THE RIGHT AND THE GOOD*

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It is a commonplace among modern moral philosophers that the good and the right are the central and most important moral concepts. Rawls has written, "The two main concepts of ethics are those of the right and the good... The structure of an ethical theory is... largely determined by how it defines and connects these two basic notions."[1] When modern thinkers study the right they investigate morally right action, often identified with duty. When they turn to the good, however, their interests diverge. Some, following the ancients, study 'the good life' or 'the good for man'; others turn to the supposed intrinsic goodness of certain states of affairs or experiences; still others devote their attention to 'the good society' or to Rawlsian 'primary goods', such as wealth and self respect.

My concern in this essay is with morally right action and with the good that is mostly closely connected with it: morally good action.[2] In the first section I consider the familiar fact that whether an action is morally good or bad is determined by the mental state or attitude from which the agent performs it. In the second section I examine and criticize the views of Frankena and French who divorce an action's moral goodness from its moral rightness. In the third section I present my own positive account or rightness and discuss its relation to goodness. I conclude that the morally right thing to do must be a morally good thing to do, although the converse thesis is false. In the fourth section I discuss an objection concerning responsibility. In the fifth section I show how the language of moral rightness, if understood in the way suggested, indicates that an action's actual or probable consequences are wholly irrelevant to whether it is moraly good, right, or dutiful, contrary to the claims both of consequentialists and of many of their professed opponents.

1. MORALLY GOOD ACTION

When a person's action is morally good or morally bad, what makes it so? It is generally conceded, even by some with strong sympathies for utilitarianism, that an action's moral goodness/badness is determined not by its effects but by the motivation and itentions with which it is done.[3] One reason for this is that these philosophers recognize that moral goodness or badness are generally to be identified with moral virtue and vice, which they see as consisting in certain dispositions and motives. The view thus implies that an action is morally bad (vicious) only if it expresses a morally bad (vicious) motive.[4]

Some clarificaytion is in order. If we think of motives as ultimate intentions, then it seems to me that a morally good motive is indeed necessary for morally good action. A bad motive, however, will not be necessary for morally bad action. If, in your haste to get to a film on time, you don't let the fact that I am lying injured and helpless in your driveway stop you form driving down it (and thus over me), you act evilly. Likewise, if you poison me to get an inheritance. However, in neither case is your motive, in the sense of your ultimate intention, evil. In the second case the evil is in your subordinate, instrumental intention - in your means, not your end. In the first case what is morally bad is not really your intending what you do, but rather your *not* intending what you ought. One's will is good only if one wills what it is good to will; but the state of one's will is bad if one either wills what it is evil to will or fails to will what it is evil not to will. It is not always evil not to will others benefit, but sometimes it is, and when it is, then any action (more strictly, any omission) that comes from that evil state of will is itself evil. This was what Hutcheson had in mind when he worte:

> A bare Absence of this desire [for others' welfare] is enough to make an agent be reputed Evil: Nor is direct Intention of publick Evil necessary to make an action evil, it is enough that it flows from Self-love, with a plain Neglect of the Good of others, or an Insensibility of their Miserty...[5]

Let us call intending something a positive intention-state and not intending it a negative one. Then, it seems to me, an action is morally

bad if and only if it expresses or manifests an intention-state (positive or negative) that in the circumstances is morally bad, and an action is morally good if and only if both (i) it expresses a morally good ultimate intention, and (ii) it expresses no morally bad intention-state (positive or negative).[6] However, nothing I argue for below hinges on this strong thesis. All I shall need is the weaker thesis, generally conceded, that whether an action is morally good or evil is determined strictly by the motives and other intention-states it expresses.

2. *RIGHT ACTION WITHOUT GOOD ACTION?*

Some philosophers think moral rightness is determined quite differently. Thus, Mill writes, "the motive has nothing to do with the morality of the action" and explains, "a right action does not necessarily indicate a virtuous character."[7] Of course, even a *virtuous* action needn't indicate a virtuous *character*, as Aristotle pointed out, so the exact relation between right action and virtuous *action* remains obscure in Mill.[8] William Frankena makes the contrast sharper: "whether or not an action is morally good depends on its motive, but whether or not it is right depends on what it does," what it "brings about".[9] Since good motives don't always produce acts with good effects, he concludes that an action can be right even when it isn't good and action can be good when it isn't right. Is this true?

I think not. On Frankena's view, an action may have been morally right thing although it was not morally good and an action of some opposed sort would have been morally good. At a more abstract level, it seems that, for him, the right thing to do may not be good although some other action is good. Hence, the right thing to do need not be the best thing to do. If this were true it would mean the logic of 'right' and of various forms of 'good' is radically different in moral discourse from what it is elsewhere. Consider how strange and contradictory it would be to say: 'This is the right way to run the projector, but not at all a good way to run it', or 'He is the right person to select for the job, but she would be a better person to select'. In general, we can say that if *X* is the right *F* to *V* then it cannot be that something else, *Y*, is the best *F* to *V*. The best *F* to *V* cannot be an *F* one *V*s instead of *V*-ing the right one.[10] The reason for this is fairly obvious: part of what makes something the right *F* to *V* is its superior goodness; another part of what makes it the right one is that there is always something objectionable or unsatisfactory about V-ing any F to the exclusion of

that one. This should lead us to expect that what makes an action *morally* right is that both: (a) it is morally better than the relevant alternatives, and (b) there would be something morally bad about performing any action to its exclusion.

