

CHOICE AND CONSEQUENTIALISM

by

Germain Grisez

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In this paper, I criticize a general theory of moral judgment which I refer to as “consequentialism.” This is a cognitivist theory; it holds that the truth of a moral judgment depends upon its conformity to a fact. For example, the truth of the moral judgment that one ought to kill a person in a given case might be said by a consequentialist to rest upon the fact that a greater net human value will be preserved or achieved in that difficult case if one adopts the proposal to kill the person rather than if one adopts some alternative. In general, a consequentialist holds that a moral judgment refers to the comparative value in a state of affairs which can be brought about by a human act.

Some forms of consequentialism are direct; they locate the preponderance of value which determines the moral worth of each particular action in the particular state of affairs brought about in and through that action. Other versions of consequentialism are indirect; they look to the over-all state of affairs which will be brought about if one accepts a certain rule or other principle, and then the moral worth of the particular action is judged by reference to that rule or other principle. Again, some versions of consequentialism are pure; they admit no moral value which cannot be judged by consequentialist considerations alone. Other versions of consequentialism are mixed; they hold that some or all moral values can be judged only if nonconsequentialist considerations supplement consequentialist ones in appropriate ways.

Every ethical theory which involves consequentialism fails, as I am about to argue, in precisely the same way, just to the extent that it does involve consequentialism. However, for the sake of simplicity, in the remainder of this paper I do not mention indirect and mixed consequentialism. Anyone who follows the argument to its conclusion will find it easy enough to apply what I say about direct and pure consequentialism—which is often called “act consequentialism” or “ideal act utilitarianism”—to more complex versions of this theory.

Likewise, I use expressions such as “preponderance of value” and “greater good” to refer to any outcome of the comparative weighing or measuring of values and disvalues which any consequentialist considers appropriate to ground a moral judgment. Thus, “greater good” is to be taken to include in

its meaning “lesser evil,” “proportionate reason,” and like expressions sometimes used by consequentialists.

Consequentialists hold that moral judgments primarily bear upon courses of action. Doubtless, there are derivative cases of moral judgment bearing upon states of character, institutions, and so on. But the prime case of moral judgment, according to any consequentialist, is the practical directive to adopt one proposed course of action rather than any alternative to it. I do not disagree with this view.

According to it, a moral judgment as to what one ought to do can make an immediate practical difference only when one is considering what one could do. In other words, moral judgments can shape one’s action only when one is deliberating. I begin my critique of consequentialism from this point—on which I agree with consequentialists—by clarifying with a brief summary of the phenomena of deliberation what is involved in that mental process.

Deliberation begins only if one experiences a conflict of desires or interests. One becomes aware of incompatible possibilities, such as sitting still or leaving the room, going to hear another paper or visiting a nearby spa. Something in oneself draws one to each of the alternatives. The conflict makes one stop and think—something one does not do if there is no problem. Each alternative is somehow attractive, but none promises complete satisfaction. One checks to see if one has some previously established principle which clearly dictates which alternative is to be carried out. If one has such a principle, there is no need to make a choice. But when one is aware of no such established seemingly unquestionable principle, then one feels that a choice will have to be made. One feels one’s spontaneous behavior blocked; one finds oneself in a practical impasse. Deliberation is the thinking which begins at this point. It is a quest for a way out.

One deliberates, considering various proposals, and examining the advantages and disadvantages that probably will follow from the adoption of each. While one deliberates, one regards the alternative proposals as genuine possibilities. One expresses this possibility, perhaps, by saying to oneself: “I could adopt this alternative, and then again I could adopt that one.” This “could” expresses more than mere logical possibility or causal contingency; it expresses a *practical* possibility. One is projecting a use of one’s capacity to act in a context in which one thinks its use requires only one’s choice to use it.

Thus, a person in deliberating is aware of alternative courses of action and is confident that he can and must settle among these alternatives. One perhaps says to oneself: “The choice is mine and I must make it.”

