

AGAINST CONSEQUENTIALISM

GERMAIN GRISEZ

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Consequentialist theories of moral and jurisprudential judgment presuppose that human goods are commensurable in a way which permits "greater good" and similar expressions to refer to something antecedent to and determinative of moral and jurisprudential judgments. The thesis of this article is that "greater good" and similar expressions necessarily lack reference in the contexts in which consequentialist theories require that they have it.

After clarifying what consequentialism is, the author points out difficulties which consequentialists themselves have noted and failed to resolve. He then argues that these difficulties are inevitable. Still, "greater good" and similar expressions do have legitimate uses. These are analyzed and distinguished from the uses of these expressions a consequentialist would require. Finally, consequentialism is attacked as a method of rationalization.

I

IN THIS ARTICLE, I ATTACK a general theory of moral—and jurisprudential—judgment which I refer to as "consequentialism." In this section, I clarify what consequentialism is, suggest why it is plausible, and outline the remainder of the article. Although I do not articulate and defend an alternative to consequentialism in the present article, a schematic review of alternative theories of moral judgment will help to clarify what consequentialism is.

Some accounts of moral judgment—that is, of what most people call "moral judgment"—are noncognitivist. Such theories claim that linguistic expressions which usually are thought to articulate moral judgments never actually do express judgments or statements or anything cognitional at all. Instead, such expressions are said by noncognitivists to do important tasks such as expressing feelings, attitudes, wishes, commitments, or something else; inciting feelings, actions, expectations, or something else; or some combination of these and other properly noncognitional tasks.

Consequentialism differs from all such theories, for it is cognitivist. A consequentialist maintains that linguistic expressions which are thought to express moral judgments at least sometimes do articulate moral cognitions. Like other cognitivists, consequentialists maintain that acts of a cognitional type bearing upon moral questions can be correct or mistaken—for example, that judgments about what is morally right and wrong can be true or false.

Some cognitivist accounts of moral judgment claim that all the principles of moral knowledge are perceptions of particular and concrete moral realities. On such accounts, primary moral cognition is nondiscursive and nonrational. One may be said to "intuit" moral quality, perhaps by using a "moral sense." Theories of conscience according to which one's conscience receives guidance in each unique case from some transcendent source and theories which treat conscience as a kind of immanent and infallible oracle belong in this category.

Consequentialism differs from all such theories, for it proposes a method of moral reasoning. The consequentialist holds that there are some general principles of morality from which moral judgments about particular cases can be drawn. Like others who consider moral reflection to be a rational process, consequentialists hold that there can be sound and unsound arguments for moral judgments.

Some accounts of moral judgment both hold that there are general or universal moral principles which are not derived from moral perception and hold that these principles of morality—which shape morality from within—are irreducible to any principles which are supramoral. For such accounts, moral rightness and duty do not depend upon anything transcendent to the moral domain itself, and moral uprightness is an end in itself. Kant's formalistic theory of moral law is the clearest example of such a theory. Some versions of stoicism and some natural law theories also belong here, as do those divine-command theories which ground the force of divine commands in divine holiness—which is thought of as a constitutive principle of morality—rather than in mere divine power.

Consequentialism differs from all such theories, for it proposes a method of deriving moral judgments from goods which ultimately are not entirely of the moral order. The consequentialist holds that moral uprightness should serve other personal and interpersonal human goods, and that moral rectitude and the doing of one's duty can be understood as a function of the fulfillment or flourishing or well-being or happiness of human individuals and communities. Like others who hold that there is a transmoral source of morality, consequentialists hold that there can be a sound or unsound method for seeking the grounds of moral judgments in the human goods which are regarded as the basic, transmoral principles of morality.

Any theory which maintains that moral judgments can be reduced to transmoral goods involves a distinction between basic human goods, which are ends immanent (at least by participation) in persons and communities, and other goods which are means that can exist

apart from persons. No one attempts to ground morality in merely instrumental goods such as wealth. Certain consequentialists, such as Bentham, have maintained that pleasure is the sole basic human good, and they have tried to make morality depend upon this one principle. But consequentialism is not defined by so narrow a view of what the basic human good is. Consequentialists and others who think that morality depends upon human goods which are not exclusively moral can agree that such goods include knowledge of truth, esthetic experience, excellence in skilled performance, good fellowship, and perhaps many other goods which persons can seek without ulterior purpose and enjoy for their own sake.

But not all who think moral judgments can be reduced to principles of human good which are not exclusively moral accept the same theory. Nonconsequentialists can locate the distinction between moral right and wrong in the manner in which a person freely disposes himself or herself towards the basic human goods. On such a view, one can dispose oneself in an attitude of realistic and open responsiveness towards all the basic human goods, or one can arbitrarily limit one's appreciation and respect for them.¹ In either case, one establishes a personal hierarchy of commitments to goods, and this hierarchy shapes an individual life-plan or self-constitution.² But an attitude of openness puts one's own projects and satisfactions in the service of wider human possibilities and a more perfect life in community, while exclusive and arbitrary self-limitation reduces others to the status of instruments of self-fulfillment. Thus nonconsequentialist theories of moral judgment which reduce it to transmoral principles of personal good can use as a methodological key the diverse modes in which persons orient themselves towards these goods.

1. I have attempted to articulate an ethical theory along these lines in several previous works: "The First Principle of Practical Reason: A Commentary on the *Summa theologiae*, Question 94, Article 2," *Natural Law Forum*, 10 (1965), pp. 168-201; *Contraception and the Natural Law* (Milwaukee: Bruce Publishing Co., 1964), pp. 46-75; *Abortion: The Myths, the Realities, and the Arguments* (New York and Cleveland: Corpus Books, 1970), pp. 267-346; "Toward a Consistent Natural-Law Ethics of Killing," *American Journal of Jurisprudence and Legal Philosophy*, 15 (1970), pp. 64-96; with Russell Shaw, *Beyond the New Morality: The Responsibilities of Freedom* (Notre Dame and London: University of Notre Dame Press, 1974); "Suicide and Euthanasia," in Dennis J. Horan and David Mall, eds., *Death, Dying, and Euthanasia* (Washington, D.C.: University Publications of America, 1977), pp. 742-789.

2. Cf. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1971), pp. 407-446, and the works Rawls cites on life plans, for ideas close to my notion of self-constitution. My view is nearest to those of Josiah Royce and Charles Fried. See the latter's *Anatomy of Values* (Cambridge, Mass.: Harvard University Press, 1970), pp. 7-101.

Consequentialism differs from all such theories, for it proposes efficiency in promoting measurable good results—and/or in preventing measurable bad results—as the methodological key by which what is qualified in moral terms is related to the transmoral goods of persons. In a consequentialist theory, “the good is defined independently from the right, and then the right is defined as that which maximizes the good.”³ Although technically too restrictive—as we shall see—to embrace all consequentialism, the preceding statement does suggest consequentialism’s central idea—conduciveness to measurable results as a criterion of morality.

Consequentialism does not demand a sharp distinction between acts (or whatever else is taken to be the primary subject of moral evaluation) and consequences. Consequentialists, for example, can define right and wrong in terms of the good and the harm one will cause both *in* acting and *through* one’s acts. Thus consequences immediately present in one’s behavior can be considered along with those expected to follow from it, even remotely.

A typical, simple consequentialist theory of moral judgment can be stated as follows. “Moral judgment is a comparative evaluation of alternative courses of action. Each alternative is appraised—if a sound method of moral judgment is used—in terms of the results it can be expected to bring about. One tries to predict with reasonable probability the measurable good and bad results, where ‘good’ and ‘bad’ are defined by the causing or protecting, the destroying or preventing of greater or lesser instances of basic human goods. The right act is the one which is expected to yield the greater good—that is, the greatest net good or, in case there is no desirable prospect, the least net evil.”

Not all consequentialists specify their position so simply and clearly. For example, some suggest that good consequences are not relevant to morality; they maintain that the right act is one which minimizes evil. Others hold that one can make a consequentialist judgment upon a possible course of action considered in isolation from any alternative; any act may be judged right if it does more good than harm. The arguments I propose against consequentialism are not affected by these variations. Hence, in what follows I use “greater good” and similar expressions to refer to any outcome of the comparative weighing of goods and/or evils which any consequentialist considers appropriate to ground moral judgment. Thus “greater good” is to be taken to include in its meaning “lesser evil,” “propor-

3. Rawls, *op. cit.*, p. 24.

tionate reason," and like expressions as they are sometimes used by consequentialists.

Some philosophers and theologians adopt consequentialism not as a complete theory of all moral judgments but only as an element of a theory of all or of some moral judgments. For example, a few philosophers hold that there is an independent standard of justice and that one may never do what is unjust, but that when justice is not at stake, consequentialist judgment ought to be followed. A widely adopted variant is that one may do injustice only if one can thereby bring about *much* more good than would eventuate if one satisfied the strict demands of justice. Many theologians maintain that in general one ought to abide by the moral wisdom which has been articulated in the religious community and passed down to the present by tradition, but that in difficult cases of various sorts, a morally responsible person will decide that it is permissible and even obligatory to act in ways which were traditionally considered intrinsically and gravely immoral. Many philosophers and theologians who hold some form of intuitionism with respect to personal morality accept consequentialism as the appropriate method for making judgments in the field of jurisprudence and social policy in general.

Mixed theories of these and other kinds gain theoretical plausibility by their concessions to common moral opinion. But in gaining plausibility, they lose theoretical simplicity and perhaps even consistency. The arguments I propose against consequentialism do not tell against mixed theories to the extent that they are nonconsequentialist. But if consequentialism must be rejected as inherently incoherent—as I am going to argue—then so must every mixed theory precisely to the extent that it gives consequentialism an irreducible and indispensable role. Nevertheless, in what follows I make no claim to refute theoretical elements of mixed theories which are contingently, rather than logically, related to consequentialism.

Some consequentialists introduce a factor which mediates between the results which are expected and the acts whose morality is to be determined. For example, acts might be evaluated by rules, and rules by the expected consequences of adopting and generally following them.

It has often been argued that many forms of indirect consequentialism do not differ very much in practice from direct consequentialism, and that forms of indirect consequentialism which really do differ from direct consequentialism lack plausibility.⁴ I agree with this view.

4. See David Lyons, *Forms and Limits of Utilitarianism* (Oxford: Clarendon Press, 1965), for arguments showing that many seemingly restricted consequentialist

But there is a different point I wish to make here. All forms of indirect consequentialism can be regarded as mixed theories which assert consequentialism with respect to certain special classes of acts. For example, the act of adopting or accepting a rule is itself a particular act, which a rule consequentialist must judge in the same direct way in which an act consequentialist urges that all acts ought to be judged. Hence in what follows I deal with direct consequentialism, for I think that arguments which are effective against it are equally effective against every form of indirect consequentialism precisely at the point at which such theories consider it appropriate to employ a consequentialist methodology.

Why is consequentialism plausible? I think the primary reason why consequentialism is plausible is that it seems self-evident. A typical consequentialist attack on a rival theory is: "Do you mean to say that doing what is right might leave the world worse than doing what is wrong?" In this vein, Richard A. McCormick, S.J., says that in conflict situations

. . . the rule of Christian reason, if we are governed by the *ordo bonorum*, is to choose the lesser evil. This general statement is, it would seem, beyond debate; for the only alternative is that in conflict situations we should choose the greater evil, which is patently absurd.⁵

A second reason why consequentialism is plausible is that there seems to be no good alternative to it. Many current ethics textbooks first classify theories on principles which clarify the characteristics which define consequentialism, then criticize its alternatives, and finally conclude that it is the last resort for reason in morals. Some people deny that there is an objective criterion of morality. But subjectivism appeals to few moral theorists, and relativism blocks one from criticizing one's own society. A direct appeal to intuition to justify moral norms seems arrogant, for intuitions conflict, and an in-

theories are reducible to direct—"act"—consequentialism. J.J.C. Smart and Bernard Williams, a leading proponent and a leading opponent of consequentialism, argue that direct consequentialism is the only plausible form of it: *Utilitarianism: for and against* (Cambridge: Cambridge University Press, 1973), pp. 9-12, 81, and 118-135.

5. Richard A. McCormick, S.J., *Ambiguity in Moral Choice: The 1973 Pere Marquette Theology Lecture* (Milwaukee: Marquette University Press, 1974), p. 76. Readers will note that in a few places in the present article I single out McCormick's views for criticism. The reason is not that I have any special quarrel with McCormick, but that this article was written as a contribution to a volume projected by Paul Ramsey and Richard McCormick, taking the cited lecture of the latter as its point of departure. When the projected volume was not published as hoped, I revised my contribution for publication here, but have not eliminated all vestiges of the context for which it was originally designed.

tuitionist is forced to call those who disagree with him "morally blind." Any ethics of objective moral norms which are not based on human well-being seems inhuman. Thus, traditional theism seems to many today to offer a set of taboos, some of them irrational. Kantian ethics is dismissed as too formalistic and also as too idealistic for flesh-and-blood individuals. Thus, consequentialism gains plausibility from the weakness of familiar alternatives to it.