If that is right, then Frankena is wrong, of course, for moral rightness and goodness could not have different determinants if rightness and wrongness are functions of goodness and badness. Frankena gives little that can be seen as an argument for his view. He says, "I do not and should not look to see what my intentions are or will be in order to find out what I ought to do."[11] However, even if we follow Frankena in thinking that what I morally ought to do is always something it is morally right to do, this is mere assertion. After all, to find out what kind of action would be morally virtuous, good, kind, etc. to do I must consider my intentions, and we need some *argument* to show that such consideration is irrrelevant to finding out what kind of action it would be right to do. Why think that judgments of right and wrong have such a radically different basis from that of other moral judgments? Why think of them as based on consequences?

3. CONSEQUENCES

I will consider three reasons that might be offered.

First, in prudential reasoning one looks to the effects of actions of different types in assessing courses of action, and the traditional and plausible view that mnorality is a sort of extended prudence thus supports the claim that in determining what one morally ought to, i.e. what it is right to do, we should look to effects.

This is admittedly not an argument but only a consideration that purports to help justify the thesis that right and wrong are determined by effects. However, it should be clear that it does not even do that. Our concern here is not with whether one should pay attention to effects in making decisions. Of course one should. Rather, it is with whether what makes an action right or wrong are its effects. This analogy with prudential judgments does not support an affirmative answer; for what makes an action prudent or imprudent are not its effects but rather the thinking that it manifests. This is clearest if we shift from the sort of prospective assessment involved in practical reasoning to retrospective assessment. Whether what you did yesterday was fatal depends on its actual effects and whether what you did was dangerous depends on what effects were probable. However, whether

what you did was prudent depends on what was going on in your mind before, and at the time of, your action. (Remember that acting prudently is one way of acting wisely.) 'Prudence' is a virtue term and as to act kindly is to act from or with kindness so to act prudently is to act from or with prudence.[12]

This reflection yields a useful distinction. Prudence (in the sense in which actions are prudent) is, like other virtues and vices, an input-dependent concept. Whether an action or a type of action is prudent or imprudent depends on what goes into the action - beliefs, desires, intentions, reasoning, deliberation, etc. Fatality and dangerousness, in contrast, are output-dependent concepts. Whether an action is fatal or is dangerous depends on what its outcome (or probable outcome) is. If, as ordinary language indicats, rightness and wrongness are functions of goodness and badness, then we should expect moral rightness and wrongness to be functions of moral godness and badness and, since the latter are input-dependent concepts, so too will rightness and wrongness be input-dependent. My question in this section can thus be phrased this way: what reasons are there for opposed thesis, that moral rightness and wrongess are output-dependent concepts? We have just seen that the first purported reason, the analogy with prudence, fails.

The second reason to think that the moral rightness or wrongness of action is output-dependent is that events that are not actions, e. g., floods, plane crashes, fires, etc. are evaluated on the basis of their effects, and this speaks in favor of actions being evaluated on the same basis. Again, I think, this observation does not support the thesis. Events that are not personal actions or responses are not morally evaluated *at all* let alone evaluated as morally right or wrong. The supposed analogy with such events does those who think right and wrong to be output-dependent no good. However, I think the *disanalogy* between moral assessment and the way we assess such natural and accidental calamities can illuminate the proper basis of moral assessment.

If its bad effects were sufficient to make an action morally wrong, then why don't the bad effects of natural events such as tornadoes and earthquakes make them morally wrong as well?[13] of course, one can, as Frankena does, restrict moral assessment to "ctions, desires, dispositions, intentions, motives, persons, or traits of character",[14] but what is the *reason* for this restriction? I think the reason is that all moral interest in a person's dealings and relations with others focuses

on her attitude or stance towards others' welfare: does she favor it, neglect it, or oppose it? This focus explains the restriction mentioned.

Actions, desires, deispositions, intentions, motives, persons, and traits of character are, or express, or have, such interpersonal responsive attitudes and can thus be judged good or bad, right or wrong on the basis of the relevant attitudes. Earthquakes, etc. are not, do not express, and do not have, such attitudes, and therefore provide no basis for moral assessment.[15] Thus, actions can be morally right or wrong only because they express such virtuous and vicious attitudes. Given this, it would be implausible indeed to think that whether a certain action expresses a vicious or virtuous attitude is irrelevant to whether it is right or wrong and, Frankena notwithstanding, it is in virtue of the particular intention-states an action manifests that it is right or wrong. Why think instead that, although an event can be morally right or wrong only because it is a human action (and therefore expresses some intentions, beliefs, and desires), nevertheless *what* intentions, etc. it expresses are irrelevant to its being right instead of wrong or wrong instead of right? Such a thesis is strange indeed.

The third reason to think right and wrong are output-dependent is suggested by Peter French. French thinks that we express our concern for the goodness of actions using such concepts as "kind, charitable, loyal, loving, benevolent, etc." which emerge, he tells us, from a concern that the agent "internalize a direct concern for others." In contrast, he thinks we express our concern for the rightness of actions using such concepts as "murder, lie, justice, adulterly, theft, etc." which arise from society's need to suppress "certain kinds of actions and events" in order to maintain a livable environment.[16] Thus, like Frankena, French thinks an action's moral goodness and its moral rightness have very different bases.

