

Is the Right prior to the Good?¹

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ABSTRACT

One popular line of argument put forward in support of the principle that *the right is prior to the good* is to show that teleological theories, which put the good prior to the right, lead to implausible normative results. There are situations, it is argued, in which putting the good prior to the right entails that we ought to do things that cannot be right for us to do. Consequently, goodness cannot (always) explain an action's rightness. This indicates that what is right must be determined independently of the good.

In this paper, I argue that these purported counterexamples to teleology fail to establish that the right must be prior to the good. In fact, putting the right prior to the good can lead to sets of ought statements which potentially conflict with the principle that 'ought' implies 'can'. I argue that no plausible ethical theory can determine what is right independently of a notion of value or goodness. Every plausible ethical theory needs a mapping from goodness to rightness, which implies that right cannot be prior to the good.

I

It is commonly accepted that rightness is a property of acts, whereas goodness is a property of states of affairs or outcomes (Broome 1991: 3). Accordingly, an ethical theory that puts *the good prior to the right* (GpR) is usually thought of as being committed to the view that the right is determined by the goodness of an act's consequences. In contrast, ethical theories that put *the right prior to the good* (RpG) are thought to determine the right independently of the goodness of an act's consequences. But I think that this characterisation of the difference between ethical theories that put the RpG and those that put the GpR fails. This is because one could conceive of a theory that puts the GpR, but defines the right independently of an act's consequences. For example, an ethical theory may imply that the intrinsic badness of a killing *lexically* dominates the goodness of its possible results. Such a view puts the GpR, even though the wrongness of killing is determined prior to the goodness of its consequences.

This shows, I think, why one should give up the division between right and good in terms of rightness being a property of acts and goodness a property of consequences. Since actions can have an intrinsic goodness or value, goodness can be a property of

¹ I am extremely grateful to John Broome for very helpful comments on earlier drafts of this paper.

states of affairs, but also of acts.² But this means that theories that put the *GpR* are *not* committed to the view that the right is determined by the goodness of the *consequences* an act may result in. The right may either be determined by an act's intrinsic goodness, or the goodness of its consequences, or both.

John Rawls identifies a theory that puts the *GpR* with *teleology*, and I will follow him in this practice.³ Rawls defines a teleological theory as one in which 'the good is defined independently from the right, and then the right is defined as that which maximises the good' (Rawls 1971: 24).⁴ Although I think that this is a good approximation of teleology, the definition is slightly too specific. For it excludes teleological theories that do not have a maximising structure; yet a teleological theory may define the right not in terms of maximising the good, but in terms of what is good enough (cf. Slote 1984). Maximising is therefore not essential to teleology – Rawls' definition must be amended.

I think a teleological theory should be defined as one in which the 'good is defined independently from the right, and then the right is defined as that which promotes or honours the good' (Pettit 1991: 231).⁵ In other words, a teleological theory is one that provides a 'mapping from goodness to rightness' (Broome 1991: 6). The goodness of an action then determines whether an action is right. How this mapping is spelled out will depend on the individual theory. In any case, teleology will define what is right instrumentally and thus depend on a notion of the general good that varies across different actions. I will therefore define non-teleological theories as those in which the right is defined non-instrumentally, i.e. without referring to the goodness of alternative acts (cf. Pettit 1991: 231). In short, a teleological theory is one in which the good is prior to the right; a non-teleological theory is one in which the right is prior to the good.

Setting up teleology and non-teleology in this way implies that there are constraints that apply to teleology, but not to non-teleology. Teleological theories can only lead to sets of ought statements that can be supported by the *structure* of goodness. Essentially, this means that a teleological theory cannot entail a set of ought statements that tell you to do *A*, given a choice between *A* and *B*; to do *B*, given a choice between *B* and *C*; and to do *C*, given a choice between *A* and *C*. This is because the betterness relation that holds between *A*, *B* and *C* is *necessarily* transitive (Broome 2004: 34, Sect. 4.1). Non-teleological theories are not constrained by the structure of goodness. In principle, they can define what is right more liberally without being subject to structural constraints of goodness.

II

One question implied by asking 'Is the right prior to the good?' is whether teleology is mistaken in determining what is right on the basis of what is good. In fact, there has been a strong tendency to argue in support of the principle that the right is prior to the good, based on the opposition to teleology. These arguments run along the lines that there are collections of ought statements that fit our intuition, yet do not fit the struc-

² I think that rightness, however, only applies to acts and not to states of affairs.

