), and Louise (2004). [↑](#footnote-ref-3)
4. Some consequentializers suggest only that there are certain pragmatic advantages in certain circumscribed contexts to working with consequentialized forms of alternative theories, but they make no claims that the theories are forms of consequentialism or that the result is deontically equivalent to the target theory. My quarrel here is not with such ‘pragmatic’ consequentializers, but see Schroeder (2017) for concerns about such merely pragmatic consequentializing. [↑](#footnote-ref-4)
5. I take this language of reason dependence and independence from Phillip Pettit (2015), although I do not use it to mark quite the same distinction. [↑](#footnote-ref-5)
6. This distinction between reason independent deontic evaluations and reason dependent evaluations plays a central role in ethical theory from the Greeks through the moderns (See Sec. II), and continues to play such a role. See, for example, Hanser’s distinction between deontic evaluations that essentially appeal to “an agent’s reasons for acting” and those that are “independent of any agent’s actual grounds for acting in that way” (2005, 443), and Scanlon’s distinction between evaluations that appropriately appeal to “an agent’s reasons for acting,” (2008, 37) and those that appeal to “what reasons there are” for acting (2008, 100) [↑](#footnote-ref-6)
7. Crucially, outcomes are understood on such a strategy quite broadly, such that they include the act performed. The relevant outcome of keeping my promise can thus simply be that my keeping of my promise happens. [↑](#footnote-ref-7)
8. Arguments stressing the explanatory distortion and impoverishment of consequentialized forms of non-consequentialist theories are provided by Schroeder (2017, 1478-1482), Tenenbaum (2014), Bauman (2019), Sauer (2019), and Hurley (2013; 2020). I set such legitimate concerns aside here in order to focus upon the more fundamental objection that standard target theories cannot be converted into deontically equivalent forms of consequentialism at all. [↑](#footnote-ref-8)
9. There are many strains of virtue ethics, including consequentialist strains. My focus here is upon distinctively Aristotlean strains, such as Aristotle’s own (1999), and those articulated more recently by Anscombe (1999) and Annas (2011). [↑](#footnote-ref-9)
10. A similar distinction between wrong action and acting wrongly is highlighted by Scanlon, (2008, 23 and 29) although he takes ‘wrong action’ to assess the action and ‘acting wrongly’ to assess an aspect of the agent (2008, 28). But Hanser points out that ‘wrongly’ clearly functions as “an adverb of manner” modifying the action, i.e. that “the object of evaluation here is an action.” (2005, 274) [↑](#footnote-ref-10)
11. See Scanlon (2008, 100) for a characterization of the fraught nature of this issue, and Herman (2011; 2019) for arguments challenging the assumption that for Kant deontic evaluation of actions as right and wrong is reason independent. [↑](#footnote-ref-11)
12. See, for example, Herman on Kant’s account of the fundamental value of a good will (1993), and Guyer’s claim that for Kant “freedom is our most fundamental value.” (2000, 2) [↑](#footnote-ref-12)
13. I bracket here complex questions concerning what constitutes action from duty, but see Herman’s (e.g. 2007; 2019) account of the role of a Kantian agent’s deliberative field in deliberation and decision-making. [↑](#footnote-ref-13)
14. Mark Timmons characterizes such a reason dependent understanding of fundamental deontic evaluation in Kant as the “motive content thesis,” and presents (2002) arguments for (Herman; O’Neill, 1975) and against (Timmons, 2002) interpreting Kant as defending such a thesis. For my purposes it is only necessary to establish that it is plausible to interpret Kant as defending such a thesis. [↑](#footnote-ref-14)
15. I am indebted to an anonymous referee for pressing this challenge. [↑](#footnote-ref-15)
16. I take central elements of this analogy between practical and theoretical evaluation from Herman (2011, and correspondence), although I have developed it in a somewhat different direction. [↑](#footnote-ref-16)
17. See Wiggins’ arguments (2006, 139ff) that Aristotle, Hume and Kant all take reason dependent deontic evaluation to be fundamental, and that consequentialism is the outlier in this respect. [↑](#footnote-ref-17)
18. See Portmore (2019, 17-24) for his account of the relevant sense of objective ought, and, by extension, of objective rightness. [↑](#footnote-ref-18)
19. Up to this point I have followed most consequentializers in focusing primarily upon act consequentialism. It may be thought that a broadening of or a shift in focal points from acts can avoid these obstacles to consequentializing alternative theories. Such proposals raise complex issues that I cannot adequately address here, but I will briefly indicate why I do not take them to avoid the objections against consequentializing developed here, at least for the alternative theories under consideration here. The difficulty is that for such theories deontic evaluation depends upon the reasons for which the agent acts and the things of value these reasons reflect, values that cannot be captured without distortion in rankings of outcomes. On such theories agents acting rightly or as duty requires must act for such reasons reflecting such outcome resistant values. This incorporation of outcome resistant values and the reasons that reflect them as features of deontic evaluation precludes any substantive consequentialist counterpart, regardless of evaluative focal point(s). [↑](#footnote-ref-19)
20. See Scheffler (1982), Kagan (1989), and Smith (2003). Smith, for example sees “no way of analyzing the stringency of an obligation except by way of considering the amount of good that acting on that obligation will produce.” (587) [↑](#footnote-ref-20)
21. For accounts of this relationship between value and reasons for action see Kolodny (2011), e.g. “Of course, it is also obvious…that we see our reasons as flowing from what is valuable, or good, or worthwhile,” (69) and Scheffler’s assertions that to value something is to see it “as a source of reasons for action.” (2011, 27; see also 29) See also Parfit’s extensive discussion of goodness in the “reason-implying sense.” (2011, II, 432; 2011, I, 38) [↑](#footnote-ref-21)
22. See Kolodny (2011) and Hurley (2019) for general arguments that many of the reasons to act that reflect our values do not appear to be reasons to promote. See also Munoz’s (2021) distinction between telic reasons and responsive reasons. [↑](#footnote-ref-22)
23. See my (2019) for elaboration of this distinction. [↑](#footnote-ref-23)
24. I have discussed this slide in Hurley (2019). [↑](#footnote-ref-24)
25. I have sketched grounds for challenging this constraint elsewhere (e.g. 2018, 2019). [↑](#footnote-ref-25)