The interest in whether an agent has and manifests "a direct concern for others" is just the interest (to which I have already drawn attention) in whether the agent manifests a benevolent (or malevolent or indifferent) attitude toward others. In my view, this interest underlies *all* our moral judgments about human interpersonal dealings. French denies this, holding that judgments of moral rightness reflect a different interest and focus: an interest in the action's effects on the 'environment.' He provides no reason for this view, however. Indeed, notice that *every one* of the action concepts he associates with moral rightness is applicable only if the agent has certain evil intentions. Plainly, the reason is that we have a moral interest in events that are

murders, etc. because as human actions they express insufficient concern for others or outright malevolence towards them. After all, we should like to suppress such events as earthquakes as well as murders, but the concept or term 'earthquake' does not contain a *moral* evaluation because earthquakes express nothing on which to base the moral evaluation.

Seeing our moral judgments about an action to be based on what the action manifests of the agent's intention, motives, and (sometimes) character also enables us to see the importance in moral thought of such excuses as ignorance and insanity. Theses excuses are used to show that a certain action that appears to be morally wrong because it appears to express an evil intention or character really is not such an expression, thereby removing or reducing the ground of moral condemnation.

Of course, consequentialists and their allies have their own acounts of the phenomena I have pointed out. For example, a consequentialist might say that the point of moral assessment is to promote the occurrence of events of some kinds and to discourage the occurrence of events of other kinds, and go on to explain our calling murders but not earthquakes wrong on the grounds that calling murders wrong reduces their numbers while calling earthquakes wrong has no such effect. In fact, however, this explains only why we don't *call* earthquakes morally wrong, why we don't make it a point to say this to people. It does *not* explain why it is necessary truth that no earthquake *is* morally wrong. Similarly, a consequentialist might account for our punishing less severely the person who kills because of insanity or ignorance by pointing out that more severe punishment would cause harm without yielding compensatory benefits in the form of deterrence, rehabilitation, etc. But, again, this explains only why we treat the *agent* in a certain way; it does not explain why the excuse is valid, why an action done from certain kinds of ignorance or insanity is *less wrong* morally than it would otherwise have been.

My conclusion is that we sould reject the thesis that moral rightness has an entirely different kind of basis from that of moral goodness. That thesis: (1) has no good reason to support it, (2) excludes from moral thought the connection found everywhere else between what is right and what is good (or best), (3) leaves the basis of moral rightness-claims out of harmony with the basis and focus of other moral judgments, (4) obscures the moral importance of excuses, and (5) leaves inadequately explained the limitations on what can

sensibly be adjudged morally right or wrong. These conclusions are merely negative, however. In the next senction, I shall try to develop a positive account of moral right and wrong, and to illuminate their connection to moral good and evil.

4. RIGHT ACTION

Let me begin by saying that I can see no interesting difference between an action's being morally wrong and its being morally evil. The two terms are often interchangeable and this explains why in ordinary discourse we sometimes substitute 'immoral' or 'unethical' for either. *Pace* Frankena there *is* no important distinction made by carefully discriminating 'morally wrong' from 'morally evil' and obscured by such terms as 'immoral' and 'unethical'. It is sometimes objected that judgments of wrongness concern *what* was done, while judgments of badness concern *how* it was done. However, this is mere assertion, not argument. I have tried to show that our moral interest is such that in moral discourse we evaluate human actions as human actions, not merely as events, and thus we focus on their distinctively human aspects, that is, on how or, better, on *why* action of a certain kind was done or omitted.

The best reasons I know for distinguishing the basis of wrongness-claims from that of badness-claims both proceed from ordinary language. First, imagine that *A* is sick and that *B* has at her disposal two vials, one containing medicine and the other poison. Knowing just this, we would, quite reasonably, say '*B*'s giving *A* the medicine would be morally right; *B*'s giving *A* the poison would be morally wrong'. Suppose further, that through some innocent mistake, B has gotten the vials mixed up. If *B* acts from benevolence towards *A*, *B* gives *A* the poison; if B acts from malevolence towards *A*, *B* gives *A* medicine. Doesn't the moral judgement I mentioned commit us now to saying that *B*'s giving *A* the medicine, though viciously motivated and evil, would be morally right, and that *B*'s giving *A* the poison, though virtuously motivated and good, would be morally wrong? If so, then rightness and goodness must have different bases. However, I think we are not so committed.

Notice that at the time we make our judgment of right and wrong we would be just as inclined to say 'Giving *A* the medicine would be (the) kind and virtuous (thing to do); giving *A* the poison would be (a)

mean and vicious (thing to do).' But surely it would be absurd to suppose that we are therefore committed to saying that in these circumstances *any* instance of giving the medicine would be kind, no matter how maliciously motivated, and *any* instance of giving the poison would be mean, no matter how kindly motivated. In making our claims of vice and virtue, we are evaluating certain *appropriate* and *relevant* instances of giving medicine or poison. We assume the particular action to be motivated in the normal ways. We never meant that *every* possible instance of giving the medicine would be kind and every possible instance of giving the poison mean, irrespective of the particular action's motivation. To interpret our statement that way is to be misled by the surface grammar of our sentences and insensitive to their clear intent. It is reasonable to suppose that just the same implicit qualification characterizes our claim of right and wrong, though again our statement's appearance masks it.[17] So ordinary language, once properly understood, offers no real support to the position of Frankena and French that wrongness and badness have very different bases.

