Consequentialism and the Good-Relative-to: a Reply to Mark Schroeder

Mark Schroeder has argued that new forms of consequentialism cannot accommodate moral constraints.[1] In this discussion note, I will show how a version of fitting attitude account of value can be used to meet Schroeder's challenge.

1. Consequentialist theories have two elements. According to the axiological element, agents' options can be ranked by the aggregate value of their consequences. The second, normative element then stipulates that an act is right if and only if the agent does not have an option that would have a higher evaluative ranking. Views of this kind seem to suffer from a serious flaw.[2] Intuitively, there are moral constraints. One ought not to kill an innocent human being even when doing so would have the best consequences (except perhaps to avoid a disaster).

Consequentialists try to accommodate such constraints by finessing their axiologies.[3] Previously, the value of the consequences of everyone's actions was

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[1] See Mark Schroeder, "Teleology, Agent-Relative Value, and the 'Good'," *Ethics* 117 (2007): 265–295.

[2] See Bernard Williams, "A Critique of Utilitarianism," in *Utilitarianism: For and Against*, eds. J. Smart and B. Williams (Cambridge: Cambridge University Press, 1973).

[3] See James Dreier, "The Structure of Normative Theories," *Monist* 76 (1993): 22–40; Jennie Louise, "Relativity of Value and the Consequentialist Umbrella," *Philosophical Quarterly* 54 (2004): 518–536; Douglas Portmore, "Consequentializing Moral Theories," *Pacific Philosophical Quarterly* 88 (2007): 39–73; Amartya Sen, "Evaluator Relativity and Consequential Evaluation," *Philosophy and Public Affairs* 12 (1983): 113–132; and Michael Smith, "Neutral and Relative Value after Moore," *Ethics* 113 (2003): 576–598.

assessed from a universal perspective. However, the new consequentialists propose that we should rank states of affairs according to how good they are *relative to* agents. This means that the same states of affairs can be very good-relative-to-x whilst less good-relative-to-y.

This axiological move enables consequentialists to have constraints. They can say that doing an action ruled out by a constraint is bad-relative-to-the-agent. If the agent ought to do the actions the consequences of which are the best-relative-to-her, then she should not act in the way that falls under the constraint even if this would have the best consequences *simpliciter*. For instance, that other people end up killing innocents need not be as bad-relative-to-x as it is that *x* kills an innocent. Therefore, in order to maximise goodness-relative-to-x, x should not kill innocents in order to prevent killings by others.[4]

2. Mark Schroeder challenges this consequentialist attempt to accommodate constraints.[5] He argues that the consequentialists have failed to explain what it is for states of affairs to be good-relative-to-an-agent. Without such an explanation, the new forms of consequentialism remain unmotivated.

Schroeder admits that the traditional and the new versions of consequentialism are structurally alike. Both are based on the idea that every agent ought to bring about the states of affairs that is ranked first in the evaluative assessment. However, in the traditional consequentialist framework, we can explain what the ranking of the states of affairs represents: the ordinary, universal 'better

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[4] In order to accomodate constraints, the consequentialist will also have to make value relative to times. Otherwise agents will not be constrained to murder in order to prevent themselves murdering more in the future.

[5] See Schroeder, "Teleology".

than' relation. And, it seems almost trivially true that we ought to bring about better states of affairs rather than worse ones.[6] However, the new consequentialists cannot say this. They give distinct rankings of states of affairs relative to every agent. The question is what do these rankings represent and why should agents bring about the states of affairs that are on top of them?

In order to answer these questions, we should have some pre-theoretical understanding of what it is for one state of affairs to be better-relative-to-an-agent than another. It should relate the good-relative-to to our grasp of the ordinary notion of goodness and show why agents ought to be concerned about the agent-relative good. But, Schroeder argues, we lack such understanding.

For instance, there is no way of explaining what 'good-relative-to-x' is in ordinary language using the term 'good'. Expressions such as 'good for' or 'good from the point of view of x' fail here. Keeping a promise may be costly for me. Doing so could, however, be good-relative-to-me and thus something I ought to do. But, keeping such a promise certainly isn't good for me or good from my perspective. This seems to indicate that the new consequentialists fail to give an explanation of the agent-relative good which plays a crucial role in the theory.[7]

3. Schroeder offers some hope for the new consequentialists. He admits that a solution proposed by Douglas Portmore is on the right track.[8] On this proposal, we

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[6] See, for instance, Philip Pettit, "The Consequentialist Perspective," in M. Baron, M. Slote, and P. Pettit eds., *Three Methods of Ethics* (Oxford: Blackwell, 1997), 128.