If some possibility did not seem attractive in any respect at all, then that possibility would be of merely theoretical interest. Only what is somehow attractive can become the subject of a practical proposal which must be

chosen or rejected. The proposal which is adopted at the end of deliberation is chosen precisely because of the good or apparent good which kept it in the running to the end. Hence, when one has made a choice, one always can give a reason for this choice by citing the good for the sake of which one adopted this alternative.

Now, the consequentialist holds that the goods involved in each alternative are commensurable—that is, that they can be weighed or measured against one another by a common standard. The proof that the consequentialist is committed to commensurability is that he talks in terms of the “greater good,” which would be meaningless if the goods were not commensurable.

The consequentialist also holds that one ought to adopt the proposal which promises the greater good. Clearly this “ought” is vacuous if one cannot adopt some alternative proposal.

My criticism of consequentialism is that it is inconsistent to hold both that the goods involved in various alternatives are commensurable and that a person can deliberately adopt an alternative which promises a lesser good than the alternative which ought to have been adopted.

Let us suppose that a person makes a consequentialist moral judgment and acts upon it. By hypothesis, such a person *does* adopt the proposal which promises the greater good, but he *could* instead have adopted a different proposal promising measurably less good. The question is: How could anyone knowingly choose the lesser good?

Whether or not one is a consequentialist, a choice by a person of an alternative considered by him to promise a lesser good would be puzzling indeed. One might suppose that the wrong choice is made by mistake. But this supposition provides no escape for the consequentialist, for he holds that the morality of one’s act is determined by the facts as one sees them; moral evil is not merely an honest error in computation. One also might suppose that the wrong choice is made by virtue of the influence of unconscious factors upon choice. However, this hypothesis also provides no escape for the consequentialist, for he proposes his theory as a method of intelligent adjudication between values and disvalues which he claims can be intelligently measured and compared in the process of deliberation.

Therefore, the consequentialist must hold that one *could* purposely adopt a proposal which promises measurably less good than an alternative proposal which one *should* adopt. Nevertheless, as the data of deliberation already described establish, there never is any reason for choosing the alternative which one does choose except the good it promises. It follows that if one alternative promises a measurably greater good than another, a person who is deliberating has not only all the reason for choosing the one promising the greater good which he would have for choosing the other, but for this choice he has the further reason of the greater good it promises.

Thus, given the commensurability demanded by the consequentialist's theory of moral judgment, no one can do what he ought not, since no one can deliberately prefer the lesser good. The reason for choosing the greater good—assuming the goods are commensurable—is not merely a good reason, it is a sufficient reason.

In other words, given the commensurability required by the consequentialist's theory, no one *can* deliberately adopt any proposal other than that which the consequentialist says he *should* adopt—the one, namely, which promises the greater good. But this means that no one can do moral evil. Yet consequentialism is advanced as a theory of moral judgment. A theory of moral judgment must leave open the *possibility* that someone deliberately makes a morally wrong choice.

Someone might object that the foregoing argument presupposes that choices are free, and that this supposition is question-begging against consequentialists, who can reject free choice and defend some form of determinism or compatibilism.

Before answering this objection I offer an historical observation. As a matter of historical fact, many famous consequentialists have rejected the libertarian conception of choice. Bentham, Mill, and Sidgwick are examples, and others come easily to mind. Many such consequentialists base their determinism upon a psychological theory of motivation according to which one always chooses that to which one has the stronger motive. This theory has the same assumption as consequentialism: that prospective goods are commensurable. The same symbol has played a principal role in the historical drama of both psychological determinism and consequentialism—the symbol of the balance scale. The greater good or the stronger motive tilts the balance to one side.