³ In fact, theories in which the right is prior to the good are often identified with consequentialism, but I think my argument shows why this is inappropriate (cf. Broome 1991: 4).

⁴ See also Frankena (1963).

⁵ Pettit explains the difference between 'honouring' and 'promoting' the good. However, this difference will not prove significant for my argument.

ture of the good.⁶ Since these ought statements evidently represent what is right, it cannot be that the good is prior to the right. In these cases, the right must be prior to the good, or so it is argued.

In the following, I present three examples that attempt to show that teleological ethics leads to counterintuitive results. In outlining these examples, I will not concentrate on the particular content or the context around which these examples were originally set up. Instead, I shall focus on their structure and whether they can show that (at least in some cases) the right must be prior to the good.

- (i) The first example comes from Bernhard Williams (1988).⁷ Suppose that there is a set of ought statements that include that you ought not to lie. Suppose further that this is necessarily so. That is, under no circumstances could it be the case that lying is permitted, or that you ought to lie. Also, to simplify, let us assume that you possess complete knowledge about the effects of your actions. So you know, let us suppose, that if you tell the truth now at t_0 , this will cause three other people to lie at t_1 . However, if you lie at t_0 , you know that three other people will tell the truth at t_1 . By assuming that lying is a bad thing in itself and that not lying is a good thing in itself, it seems clear that, *ceteris paribus*, if you lie at t_0 , this will lead to a greater good. Accordingly, if the good determines what is right, the result will be that you ought to lie in this situation. However, this conflicts with the initial assumption that lying is wrong. Because this is necessarily so, it is not the good that determines what is right or wrong. Assuming that lying cannot be wrong *because* it leads to a good result, its wrongness must therefore be determined independently of the good.
- (ii) The second example is a variation of the first one (cf. Broome 1991: 9). Suppose again that a set of ought statements includes that you ought not lie. This time, however, you know that if you tell the truth at t_0 , this will cause *you* to lie at t_1 , t_2 and t_3 respectively. However, if you lie at t_0 , you know that you will tell the truth three other times. Again, *ceteris paribus*, lying at t_0 seems to lead to a better result than not lying. But since lying is necessarily wrong, it cannot be that it is the goodness of an action that explains why you ought not to lie.
- (iii) The third example comes from Peter Vallentyne (1988: 255) and has a different structure than (i) and (ii). Consider the following set of ought statements. Suppose it is true that, if confronted with saving the life of one of two men, you ought to save the *older* man (p). However, if you are confronted with saving the life of two people with a different gender, you ought to save the *healthier* person (q). Suppose that in a first choice situation you can choose between saving the life of an unhealthy older man (A) and a very healthy younger man (B). From p it follows that you ought to save A . Further, suppose you are confronted with a choice between saving a very healthy younger man (B) and a moderately healthy woman (C). From q it follows that you ought to save B . In a third choice situation, you have the choice between saving a moderately healthy woman and (C) an unhealthy older man (A). Following from q , you ought to save C . Hence p and q require of you to save A over B , B over C and C over A . Since comparative goodness (i.e. *betterness*) is necessarily transitive,⁸ it cannot be the case that both p and

⁶ A good indication for this tendency is Scheffler's collection of papers *Consequentialism and its Critics*, which contains numerous arguments that display this argumentative structure (See Scheffler 1988).

⁷ Broome (1991: 5) discusses this example.

q derive their normativity on the basis of a general good. If the good determines the right, both ought statements could not be true at the same time.

In sum, all three examples attempt to show that the good cannot be prior to the right. Thus they support the principle that right must be determined prior to what is good. In the next section, however, I argue that these putative counterexamples turn out to be ineffective in showing that a teleological approach to ethics leads to implausible results. In consequence, these examples also fail to support the view that the right is prior to the good.

III

(Ad i). In the first example, it was assumed that you ought not lie, even though your not lying will bring it about that in the future three other people will not tell the truth. This purports to show that it is not the (comparative) goodness involved in lying that determines whether you ought to lie. Its rightness must be determined independently of the good.