A third reason why consequentialism is plausible is that we do settle some practical questions by measuring, counting, and weighing. "Deliberation" etymologically means *weighing*. Justice is represented as a blindfolded woman holding a scale. Even those who reject consequentialism admit that the greater good of society outweighs private interests, that a proportionate reason can justify doing an act with bad side effects, and so on. Moreover, when public officials must decide whether to proceed with a given project, they count the expected costs and benefits, and weigh them against each other.

A fourth reason why consequentialism is plausible is that its most common forms appeal to the impartiality and unselfishness of good persons. Classical utilitarians popularized consequentialism as the ethics of "the greatest happiness of the greatest number." Some Christian consequentialists say one should do "what Christian love requires." Thus, one who opposes consequentialism seems to disregard the happiness of others and to substitute legalism for charity.

These factors which render consequentialism plausible will be treated more fully below. But the following can be said at once.

First, the seemingly obvious statement that it is right to bring about the greater good or the lesser evil assumes what is not obvious, namely, that goodness is measurable and that diverse forms of it are commensurable. If there are nonmeasurable goods toward which human acts should be oriented, then acting only in view of measurable good will mean ignoring goods which cannot be measured but should not be ignored. If the consequences of one act include several goods and evils, how can one tell which good is greater, which evil is lesser?

Second, not all theories of the moral criterion are reviewed in the dialectic from which consequentialism emerges as the last resort. Many scholars think that Aristotle's ethics defies the usual classification. So does my own. I define moral right and wrong in terms of human goods, but not in terms of the *amount* of good one expects to bring about.

Third, I shall show in section four that the measuring, counting, and weighing usual in practical reasoning do not imply consequentialism. Sometimes the judgment one reaches depends upon presup-

posed moral norms. The scales of justice weigh facts, not goods. Sometimes the judgment one reaches concerns nonmoral value and does not presuppose moral norms. A cost-effectiveness study clarifies the advantages and disadvantages of possible projects. But such a judgment concerns the efficiency of techniques, not the morality of acts.

Fourth, there is no necessary relation between consequentialism and unselfishness. An egoist can be a consequentialist; most consequentialists argue independently that one should not be an egoist. A theologian who appeals to Christian love in support of consequentialism usually also admits that Christian love requires that one do what is morally right. Thus, if one assumes that the requirements of Christian love are defined by consequentialism, one begs the question in its favor.

Utilitarian impartiality also appears less attractive if one considers the imaginary counterexamples philosophers propose against utilitarianism. These are usually drawn from the fields of justice and personal integrity. Would it be right to secure the greatest happiness for the greatest number by isolating one innocent person in a perpetual life of horrible torture? Would it be right to save a dozen suspects from a lynch mob by offering one other—not more probably guilty than the dozen—as a victim to the mob's wrath? As John Rawls points out, utilitarianism does not take seriously enough the distinction between persons; it merges the benefits and harms to everyone into a totality:

Thus there is no reason in principle why the greater gains of some should not compensate for the lesser losses of others; or more importantly, why the violation of the liberty of a few might not be made right by the greater good shared by many.⁶

Consequentialism implies that there are no intrinsically evil acts. This view can seem attractive if one considers kinds of acts one holds to be morally acceptable. Most college students today easily accept consequentialism in the field of sexual ethics. But consider: Would it ever be right for a professor to assign grades in a course, not according to the work the students have done, but rather according to the extent to which they agree with him? Confronted with this question, students usually begin to see that acts of some kinds are always wrong.

Many critiques of consequentialism—or of various specific forms of it—hardly go beyond proposing counterexamples. Such arguments

6. Rawls, *op. cit.*, p. 26.

cannot be decisive. A consequentialist balances his own moral intuition against his willingness to defy common moral opinion. If the intuition is strong, the received norm is declared to be an irrational taboo. If common moral opinion is too powerful to defy, the proposed counterexample is declared to lack an adequate consequentialist justification.

My thesis is that consequentialism is rationally unacceptable because the phrase "greater good" as it is used in any consequentialist theory necessarily lacks reference. I do not reject consequentialism merely because I think it dangerous; I reject it because I think it dangerous *nonsense*—"nonsense" in the sense that inasmuch as expressions essential to the articulation of consequentialism necessarily lack reference, the theory is meaningless.

To speak of the "greater good" as consequentialists do is to imply that goods are measurable and commensurable. But goods cannot be measured unless there is an available standard applicable to them as goods, and they cannot be commensurable unless all of them are called "good" in one and the same sense, and one and the same measure can be applied to all of them. I deny that "good" said of the alternatives to be judged morally can have a single sense and in this sense signify anything which can be measured by a common standard.

In section two, I review the difficulties with respect to the measurement of goods which consequentialists themselves have recognized and failed to overcome. In section three, I argue that these difficulties are inevitable, not contingent, because a consequentialist account of moral judgment is incompatible with essential features of the morally significant choices which moral judgment (on any theory) is intended to direct. In section four, I analyze several legitimate uses, often mistakenly confused with consequentialist uses, of expressions such as "greater good." In section five, I expose the character of consequentialism, not as an ethical theory, but as a practical method of thinking about right and wrong.

II

In an extensive survey of work in utilitarianism from 1961-1971, Dan W. Brock points out that utilitarianism requires that utility be calculable. After suggesting that there are obvious difficulties in making such measurements, Brock adds:

More important and perplexing, however, is how the necessary calculations can, even in principle, be made and whether the logical foundations necessary to the intelligibility of these calculations exist.

Moral philosophers have paid surprisingly little attention to these two problems. Most discussions of utilitarianism in recent books and journals simply assume that it is possible to determine in any situation what is required by utility-maximization, and then go on to consider whether this always coincides with what is required by morality.⁷

Brock's remarks might be discounted as the view of an unsympathetic student of utilitarianism. But this would be a mistake.

J. J. C. Smart, a leading proponent of unrestricted, direct utilitarianism, admitted in an article published in 1967 that because of obstacles to calculation

. . . the utilitarian is reduced to an intuitive weighing of various consequences with their probabilities. It is impossible to justify such intuitions rationally, and we have here a serious weakness in utilitarianism.⁸

Similarly, A. J. Ayer, who defends a form of consequentialism with respect to the formation of social policies, criticizes Bentham's attempt to apply consequentialism to the moral judgment of individuals. Ayer concludes:

In virtue of what standard of measurement can I set about adding the satisfaction of one person to that of another and subtracting the resultant quantity from the dissatisfaction of someone else? Clearly there is no such standard, and Bentham's process of "sober calculation" turns out to be a myth.⁹

It also is worth noticing that Bentham himself recognized difficulties in an area related to that considered by Ayer, for in an unpublished note Bentham wrote that the

. . . addibility of the happiness of different subjects, however when considered rigorously it may appear fictitious, is a postulation without the allowance of which all political reasonings are at a stand: nor is it more fictitious than that of the equality of chances to reality on which the whole branch of the Mathematics which is called the doctrine of chance is established.¹⁰

In other words, Bentham regards the postulation of commensurability as one *necessary* for practical purposes. He justifies the interpersonal

7. Dan W. Brock, "Recent Work in Utilitarianism," *American Philosophical Quarterly*, 10 (1973), p. 245.

8. J.J.C. Smart, "Utilitarianism," *Encyclopedia of Philosophy*, vol. 8, p. 210.

9. A. J. Ayer, *Philosophical Essays* (London: Macmillan & Co., 1959), p. 268.

10. Bentham papers, University College, London, box 14, folder 1, no date, sheet 3, section 3. I am indebted to John M. Finnis, University College, Oxford, for transcribing material from this folder.

comparisons challenged by the objection he is considering by saying that when there is no reason to consider incommensurable goods more or less than one another, it is quite rational to consider them equal. Bentham's position is unassailable, provided that "equal" can be used meaningfully in this context. This I deny.

If "greater good" is to be meaningful in the formulation of a criterion of morality, three conditions must be fulfilled: 1) "good" must have a single meaning; 2) what is good in this unique sense must be measurable; and 3) the result of measurement must settle moral issues either directly or indirectly.

Clearly, the necessary meaning of "good" cannot be specified in moral terms. What Rawls says of utilitarianism is true of all consequentialism: Its point is to define "good" independently of "right" and to define "right" in terms of "good." And, in general, consequentialists see this requirement and try to meet it.¹¹ If consequentialists said that ethical considerations determine what a good consequence is, they would either be going in a circle or setting off on an infinite regress.

If the single meaning of "good" which consequentialism needs cannot be specified by moral principles, how can it be specified?

If human persons have a single, well-defined goal or function, set for them by nature or by God, then "good" has the necessary, univocal meaning. Acts are right or wrong insofar as they do or do not bring one to this goal or fulfill this function.

On one interpretation, Aristotle's ethics are of this sort. But Aristotle's ethics, understood thus, have been challenged. Most modern philosophers deny that humankind has a definite goal or function. In this dispute, the moderns seem to be in the right. If persons are ends in themselves, they cannot be ordered to a good as any part to a whole or any means to an end. Aristotle either subordinates the lives of the many to the actualization of a few, or he admits the intrinsic value of lives other than the contemplative. If the latter, "good" lacks the univocal meaning consequentialism needs.¹²

Many Christians have thought of personal salvation as a single, well-defined goal. Consequentialist thinking based on this conception of the good led to the abuses for which modern humanists condemn Christianity: excessive otherworldliness, religious fanaticism, inhuman

11. Cf. William K. Frankena, *Ethics* (Englewood Cliffs, N.J.: Prentice-Hall, 1963), pp. 63-77.

12. A useful introduction to the ambiguities of Aristotle's view is W. F. R. Hardie, *Aristotle's Ethical Theory* (Oxford: Clarendon Press, 1968), pp. 317-357; see also Whitney J. Oates, *Aristotle and the Problem of Value* (Princeton, N.J.: Princeton University Press, 1963).

asceticism, and so on. Of course, these abuses are not entailed by the view that personal salvation is a single, well-defined goal. But this view does entail that the goodness of a Christian's acts is specified by their efficiency as means of getting to heaven. Those who accept this moral theory face a dilemma. If they consider human acts in and of themselves to be effective means of salvation, they are pelagians. If they consider human acts to be effective means of salvation by divine fiat, they are voluntarists. The latter position implies that this life is inherently meaningless, but is meaningful as a time of temptation. This concept respects divine power, but ignores divine wisdom.¹³

Anyone who holds that all human persons have a single goal which defines "good" univocally also confronts facts one cannot easily explain. People who seem equally able, intelligent, and healthy have different goals in life. If one says that all humans have the same goal, one will find almost everyone else disagreeing as soon as the goal is specified. Even those Christians, who in theory take an otherworldly and voluntaristic position, in practice treat an incommensurable variety of goods as determinative of the moral goodness of human acts, for they admit the legitimacy of a variety of Christian life styles and they try to show the immorality of various kinds of acts, not only by their incongruity with holiness and grace, but also by their incompatibility with goods immanent in human persons—goods such as life, truth, justice, love, and peace.

Shortly after World War II, a British economist, Lionel Robbins, reflected upon the simplifications introduced into the making of socioeconomic policy during wartime. A single objective counts; all else is instrumental. If there is no victory, there is no future. All decisions are technical. Unity of purpose "gives a certain unity to the framework of planning which at least makes possible some sort of direct decision which is not wholly arbitrary."¹⁴

Robbins is correct about the wartime psychology of Britain and the United States. The unconditional surrender of the enemy became a fixation with the leaders and people of both nations. This fixation

13. See my "Man, the Natural End of," *The New Catholic Encyclopedia*, vol. 9, pp. 132-138; *Beyond the New Morality*, pp. 27-30. Vatican Council II considerably moderated otherworldliness in its *Pastoral Constitution on the Church in the Modern World*, part 1, ch. 3.

14. Lionel Robbins, *The Economic Problem in Peace and War: Some Reflections on Objectives and Mechanisms* (London: Macmillan & Co., 1957), pp. 49-50. Cf. Henry Fairlie, *The Kennedy Promise: The Politics of Expectation* (New York: Dell Publishing Co., 1974), pp. 93-94, where Robbins's point is applied to the politics of the Kennedy administration. Fairlie's book makes clear what consequentialism in politics means.

partly explains the adoption of ethically questionable tactics, such as obliteration bombing. It also helps to explain why Soviet leaders, who took a longer view, were more prudent than Anglo-American leaders in gaining post-war advantages before the war ended.