Now to the objection. I do think that people can make free choices. However, the argument I propose here against consequentialism does not rest upon this controversial position. All I need for the present argument are the phenomena of deliberation and choice. Someone like Mill who is both a psychological determinist and a consequentialist holds both that one necessarily chooses what appears to be the greater good and that one ought so to choose. The two positions are incompatible. Undoubtedly there are consequentialists who do not accept psychological determinism. But I think that if goods really were commensurable as consequentialism requires, then just to that extent psychological determinism would be true.

As we know by experience, we do make choices. How can we make them? I submit that we can make them because "greater good" has no definite meaning antecedent to the choice which ends the perplexity that gave rise to deliberation. Prior to choice, the goods which are promised by different proposals are diverse and incommensurable. For this precise reason, one's always unquestionable antecedent principle, "The more good, the better," is

inapplicable. Thus one can and must choose. At this point, the consequentialist's advice to adopt the proposal which promises the "greater good" is meaningless; anyone who is deliberating knows that he does not know in what the "greater good" will lie.

Someone might object that it must be possible to know what is better and yet choose what is worse, for such perverse choice is at the heart of immorality on any account of it, nonconsequentialist as well as consequentialist. I grant that one can know what is morally better and yet choose what is morally worse, and I find no difficulty in accounting for this fact. What is bad from a moral point of view can be good from another perspective—for example, that of self-fulfillment. Provided that morality and self-fulfillment are incommensurable forms of goodness, my problem is solved. But the consequentialist cannot solve the problem in this way, since for him choice bears upon premoral goods which are commensurable with each other, the preponderance of which *defines* what is morally good.

If the foregoing criticism of consequentialism is correct, then consequentialism—and any ethical theory which involves consequentialism to the extent that it does involve it—is not merely a theory with difficulties (a fact admitted by even the most earnest proponents of the theory), nor is it merely a theory which is false (the possibility generally envisaged by those who reject consequentialism), but it is one of those philosophical theories which is quite literally meaningless. The meaninglessness of consequentialism follows from the conclusion that the goods are not commensurable in the way the consequentialist requires, for this lack of commensurability eliminates all possibility of reference for the expression "greater good" as it is used by the consequentialist.

Someone might object that it is incredible that consequentialists hold a theory which is meaningless. After all, the subject matter of the theory is not something abstruse and metaphysical, but the making of choices which everyone, consequentialists included, is familiar with from daily experience. My answer to this objection is that the very meaninglessness of consequentialism helps the consequentialist to feel that it is an important theory based in his own moral experience.

When a consequentialist argues for the moral permissibility of a certain kind of action—for example, the permissibility of killing persons in certain kinds of situations—he considers the possibilities in the light of his own prior commitments. These prior commitments need not have involved adopting in his own conduct any proposal of the kind under consideration, but might have involved condoning the acts of others. Moreover, these prior commitments need not have had anything directly to do with the specific kind of act under consideration, provided that they had sufficient bearing on the various goods at stake in the kind of action for the permissibility of

which the consequentialist argues and in the kinds of action alternative to it. One might ask: Sufficient bearing for what? Sufficient bearing so that the consequentialist can assign a definite weight to each of these goods, a weight which will allow him to weigh one of them against the others.

Thus, the consequentialist feels sure that he knows what is the "greater good." But "greater good," as he uses the expression, means no more than "the good which anyone with my previous commitments would prefer." At the same time, the consequentialist wants his own judgment to be a *moral* one; he wants his own judgment to express a criterion which any reasonable person would accept. So he projects his preference upon the objective possibilities, and then reads off this projected preference as if it were an objective state of affairs which any unprejudiced person would perceive.

My answer to the objection, put in other words, is so simple that it is bound to sound ungentlemanly. The meaninglessness of consequentialism helps it to perform its function—namely, to serve as a method for rationalization. The method is sufficiently subtle that it can be accepted by persons of fairly subtle intelligence who are interested in moral questions from a theoretical point of view, and who are conscious enough of the arbitrariness of more vulgar forms of rationalization as to find them unsatisfactory.