[7] See also J.R. Wallace, "Reasons, Values, and Agent-Relativity," an unpublished manuscript, sec. 3, and Donald Regan, "Against Evaluator Relativity: A Response to Sen," *Philosophy and Public Affairs* 12 (1983): 93–112, esp. sec. 2.

[8] See Schroeder, "Teleology," p. 292, and Thomas Hurka, "Moore in the Middle," *Ethics* 113 (2004): 599–628, esp. p. 612.

should use the so-called *fitting attitudes* account of value to understand both the good *simpliciter* and the good-relative-to.

The fitting attitudes accounts of value begin from the attitudes of valuing such as admiring, preferring, and respecting objects. To be good for an object is then for it to be a fitting object of the valuing attitudes. For an object to be good *simpliciter* is for it to be fittingly valued by everyone. In contrast, for an object to be good-relative-to-an-agent is for it to be fittingly valued by that agent. Traditional consequentialism would then be the view that we ought to bring about the states of affairs that are fittingly valued by everyone. The new consequentialism would, similarly, be the view that every agent ought to bring about the state of affairs that are fittingly valued by her.

Schroeder argues that this account of value cannot (i) be simultaneously true of both the good *simpliciter* and the good-relative-to-an-agent, and also (ii) save the moral constraints.[9]

Any account of good would need to make sense of the relational property of 'being better than'. After all, a good object is better than many others. The new consequentialists then need a fitting attitude account of also the 'being better than' relation. According to the previous suggestion, a is better than b if and only if it is fitting for *everyone* to value a more than b. And, for a to be better-relative-to-x than b, it would have to be fitting for *x* to value a more than b. This combination, however, makes the moral constraints impossible in the considered framework.

Actions ruled out by the constraints would need to have consequences that are the best *simpliciter* but not the best-relative-to-the-agent. On the proposed

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[9] See Schroeder, "Teleology," p. 293.

account, this cannot be the case. From the fact that something has the best consequences *simpliciter*, it follows, on this view, that these consequences are best relative to every agent. Thus, the actions that have the best consequences *simpliciter* cannot be but the ones that are also best relative to the agent whose actions we are assessing. On this account too then, she, like every one else, must always do what is best *simpliciter*. The fitting attitude account then fails to save the constraints.

4. There is a version of the fitting attitude account which avoids this problem. It rejects the idea that to be good *simpliciter* is to be the fitting object of everyone's valuing attitudes. A better account of the good *simpliciter* can be traced back to the origins of consequentialism.

Early consequentialists thought that when we consider how good *simpliciter* the consequences of actions are we should try to be 'strictly impartial … disinterested and benevolent spectator[s]'.[10] A fitting attitude account of the good *simpliciter* would then state that for states of affairs to be good *simpliciter* is for them to be fitting objects of the valuing attitudes of an impartial spectator. In effect, the good *simpliciter* is reduced to the good-relative-to-an-impartial-spectator.

A few quick comments are in order about this proposal. First, we must understand the impartial spectator as a merely theoretical construct. No actual person will probably satisfy the specification of the impartial spectator.

Second, the impartial spectator is of course *impartial*. To guarantee this, we can stipulate that she has no personal relations whatsoever to anyone. As a result, for

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[10] See Mill, *Utilitarianism*, ch. 2, para. 18. Mill was influenced by Hume here (see David Hume, *A Treatise of Human Nature*, eds. David Fate Norton and Mary J. Norton (1739-40; repr., Oxford: Oxford University Press, 2000), especially book 3, part 1, sec. 2).

the impartial spectator, it would be equally fitting to value any two outcomes between which the only difference is that numerically distinct but qualitatively identical individuals occupy the corresponding positions.

Third, the impartial spectator would have to be a mere *spectator*. Thus, none of the evaluated states of affairs would include any agential involvement on her behalf. She does not feature in them herself. This rules out the possibility that it could be more fitting for her to value some states of affairs because of which actions or omissions she does in them.

What makes states of affairs fittingly valued by the impartial spectator, i.e., good *simpliciter*? It has been suggested that considerations such as pleasure, well-being, desire-satisfaction, knowledge, virtue, friendship, achievement, biodiversity, and so on merit the valuing attitudes of the impartial spectator. If this is the case, then states of affairs that contain these considerations are good *simpliciter*.

The new consequentialists should endorse all of this. They can also accept that these very same considerations merit the valuing attitudes of everyone. However, in order to accommodate constraints, they need to argue that these considerations are not the only ones that merit to be valued by ordinary people.

The new consequentialists have to accept that for the normal, situated agents considerations such as personal relations and one's own agential involvement can also affect which states of affairs it is fitting to value. For any individual, it would then be more fitting to value a state of affairs in which one's friend is not harmed or in which one does not kill innocents. As a result, all the considerations that make the valuing attitudes fitting for everyone and the ones that make such attitudes fitting for only particular persons create a distinct evaluative ranking of different states of

affairs for every individual. The notions of being good-relative-to-an-agent and being better-than-relative-to-an-agent represent just these rankings.