Most philosophical consequentialists have been liberals. Instead of saying that all humans have the same goal, they have tried to define "good" univocally, to leave room for differing concrete goals, but to make them commensurable with one another. Many utilitarians, following Bentham, define "good" in terms of happiness. Others define "good" in terms of the maximum satisfaction of desires, less the minimum of unavoidable frustration. Since different people have different enjoyments and desires, either approach allows for differing goals. To ensure commensurability, those who take either approach must deny that any sort of pleasure or desire differs from any other sort in a way which would make their inherent *goodness* differ. Desire theorists, for example, often say that all human desires have the same initial claim to satisfaction.

If happiness is used to define "good" univocally, "happiness" itself must be used univocally. If it is, the theory becomes implausible.¹⁵ For example, if happiness is taken to be a certain quality of consciousness, how can one explain certain people's dedication to causes which are irreducible to states of consciousness. For them, happiness is participation in something bigger than themselves.

A consequentialist can use "happiness" in a very wide sense to allow for the diverse life styles people regard as intrinsically good. But if this maneuver makes it plausible to say that everyone desires happiness, "happiness" ceases to be univocal and thus becomes useless for the consequentialist. People not only get happiness by different means, but "happiness" as an end is different things to different people.

Attempts to define "good" univocally in terms of satisfaction of desire also fail.

Do all human desires really have the same initial claim to satisfaction? Some people desire sadistic pleasure. Many people desire death for criminals. Pornography sells better than the best literature; more people desire the former than the latter. Some people desire feminine deodorant spray. It sells. Most people have what some economists call "artificial desires." Keynes, for instance, distinguishes the needs people have of themselves from the needs they have in-

15. An implausibility of Bentham's theory dealt with by Mill in a way which makes the utilitarian criterion incoherent; see Anthony Quinton, *Utilitarian Ethics* (London: Macmillan, 1973), pp. 39-47.

so far as they wish to get ahead of others. Galbraith talks of wants created by production and advertising. He points out that the desire for increased expenditure may be stronger than any need which can be satisfied by it.¹⁶ Are all these desires to be counted uncritically in calculating moral right and wrong?

A desire theorist can answer that desires must be criticized. If someone desires what is logically impossible, his desire should be ignored. If someone has a desire which would go away if her false belief about matters of fact were corrected, the error ought to be corrected. But these criteria do not dispose of all the examples mentioned in the previous paragraph. The desires of sadists, of proponents of capital punishment, of dirty old men, and of status seekers are not for anything logically impossible. Nor is it always the case that such desires arise from errors about matters of fact.

The desire theorist must find additional principles of criticism. Since moral criteria cannot be invoked without circularity or infinite regress, the desire theorist might seek a scientific criterion from psychology. Clearly, the desires of the insane do not have the same initial claim to satisfaction as do the desires of the mentally healthy. Sadists, proponents of capital punishment, dirty old men, and status seekers need not be insane, but perhaps they are not mentally healthy. Therefore, let mental healthfulness of desires be the criterion.

But there are just as many schools of psychology as there are philosophical and religious conceptions of the good life. Psychologists are not proceeding as scientists when they go beyond the consensus about insanity to give a full account of "mental health." Opinions about the good life do not become science simply because they happen to be the opinions of Freud, Jung, Adler, Allers, Horney, Maslow, Allport, Erikson, Fromm, Menninger, or some other person of scientific competence. If the opinions of such persons about the good life were science, they would offer a common, detailed account of "mental health." They do not.

Attempts to define "good" either in terms of happiness or desire also must fit in pain and frustration. If the disvalues are the same in

16. John Maynard Keynes, *Essays in Persuasion* (New York: Harcourt, Brace and Co., 1932), pp. 365-373; John Kenneth Galbraith, *The Affluent Society* (Boston: Houghton, Mifflin Co., 1958), pp. 152-162; James S. Dusenberry, *Income, Savings, and the Theory of Consumer Behavior* (Cambridge, Mass.: Harvard University Press, 1949), p. 28; see also David Braybrooke, "Scepticism of Wants and Certain Subversive Effects of Corporations on American Values," in Sidney Hook, ed., *Human Needs and Economic Policy: A Symposium* (New York: New York University Press, 1967), pp. 224-239.

kind as the values, merely negative in degree, the value and its opposite can be measured on a single scale as one measures heat and cold with the same thermometer. But this assumption has been questioned.¹⁷ It is not at all obvious that a disvalue is simply a low level of a value, as cold is lack of heat. Disvalues such as pain and frustration are not mere privations; they have a positive character of their own. Thus, "good" is not univocal if it is defined either in terms of happiness *and* avoidance of pain, or in terms of satisfaction *and* frustration of desire. The calculation of the "greater good" is blocked by the incommensurability of the opposites in either pair.

Another difficulty with these theories of value is that enjoyments and desires differ in kind, not only in degree. As I said above, "happiness" means different things to different people. One can compare the enjoyment of drinking a Coke with that of eating a candy bar or the desire for the one with that for the other.¹⁸ But how many appetizing meals in a French restaurant give enjoyment comparable to that of a happy marriage? How many satisfactions of desires for particular objectives are comparable to the satisfaction of one's desire to be a good father, an excellent philosopher, or a faithful follower of Jesus?

Jeremy Bentham, who took calculation seriously, dealt with the problem of commensurability in a characteristically straightforward way:

Money is the instrument for measuring the quantity of pain or pleasure. Those who are not satisfied with the accuracy of this instrument must find out some other that shall be more accurate, or bid adieu to Politics and Morals.

Let no man therefore be either surprised or scandalized if he find me in the course of this work valuing every thing in money. Tis in this way only we can get aliquot parts to measure by. If we must not say of a pain or a pleasure that it is worth so much

17. A recent treatment is Robinson A. Grover, "The Ranking Assumption," *Theory and Decision*, 4 (1974), pp. 277-299.

18. Richard B. Brandt *begins* from such examples in his "Interpersonal Comparison of Utility," a paper presented at the meeting of the American Philosophical Association, Western Division, Spring, 1971. (Professor Brandt kindly supplied a copy of this paper and a section from a draft of a forth-coming book in which he develops an enjoyment approach.) Brandt states that he would want to define "utility" or "welfare" only in terms of criticized desires; in materials I have seen, however, he does not show how to criticize desires while avoiding moral assumptions in a way which would yield a plausible theory. It is important to note that Brandt wishes to include only desires for intrinsic goods which one could enjoy for their own sake; see his "Personal Values and the Justification of Institutions," in Hook, ed., *op. cit.*, pp. 22-40.

money, it is in vain, in point of quantity, to say anything at all about it, there is neither proportion nor disproportion between Punishments and Crimes.¹⁹

Since one must calculate, one can. So "good" is reduced to pleasure and avoidance of pain, and these are reduced to money. Bentham's leap-of-faith is breathtaking.²⁰ He is no cynic saying that every person has his or her price. He is a moralist saying that the best things in life simply cost more than a Coke or a candy bar.

The definition of "good" in terms of enjoyment faces another objection. Enjoyment is a conscious experience which normally arises but is distinct from some activity which extends beyond consciousness. Let us imagine a device which could record total experiences as they were being lived and then play them back in the brains of other persons. One might enjoy receiving such a recorded experience—for example, of one's favorite athlete winning one's favorite game. But would one wish to spend the rest of one's life receiving such recorded experiences, however enjoyable they might be? This thought-experiment isolates enjoyment as a conscious experience from the whole of real life which one enjoys. If one agrees that one would not wish to spend the rest of one's life receiving recorded enjoyable experiences, one can still value enjoyment, but only insofar as it is part of a real life in which goods transcending consciousness also are participated.²¹

Those who define "good" in terms of desire can point out that the preceding argument does not touch them. "Satisfaction" is said of whole persons interacting with their total environment. Moreover, while "desire" often is used in a wider sense than "enjoyment," it also is used in a more precise sense than "happiness."

But even if desire theorists can solve other difficulties, they still must admit incommensurable kinds of desires if they are to avoid something like Bentham's postulate that the best things in life merely cost more. If desire theorists admit incommensurable kinds of desires, then in the present matter I have no quarrel with them. The goods remain incommensurable, and consequentialist calculation is blocked.

19. Bentham papers, University College, London, transcribed in Élie Halévy, *La Formation du Radicalisme Philosophique*, vol. 1, *La Jeunesse de Bentham* (Paris: Felix Alcan, 1901), pp. 412-414.

20. This leap of faith is still made. See Garrett Hardin, "The Tragedy of the Commons," *Science*, 162, (1968), p. 1244: "Comparing one good with another is, we usually say, impossible because goods are incommensurable. Incommensurables cannot be compared. Theoretically this may be true; but in real life incommensurables are commensurable."

21. Cf. my *Beyond the New Morality*, pp. 25-27; see also Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. 42-45.

Why do so many intelligent and serious people think that all forms of desire are commensurable? I think the reason is that it seems obvious that each individual has a rational system of preferences.²² "Isn't it evident," a desire theorist might argue, "that any sane person faced with a choice can say which alternative he or she prefers? If so, one always knows what one *wants more*. Thus individuals, at least, somehow manage to make all their desires commensurate."

One of the conditions necessary for a rational system of preferences is that if one prefers *A* to *B* and *B* to *C*, then one must prefer *A* to *C*. But the dispositions underlying choice making need not be rational in this sense.²³ One can prefer a Plymouth to a Chevrolet and a Chevrolet to a Ford, yet also prefer a Ford to a Plymouth. For when one chooses an automobile, one is interested in several factors—for example, price, available options, and expected quality of service. Comparing the three makes of cars in respect to these three factors, one might arrive at a preference-ranking as follows:

<u>Rank</u>	<u>Price</u>	<u>Options</u>	<u>Service</u>
1.	Chevrolet	Plymouth	Ford
2.	Ford	Chevrolet	Plymouth
3.	Plymouth	Ford	Chevrolet

The Plymouth outranks the Chevrolet in two respects (options and service), and the Chevrolet similarly outranks the Ford in two respects (price and options). These rankings seem to imply that the Plymouth will be preferred to the Chevrolet and *a fortiori* the

22. Brock, *op. cit.*, p. 245, says it is "relatively noncontroversial that it is possible to determine" the order of preference of a single person; he proceeds immediately to the attempts which have been made to combine different persons' orders of preference. If the preferences in question were actual choices, Brock might be right, but the desire-theorist is not concerned with choices, but with desires, which are *dispositions* for choices. The ambiguity of "preference" conceals the fact that desires have nothing like the determinacy which is assumed by consequentialists who have wrestled with this problem, and whose writings Brock reviews (pp. 245-249).

23. It is well known that majority voting can lead to intransitive group preferences—see S. K. Nath, *A Reappraisal of Welfare Economics* (London: Routledge & Kegan Paul, 1969), p. 135; Herman Kahn, *On Thermonuclear War*, 2nd ed. (Princeton, N.J.: Princeton University Press, 1961), pp. 119-123. What is ignored is that although the analogy is not sound in other respects, in respect to the present difficulty, an individual's underlying desires are to his or her choices as the votes of members of a society are to the common decision. For ethics, choices cannot be accepted as brute facts; they are justified by reasons which refer to the goods which would satisfy one's desires. In any choice situation, the desires are many and to some extent conflicting; the perplexity which requires choice arises precisely because the goods which arouse these desires are not already integrated into a single, harmonious set.

Plymouth to the Ford. But the Ford also outranks the Plymouth in two respects (service and price), and these rankings seem to demand a preference of the Ford to the Plymouth. In such cases, the dispositions underlying choice making are not rationally ordered. One's initial wishes must be harmonized by a choice of the aspects one will accept as determinative. For example, if one sets price aside, the Plymouth wins.

Why does one set price aside? Perhaps one has sufficient reason for doing so. But an analysis of the dispositions underlying this choice will uncover previous choices and eventually reach an individual's commitments to the goods he or she regards as intrinsically worthwhile. For a given individual, these commitments do have a definite order. For example, the religious person puts religion first, the liberal humanist puts freedom first, the Marxist puts justice first, the existentialist puts authenticity first, many people put peace of mind first. But no matter how one constitutes one's personal hierarchy of goods, one's basic commitments are not to particular goals which can be pursued by suitable means in an efficient way. Rather, one is interested in working towards particular goals because of one's basic commitments.

At the level of basic commitments, the economic model is useless. Here one comes to the goods which shape different styles of life. Many people are not dedicated to anything, but all who live their own lives must have a sense of identity, an idea of what their life is about. If a word like "commitment" connotes too formal and reflective an act for the way most people set the direction of their lives, one can say more modestly that all who live their own lives must think in terms of some concerns to which they are most deeply *attached*. These are goods in which one wishes to participate for themselves, not for anything ulterior. For these goods, one would give anything, yet money cannot buy them. This is as true of goods such as being contented, being somebody, and being liked—by which many people one would hardly call "committed" shape their lives—as it is of goods such as being a Christian, being a liberal, being a reformer, and being authentic by which some people quite consciously constitute their own identities.