However, to arrive at this conclusion, one must assume that the general good is *agent-neutral*. Yet this is not explicitly assumed in the example. Furthermore, it is also not an implicit or necessary feature of the general good. Consider the following argument as to why the general good may *not* be agent neutral. Suppose that you have a special responsibility for yourself, i.e., a responsibility you do not have for other individuals. You are especially responsible for your own wrongdoing, but not so much for the wrongdoing of others, even if this somehow depends on your actions. How could the general good accommodate this kind of special responsibility? One way to accommodate it is to assume that the general good is *agent-relative* (cf. Broome 1991: 5).⁸ Agent-relative goodness implies that, ultimately, the good is not an evaluator neutral value. Instead, the general good must be re-evaluated from each individual's point of view, and thus will vary among individuals. For you, the goodness (or badness) of a lie varies according to whether *you* or someone else performs it.

Armed with an agent-relative conception of the general good, even in situations such as the one described in the first example, it is possible to say that your lying is wrong, *because* of the goodness (or badness) it involves. For instance, one could argue that the increase of (agent relative) badness caused by *your* lie at t_0 could not be outweighed by the agent (agent-relative) goodness caused by three *other* people telling the truth at t_1 . So after all, it may turn out that this is not a counterexample to teleology, but to the assumption that the general good exists independently of an individual's point of view.

(Ad ii). The main difference between the first and this example lies in the fact that, in this example, you know that if you do not lie at t_0 , it is *you* who will perform three other lies in the future. Therefore, an *agent-relative* notion of good will fail to explain why you ought not lie in this situation. However, one possible argument that will not fail is to assume that the good is *moment-relative* (Broome 1991: 10). That is to say, the goodness of telling the truth at t_0 is higher than telling the truth at t_{0+n} . What happens now affects the (current) general good disproportionately more than (un)foreseen future events. Hence, one could explain why you ought not lie in this situation in terms of a moment-relative conception of the general good, which again, comes prior to the right.

⁸ Sen (1988) also construes an agent-relative notion of the general good.

(Ad iii). In this example, the problem arises due to the fact that the initial normative statements p and q imply a set of ought statements that require of you to have intransitive preferences. In order to explain the normativity of these ought statements on the basis of the good, one would have to resort to a concept of goodness that implies that, for any possible choice, there exists a better outcome; we would have to say that it is better to save A and not B ; it is better to save B and not C ; yet it is also better to save C and not A . However, since goodness, or more precisely, betterness, is *necessarily* transitive, it seems genuinely impossible to say that what you ought to do in this case is determined on the basis of the alternative acts' (comparative) goodness. Therefore, in order to maintain that it is right to save A over B , B over C , and C over A , it must be the case that the right comes prior to what is good, because there is no conception of the good on which an intransitive rule of choice could be based on.

However, even in this case, it is conceivable to argue that the ought statements are based on the goodness of the acts. This depends on how finely these acts are individuated (Valentynne 1988: 256).⁹ If one assumes that acts have their properties essentially,¹⁰ and thus count two acts as numerically distinct, just if, for instance, they appear in a different choice situation, then this seemingly intransitive choice rule could be reconciled with a coherent betterness ordering. For if one distinguishes between option A in a choice situation with B , say A_B , and A in a choice situation with C , say A_C , it is possible to argue that the goodness of A_B will be different from the goodness of A_C . In principle, it would then be possible to represent the normative consequences of p and q on the basis of a coherent notion of good, requiring you to save A_B rather than B , B rather than C and C rather than A_C .

However, I doubt that this kind of fine individuation of acts gives rise to a convincing argument that the rightness of choice is determined by the goodness of the options. Although it makes sense to say that the goodness of an option can depend on the choice situation, it seems hard to conceive of how A_B could be better than B and C , whilst B and C are better than A_C – especially when considering that the only difference between A_B and A_C is not an intrinsic feature of A_B or A_C , but the fact that they are at choice with different options (cf. Weber 1998). For this reason, I do not consider 'fine individuation' as a convincing option to show that, even in the third example, the good is prior to the right.

In consequence, it seems as if there are situations in which a set of normative statements cannot be determined by the goodness of the actions involved. Thus, it appears that there are situations in which the right must be prior to the good. The next section discusses whether this example can genuinely be taken in support of the principle that the right is prior to the good.

IV

The above section concluded that *if* an ethical theory requires of you to have intransitive preferences, the right must be prior to the good. Does this conclusion truly support the principle that the right is prior to the good? I do not think so. I think it is implausible that any credible ethical theory requires you to have intransitive preferences. This follows, I argue, from a particular interpretation of the principle that 'ought' implies 'can'.

⁹ Cf. also Broome (1991 and 1999).