The other reason for thinking wrongness and badness to be differently grounded rests on our ability to make sense of the claim (made, for example by Eliot's Becket) that one might do the right thing for the wrong reason. Wrong reasons might include the sort of considerations that make actions badly motivated and thus bad. This seems to commit us to the possibility of actions that are both right and bad and therefore, presumably, right but not good. I think, however, that we can avoid this commitment. Contrast what we would mean by the claim that someone made a wise move but for foolish reasons. What we would mean is that she made a move of the sort wisdom would have recommended (to an informed person). Nonetheless, she didn't really act wisely for she didn't act from wisdom.[18]

I want to say something similar about our case. When we say that someone has done a (morally) right thing for the wrong reasons, we seem to mean that she has done an action of the sort acting morally would require (of an informed person). She has, for example, helped the needy when an informed and minimally virtuous person could not but be moved to do so. What is important is that this loose form of speech in which someone may be said to have done the right thing does not permit the inference that she has acted rightly, any more than does the loose way of talking in which someone who acts foolishly

may be said to have made a wise move permit the inference that she has acted wisely.[19] I don't think morality ever requires acting with certain effects, but it does require acting from certain intentions and this will normally result in acting with certain effects. A person who acts so as to bring about those effects can be said to have done what is right in the derivative and loose sense that she has done what it *would* be right to do with the proper intentions.[20] She has acted in some respects as one correctly informed and properly motivated would have acted. But she has not acted rightly.

In both moral and non-moral statements, as Geach has pointed out, "the English word 'right' has an idiomatic predilection for the definite article." Wertheimer has pointed out that in a wide range of cases we can replace '*N* is the right *F* (for *S*) to *V*' with the simpler '*N* is the *F* (for *S*) to *V*'; the term 'right' is eliminable from many statements without change of truth-value.[21] We can say that the right man for the job is just the man for the job, the right way to address the Senator is just the way to address her, the right answer to give in response to a question is just the answer to give, etc. These features of uniqueness and eliminability suggest that, as a first approximation, we should understand right action as the thing to do ro to intend, i.e. the *only* thing, that to whose intending or doing there is no alternative.

This conclusion can be refined if we take a different approach. Philosophers sometimes think of what is morally right in terms of what is morally dutiful. That anything morally right or obligatory is somehow morally necessary was a position urged and exploited by A. R. Anderson and others concerned to develop a logic of obligation on the model of the logic of necessity.[22] Further, to say it is necessary to *V* is just to say that one *must V*; and if the necessity is moral, then so is the 'must'. However, what one must do is that to which there is no alternative; it is the only thing to do. Right action, then, seems to be action that is at least sufficient for doing what is necessary morally, *sufficient* for doing one's duty. What is necessary morally is that to which there is no moral (i.e. morally acceptable) alternative. Aristotle helps illuminate this sort of necessity when he reminds us that we sometimes call something necessary because without it some good cannot be achieved or some evil avoided. (*Meta.* 1015a) Moral necessity is that of avoiding the evil of immoral action, not that of achieving the good of virtuous action. We say 'Morally, you have to *V*' only when we think that not *V*-ing would be immoral.

What I have said so far may seem to support the view that for an action to be morally right is just for it to be one whose omission would be worng.[23] However, I think this is not a adequate acount. Consider some act of wanton cruelty. Plainly, doing it is morally wrong. Is not doing it therefore morally right? That seems a strange thing to say. Acting evilly is sufficient for wrong action, but not acting evilly isn't sufficient for doing what is right. Certainly, it shouldn't follow from the fact that your beating Jones to death just for fun would be morally evil and wrong, that your not thus beating him to death is the morally right thing to do. That sounds too laudatory. (At least, I think it would to those whose ears have not been conditioned by philosophers' linguistic abuse.) Such conduct is not bad or wrong but neither is it genuinely good or right. Rather, as there are good things to do whose omission is not morally wrong, i.e. acts of supererogation, so there are wrong things to do whose omission is not morally right. Malevolent action, I think, is of this latter sort.

Malevolent action as such proceeds from an intention-state, malevolence, that it is bad to have but not good (and not bad) not to have.[24] Non-malevolence is not itself virtuous. A virtue, as Aristotle observed, makes a thing and its work good, and not willing others ill no more makes one and one's conduct good morally than does not administering poisons to one's garden make one a good gardener. (I return to this point and example below.) Non-benevolence is an intention-state that it is, in various circumstances, bad to have. However, not having this intention-state, that is, having some benevolent intention, *is* good and virtuous. This marks an important difference between actions that are wrong because they are insufficiently benevolent and those wrong because they are malevolent.

It is our duty to treat each person with goodwill, with benevolence. Of course, our duty of benevolence does not mean that every non-benevolent action violates moral duty but it does establish a defeasible presumption that any given non-benevolent action violates duty. The presumption will be defeated if, for example, the good willed for another is insufficient or if the costs to the agent in acting from the intention-state are substantial. However, there are occasions on which failure to act benevolently in a certain way does violate duty and is wrong. On those occasions, our general duty of benevolence insures that having the intention that another receive a certain benefit is good and that not having it is bad. Actions done from a good intention-state of this sort discharge our duty.

For an action to be right it is not enough that not doing it should violate duty (more precisely, not enough that not doing it would express an intention-state that is bad). Rather, doing it must itself *discharge* one of one's duties. That is why not beating Jones isn't right; it is still too little to discharge a duty of benevolence. Saving Jones' life, however, when saving it is a duty, is right, assuming it is done for the right reasons. However, one cannot discharge any duty of benevolence without acting benevolently and thus acting virtuously.

This positions us to propose an improved account of right and wrong. in general, an action is morally wrong if and only if it expresses a morally bad intention-state, and an action is right if and only if: (i) it expresses a positive intention-state that, in the agent's cricumstances, it would be good to have and bad not to have, and (ii) it expresses no intention-state that, in her circumstances, it would be bad to have.[25] We have a general duty to be benevolent toward each other person, but having and acting from the intention that a particular person get a particular benefit is our actul duty only in certain circumstances.