The point of the preceding explanation can be made specific by considering the limits of cost-benefit analysis. The economic advantages and disadvantages of a proposed public project can be quantified. But people also want freedom of speech and of religion, equal protection of the laws, privacy, and other goods which block certain choices, yet which cannot be costed out. Cost-benefit analysis can tell one the most effective way of attaining certain objectives, assuming

one accepts the objectives and has no concerns about the means and the side effects of the means required to attain them. But such analysis cannot tell one whether the objectives one seeks are objectives one ought to seek, or whether nonquantifiable factors should be ignored.²⁴

If a consequentialist admits that justice and theoretical truth, or any other two goods, are fundamental and incommensurable, then the consequentialist also admits that "greatest net good" is meaningless whenever one must choose between promoting and protecting or impeding and damaging these two goods in some participations. For if these goods really are incommensurable, one might as well try to sum up the quantity of the size of this page, the quantity of the number nineteen, and the quantity of the mass of the moon as to try to calculate with such incommensurable goods.

Different kinds of quantity do have something in common with each other. About all of them, one can ask: "How much?" Each can be measured using a measure homogeneous with itself. But different kinds of quantity are *objectively* incommensurable. One can relate them to one another only by *adopting* a system of weights and measures. Similarly, diverse modes of basic human goodness do have something in common with each other. About all of them, one can ask: "Is this something I would give anything for?" Participations of each good can be measured by an instance one accepts as a standard. But the many basic human goods are objectively incommensurable. One must *adopt* a personal hierarchy of values in order to relate them to each other.

24. E. J. Mishan, *Cost-Benefit Analysis: An Introduction* (New York and Washington: Praeger Publishers, 1971), makes clear both the legitimacy and the limitations of this technique. He points out that ethics must come into play to determine which external effects are to be considered (p. 108), that the *inevitable* death of a particular person or persons normally cannot be finitely priced (p. 161), and that welfare economics as a whole and cost-benefit analysis in particular has a social basis which presupposes ethical premises (pp. 307-321). Mishan also points out that while "there is always a strong temptation for the economist, as for other specialists, to come up with firm quantitative results. . .the economist should resist this temptation" (p. 175). Of economic activities there are spillovers which elude the calculus: "After measuring all that can be measured with honesty, he can provide a physical description of the spillovers and some idea of their significance" (*ibid.*). Paul L. Joskow, "Approving Nuclear Power Plants: Scientific Decisionmaking or Administrative Charade?" *Bell Journal of Economics and Management Science*, 5 (1974), pp. 320-332, points to an abuse of the technique to provide pseudo objectivity for decisions as to whether the calculable advantages of nuclear power plants justify the incalculable risks of disaster associated with them. These difficulties arise within the economic sphere itself; if one considers goods such as personal integrity and faithfulness, one finds problems which elude even Mishan's good advice.

Of course, goods which are not basic but derivative can be commensurable. Means or useful goods are measured by ends or intrinsic goods, because the former are subordinate to the latter. However, if one is dealing with basic goods, which are intrinsic to the full being of human persons, one cannot make them commensurable by relating them to something more basic.

Someone might object that theologians must admit the possibility of measuring, counting, and weighing all created goods, for God has "disposed all things by measure and number and weight" (Wis. 11:20).

Plato pointed out that the gods quarrel over issues of right and wrong, because such issues cannot be settled by measuring, counting, and weighing. If such issues could be settled by calculation the gods would hardly quarrel over them.²⁵ But Plato's gods, like humans, lack insight into the Good Itself.

According to traditional Jewish and Christian faith, God orders everything by reference to the only absolute: His own goodness. Yet even God's perfect knowledge of the goodness of various creatures does not eliminate their incommensurability with each other, for the created participations of divine goodness mirror in their very irreducible diversity the richness of perfection which is united only in the Creator.

Thus, God, who knows His own goodness in itself, cannot help loving Himself with an infinite love. However, God creates freely, because creatures are unnecessary for His perfection, and He freely chooses the world He is creating, for no created world could be perfectly good in every respect.

Similarly—according to a plausible Christian theology—a human person who saw God face to face could not help loving Him above all things. But in this life, human persons constitute themselves freely, because none of the goods by which they can integrate and direct their lives exhausts the totality of goodness to which a human person is open. If any particular good did exhaust a person's capacity for good, such a person would not be open to sharing in divine life. Our

25. Plato, *Euthyphro*, 7 c-d; cf. Philo, *De Somniis* ii, 29, 193, who quotes with approval an earlier Jewish writer saying that "the plant of folly is in Sodom, for Sodom means blinding or making barren, since folly is blind and unproductive of excellence, and through its persuasions some have thought good to measure and weigh and count everything by the standard of themselves, for Gomorrah by interpretation is 'measure.' But Moses held that God, and not the human mind, is the measure and weighing scale and numbering of all things." The last sentence contains an obvious allusion to the famous dictum of the early consequentialist, Protagoras: "Man is the measure of all things."

hearts would have been made for a finite good and they would rest in that good for which they had been made.

III

The arguments in the preceding section showed that attempts by consequentialists to give "good" a univocal meaning have not succeeded. But those arguments were based upon assumptions—though ones I think a consequentialist would accept—which could be false. Moreover, an optimistic consequentialist always can hope that despite past failures someone eventually will show how the theory can be made to work. The argument I am about to state is based not on assumptions, but on facts and analysis. If this argument is sound, any reasonable person can learn from it that consequentialists never will be able to make their theory work. No one will show how to do the calculations consequentialism requires, because such calculations are impossible. "Greater good," as the consequentialist needs to use it, inevitably lacks reference, and so consequentialism is meaningless.

As I explained in section one, consequentialism is a method for reducing moral judgments about possible options to transmoral basic human goods. If "good" were defined in moral terms, then "One ought to take that option which promises the greater good" would be trivially true, but this truism does not express the consequentialist theory. I also explained in section one that although one must distinguish consequentialist theories which bear directly on the whole range of morally significant acts from indirect consequentialist theories, even the latter bear upon a certain range of acts—for example, the acts by which rules are adopted, or institutions established, or certain traits of character cultivated. Consequentialists, like other moral theorists, sometimes recognize that there are derivative cases of moral judgment bearing upon the moral results of moral acts and upon the past moral acts of oneself or of others. But the primary case of moral judgment, according to any consequentialist, is a practical directive to adopt one proposed course of action (which may itself be the acceptance of a rule, and so forth) rather than some alternative to it.

According to this view, 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 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, beginning to read a different book, 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 principle which seems unquestionable, 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 examines the advantages and disadvantages which 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, persons in deliberating are aware of alternative courses of action and are confident that they 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 by a common standard. The proof that consequentialists are committed to commensurability is that they talk 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 *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 apparently thought to promise measurably less good would be puzzling indeed. One might suppose that the wrong choice is made by mistake. But this supposition provides no escape for consequentialists, for they hold 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 consequentialists, for they propose their theory as a method of adjudication between values and disvalues which they claim 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, one who is deliberating has all the reason for choosing the alternative which promises the measurably greater good which he or she has for choosing the other, and has the further reason for choosing the former provided by the greater good it promises.

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

An analogy will help to make clear the force of this argument. If one were literally interested in nothing whatsoever except acquiring money, whenever one considered possible courses of action one would look for only a single thing: how much money one might acquire if one chose each course. When one saw that a certain possibility was not the best bet, one could not choose it. Likewise, since one who chooses can be interested in various possibilities only insofar as they promise good, whenever one deliberates one considers what good one can hope for by choosing each possibility. If one could see that a certain possibility promised measurably less good, one could not choose it.

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 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 must choose 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 history of both psychological determinism and consequentialism—the symbol of the balance scale.

Now to the objection. I do think that people can make free choices.²⁶ However, the argument I offer here against consequentialism does not rest upon this controversial position. All I need for

26. For an attempt to establish this position, see Joseph M. Boyle, Jr., Germain Grisez, and Olaf Tollefsen, *Free Choice: A Self-Referential Argument* (Notre Dame and London: University of Notre Dame Press, 1976). If human persons can make free choices, and if consequentialism is incompatible with the *phenomena* of choice—as I am arguing here—then consequentialism is *a fortiori* excluded by any position which affirms the *reality* of free choice. Among the positions affirming the reality of free choices are most forms of Jewish and Christian theology, for the mainstream of Jewish and Christian faith regards the human ability to respond freely to the divine offer of the Covenant or the Gospel as an essential principle of religion.

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 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; those who are deliberating know that they do not know in what the "greater good" will lie.

Someone might object that it must be possible to know what is better and yet to 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 good, my problem is solved. But consequentialists cannot solve their problem in this way, since for them choice bears upon premoral goods which are commensurable with each other, the preponderance of which *defines* what is morally good.

Again, someone might object that one can know what will produce the greater good for everyone concerned, but choose a lesser good which happens to be a greater good for oneself. My answer to this objection grants for the sake of argument two assumptions without which the objection does not make sense: first, that egoism is a matter of choice, not merely a personality disorder generated by heredity and environment; and second, that the choice to be or not to be an egoist is a morally significant one of a sort that a consequentialist theory tries to regulate, rather than an option at the frontier of morality by which one constitutes oneself amoral or accepts one's role as an actor in the moral institution. On these assumptions, if one chooses to be an egoist, one must have a reason for this choice. For example, one expects more enjoyment for oneself. If the greater good

is good in precisely the same sense as one's own good is good, but also is regarded as measurably greater, then one has no reason for not opting for the greater good. This is the case, for example, when enlightened egoists see that they can have everything they can get for themselves in certain situations by either of two courses of action, but also benefit others by one of them. Not being malicious, enlightened egoists choose to benefit others as well as themselves. But if the supposedly greater good does not promise an egoist every benefit for himself or herself which an alternative promises, then the egoist can choose the so-called lesser good, because, at least for the egoist, one's own good and the good of others are not commensurable.

Even gross egoists have reasons which seem to themselves good enough for their egoistic choices. "I'm going to get what I want, and to hell with the rest of them," one might say to oneself. This reason would not seem to others a good reason, for gross egoists introduce into their notion of "good" an egocentric reference. This reference is not universalizable and shareable with others by means of rational discourse. But an egoist need not be stupid or crazy. One can even offer a plausible reason for one's general egoistic policy: "I'm looking out for number one, because you can bet your life nobody else is going to." Thus, egoists are both rational, in the sense that they act not without reason, and unreasonable, in the sense that they have no reason they can expect others to accept by way of justification for their egoistic choices.

Someone might further object that even apart from choices involving moral good and evil, one can know of a greater good and a lesser good, yet deliberately choose the lesser. For example, a boy might have learned in health class that an egg nog has more nutrients in it than a Coke, and he might also understand that the food with more nutrients is better for him. Yet he can choose the Coke. But this choice is possible only because the good of nutrition is competing with another good. The boy wants the Coke and will feel better just now if he gets it. The sense of "feeling better" is an aspect of harmony within the self, which is a basic human good incommensurable with health.

Whenever one chooses, one determines whether one will be the sort of person for whom this or that potentially greater good shall be *the* greater good. The consequentialist assumes that the decision about the controlling value is a judgment of what *is* greater, not a choice of what *shall be* greater. But the ability to make a choice precisely is the prerogative to adopt the goodness of one alternative rather than the goodness of another as the principle by which one determines oneself and shapes the action which expresses oneself.

Once one has chosen, the alternatives which have not been chosen often seem to pale in significance. The viewpoint of the alternative which has been chosen tends in retrospect to alter the attractiveness of the others. Not long after having made a difficult choice, one often wonders what could possibly have appealed in alternatives which were not chosen.

Looking back upon a choice, it is easy to suppose that one chose the alternative which seemed to offer the greater good. This retrospective distortion provides a key argument for psychological determinism. If this good seemed greater, how could one not have chosen it? What must be kept in mind is that during deliberation just prior to choice, each alternative seemed better in its own way, but none seemed better in every way. Otherwise, one would not have been perplexed; one would not have felt that one had to make a choice. Only rational indeterminacy *between alternatives* calls for a choice between them.

Someone might object that not all morally significant action follows upon deliberation and conscious choice. For example, a morally good woman is inclined to help others; she sees someone in need of her help; she thinks of nothing but their need and what she can do to satisfy it; she acts spontaneously—without thinking, without consciously choosing. Surely, such an act is good; a sign of its goodness is that the woman might be praised for it, even more highly praised than less good persons who carefully considered their own interests before deliberately choosing to render assistance.

I admit that such spontaneous acts can be morally good. They do not follow upon deliberation and conscious choice. But my thesis is not that all morally good acts are deliberately chosen. Rather, it is that the acts which consequentialists seek to regulate by their purported criterion are thus chosen. Clearly, the consequentialist is not talking about spontaneous acts such as the one described, for in these spontaneous acts only one course of action is considered and it is done without choice. Commensuration cannot begin unless there is some deliberation.