Someone familiar with the recent history of analytical ethical theory is likely to object that there is nothing irrational in the effort to combine arbitrariness and the willingness to universalize in the formation of the foundations of ethics. Such a combinatory strategy, after all, is precisely that used by R. M. Hare and other prescriptivists. My answer is that Hare's strategy is irrational, for he attempts what is rationally impossible—namely, the derivation of a moral "ought" from the premoral "is" of a combination of facts about premoral desires, facts about linguistic usage, and facts about decisions.

In sum: the consequentialist aspires to provide an objective norm of morality, but he only succeeds in providing an arbitrary, subjective standard. A moral standard is required only when choice is possible. But whenever choice is possible, "greater good" is meaningless, unless one good is simply stipulated to be greater than another. Whenever "the greater good" does have a definite meaning, anyone for whom it has this meaning does not have a choice to make. If such a person tells someone who does have a choice to make that he ought to choose the so-called "greater good," this advice fails to convey any morally significant guidance, for it means no more than "Choose as I would choose."

Still, it will be objected, measuring, counting, and weighing of goods do have a place in practical reasoning. When we are trying to decide what to do, we do use such operations. "Greater good" and similar expressions are used meaningfully.

I agree. But when such expressions are used meaningfully, the context is one of two kinds. In one kind, a practical but nonmoral judgment is made. One calculates, not to determine what is right, but to determine what is better in some nonmoral sense of "better." In another kind of context, one does reflect to determine what is morally right. But one does not measure, count, and weigh the amount of premoral good which is promised by each alternative. Rather, one reflects within a framework of *moral* assumptions, which set a definite standard for each of the relevant goods.

I shall now consider legitimate uses of expressions such as "greater good" to show how these legitimate uses differ from the consequentialist's use of such expressions. And I consider first how expressions signifying comparative value are used in contexts in which calculation leads to a practical, nonmoral judgment.

Sometimes one can compare the extent to which goods in which one is interested will be achieved by different possible courses of action, and observe that one alternative will lead to all the benefits to which the other will lead and more, and that other things are equal. In a case like this, a practical judgment is made in favor of the possibility which will maximize the satisfaction of interests. But this practical judgment is not a moral judgment. One has no choice, except in a sense in which a computer also can make a choice.

In cases of this sort, one is killing two birds with one stone. One can choose not to kill two birds with one stone, but only if some other value enters into consideration. A hunter might wish to practice conservation. A malicious egoist can choose an act which benefits only himself rather than an act which similarly benefits himself and also benefits another, but only because the egoist's malice can lead him to see denying a good to others as an additional good to himself.

"Greater good" has a legitimate place in technical judgments. If one has a well-defined objective and knows the cost of various ways of achieving it, one can rate a certain means best. "Best" here means most efficient. Cost-benefit analysis yields judgments of this sort. Now, of course, there is nothing wrong with efficiency. Other things being equal, it is morally wrong to be wasteful. But whether it is morally right to do what happens to be efficient depends upon the moral acceptability both of one's end and of the means one uses to attain it.

For example, if one's well-defined objective is the elimination of Jews, one can proceed efficiently. Waste of scarce resources would be wrong. One must look for a better method of accomplishing the task. But "better" here refers to technical value, not to moral value.

One's goal can be acceptable and one's means efficient, yet the means morally questionable. The goal of freeing one's people from a colonial

exploiter can be morally right and the use of terrorism can be efficient. Yet Gandhi regarded guerilla warfare as immoral; he stressed nonviolence precisely because “impure means” would spoil the justice for which he was striving.

Expressions signifying comparative value also are used in contexts in which it appears, at least, that calculation generates a moral judgment. I now turn to a few examples of such uses.

A morally upright person, asked to do a certain act, might reply: “No, I won’t do it. Doing what you ask would bring about this real good. But it also would hurt someone else seriously. The benefit doesn’t seem to me to outweigh the harm, so I can’t see my way clear to grant your request.”