I have talked of a general moral duty of benevolence. Let me say a little more about this here. The view of moral duty I hold can be somewhat crudely captured by the thesis that our basic duties are always 'positive': setting aside specially acquired promissory obligations, we have duties only to do (and be) things; there are no unacquired duties *not* to do things.[26] An analogy will help clarify my point. One needs to hire a gardener in order to see to it that the welfare and beauty of one's plants are advanced. This purpose determines the gardener's duties. They will consist in her doing various things which, it is expected, will enhance the plants' welfare, leaving them better off than they would be if the person hired had never had any contact with the garden. If the gardener doesn't trim the plants, feed them, water them, etc., she violates her duties, i.e. her duties to take care of them. Her failures leave the plants no better off than they would be if she had never had any contact with them. Of course, she also violates her duties if she pours lye on or takes a blowtorch to the plants. However, it would be merely a bad inference to conclude that she would be violating and therefore must have a duty not to pour lye on the plants and a duty not to burn them up. Rather, I think, she violates the same duties mentioned in the other case: her duties to take care of the plants.

In the case of poisoning and burning we don't have the violation of a separate and graver class of duties. These destructive actions violate

the same duties her omissions violated and for the same reason: she leaves the plants no better off than they would be if she had no contact with them. Her active violations are *graver* than her omissive ones, of course, because they leave the plants *worse* off than they would have been without her. Nevertheless, there is no reason to postulate any duty not to burn the plants; for not burning them is not the sort of thing we need to hire someone to see to. It leaves the plants no better off than they would be if there had been no inter-action at all between agent and garden.

My view is that the same holds for moral duty. The moral duties we owe one another all derive from and center on forms of benevolence.[27] We want friends and fellow men (and women) because we want their love and goodwill. That is part of what it is for humans to be social animals. I think these natural desires ground moral duties attaching to such important personal roles as friend, fellow man, etc. I won't try to defend this derivation of duties here, but wish to explicate it and draw out some implications.

Depending especially on the cost to the agent, acting benevolently will sometimes be one's moral duty and will sometimes exceed it. Failing to act from benevolence violates a duty to pursue good, unless excessive cost to the agent of such benevolent action (or insufficient benefit to the beneficiary or some similar factor) defeats the presumption of duty-violation.[28] Acting malevolently, i. e., intentionally doing another serious and undeserved harm, also normally violates that duty. However, this is not because, as philosophers tend to assume, we have negative duties not to harm alongside our positive duties to do good. That is again the Kanitian mistake of supposing that malicious action violates a separate (and supposedly greater kind of) duty-negative duty-when, if fact, it constitutes a separate and graver kind of violation of our 'positive' duty to will good and to act from that willing. Malevolent action is wrong and evil for the same reason non-benevolent action sometimes is: it distances the agent from the virtue and duty of good-will.

This returns us to the point made earlier. Whereas malevolent action violates duty and is wrong, not acting malevolently is not itself right since it does not suffice to discharge a duty. In what is, I think, the strict and common (as opposed to the loose and philosophical) sense of 'duty' and 'right' what is right and is one's duty to others is always something that manifests some such virtue as benevolence; and mere non-malevolence usually does not live up to that standard.

Therefore, a morally right action is always a morally good one. Since it is not its effects or any part of its *output* that makes an action good or bad, but rather its *input* in motives and other intentions, effects are likewise irrelevant to an action's being right or wrong.

5. RESPONSIBILITY

My position entails that an action's effects have no bearing on whether it is morally right or wrong. What, then, shall we say of two actions which differ significantly only in their effects, say, an unsuccessful murder attempt and a successful one? Can we accommodate the intuition that we have a ground for punishing the murderer more severely than we punish the one who fails? I think so. Let us first shift our attention from murder to successful and unsuccessful attempts at arson. If I try to burn down your house and fail, then I am responsible morally for my wicked and wrong action. However, if I try and succeed, then I am morally responsible not only for my action but also for the loss of your hous. That is because, as the language indicates, to be responsible for something is to be answerable for it, and we are answerable for what we cause or, better, only for what occurs or is the case because of us.[29] So, I can be made to respond to the loss of your hous, presumably by compensating you for it. If we can think of a victim's death as a loss to her relatives and society and if we can think of punishing her as exacting a sort of compensation, 'paying her debt to society' as we say, then the intuition about comparative punishment for successful and failed murder attempts will have been accommodated within the framework of my account of right and wrong. I won't try to establish the truth of those two conditions here. That would take me too far afield. Let me just say that, in my view, if they are not true, then the intuition itself should be rejected.

Note that this account of responsibility does not undermine the basic account of moral rightness suggested here. First, I have *not* conceded that the successful attempts at murder and arson are *more wrong* than the unsuccessful attempts, only that the successful agents are blameable and responsible for more.[30] Second, one is morally responsible for the bad effects of one's action only if the action itself is wrong and that, I have maintained, is determined by the morality of the intention-states it expresses.

6. *AGAINST CONSEQUENTIALISM*

We can adapt a formulation from Donagan to define strict consequentialism as the thesis that "The rightness or wrongness of an action is determined solely by whether or not its consequences are better than [or as good as] those of any of its alternatives."[31] The account of right and wrong I have offered here shows this to be false. The focus of our concern in *all* moral judgments of goodness, is on what attitudes, especially what intention-states, the agent manifests in her action. Consequences are relevant in determining *what* right or wrong action has been done, for instance whether my wrong act was one of murder or only of attempted murder, but they are irrelevant to determining *whether* the action wash right or wrong.