Someone also might object that there are situations in which the “right” choice is defined by completely determinate goals, so that “greater good” does have a definite meaning. If one accepts the goals and nothing interferes, then one does what is wrong only by mistake. For example, “good” might be defined nonmorally in descriptive terms: “good” is that which is accepted as good in one’s society, and the “greater good” is that for which one will be most highly praised. The right act then becomes the one which an intelligent person with a normal desire for approval sees to be necessary.

I admit that there are systems such as that described by this objection, and that the language of morals often is used both within such systems and in talking about them. Children old enough to talk but too young to think of themselves as responsible agents in some sense make choices, but such choices do not have the same moral significance as do the choices of adults. A sign of this is that we do not hold such children criminally liable for their conduct which violates criminal laws. Children can nevertheless understand that it is better to please the adults on whom they depend than to displease them. The right act is the obedient act. A naughty child is one who rebels.

However, what is at stake in a case such as this is not morality in the full sense; it is conventional standards of behavior. What is right by conventional standards of behavior need not be morally right at all. My thesis is not that "right" in a nonmoral sense cannot be defined in terms of commensurable, nonmoral values, but that "right" *in the moral sense* cannot be so defined. Consequentialists cannot disagree, for they offer their theory not as a descriptive hypothesis about conventional morality but as a normative theory of objective morality by which conventional morality can be criticized. Both consequentialists and I are at odds with subjectivists and relativists who confuse morality in the full sense—which is reflective and critical—with conventional morality, which is a datum taken as final only by the uncritical, such as children and those adults who do not develop beyond a childish way of thinking about their own lives and the real world in which their lives must be lived.

If the foregoing criticism of consequentialism is correct, then consequentialism 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 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 the consequentialist uses this expression.

If consequentialism is meaningless, it also follows that any ethical theory which admits it is defective to that extent. An ethical theory might be sound in other respects, but if it allows any role for consequentialism—for example, in the resolution of conflict cases—it is incoherent in this respect. Some moralists reject consequentialism and adopt a moral criterion based on personal relationship and covenant, yet maintain that in a world broken by sin, situations occur in which moral ideals must be compromised. In these cases, a lesser evil

may be done to avoid a greater one. Such theories admit consequentialism without realizing it, and to this extent become incoherent.

As I mentioned in section one, philosophers often argue against consequentialism by citing plausible counterexamples. Since consequentialism is meaningless, it becomes clear why the dialectic of intuitions and counterexamples cannot be decisive. One who proposes a counterexample argues that in some case an act which brings about a greater good is wrong. This assumes two things: (1) that right and wrong can be determined by nonconsequentialist criteria, and (2) that it is meaningful to say in this context that one alternative brings about a greater good than another. Since consequentialism is meaningless, (1) is true but (2) is false. Thus the opponent of consequentialism who depends upon counterexamples accepts an impossible burden of proof.

Consequentialists easily defend themselves. They either admit that the act proposed as a counterexample brings about the greatest net good and deny that it is wrong, or they admit that it is wrong but deny that it can ever bring about the greatest good on the whole and in the long run, or they assert that the example in question is a very difficult one. The consequentialist taking the last alternative might claim that different calculations can be expected to yield different results in close cases, since measurement is not yet precise.²⁷ One cannot argue with this, since measurement is impossible.

IV

As I said in section one, one reason consequentialism is plausible is that measuring, counting, and weighing do have a place in practical reasoning. We do use such operations to decide what to do. "Greater good," "proportionate reason," and like expressions can be used meaningfully. But if they are, the context is one of two types. In one, a practical but nonmoral judgment is made. One calculates, not to determine what is right, but to decide what is better in some nonmoral sense. In the other type of context, one does reflect to determine which alternative is morally right, but one does not measure, count, and weigh the amount of premoral good promised by each alternative. Rather, one reflects within a framework of *moral* assumptions, which determine the measure of each of the relevant goods.

27. A typical example of such consequentialist dialectics is Kai Nielsen, *Ethics without God* (London: Pemberton Publishing Co., 1973), pp. 65-103. Like many consequentialists in the empiricist tradition, Nielsen seems to think he has demonstrated consequentialism if he has shown it not to be meaningless. The argument I offer here is intended to satisfy the requirements set by such consequentialists for an acceptable refutation of their position.

My purpose in this section is limited. I do not try to prove consequentialism meaningless by showing that no possible use of such expressions as "greater good" will serve its purpose. I assume that the argument in the preceding section has settled the question of the meaningfulness of consequentialism.

However, a refuted position can still keep some plausibility. My purpose here is to disperse such residual plausibility. Otherwise, a reader attached to consequentialism is likely to think that there *must* be some way around the argument against it. Therefore, I take up legitimate uses of expressions such as "greater good" and "proportionate reason" only to clarify the muddle between the consequentialist's attempted use of such expressions and their legitimate uses in other contexts.

I first consider uses of "greater good" and similar expressions in contexts in which calculation leads to a practical, nonmoral judgment.

Sometimes one can compare the extent to which one or more basic goods would be participated in particular instances, and see that the participation of the good by one alternative includes all that the other includes and more. (For simplicity I omit cases with more than two possibilities.) In such cases, a practical judgment in favor of the more extensive participation is made, provided that no other factor enters consideration. But this practical judgment is not a moral judgment. One has no choice.

For example, if one is aware of two possible courses of action between which one sees no difference except that the one protects and promotes a basic human good in a single instance while the other does this and also promotes or protects the same or another good in another instance, one necessarily prefers the second course of action to the first. One might say that one "chooses" the second course of action, but such choices are not proper to human persons. A computer can make them.

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 factor comes into play. A hunter might wish to practice conservation. If one is a malicious egoist, one can choose an act which benefits only oneself rather than an act which similarly benefits oneself and also benefits others, but only because one's malice leads one to see denying a good to others as an additional good for oneself.

Again, life is a greater good than health, since life includes health, and health is a greater good than merely avoiding the pain which is caused by a disease. Thus, if no other factor comes into play, one necessarily prefers a remedy which cures a disease and removes pain to a remedy which only removes pain, and one prefers life as a crip-

ple to death. One who chooses death in preference to life as an invalid is considering some other factor—for example, that death will end sadness. In this case, the good of avoiding the disvalue is not part of life and health. Thus there are incommensurable goods, and one can choose.

The famous case of the careening trolley car provides another example. One is steering a trolley down a steep hill, notices that the brakes have failed, knows there is a switch at the bottom of the hill which will allow one to steer onto either of two tracks, and observes a few people on one track and a large crowd of people on the other. If no other factor comes into play, the larger group includes all the instances of good—several human lives—included in the smaller and more. One has no choice but to steer away from the larger group. But if one sees only strangers in the larger group and members of one's own family in the smaller, then friendship also is involved. The goods are incommensurable. If one has time to deliberate, one can choose.

What about cases in which one might be tempted to kill one person to save two or more? Sometimes, what is involved is indirect killing, as in the example of the trolley car, in which steering *away* from the larger group is causally but not morally equivalent to steering *toward* the smaller. I find it hard to think of any clear example in which the killing of one or of a few *certainly* will save the lives of two or of many where the killing and the saving occur in distinct actions related to each other as means to end. Usually, the choice of certain death renders the life-saving only *probable*. If there are cases in which one has the choice of killing one person or some persons for the ulterior purpose of saving two or more, the life or lives one might choose to sacrifice are *not* counted among those to be saved, even if one notes no objective difference except in number between the two groups. For to choose to use some for the benefit of others reduces those who are used to the status of mere means. One has a choice precisely because one can regard those who would be sacrificed as sharing in a priceless dignity, which one should not subordinate to any purpose extrinsic to themselves.

In politics, there is another use of "greatest good" which is meaningful but useless to the consequentialist. One can say that a public official is pursuing the greatest happiness of the people if he tries to find out what they want and to give it to them.

However, "the greatest happiness of the most people" as defined by a census of their desires does not settle what is morally right. I criticized the desire theory of value in section two. The majority often is unhappy with decisions upholding minority rights; demagogic pol-

iticians often sacrifice minority rights to majority prejudices. But the social covenant expressed in the society's constitution can demand that the happiness of the majority yield to justice for the minority.

Bentham's reflections on morality began from his attempt to rationalize law. He imported a meaning into "the greatest happiness" formula quite different from that later imported into it by social Darwinism. Twentieth-century socioeconomic liberalism is Bentham's heritage, while individualistic conservatism owes much to social Darwinism. Neither policy has shown itself unequivocally better than the other; each uses standards by which it excels to compare itself with the other. Thus, political debate between socioeconomic liberals and conservatives is endless, yet questions about human goods remain unresolved. The moral questions cannot even be stated in the consequentialist language in which political debate usually goes on.²⁸

"Proportionate reason" can refer to an acceptable level of probability that a certain means will secure a desired end. The proportion is of means to end; the suitability of the means is measured by the end. If one is folding parachutes, one has reason to be fussy to an extent that would be disproportionate if one were folding linens. Premoral goods are not weighed against one another here. If the judgment has some moral force, that is only because moral evaluations of risking life and risking unsightly wrinkles in one's linens are presupposed.

Again, one weighs evidence to arrive at a judgment. One proportions one's confidence in the judgment to the weight of the evidence. But even if the conclusion concerns a moral issue, the proportionate reason for accepting it with a certain degree of confidence need have nothing to do with morality. One has weighed evidence, not goods. Perhaps the values are considered afterwards; the facts are measured.

"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. There is nothing wrong with efficiency; it is wrong to be wasteful.

28. Sidney S. Alexander, "Human Values and Economists' Values," in Hook, ed., *op. cit.*, pp. 101-116; Nath, *op. cit.*, pp. 138-152; show that all applied economics such as that which figures in political debate presupposes ethical value judgments. Nath argues that these should be made explicit and suggests that questions about whether a wage or an international economic arrangement is just ought not to be regarded as too value laden for disciplined treatment while other issues are erroneously assumed to be value free.

But whether it is right to do what is efficient depends upon the moral acceptability both of one's end and of the means one uses.²⁹

For example, if one's well-defined objective is the elimination of Jews, one can proceed efficiently. Waste of scarce resources would be wrong. There is a best way of achieving one's objective. But "best" 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 contaminate the justice for which he was striving.

In his discussion of the morality of killing in self-defense, Thomas Aquinas uses "proportionate" in another sense. He holds that one may repel an unprovoked attack with proportionate force.³⁰ One might say there is a "proportionate reason" for using such force.

But "proportionate reason" in this context does not imply commensuration of goods leading to moral judgment. The proportion is between the force used and the purpose of self-defense, which Thomas considers justifiable on other grounds. One need measure only degrees of damage to the attacker. Killing is more damaging than wounding, wounding than stunning, and so forth. As I explained early in this section, one can make such judgments without trying to measure the incommensurable. Thus one can see which force is proportionate by seeing which of those likely to be effective also is likely to be least damaging. A man unjustly defending himself against a provoked attack also can choose proportionate or disproportionate means.

This is a good place to begin considering uses of expressions such as "proportionate reason" in reasoning which does lead to moral judgment. Although these uses point to a moral justification of one alternative, they must not be confused with consequentialism, for in each case moral presuppositions contribute meaning to the expressions which imply comparison of goods. Consequentialism requires that premoral goods be commensurated.

It is reasonable enough to suppose that one does a morally evil act if one chooses as a means an act which impedes or damages one or more basic human goods and which of itself does not promote or

29. Nath, *op. cit.*, pp. 152-158; Mishan, *op. cit.*, pp. 175-178. The contributions of several of the philosophers to the volume edited by Hook make the same point; see the essays of Ernest Nagel, Kurt Baier, Paul Kurtz, and John Ladd.

30. Thomas Aquinas, *Summa theologiae*, 2-2, q. 64, a. 7, c.; see my "Toward a Consistent Natural-Law Ethics of Killing," pp. 73-79.

protect any such good. But what about an act which in itself has a good and a bad aspect, an act which does not impede or damage a good for the sake of an *ulterior* good? In this case, the performance of the act itself—considered as a unit indivisible by the agent—impedes or damages some participation of a basic human good. But the very same act promotes or protects a good. Can it be morally right to choose such an act?

Such a choice is not excluded by the general principle that evil may not be done that good might follow therefrom, since in this case the good does not *follow from* the evil. Both are indivisibly joined in one act. A person intent upon the act's good aspect can choose it, not choosing the bad aspect as a means, but only accepting it as an unavoidable side effect. One steers the trolley *away from* the big crowd; it is incidental to one's intent that one steers *toward* the small group of people. In this case the so-called "principle of double effect" applies.