5. We then have a unified account of the good and the good-relative-to to answer one half of Schroeder's challenge. This account also creates room for moral constraints, the actions that have consequences that are the best *simpliciter* but not the best-relative-to-the-agent.

Consider an action that would create a certain state of affairs that is first in the impartial spectator's ranking, because of some considerations that, for her, make this state of affairs worth preferring over any other state of affairs. This state of affairs can include other considerations that lower its placing in the ordinary agent's ranking, because they are not fittingly valued by that agent.

As a result, it can be fitting for the situated agent to prefer some other state of affairs than the one that is first in the impartial spectator's list. The state of affairs that is best *simpliciter* can, for instance, include the agent herself killing innocents to avoid other killings. Therefore, this state of affairs can be the best *simpliciter* and yet not the best-relative-to-the-agent. Thus, according to the new consequentialist the agent ought not to do what is best *simpliciter*. Contrary to what Schroeder claims, there can then be consequentialist constraints.

6. There is an objection to the previous solution worth discussing. The role of the impartial spectator in this proposal is to rank whole states of affairs on the basis of the considerations that make it fitting for her to prefer some states of affairs over

others. One state of affairs is then better than another if it is fitting for the impartial spectator to prefer it of the two.

Consider next an ordinary agent Ben. It seems like he cannot have same the preferences as the impartial spectator. For example, it is fitting for the impartial spectator to prefer the states of affairs in which fewer killings occur over the ones in which more killings take place. If it were fitting for Ben to do the same, then he could not simultaneously prefer the states of affairs in which he does not kill over the ones in which others kill more. Yet it must be fitting for him to prefer such states of affairs for there to be a moral constraint for him not to kill.

Ben cannot thus share all the comparative evaluative attitudes of the impartial spectator. But, it could be claimed that, for this reason, he cannot care about which states of affairs are better *simpliciter* than others. After all, if he really cared about the good *simpliciter*, he would allegedly have the same preferences as the impartial spectator. This conflicts with the intuition that everyone should be able to care about that and not merely about the good-*simpliciter*-making considerations.

I accept that everyone should be able to care about which states of affairs are better *simpliciter* than others. However, everyone should care about that only to a high but still limited degree. That is, if there are moral constraints, no agent should care about which states of affairs are better *simpliciter* than others *so much* that this *always* decides for her which evaluative attitudes to adopt and how to act.[11]

If it is right to bring about the states of affairs that are best-relative-to-one, then caring about which states of affairs are better *simpliciter* than others helps one

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[11] We can assume here that there are moral constraints. After all, we are discussing an objection according to which the new forms of consequentialism leave no room for constraints. Without there being moral constraints, this could not be an objection to the new forms of consequentialism.

to do what is right. An agent who cares about the good *simpliciter* will first rank her options in terms of how good *simpliciter* they are. If she gets this ranking right, it represents which states of affairs the impartial spectator should prefer over others.

Because the same considerations make states of affairs fittingly preferable for the impartial spectator and the agent, that ranking also represents how good-relative-to-the-agent different options are assuming that there are no special agential involvements or personal relationships present in the situation. If the agent cares about the good *simpliciter*, she will then want to choose the best *simpliciter* option which will be also best-relative-to-her. Therefore, caring about the good *simpliciter* helps the agent to see what the right action is and motives her to do it.

However, an agent who cares about which states of affairs are better *simpliciter* than others should also care about her own agential involvement and the special relationships she has. Otherwise, she will act wrongly in the situations in which she should not bring about the outcome which is the best *simpliciter*, i.e., in the cases of moral constraints.

An agent who has all these aforementioned concerns can first determine which outcome is the best *simpliciter*.[12] She can then consider if there are such agent-relative considerations present that they make some other state of affairs even better-relative-to-her. If there are such considerations present, then the agent should not care about the good *simpliciter* so much as to choose the (wrong, constrained) action which has the best consequences *simpliciter*.

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[12] One motivation for the agent to consider first goodness *simpliciter* rather than goodness-relative-to-her is that at this point she can rely in part on the judgments of others. They will already have considered judgments about what is good *simpliciter* whereas few of them will have reflected on, for instance, what is good-relative-to-Ben.

To do the right action (i.e., the option best-relative-to-her) in these cases, the agent must care *more* about her own agential role and her personal relationships. However, if she only cared about those considerations and not about the good *simpliciter*, she would risk acting wrongly in other cases. Therefore, she, like everyone else, should care about what is best *simpliciter*. The proposed view need not deny this.