Strict consequentialism, act consequentialism, is an extreme position whose popularity among philosophers is out of all proportion to its plausibility. However, the view I have put forward also militates against rule consequentialism, at least if the rules are of the sort usually mentioned by its advocates: rules that one must not kill innocents, destroy property, etc. This is because whether an action violates such a rule and is morally wrong will depend on whether it has effects that make it a killing or a destruction of property, etc. This, again, would make the action's consequences largely determinative when, in my view, the issue of moral rightness hinges on what intentions and motive the action bespeaks.

One might, of course, retreat to the quasi-consequentialist position that it is not actual but *forseen* effects that determine whether an action is right or wrong.[32] There is an element of truth to this position. If you have just run over someone with your car, then we need to know whether you *expected* to run him down because it will help determine whether, for example, your failure to avoid him arose (1) from not realizing he was in danger or, (2) from a callous and cold-hearted acceptance of his injuries as a side effect of your drive or, worst of all, (3) from the intent to injure him. In the first case, you may well be morally excused from wrong-doing; in the second and third, you probably are not. So, what the agent foresees matters, but it matters only as a clue to what she is or isn't trying to accomplish or avoid.

Foreseen effects at most sometimes have an *indirect* bearing on the rightness of action, for it will be wrong to have certain intention-states in circumstances where one has certain expectations. It may be

wrong, for example, not to intend to spare someone from being run over if you foresee that he will be injured if you don't have that intention. But even then what matters is not the *effect that is foreseen* but rather *your foreseeing that effect*. And even this cognitive state (which is part of your conduct's input, not its output) directly matters only in helping determine the moral quality of your intention-state which in turn determines the rightness or wrongness of your action. Thus, the moral focus again returns to what the agent does or doesn't want, pursue, favor, etc. for the other people involved: Is her action benevolent or not? Is it malevolent?

Rawls seems to object to accounts which, like mine, hold effects to be irrelevant to an action's being right or wrong. He writes, "All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy."[33] As spectators making retrospective judgments of right and wrong, I have argued, we need pay no attention whatever to acutal or probable effects. Such consequences are as irrelevant as they are in making judgments about whether an action was well-intended. (And for the same reasons.) Moreover, even foreseen consequences don't matter *themselves*, though the *foreseeing* of them sometimes will. So I claim that no consequences need or should be taken into account in such retrospective judgments of rightness. Of course, it may be that Rawls meant to reject only accounts which exclude consideration of consequences from the agent's prospective and practical reasoning, not those which exclude such consideration from spectators' retrospective judgments. Perhaps his own special interest in decision procedures should incline us so to interpret him.

What shall we say about the place of effects in the practical reasoning of a moral agent? Well, of course, a morally good person, like any kind person, will consider the probable consequences of her actions before she makes a decision. That is because being morally good, like being kind, involves trying to help others and trying to avoid harming them. One couldn't be called good and one couldn't be called kind if one didn't have such commitments. However, it doesn't follow that it is the probable effects that make the action good or right, any more than it is the probable effects that make the action kind. To act kindly I must act with the intention of benefiting another and I cannot perform an action with this intention unless I have some expectation that the action may do me good. But it is not the good

effects expected that make the action kind; it is the intention it manifests.

Just the same is true of moral rightness. It is the moral goodness of what goes *into* the action, not the non-moral goodness of what comes out of it, that fixes it as morally right or wrong. Even in my figuring out in advance what it would be right for me to do, though I need to consider whether it could be good to have these intentions given those expectations, again it will be my *expectation* of consequences, and not the consequences that I expect, which I should recognize as contributing to the rightness or wrongness of certain types of action.

It is worth noting that the driving-example I offered indicates that we cannot accept even the quasi-consequentialist position that whether an action is morally right or wrong is determined solely by whether the foreseen consequences of doing it are as good as the foreseen consequences of any alternatives to it. Plainly, the *malevolent* attitude expressed in intentionally running down the victim is morally worse than the presumably *callous* attitude expressed in driving the car for other reasons but expecting him to be run down and injured by it. It is worse because such malice is further removed from the virtue and duty of benevolence than is mere non-benevolence.

The moral difference between trying to injure someone (as in intentionally running him down) on the one hand, and not trying to spare him injury (as in driving along expecting him to be thereby injured) on the other, is like the non-moral difference between the gardener's burning up the garden and her merely neglecting it. The malevolent action tends to be a graver violation of duty and will be harder to justify (if it can ever be justified at all). Because of that, there can arise cases in which running the victim down while *foreseeing* his injury may not violate duty (perhaps he has been warned off the road and our car holds a number of wounded who mustn't be jarred), whereas *inentionally* running him down would. In such cases, the one action will be wrong and the other not, though their foreseen consequences are the same (the death of the man run down). This difference of wrongness thus cannot have been determined by a difference in foreseen consequences.

An action's effects, if I am right, total or partial, actual, probable, or foreseen, really do nothing toward determining (making) the action to be either morally right or morally wrong. This is, I think the most radical form of non-consequentialism possible. I conclude that not only

act-, and all familiar forms of rule-utilitarianism, but also the so-called 'mixed-deontological' theories found in Ross, Frankena, Scheffler, and some current moral theologians must be abandoned.[34]

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NOTES

* I am indebted to Asa Kasher, Philip Quinn, Montey Holloway, and anonymous readers for their comments on an earlier version.