I have written elsewhere about double effect. In received formulations, it includes a requirement that there be a proportionately grave reason for doing an act which has a side effect which it would be wrong to seek as an end or choose as a means. I accept this requirement, and this leads Richard McCormick to say:

But I agree with Stanley Hauerwas that ultimately Grisez cannot "avoid the kind of consequentialist reasoning that our human sensibilities seem to demand in such (conflict) cases" [note omitted]. For if a good like life is simply incommensurable with other goods, what do we mean by a proportionate reason where death is, in Grisez's terms, indirect? Proportionate to what? If some goods are to be preferred to life itself, then we have compared life with these goods. And if this is proper, then life can be weighed up against other values too, even very basic values.³¹

I admit that if an act has two aspects, one needs a proportionate reason for choosing it. I deny that "proportionate reason" can be specified by measuring life against other nonmoral values, or the goodness of some instances of life against the goodness of other instances of it. How, then, do I answer the question: "Proportionate to what?"

My own view—which I have not stated clearly enough in previous works—would be better expressed by saying one needs a "morally acceptable reason" than a "proportionate reason." My answer to

31. McCormick, *op. cit.*, p. 48; he is commenting on the version of my view of double effect in my *Abortion*, pp. 321-334. The version cited in note 30, above, is somewhat clearer, but still in my present view inadequate.

McCormick is that one must have a morally acceptable reason for doing the good one is doing, considering the evil one is accepting as an unavoidable side effect. But is this not to admit that one measures the good against the evil? Yes and no. One can compare these if one has a moral standard. One cannot measure these against each other and reach any moral judgment if one considers them only as premoral values and disvalues.³²

In my view, a person considering an act having a twofold aspect and noting that the act is not excluded by the principle that the end does not justify the means, still ought to think about other moral grounds on which the act under consideration might be forbidden. I distinguish eight modes of responsibility, only the last of which dictates that one does not turn directly against a good. The first seven articulate other necessary conditions for moral judgment.³³

For example, my second mode of responsibility is a version of the universalizability criterion. A man who is considering putting poison around his garden to control the rabbits which are eating his lettuce ought to ask himself how he would react if he were in his neighbors' shoes. Perhaps the gardener has no children, there are no fences, and the children sometimes wander nonmaliciously into the gardener's yard. If he were in his neighbors' place, would he not be concerned enough about the safety of the children to exclude as too dangerous the use of poison to control the rabbits? If an honest answer to this question is that if it were his children and their lettuce, he would not be willing for the sake of rabbit control to endanger the children, then the reason is not morally acceptable—in traditional language, proportionately grave—when it is his lettuce and their children.

32. Bruno Schüller, S.J., "Zur Problematik allgemein verbindlicher ethischer Grundsätze," *Theologie und Philosophie*, 45 (1970), p. 3, claims that all moral norms save those concerned with God and those which are trivially true were grounded by traditional moral theology by a principle of preference for the greater good and the lesser evil. He offers no proof for this universal statement, and I regard it as false. As I shall explain shortly, upright persons often do express sound moral judgments in consequentialist language, and one can find plenty of examples of language which sounds consequentialist in classical moral theology. Also, there is surely some consequentialism in the arguments of these authors. But one must bear in mind that they did not have the benefit of the light which has been thrown on this matter by the elaboration of consequentialism by modern secular humanists, and they did not see consequentialism used in jurisprudence and politics as it has been used in our day. Catholic moralists writing since 1965 and embracing consequentialism do not have the excuse their predecessors had. Moreover, the classical moralists were not specialists in ethical theory and it is odd that anyone should rely on their authority in questions of theory while disregarding it in substantive matters to which they gave almost all of their attention.

33. See my *Abortion*, pp. 317-319; *Beyond the New Morality*, pp. 107-137.

It would take too much space to go through all the modes of responsibility, illustrating how each of them can contribute meaning to "morally acceptable reason" or "proportionate reason" (if the latter, misleading expression is to be retained). However, the basic idea of my view of this condition of double effect should be clear from this one example. The good one is doing must be such as to justify the evil one is accepting as a side effect, not in the sense that premoral goods must be commensurable, which is meaningless, but in the sense that one's doing and one's accepting must be permissible according to every relevant moral criterion.³⁴ Sometimes one is required not to permit a certain evil, though one does not directly do it.

Someone might object that a morally good person sometimes refrains from doing an act with two aspects, not citing any other mode of responsibility, but rather saying something like: "I won't do it. It would result in this good, but considering the harmful side effects, it is just not worth it."

Upright people do talk like this and it sounds consequentialist. But I do not think they mean they have reached a moral conclusion by measuring premoral goods. Rather, they use consequentialist language to express a *moral intuition*. Morally good persons will not do what they feel it would be wrong to do. They might say that they will not act because their conscience "tells" them not to. If one feels it would be wrong to do something and refrains for this reason, one *thereupon* judges that the good one would be doing would not justify the evil one would have to accept. One establishes a proportion between premoral good and evil by one's moral judgment; one's moral judgment is not reached by measuring, counting, and weighing premoral goods.

But if upright persons are expressing a moral intuition, not the conclusion of a calculation, why do they use consequentialist language? There are at least three reasons.

34. Paul Ramsey, "Abortion: A Review Article," *Thomist*, 37 (1973), pp. 174-226 at 226, in a generally perceptive article, seems to have misunderstood my conception of modes of obligation (responsibility) and reduced all but the eighth to duties of charity. In my view, immoral acts which violate other modes of obligation often are rationalized *because* they happen not to violate the eighth mode; I by no means regard the first seven modes as less binding, although several of them are less specific about what they bind one to. A traditional moralist might object to my explanation of the requirement of proportionate reason by saying I am reducing the fourth requirement of the principle of double effect to the first—that an act not be evil in itself. But I am not, for the first requirement pertains to the object of the act, while I am reducing proportionate reason to what the traditional moralist would have treated under the morality of circumstances.

First, the ordinary morally upright person does not carefully segregate—as do moral theorists—the premoral and the moral uses and connotations of evaluative language. One may not even be aware of the distinction which a consequentialist interpretation of one's remarks reads into them.

Second, everyone tends to use language as it is used. As I have explained, calculative language is appropriate in the evaluation of techniques. It also is widely used by consequentialists. Thus even the upright person naturally tends to talk like a consequentialist.

Third, children obviously learn the language of technical activity at an earlier age than they learn the language of morals. Moreover, their initial conception of morals is not of morality in the full sense but of conventional standards of behavior, which I discussed near the end of section three. Knowing how to be a "good child" is itself a technique to be mastered, before moral reflection begins. Thus, technical language sets a pattern for ethical language. This also is true of moral theory. Aristotle, for example, often uses the language of *technē* when discussing *phronēsis*, although he clearly distinguishes them.

Upright persons use their intuition as a negative criterion in cases such as that of the lettuce gardener. Having found no articulate moral objection to what one is considering doing, the upright person can still be warned by conscience not to proceed.³⁵ This situation is altogether other from one in which a person thinks with some reason that a course of action is immoral, yet appeals to "conscience" to justify it. Thus, "proportionate reason," as it is used in the principle of double effect, ought not to open the way to consequentialist arguments against hitherto accepted moral norms.

Goods intrinsic to human persons and communities can be compared with those which are not. Goods intrinsic to persons take priority. If an animal is sick and its disease is a threat to humans, the animal should be destroyed. This is not to say that creatures other than humans have no intrinsic worth. Rights to property insofar as it is a good extrinsic to persons must yield to rights to a good such as life which is intrinsic to persons. Institutions which are merely instrumental to human goods and practices which are only particular

35. Socrates' reference to his *daimon* (Plato, *Apology*, 31 c-d) is an example. Why is the *daimon* always only negative? Because the context of articulate moral norms is taken for granted. If upright persons feel they ought to do something when no other moral norm but their feeling of duty is relevant, they simply do it, because good people have no inclination to omit doing what seems morally right to do. No moral choice is made *at this point*. In general, very good and very bad people do not struggle with temptation as most of us do.

ways of serving human goods should not be vested with the inviolable dignity which belongs to persons.

Consequentialists have been keenly and rightly aware of this point. Their emphasis on it lends credibility to their theory. The Sabbath is made for humankind, not humankind for the Sabbath. My right of ownership to my excess wealth is outweighed by the right of the poor to survive; if their lives are at stake, they need not wait while I prudently plan my philanthropies, although this is my right. But judgments like these cannot be extended to justify the destruction of goods intrinsic to persons, without reducing these goods to the status of mere possessions, and thus implicitly denying the dignity of persons as ends in themselves.

“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 insofar as the legal system has a moral foundation and uses morally justifiable procedures. Conflicting claims and relevant facts, not competing goods, are weighed in the scales of justice. The scales of justice is the whole set of norms and the entire procedure for applying them to the facts and the claims. One must make prelegal judgments as to what norms are just, what procedures fair. These norms and procedures reflect a society’s basic commitments; they are only as sound as these commitments are right.

The United States Constitution, for example, expresses a society’s basic commitments. The self-constitution of the political community by reference to basic human goods is explicitly stated in the Preamble. In many respects the Constitution is a morally admirable document. But in its initial form it included the choice to compromise the dignity of some human persons—Negro slaves and native Americans—for the good end of obtaining consensus sufficient to launch the new nation.

Obviously, in cases in which legal norms and procedures are adopted for the sake of justice—as they sometimes are—one must have a prelegal way of telling what is just. Whatever can be determined using the scales of justice, this scales is of no use at this stage, for the prelegal problem is how to *construct* the scales. Once it is constructed, moral norms are built into it. One cannot get any commensuration of goods out of the law which is not built into it by the society’s commitments to basic human goods.

Natural law theory is concerned with the prelegal principles which should guide the construction of the scales of justice. The legal positivist, noting that there is no commensurability of goods before the scales of justice is constructed, but defining justice in terms of commensurability, says that there is no justice prior to positive law. The natural law theorist can admit the incommensurability of the goods which ought to be protected by the law, but hold that there are moral norms which should guide the *choices* which must be made in constructing the legal system. Once the system is constructed, it can make goods morally commensurate by applying morally defensible legal norms and procedures to the facts and conflicting claims.

In the light of the foregoing distinction, consequentialism is revealed to be a legalism. The consequentialist takes the way in which legal judgments are made by reference to prelegal, morally specified factors as a model for a method of making moral judgments by reference to premoral goods. I showed in section three why the analogy is unsound.

With its constitutional and other law constructed, decisions by a society on issues of public policy and on particular cases often are expressed in language which sounds consequentialist.

For example, the policy of common law with respect to negligence in some respects sounds consequentialist, but reference to the "reasonable man" clearly is an appeal to moral intuition. My earlier example of the gardener using poison to prevent rabbits from destroying his lettuce while incidentally endangering his neighbors' children reveals the moral considerations which underlie the law of negligence.

An example involving a particular, public act is the following. A legal process is carried out taking a piece of private property for public use. The decision states—in seemingly consequentialist language—that "the public interest outweighs the private interest of the individual concerned." Farmer Jones must give up his land so that an adjacent highway can be straightened, eliminating a dangerous curve. Upon reading the decision, Farmer Jones might well balk. Interviewed while sitting at his lane gate with a shotgun at hand, Farmer Jones might explain: "I have lived on this land all my life. My father homesteaded it. My wife is buried on it. It would tear my heart out to leave it. Don't tell me that some other good—the safety of the drunken drivers who have accidents on that curve—outweighs what you want to do to me."

Farmer Jones is right. The goods are incommensurable. The justification of the public act is not expressed by the language of the deci-

sion. The real justification of the public act is that the process by which Farmer Jones is required to give up his land is part of a fair system of living together, a system of mutual commitments to one another and to certain basic human goods. Farmer Jones usually has been satisfied with this system. He cannot reject as unjust a judgment against himself when he has accepted as just similar judgments against his fellow citizens. Farmer Jones might well appreciate the force of this argument. If the judge had been careful to avoid consequentialist language, the sheriff might have been spared having to disarm the old man and carry him bodily off his property.

Like a society, individuals have normative systems *which depend upon* their basic commitments. Having made these commitments, each person has his or her own hierarchy of goods. One's values flow from one's self-constitution.

In previous works I have urged that play and esthetic sensibility are basic human goods along with such other goods as theoretical truth and life itself. Many people disagree. The two former goods seem to them much less important. I think this reaction reflects most people's commitments, not any objective hierarchy of goods. A scholar is likely to think that theoretical truth is more important than play. But a fine musician can well believe that his or her art—which is a form of play—and esthetic sensibility to it are more important than theoretical truth. This reversal of the scholar's priorities is not immoral. If one respects all the goods, one is morally free to commit oneself in a special way to some of them. In fact, one is morally obliged to do so.

Life itself can seem both more important and less noble than the other basic human goods. This view is not unreasonable, but it does not reflect objective commensuration. It reflects, on the one hand, the interest we mortal animals have in our own survival and, on the other, the rather low place human life as such has in most people's commitments. However, if one has devoted many years to promoting and protecting human life as such—for example, by writing and lecturing against abortion, capital punishment, and nuclear warfare—then one acquires a sense of the nobility of “mere” human life.

A Jew or Christian might object that between some basic human goods there is *an objective* hierarchy. Is not the good of religion, which is a harmonious relationship with God, infinitely more important than other basic human goods?