¹⁰ Donald Davidson, for example, assumes this (see Davidson 1980:179 and 1993:17).

Returning to the third example, suppose that you are in a situation where you have to choose between either saving person *A*, *B* or *C*. Also suppose, due to limited resources, you can only save *one* of them. Who ought you to save? It seems clear that it cannot be *C*, because you have a choice between saving *B* and *C*, and so you ought to save *B*. But it can also not be that you ought to save *B*, because you have a choice between saving *A* and *B*, and so you ought to save *A*. Does this mean that you ought to save *A*? No, because one ought statement says that if you have a choice between *A* and *C*, you ought to save *C* – and since you have a choice between *A* and *C*, this is what you ought to do. So we are back where we started. Hence the result in this situation is that you *cannot do what you ought to do*. Whomever you save, it will be true that you ought not to save this person. This is a puzzling result. In particular, it is puzzling if one believes that ‘ought’ implies ‘can’ – in the sense that there must be an action available to you that does not violate any obligation. If this principle holds, any ethical theory requiring you to have intransitive preferences, will not have much normative plausibility. Their normativity will hardly be justifiable.¹¹

Consider another example. Suppose it is true that you ought not to lie and that you ought not to kill, under any circumstances. As I argued in my response to examples (i) and (ii), there *could* be a mapping from the good to the right, which determines that you ought not lie and kill, even when you are trapped in a tricky situation. However, anyone arguing in favour of the principle that the right is prior to the good will deny that it is the goodness of these acts that determines why lying and killing are not right. Thus, the normativity of these two statements must be based on other considerations. Suppose, however, that you find yourself in a situation in which you can only choose between killing a person or lying. Furthermore, if you do not kill a person, you will perform a lie and if you do not lie, you will kill. From a teleological point of view, it seems clear what you ought to do. From our map that shows the way from good to right, it seems clear that you ought to lie in this situation, since, *ceteris paribus*, this will be the better option. However, someone who believes that the right is prior to the good will not be able to determine what one ought to do in this situation, because it would contradict this very principle. But how can one determine then what to do in such a situation?

One possible answer is that one is caught in a moral dilemma. Damned if you do, damned if you don't! However, if one again assumes that ‘ought’ implies ‘can’ – in the sense that for any t_n , there must be an available action that fulfils or is consistent with obligation, this answer is not a real option. Consequently, even in this situation, there must be an action that is right. But this means that, even if one believes that the right is prior to the good, there must be an ordering of these two actions that displays which one is right. This however means that one will be compelled to invoke some value according to which one compares the two options. This in turn amounts to noth-

11 The fact that p and q lead to a set of ought statements that require you to have intransitive preferences, not only conflicts with the principle that ‘ought’ implies ‘can’, but also with another principle, namely that ‘ought’ implies ‘cannot’. Accordingly, if you ought to ϕ , then it must be possible for you not to ϕ . In other words, if it is true that, necessarily, you ϕ , then it cannot be the case that you ought to ϕ . Assuming that the set of possible actions is narrowed down to either saving *A*, *B* or *C*, the fact that for every option there is a statement that you ought to save *A*, *B* or *C*, makes it the case that, in one sense or another, you cannot fail to do what you ought to do. Of course, it is also true that you cannot fail not to do what you ought to do. This is exactly why you cannot do what you ought to do; yet it is also true that you cannot fail to do what you ought to do – hence the conflict with the principle that ‘ought’ implies ‘cannot’.

ing other than saying that one will need to consider the *goodness* of the two actions in order to determine what is right.

Consequently, every plausible ethical theory is compelled to 'put forward a view about what is good or valuable', even though some theories 'do not at all make this explicit and may even resist talk of the good' (Pettit 1991: 230). This entails that no plausible ethical theory can put the right prior to considering the (comparative) goodness of an act. Every ethical theory needs to consider the goodness of an act to determine its rightness.

I conclude, therefore, with perhaps the surprising view that there cannot be an ethical theory that is non-teleological and hence considers what is right completely independently from a general good. Ethical theories may be consequentialist or non-consequentialist, i.e., they put what we ought to do prior or subsequent to the goodness consequences of an action; they may differ in conceiving the good as agent-neutral or agent-relative, moment-neutral or moment-relative; they may have different views about which properties of an action represents the good; or they may differ in whether we ought to honour or promote the good. But they cannot determine what is right without invoking a particular theory of value or goodness.

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