1 John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 24.

2 What I say about 'actions' I intend to apply to omissions as well as commissions. If omissions are themselves actions,this presents no problem. If, as I am inclined to think, they are not, then whenever appropriate my term 'action' can be taken as elliptical for 'action or omission'. To simplify my discussion in this essay, I will talk as if not only actions but also omissions were datable particulars.
Throughout the essay, unless otherwise indicated, whenever I talk of 'actions' I mean to restrict myself to external or bodily actions, things done by, for example, moving one's limbs. Omissions should be restricted to the omission of such actions. The commission or omission of such mental actions as calculating a sum or making a decision, whatever their exact relation to certain physical events, are excluded.

3 See, for example, J. J. C. Smart, "An Outline of a System of Utilitarian Ethics," in Smart and B. Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), p. 49.

4 Note that one can act virtuously without having a virtuous character and act viciously without having a vicious character. Nor is this a derivative use of the terms. The concepts of virtuous and vicious character are parasitic on the concepts of virtuous/vicious action and response, not vice versa. To have a virtuous or vicious character is to have a fixed disposition to act and respond virtuously or viciously. To respond virtuously on an occasion is, for example, to respond to your need with a spontaneous desire to help. Since responding in such fashion on a given occasion does not entail having a disposition so to respond, and, indeed, having a virtuous character *will* involve being

so disposed, I think that this concept of an *occasion* of (rather than a pattern of or disposition to) virtuous psychological response is more basic than the concept of virtuous character. Since virtuous action is action done from some such occasion of response, the concept of such an occasion is also more basic than is that of virtuous action. Contrast G.H. von Wright, *Varieties of Goodness* (New York: Humanities, 1963), p. 142.

5 Francis Hutcheson, "An Inquiry Concerning the Original of Our Ideas of Virtue or Moral Good" (1726), in *British Moralists*, ed. L.A. Selby-Bigge (New York: Dover, 1965), para. 127.

6 Suppose that, through your culpable inattention, you give me poison instead of medicine. Then, even though your act of injecting me need not directly stem from your "insensibility [to my] misery", that act is nonetheless infected by (and thus, expresses) your earlier culpable and *wrong-making* inattention. (I am grateful to Phil Quinn for making me think about cases of this type.)

7 J.S. Mill, *Utilitarianism* (Indianapolis: Bobbs-Merrill, 1957), pp. 23, 16.

8 In a note that, according to a recent editor, appears in the second edition of *Utilitarianism* (but not in later ones), Mill seems to endorse the view that moral rightness and wrongness is determined by the intended, not the actual, consequences of the action. "The morality of the action depends entirely upon the intention - that is, upon what the agent *wills to do*." (Emphasis retained.) Op. cit., p. 24.

9 William Frankena, *Thinking About Morality* (Ann Arbor: University of Michigan Press, 1980), p. 48. Smart agrees in Smart, pp. 45-49.

10 A complication: if a teacher assigns chapter one to be read, then chapter one is the right part of the book for the students to read but chapters one through five might be a better (or the best) part of it for them to read, since the longer reading will enhance understanding, etc. Nonetheless, reading chapters one through five isn't something one can do *instead of* reading chapter one; the one act of reading includes the other. One possible solution might require us to say that if X if the right F to V, then Y is the best F to V only if V-ing Y includes (or is identical with) V-ing X. Another possibility is to account for the problem by appealing to some sort of ambiguity in this use of 'right', though I am skeptical about this and should like to see it worked out first.

11 Frankena, "Conversations with Carney and Hauerwas," *Journal of Religious Ethics*, 3 (1975): 51.

12 To act from kindness or prudence needn't be to act from a fixed disposition. I may, out of character, give way to my warm feelings for you and resolve to do you some kindness. If so, I act from kindness,

and thus act kindly. For this reason, while I think the concept of acting virtuously more basic than that of being a virtuous person, I think both of these notions draw on the most basic concept of an occasion of virtuous response as instanced, for example, in my suddenly and uncharacteristically making it my goal to help you just for your own sake.

13 Of course a consequentialist will say an action's bad effects make it wrong only in conjunction with its good effects and with the good and bad effects of each alternative.

Since writing this essay I have found an argument similar to one this paragraph offers in Joseph Seifert, "Absolute Moral Obligations towards Finite Goods as Foundations of Intrinsically Right and Wrong Actions," *Anthropos*, 1 (1985): 67.

14 Frankena, *Ethics*, 2nd ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1973), p. 113.

15 This is consistent with their being morally undesirable (i.e., such that *desiring* them is morally bad) in view of their effects.

16 All quotations in this paragraph are from Peter French, *The Scope of Morality* (Minneapolis: University of Minnesota Press, 1979), pp. 47-49.

17 Sidgwick says: "Moralists of all schools, I conceive, would agree that the moral judgments which we pass on actions relate primarily to intentional actions regarded as intentional. In other words, what we judge to be 'wrong' ... [is the] volition or choice of realizing the effects as foreseen." See *Methods of Ethics*, 7th ed., p. 201..

18 See the discussion of virtuous response, action, and character in note four above.

19 I do *not* mean to say the terms 'right' or 'wise' are used in secondary or loose senses. Rather, I think these terms, with their usual senses intact, are here used in *phrases* which are meant to be construed loosely, i.e., not to be taken in their strict meaning.