Some Christians have held that the ethical sphere as a whole must give way to the religious. I think this position arises from a confusion between the created, immanent human good of religion—which is neither more nor less absolute than other basic human goods—and

the goodness of God Himself. The good of religion is a finite participation in divine goodness, but so are other basic human goods, and the latter are neither reducible to nor commensurable with the good of religion.

However, though there is no objective hierarchy which places religion above other basic human goods, it is reasonable to make one's religious commitment overarch one's whole existence. A commitment to the right sort of religion is an excellent principle by which to integrate one's identity. It gives ground to the highest hopes, yet at the same time allows wide scope to promote and protect other basic human goods.³⁶

Christians believe that all other basic human goods take on a new meaning from the existential integration of other goods with the basic Christian commitment. This commitment is to share in the redemptive work of Christ; the pursuit of other basic goods becomes an effort to build up the Body of Christ. Of course, nonchristians do not see things in this light, nor should they.

Moreover, Christians should not confuse the importance religion has for them—because of their God-given, but freely accepted, faith and hope—with the importance which religion has as one basic human good among others. If these are confused, one is on a short road to religious fanaticism.

Aristotle's ethics involves a confusion between the status of theoretical truth as one fundamental human good among others and the status of this good as the chief purpose of the philosophic life. His confusion is facilitated by the ambiguity of "reason," which both points to a basic human good and to a species-specific nonmoral human function without the exercise of which human behavior lacks moral significance. But, in addition to the difficulties I mentioned in section two, Aristotle slighted play and esthetic experience, which are also specific to human persons. Human bodily life itself and human bodily processes are not generically animal. Antecedent to any judgment or choice of ours, they are human, personal, one's own. Those who deny this fall into dualism.³⁷

36. For a brief sketch of Christian morality integrating commitment to the religious good with other basic human goods, see Ronald Lawler, O.F.M. Cap., Donald W. Wuerl, and Thomas Comerford Lawler, eds., *The Teaching of Christ: A Catholic Catechism for Adults* (Huntington, Ind.: Our Sunday Visitor, 1976), pp. 275-354.

37. Examples of blatant dualism are found in Joseph Fletcher, *Morals and Medicine* (Boston: Beacon Press, 1954), p. 211 (the passage quoted from Buber should be read in Buber in its context); and in documents of the majority of the Commission of Pope Paul VI on Population, Family, and Birthrate. In a working paper, the latter state that human biological fecundity *must be assumed into the human sphere and regulated in it* (see Robert G. Hoyt, ed., *The Birth Control De-*

Aristotle himself is not a consequentialist, at least not a consistent one. He holds that the judgment of the person of practical wisdom (*phronēsis*) is the standard for concrete moral judgments. Such a person is uniquely fitted to tell what is more and less important. But one does not do it by measuring, counting, and weighing premoral goods. One does it by insight. The ability of the good person to make accurate moral appraisals *depends upon* the fact that he or she has a virtuous character. Technical insight (*technē*), by contrast, is separable from good character, and hence can be used wrongfully.

Aristotle's persons of practical wisdom have right desire. Their hearts are fixed upon every human's true end. Their entire character and personality is integrated with this sound orientation. Their judgment as to what ought to be done is an expression of the good with which they have fully identified themselves. This judgment *cannot* be mistaken. Thomas Aquinas developed Aristotle's teaching on practical wisdom and the manner in which a good person judges by it.³⁸

Aristotle thought that the good person can settle concrete moral issues by the insight of practical wisdom. Frequently in recent years, common moral opinion has been used to justify the revision of hitherto accepted moral norms. Some moral theologians appeal from traditional Christian moral beliefs to the *sensus fidelium*. This appeal has the defects of any form of intuitionism used as a principle in moral theory. Intuitions differ and the intuitionist is reduced to calling those who disagree "morally blind." Similarly, the *sensus fidelium*—as distinct from the *sensus fidei*—is divided. Using widespread opinion as a criterion implies that those who disagree with the revisionist's proposals are to be reckoned among the *infideles*.

I have argued in this section that expressions such as "greater good" and "proportionate reason" have a number of legitimate uses, but that none of these uses implies the possibility of commensurating goods as consequentialism requires. It has not been my purpose in this section to show consequentialism meaningless, but only to disperse any residual plausibility it might have retained after the argument of section three.

bate [Kansas City, Mo.: National Catholic Reporter, 1968], p. 71), which obviously implies that the sexuality of men and women is not in and of itself human. See my "Dualism and the New Morality," in *Atti del Congresso Internazionale Tommaso d'Aquino nel suo Settimo Centenario*, vol. 5, *L'Agire Morale* (Napoli: Edizioni Domenicane Italiane, 1977), pp. 323-330.

38. What is operative here is something more than what is usually called "conscience." See my "Logic of Moral Judgment," *Proceedings of the American Catholic Philosophical Association*, 36 (1962), pp. 67-76, where I treat this matter in Aquinas and cite recent relevant works.

v

Consequentialism in moral theory must be distinguished from consequentialism in deliberation leading to moral choice. I have considered the former. Now I turn to the latter. In doing so, I assume that consequentialism as a theory is meaningless and that its plausibility has been dispersed. Therefore, the objections a theorist who accepts consequentialism would make against what I am about to say will be ignored. In ignoring them, I beg no question. The moves a theorist makes in defending a position are pointless when there is no position to defend.

Since consequentialist theory is meaningless, what can consequentialist moral reasoning possibly be?

As I explained in the preceding section, it is not the calculation one does in technical reasoning. Nor is it the weighing and balancing good persons do intuitively as they judge by their personal hierarchy of values. Nor is it the social analogue of such personal intuition: the weighing of facts and claims by a just legal process.

Consequentialist moral reasoning occurs in situations such as the following. A possible course of action seems attractive; one is inclined to choose it. But a norm which one has hitherto accepted forbids the choice. One feels existential stress. One would not feel such stress if the course of action to which one is attracted did not at least seem likely to lead to some partial aspect of some basic human good. At the same time, one would not be inclined to act contrary to a norm if one had wholly identified oneself with the good which—if the norm is a sound one—the forbidden choice will somehow violate. In this situation, one's reasoning can take either of two directions. One can say to oneself: "This attractive course of action would not be forbidden were it not against a good of which I am losing sight." One can try to see what this good might be. One can try to dwell upon it *as a good* to offset the temptation to violate it.

But one can also say to oneself: "Perhaps my inclination is sound, but the moral requirement which forbids me to satisfy it is not. Let me see which is right." So far, so good. Hitherto accepted moral norms can be false. But one can proceed either impartially or with bias.

To proceed impartially, one must ask oneself the questions another person, as clever as oneself, would ask, if he or she did not wish one to choose the course of action to which one is inclined. In this way, one attends to the goods involved and the relevant modes of responsibility. One who is impartial often seeks moral advice from others who are chosen not for their sympathy with one's inclinations but for

their insight into and commitment to a worldview which one believes to be true.

But if one proceeds with bias, one does not search out the goods and modes of responsibility. Instead, one considers the act to which one is inclined and its significant alternatives from a single point of view. "Significant alternatives" often reduces to a single live option: not doing as one wishes. The single point of view is that of the good which makes attractive the course of action to which one is tempted. This good defines the situation and sets a standard by which other goods involved in it are measured.

Proceeding with bias, one does not ask the questions which would be raised by someone who disapproved of the course of action to which one is tempted. If moral advice is sought, the advisor is chosen for the support one needs to follow one's inclination. Such advisors are not spokespersons for a worldview one believes to be true; they are spokespersons for one's wishes. On this basis, many people today look for a permissive, reassuring confessor or psychological counselor. Such a counselor helps one to deal with guilt feelings.

Just as consequentialist theory is meaningless, consequentialist moral reasoning is incoherent. Considering a course of action to which one is tempted, one seeks to justify *freely choosing* this course of action by adopting a viewpoint from which one will seem to have *no choice* but to take this course of action. One makes definitive the good on which one has set one's heart. But one avoids, if possible, awareness of one's bias. One wishes to feel compelled by objective demands of *the situation*, not to feel oneself arbitrarily pricing goods to fit one's inclination. Careful reflection can deliver the required result by a seemingly objective calculation. The more rational the process appears at the moment it produces the right answer, the better it is.

Consequentialist moral reasoning is a method of rationalization. Still, the conclusions reached by such rationalization can be true. An illicit rational process sometimes accidentally produces true conclusions. It can happen that the norm set aside by one who proceeds with bias does not express a true requirement of human goodness; the action chosen happens to be the very one a good person with clear moral insight would have chosen. The truth of such a conclusion seems to vindicate the consequentialist procedure.

Consequentialist moral reasoning gains additional plausibility from the use of consequentialist language to express personal or public judgments reached by legitimate moral intuition or sound legal procedures. In section four I gave examples of this use of consequential-

ist language and reasons why this unsuitable language is used to express sound moral judgments.

If consequentialist moral reasoning is either mere rationalization or an inept way of articulating sound moral judgments, still consequentialist theory need not be mere reflective justification of rationalization and of bad rhetoric. Of course, it is possible that proponents of consequentialist theory can be rationalizing. We moralists are not immune from self-deception. At least I see no reason why philosophers and theologians as a group should be expected to be any more or less upright than doctors, lawyers, merchants, or chiefs of state. And, naturally, if one whose profession is the unfolding of moral theory happens to be immoral, one is likely to construct extraordinarily sophisticated rationalizations which will embrace all of one's practical and theoretical reflection in a single outlook.

Still, honest moral theorists adopt consequentialism for the reasons which render it plausible—several of which have been summarized in previous sections.

Since consequentialist moral reasoning is a method of rationalization, certain problems with consequentialist theory become clearer.³⁹

First, how can the *good* signified by “greatest net good” (and similar expressions) be defined? (I considered this problem in section two.)

Second, how does one decide which alternatives must be examined in a consequentialist survey of possibilities? At any given moment, one not only can do or not do a particular act, one also can do that act in many ways, and one can do anything else within one's power.

Third, where can one draw the line in the investigation of consequences? The consequences of any act go on forever. Predictable consequences are limited, but extend very far. How can so extensive a set of consequences be taken into account, especially when the probability of each consequence can seldom be expressed numerically?

Fourth, how can one decide whose welfare is to be considered? Egoism is seldom defended, but the question, “Why should I be moral?” which is taken to mean, “Why shouldn't I be an egoist?” continues to plague consequentialists. Nor is egoism the only alternative to universalism, as most consequentialists assume. One can propose that one's country or one's family should come first. If a utilitarian says that one should consider every person impartially, the question remains: Who is included in “every person?”

39. Brock, *op. cit.*, reports much recent work in which these problems have been explored.

These four problem areas have been used against consequentialism by its opponents. Those who have seriously tried to explicate and defend consequentialism have been troubled by them. One who uses consequentialist moral reasoning as a method of rationalization will not be troubled by these problems. I do not say "need not be troubled," but "will not be troubled." Why not?

Because, in the first place, the *good* is specified in each situation by the good of the alternative to which one is inclined. Accepting one good as the standard by which all else in a situation will be measured is the first step in rationalizing.

Moreover, in the second place, the good to which one is inclined defines a very small set of possibilities as live options. If one is tempted to do away with one's senile grandfather to put the old man out of his misery, one does not consider most of the alternative actions one might do—for example, to take him for a walk, to share a bottle of wine with him, and so on. One considers killing and not killing the old man, and perhaps considers a few alternatives such as putting him in a public institution or abandoning him at an airport.

Then too, in the third place, the consequences to be considered are limited by the good one has chosen as a standard. Consequences favorable to one's purpose are considered; some unfavorable ones which cannot be ignored also will be noticed. If one's first view does not make one feel that one has no choice but to do as one wishes, then one can look for further consequences of the right sort until one reaches a satisfactory view of the situation.

For example, if one wishes to justify the use of terrorism in a guerilla war, one notes the deterrent effect of terrorism on the enemy. One does not think of the effects upon oneself and one's own society of adopting terrorism as a policy.

Finally, in the fourth place, one would not be inclined to do the act to which one is tempted if it did not seem likely to benefit some definite persons. Thus the magic circle is drawn. It need not be drawn about oneself alone; even immoral persons need not be gross egoists. Anyone with whom one identifies can be included in one's magic circle. So it can include one's pets, members of any group important to one's identity, persons for whom one feels sympathy, even a nonliving feature of the natural world with which one enjoys communing. Those in the helping professions, such as physicians and clergymen, are tempted to draw a circle to include the clients who present themselves for help and to exclude other parties who are absent and unable to stir one's sympathy. The magic circle can include humanity—humankind as a whole—safely distant if not abstractly universal. At the same time, living human individuals whom one is

willing to damage or destroy can be excluded from one's magic circle. They can be said delicately to have no significant potential for personal existence or less delicately to be mere gooks or mere animals or mere vegetables or mere blobs of protoplasm or mere pieces of fecal matter.