Upright people often do talk like this and it sounds consequentialist. But I do not think an upright person who talks like this means that he has reached a moral conclusion by weighing goods against each other independent of moral standards—and this is what consequentialism requires. Rather, I think, upright people use language which sounds consequentialist to express their moral judgments reached intuitively. The morally good person will not do what he feels it would be wrong to do. He might say his conscience warns him not to do it. One who feels it would be wrong to do something and who refrains for this reason thereupon judges that the good he would be doing would not justify the evil he would also bring about. His estimate of the proportion between premoral good and evil is reached by way of his moral judgment; his moral judgment is not reached by measuring, counting, and weighing premoral values.

But, then, why do upright persons use consequentialist language? There are several reasons. First, morally upright people do not usually carefully segregate the premoral and moral uses and connotations of evaluative language. Second, everyone tends to use language as it is used. As I have explained, calculative language is appropriate in technical evaluation. It also is used by consequentialists. In modern commercial and industrial culture, technical thought plays a very large role and tends to become a paradigm for all practical thinking. (This fact, incidentally, seems to me to go a long way toward explaining the prevalence of consequentialism in moral theory in modern times, particularly in the last two centuries.) Third, in our culture, many people who are upright are somewhat ashamed of being so. It is less embarrassing to give a consequentialist account of one’s moral judgments than to say simply: “But I cannot do what you ask, for it would be wrong.” Fourth, a child obviously learns the language of technical activity much earlier than he learns any genuinely moral language. Moreover, the child’s initial conception of morals is itself quasi-technical; knowing how to be a “good child” is itself a technique to be mastered. Thus, technical language naturally sets a pattern for moral language. This also is true of moral theory.

Aristotle, for instance, often uses the language of *technē* when he discusses *phronēsis*, although he makes a clear distinction between the two.

Expressions signifying comparative evaluation also have legitimate use in explaining moral judgments to the extent that “greater good” or “higher value” can refer to a difference in the modality of value which is relevant to moral judgment. Goods which are intrinsic to persons take priority in moral determination to those which are not. Thus, one can say that a human life ought to be preferred to the life of an animal, since the life of a person is a “greater good.” But this use of comparative evaluative language does not indicate commensurability of values such as the consequentialist requires. Rather, this use of comparative evaluative language expresses the fact that in any true humanism, human persons come first.

“Greater good” also can be used meaningfully in the context of legal processes. Judgments reached through legal processes should be morally just, and legal processes obviously involve measuring, counting, and weighing. Justice is symbolized by a blindfolded woman with a scale.

However, a legal judgment has moral force only to the extent that the legal system has a moral foundation and uses morally justifiable procedures. Conflicting claims and relevant facts, not human goods, are weighed in the scales of justice. The scales of justice is not morally neutral, for this scales precisely is the moral norms which are at the foundation of legality and the justifiable procedures which distinguish a legal system from an arbitrary imposition of social power.

Consequentialism is widespread today. Philosophers who reject utilitarianism—for example, Rawls, Frankena, and Williams—do not reject consequentialism altogether, and it plays a significant role in their theories. Marxist and existentialist ethics have an important consequentialist element. Contemporary religious ethics or moral theology is full of consequentialism. And consequentialism provides the method of rationalization of important public military and social policies such as nuclear deterrence and legalized abortion.

At the same time, consequentialism played no important part in moral thought before modern times. Neither the ethics of Moses nor of Socrates nor of Jesus nor of Aristotle nor of Mohammed nor of Confucius nor of the Vedic scriptures nor of Buddha is consequentialist.

In this matter, it seems clear, the ancients were correct in their wise consensus. In abandoning it, humankind today is not making progress, but rather is abandoning humanity, subjugating human persons and communities to a mode of judgment whose proper role belongs in the technical sphere.

*Campion College, University of Regina
Regina, Saskatchewan, Canada*