20 Aristotle's distinction between performing a virtuous (e.g., just) action and acting virtuously (e.g., justly) should, I think, be given a similar analysis: to perform a virtuous action is to act in a way that would constitute acting virtuously if done with the correct intentions, etc.

21 P. T. Geach, "Good and Evil," in *Theories of Ethics*, ed. P. R. Foot (Oxford: Oxford University Press, 1967), p. 72. Roger Wertheimer, *The Significance of Sense* (Ithaca, N.Y.: Cornell University Press, 1972), chap. 5.

22 See, especially, Alan Rose Anderson, "A Reduction of Deontic Logic to Alethic Modal Logic," *Mind* 67 (1958); and Arthur Prior, "Escapism: The Logical Basis of Ethics," in *Essays in Moral*

Philosophy, A. I. Melden, ed. (Seattle: University of Washington Press, 1958).

23 Richard Prica maintained that "whatever is right in such a sense, as that the omission of it would be wrong, is ... obligatory." See Price, "A Review of the Principal Questions in Morals" (1798), in Selby-Bigge, para. 688.

24 My way of putting this point and others in the next few paragraphs is much indebted to Roderick Chisholm, "Supererogation and offense, " in *Ethics*, ed. J.J. Thomson and G. Dworkin (New York: Harper and Row, 1968), pp. 412-429. One difference between Chisholm's account and mine is that his allows that there are some bad actions that don't violate duty. This seems wrong. Alan Donagan criticizes Chisholm's view at Donagan, *A Theory of Morality* (Chicago: University of Chicago press, 1977), pp. 56f.

25 This formulation avoids a problem that besets any attempt to identify right action with an action (or type of action) that must be done or that it would be bad not to do. Suppose two persons, *A* and *B*, each need saving and you could easily save either but cannot save both. Then, if you virtuously save *A*, your saving *A* is right and can be said to be your doing the right thing. But it is not true that you morally had to save *A*, and it is not true that you need act badly if you don't save *A*. For saving *B* instead would also be doing the right thing. However, whether you save *A* or save *B*, you act with the intention of saving one of the needy and *this* intention-state is one that it is good to have and bad not to have in these circumstances. Thus, I claim that right action must be *sufficient* for doing what is morally necessary.

26 See James Mish'alani, "'Duty,' ;Obligation,' and Ought,'" *Analysis* 30 (1969): 35.

27 If, as I think, promise-keeping, truth-telling, paying debts, etc. can all be understood as subcategories of intending certain benefits for certain opeople, then all these duties will be special cases of duties to have and act from an intention to benefit.

28 Of course, the ordinary view, which I have no desire to challenge, is that the duty of benevolence is *normally* so defeated. Hence, the sort of leeway which Kant called our moral *Spielraum*.

29 See George Pitcher, "Hart on Action and Responsibility," *Philosophical Review* 69 (1960): 226-235. Since I think we normally cause our actions I allow that we normally are responsible for them, *pace* Pitcher. See also Peter van Inwagen, "Ability and Responsibility," in *Moral Responsibility*, J.M. Fischer, ed. (Ithaca: Cornell University Press, 1986) p. 157.

30 Richard Parker agrees that an action's actual effects are irrelevant to how wrong it is. However, he proceeds to the false conclusion that its

actual effects are irrelevant to its blameworthiness. This is owing to his acceptance of the false premise that we are blameworthy and responsible only for actions. Against this, we should note that there is nothing odd in asking, 'Who is to blame (responsible) for this mess, or *S*'s death, etc.?' Moreover, Parker claims that we are to blame and responsible for the probable effects of our actions, even if in the event no such effects occur. This is wrongheaded. Parker is led to this view by his undefended (and, I think, indefensible) claim that the problable, but not the actual, effects of an action are *part* of it. See Parker, "Blame, Punishment, and the Role of Result," *American Philosophical Quarterly* 21 (1984): 269-276.

Harry Frankfurt agrees with me that the effects of one's action matter only in answering the question what wrong action the agent has performed, not in determining she has acted wrongly. (See Frankfurt, "What We Are Morally Responsible For," in his *The importance of What We Care About* (Cambridge: Cambridge University Press, 1988) pp. 99-100.) Unfortunately he goes on to endorse the implausible view that what an agent "is morally responsible for is just the [bodily] movements themselves" that constitute her "performances and failures." One way of understanding our positions is that we agree that what some philosophers call "out-come luck" is irrelevant to judgments of right and responsibility.

31 Donagan, p. 52. The bracketed insertion is needed to remedy a flaw in what Donagan says: act utilitarians usually say that a right act is one whose consequences are at least as good as those of any alternative. It should be noted that Anscombe, who introduced the term, seems to have used it more broadly, including Ross as a consequentialist.

32 This position is only 'quasi-consequentialist' because it makes right and wrong depend on what the agent believes at the time of acting. Such beliefs are not part of the consequences or even the broadest notion of consequences.

33 Rawls, p. 30.

34 See, *inter alia*, David Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930); Frankena, *Ethics*, op. cit.; Samuel Scheffler *The Rejection of Consequentialism* (Oxford: Oxford University Press, 1982). On recent moral theology, see Charles Curran *Directions in Fundamental Moral Theology* (Notre Dame, IN: University of Notre Dame Press, 1985) esp. ch. 6; Richard McCormick, "Commentary on the Commentaries," in *Doing Evil to Achieve Good*, McCormick and Paul Ramsey, eds. (Chicago: Loyola University Press, 1978); Edward Vacek, "Proportionalism: One View of the Debate," *Theological Studies* 46 (1985): 287-314.