The preceding explanation of how consequentialist moral reasoning works although consequentialist theory is meaningless also clarifies the use of "situation" by some moralists. Actually, situations are not predefined. Situations relevant to moral choice are not like clearly distinguished scenes in a play; they are rather like scenes in a continuous landscape from which one composes a photograph. But the situation ethicist talks as if situations were predefined and as if such situations could specify the morally right action.

Consequentialist rationalization does define situations. Consequentialist moral reasoning avoids the difficulties of determining goods, alternatives, consequences, and beneficiaries precisely by taking what one wishes to do as a defining principle for the situation. Once all relevant factors are specified, there is a situation, and it makes sense to say: "Do what love demands *in this situation*."

Of course, it is wise not to define "love." To define anything is to limit one's future freedom to do as one pleases. One can counterfeit moral idealism by demanding that love be selfless. Since no intelligent, sane person is a gross egoist, one can always act out of unselfish love while immorally fulfilling oneself in the goods one brings about in those with whom one is identified. "I did it for my country." "I did it for humanitarian reasons." "I did it to preserve the balance of nature." "I did it for the child's own good. No unwanted child should ever be born."

In view of considerations such as these, I do run from consequentialist calculus, as Richard McCormick says I do.⁴⁰ I am indeed reluctant to admit proportionate reason in McCormick's primary sense into the justification of moral judgments. But I think my attitude is not one of nervous fear, as he suggests. Rather, it is an attitude of reasonable terror. For, as I see it, consequentialism is not merely a meaningless theory, it also is a pernicious method of rationalization. No matter how personally upright proponents of theoretical consequentialism happen to be, the theory encourages the practice.

If immorality were a mere breaking of a taboo, there would be little reason for concern about the immorality to which consequentialism lends aid and comfort. But authentic morality—which is less a theory than a style exhibited in moral heroes such as Socrates, Jesus,

40. McCormick, *op. cit.*, pp. 46-47 and 66.

Thomas More, and Joan of Arc—is not mere conformity to a set of rules. Moral goodness is necessary for the full being of human persons as individuals and in communities.

Consequentialism regards the moral agent as a producer of goods. Moral action and moral rules are means to ends. Authentic morality manifests the moral agent and the moral community as a self-creating process. Moral action by individuals and groups is participation in goods which fulfill constantly unfolding human possibilities. Thus moral actions and moral norms are constitutive of persons and communities. Moral norms are the plan of the good life and are to be built into it.⁴¹

Since consequentialism regards moral action as production, it must deal with the problem of allocation. Goods produced must be distributed to those who will possess them. Thus consequentialism fosters the attitude of *having*. Authentic morality manifests goods in which moral agents participate as constitutive principles of what humans are and what they can be. Individuals and communities can be committed to goods which are greater than each individual, greater than the whole group. The proper attitude is one of *being*, not one of *having*.⁴² Consequentialism begins with the question, "What do I want?" or "What do we want?" Authentic morality begins with the question, "What shall I be?" and "What shall we be?"

Consequentialism is compatible with the view that nature has no meaning or value prior to human interests and desires. Yet consequentialism demands that human needs, wants, whims, and wishes determine what is meaningful and valuable prior to personal reflection and choice. Reason is a slave of the passions. Human moral agency is an inefficient way of doing for humans what instinct does for other animals: shape behavior toward the satisfaction of all one's specific desires to the extent that heredity and environment permit such satisfaction.⁴³

For authentic morality, basic human goods not only perfect a person but are entrusted to each person. Humans by nature are inclined to these goods, but human persons must unfold them creatively.

41. An excellent article which helps to clarify this point is B. J. Diggs, "Rules and Utilitarianism," in Michael D. Bayles, ed., *Contemporary Utilitarianism* (Garden City, N.Y.: Doubleday & Co., 1968), pp. 203-238. In many works, Lon L. Fuller has articulated a similar point with respect to law; a typical and good example is *The Morality of Law*, rev. ed. (New Haven and London: Yale University Press, 1969).

42. Cf. Gabriel Marcel, *Being and Having: An Existentialist Diary* (New York: Harper and Row, 1965), pp. 154-174.

43. Cf. Immanuel Kant, *Foundations of the Metaphysics of Morals*, trans. Lewis White Beck (Indianapolis: Bobbs Merrill Co., 1959), p. 12.

What truth, friendship, play, or religion is to be depends in part upon human creativity. Commitment to basic human goods initiates a process by which something of the boundless plenitude reflected by these outlines of human possibility is introduced by human creative effort into the day-to-day lives of human persons, as individuals and in communities.

The radical existentialism of Nietzsche and others can be seen as a reaction—excessive but intelligible—against the narrowness of consequentialism, which is found in many forms of pagan philosophy, Christian apologetics, and modern social and political ideology. Nietzsche is right in thinking that persons who are not participating in their own creation are less godlike than human persons ought to be. Radical existentialism is right in holding that there should be a dialectic of human existence. It is wrong in rejecting the indispensable presuppositions of such a dialectic: the basic human goods and the modes of responsibility which arise from the truth of our being as creatures, as persons and social beings, and as bodily entities.

Consequentialism promotes enthusiasm for plans and projects, but it stifles profound dynamism. Consequentialist rationalizations begin only after the goods which are assumed to be ends are posited and conceded. Thinking about what should be accepted as an end is divorced from inquiry into the means. If the goals are settled, one can plan efficiently. If something gets in the way of carrying out the program, it is merely an obstacle to success. Technical thought systematically excludes reexamination of ends.

The Japanese wish to surrender *conditionally*. That will never do; drop the bombs. How can you do such a horrible thing? It will save lives, not only of American boys, but also of Japanese boys, who will die if the invasion has to be carried out. *But why should the invasion be carried out?* The Japanese must be forced to surrender unconditionally. Why not blockade the Japanese home islands? The war might drag on for years. So what? They will never surrender unconditionally.

Technical reflection invents more and more horrible ways of dealing with interfering factors. If one cannot collectivize the Ukraine without killing several million kulaks, the kulaks are liquidated. If one cannot keep South Vietnam out of communist hands without carrying on an immoral war, one continues the war.⁴⁴ If one cannot maintain

44. Arthur M. Schlesinger, Jr., *A Thousand Days: John F. Kennedy in the White House* (Boston and Cambridge: Houghton, Mifflin Co. and The Riverside Press, 1965), describes (pp. 312-319) from a sympathetic viewpoint the application by Robert S. McNamara of management techniques for making decisions. He also cites

a strategic balance of terror without being willing to kill millions of people, one commits oneself to the horror of nuclear extermination. One hopes that the mass murder to which one is committed never will be necessary, but this velleity and the consequentialist calculus which accompanies it does not alter the fact: America as a nation and the Soviet Union as a nation, most of their leaders, and many of their people *already have committed* nuclear extermination in their hearts, even if the buttons never are pressed.⁴⁵

Sound moral reflection involves a constant dialectic between one's fundamental commitments to basic human goods and possible ways of participating in them. The consideration of possibilities in the light of the transcendence of the goods to any particular participation of them moderates enthusiasm and blocks fanaticism. Meditation on the goods which are the content of one's commitments leads to deeper commitment and arouses the creativity necessary to find new ways to protect and promote these goods. Love finds a way, and the way love finds respects all the basic human goods and opens upon as yet unimaginable unfoldings of them.

Consequentialism, as a method by which anything can be rationalized, is laxist. But in theory it is rigorist. According to the most plausible forms of consequentialism, there is only one right act

(p. 549) the famous remark McNamara made when he first went to Vietnam in 1962: "Every quantitative measurement we have shows we're winning this war." Since Schlesinger's book appeared, it became clear that McNamara's cost accounting overlooked a few factors. The decision to stay in the war was made repeatedly on a consequentialist calculation, as is pointed out by Leslie H. Gelb, "Vietnam: the System Worked," *Foreign Policy*, 3 (1971), p. 145: "The importance of the objective was evaluated in terms of cost, and the perceived costs of disengagement outweighed the cost of further engagement. . . . The question of whether our leaders would have started down the road if they knew this would mean over half a million men in Vietnam, over 40,000 U.S. deaths, and the expenditure of well over \$100 billion is historically irrelevant. Only Presidents Kennedy and Johnson had to confront the possibility of these large costs. The point is that each administration was prepared to pay the costs it could foresee for itself. No one seemed to have a better solution. Each could at least pass the baton on to the next." Gelb was Chairman of the Vietnam Task Force in the Department of Defense which prepared the Pentagon history of the war in Vietnam.

45. William V. O'Brien, *Nuclear War, Deterrence and Morality* (Westminster, Md.: Newman Press, 1967), pp. 8-16 and 84-86, shows that it is only willingness to do the last act which makes the threat effective. He bases his analysis in part upon testimony by Defense Secretary Robert S. McNamara before a Congressional committee; such testimony, published in the documents of Congress each year, is the means by which the threat is officially communicated. One of the many merits of Herman Kahn, *op. cit.*, is that he is forthright in stating the unthinkable and making clear exactly what the consequentialist logic of deterrence means; see, for example, his famous chapter (pp. 40-95), "Will the Survivors Envy the Dead?" Kahn's conclusion is that they need not, if one is really prepared to fight and survive a nuclear war.

in any situation: the act which is likely to yield the greatest net good. There is no room for a hero, for everyone either does what is best or does what is wrong. A theory as rigorist as this promotes the rationalization that being upright must be distinguished from being morally perfect; one is upright if one is only as immoral as most people.⁴⁶

According to consequentialism, all of one's obligations are *defined* by pre-moral goods and objective states of affairs. One cannot freely assume a moral obligation.⁴⁷ In lives of authentic morality, few definite moral obligations fall upon persons willy nilly. The most important of these are negative: not to turn directly against basic human goods. Most affirmative moral obligations arise from one's own commitments. By these commitments, one constitutes oneself and enters into covenants with others. Since one makes promises, one must keep them. Since one is a philosopher, one must think a problem through when one is challenged to do so. Since one is engaging in sexual intercourse, one must want the child one might conceive. Such are the responsibilities of freedom.⁴⁸ In many cases, several alternatives are morally acceptable, some morally better than others. One can choose what is best when an alternative also would be blameless.

An ethics whose basic norms are negative might seem too minimalistic and legalistic. But this objection ignores the beauty of a sound ethics. "Never turn directly against basic human goods" says what "Respect the dignity of every person" says and more. A sound ethics demands the indispensable foundation for a creative moral life. The good which can be is more important than the evil which should be avoided; there was no evil in the nothingness out of which the world was made. To want an ethics composed entirely of affirmative norms is either to want to be told precisely what to do, or it is to want to be free to create oneself from nothing in a vacuum and with the stipulation that "create oneself" shall remain undefined until the process is completed.

If any person or community could possibly live according to consequentialism, such a person or community would have no stable identity. If there were a fixed human nature, a stable identity could arise from that, just as the "personality" of one's dog arises naturally. But human nature is not fixed in that way. It is not amorphous as

46. See Smart and Williams, *op. cit.*, pp. 48 and 128 (note 1).

47. This line of argument is developed by W. D. Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930), p. 22.

48. See my *Beyond the New Morality*, the central theme of which is that we have responsibilities only insofar as we are free, and most of our responsibilities arise from our own acts.

subjectivists, relativists, and historicists suppose, but it is stable only to the extent it must be to allow men and women to participate in their own creation.

Thus, consequentialism means that what one must be willing to do and to be to produce today's greatest net good can require one to be and to do something totally different tomorrow. No commitment can be permanent, no covenant indissoluble. A person or community which accepts consequentialism ought in all consistency to avoid any firm self-definition. The consequentialist ideal is that the person be a utensil, an all-purpose tool, available to be and to do whatever is necessary to bring about the "greater good." One is at the mercy of evil men, for one must always be ready to do what is necessary to bring about the least evil in situations they create.⁴⁹ Consequentialists will be what their enemies make them be: obstructers of justice, droppers of napalm, targeters of hydrogen bombs.

A sound ethics should help one to establish one's self-identity. It should encourage one to make commitments and to form indissoluble covenants. In this way it should provide the foundation for faithfulness and open up a possibility of magnificent creativity. A sound ethics leaves room for persons and communities to unfold themselves with continuity, to act with authenticity, to defend their own integrity.

Humans seem to sense that all the goods they can realize in particular instances can never satisfy the yearning of their hearts. Consequentialism, if it were meaningful and consistent, would rule out a religious faith which promises that this yearning can be fulfilled by the more than human love of God and for God, poured forth in human hearts by the Holy Spirit. A sound ethics at least will hold open the possibility that if human persons are called to share as adopted members of God's family in His very life, they shall be free to answer the call, no matter what the consequences.⁵⁰

49. Bernard Williams, in Smart and Williams, *op. cit.*, pp. 108-118, and in his own work, *Morality: An Introduction to Ethics* (New York: Harper and Row, 1972), pp. 96-107, makes this point.

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