



## DISCUSSION NOTE

# CONSEQUENTIALISM, CONSTRAINTS AND THE GOOD-RELATIVE-TO: A REPLY TO MARK SCHROEDER

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## Consequentialism, Constraints and the Good-Relative-to: A Reply to Mark Schroeder\*

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MARK SCHROEDER HAS ARGUED THAT certain new forms of consequentialism cannot accommodate moral constraints by using the idea of what is good-relative-to-an-agent.<sup>1</sup> In this discussion note, I will show how a version of the fitting attitude account of value can be used to meet Schroeder's challenge.

### 1. Consequentialism and Constraints

Consequentialist theories have two elements. According to the axiological element, agents' options can always be ranked in terms of how much aggregate value their consequences have. The second, normative element then stipulates that an act is right if and only if the agent does not have an option that would have a higher evaluative ranking. Views of this kind seem to suffer from a serious flaw.<sup>2</sup>

Intuitively, there are moral constraints. They prohibit the kinds of actions which one should not do even when they would have the best consequences. So, for example, you should not kill an innocent human being even when doing so would have the best consequences on balance (except perhaps when doing so would avoid a catastrophe).

Consequentialists try to accommodate such constraints by finessing their axiologies.<sup>3</sup> Previously, the value of the consequences of all actions was assessed from a universal perspective. Thus, an outcome was taken always to be better, for instance, the more it contained general well-being. However, the new consequentialists propose that we should rank states of affairs according to how good they are *relative to* agents. This means that the same states of affairs can be very good-relative-to-x whilst less good-relative-to-y.

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\* I thank the anonymous referee of *JESP*, Julia Driver, Guy Fletcher, Jonas Olson, Douglas Portmore and my audiences at the 2008 BPPA and Open Minds conferences for their helpful comments.

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

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

<sup>3</sup> See Campbell Brown, "Consequentialise This," an unpublished manuscript; Krister Bykvist, "Utilitarian Deontologies? On Preference Utilitarianism and Agent-Relative Value," *Theoria* 62 (1996): 124–143; James Dreier, "The Structure of Normative Theories," *Monist* 76 (1993): 22–40; Jennie Louise, "Relativity of Value and the Consequentialist Umbrella," *Philosophical Quarterly* 54 (2004): 518–536; Douglas Portmore, "Consequentializing Moral Theories," *Pacific Philosophical Quarterly* 88 (2007): 39–73 and "Combining Teleological Ethics with Evaluator Relativism: A Promising Result," *Pacific Philosophical Quarterly* 86 (2005): 95–113; Amartya Sen, "Evaluator Relativity and Consequential Evaluation," *Philosophy and Public Affairs* 12 (1983): 113–132; and Michael Smith, "Neutral and Relative Value after Moore," *Ethics* 113 (2003): 576–598, and "Two Kinds of Consequentialism," an unpublished manuscript.

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

## 2. Schroeder's Criticism of the Good-Relative-to

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

Schroeder admits that the traditional and the new versions of consequentialism are structurally alike. Both are based on the idea that every agent ought to bring about the state of affairs that is ranked first in the evaluative assessment of options. However, in the traditional consequentialist framework, we can explain what the ranking of the states of affairs represents: the ordinary, universal "better than" relation. And, it seems almost trivially true that we ought to bring about better states of affairs rather than worse ones.<sup>6</sup> However, the new consequentialists cannot say this. They give distinct rankings of states of affairs relative to every agent. The question is what do these rankings represent and why should agents bring about the states of affairs that are on top of them?

In order to answer these questions, we should have some pre-theoretical understanding of what it is for one state of affairs to be better-relative-to-an-agent than another. It should relate the good-relative-to to

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<sup>4</sup> In order to accommodate constraints, the consequentialist will also have to make value relative to times. Otherwise agents will not be constrained to murder in order to prevent themselves murdering more in the future. See Louise, "Relativity of Value," sec. 6, and Smith, "Two Kinds."

<sup>5</sup> See Schroeder, "Teleology."

<sup>6</sup> See, for instance, Philip Pettit, "The Consequentialist Perspective," in M. Baron, M. Slote and P. Pettit eds., *Three Methods of Ethics* (Oxford: Blackwell, 1997), 128. Some philosophers think the rationality of all practical deliberation should be assessed by using the basic idea of maximizing some value. As a result, some theories of prudence are structurally identical with the consequentialist theories of morality. The former views consider the action's consequences to the agent's all time-slices, whereas the latter views consider the consequences to all agents. Thus, what one ought to do prudentially according to these views would be to bring about the states of affairs that are the best for one over one's whole life. Intuitively this is right. If one wants to be prudential, one ought to pick \$1,000 instead of \$5 given the choice even if one would get the \$1,000 later. If one holds this view, there will be interesting questions about how we should compare what we ought to do prudentially to what we ought to do (*simpliciter* or "morally") according to the consequentialist view (see Henry Sidgwick, *The Methods of Ethics* (London: MacMillan, 1874), 473).

our grasp of the ordinary notion of goodness and show why agents ought to be concerned about the agent-relative good. But, Schroeder claims, we lack such understanding.

For instance, there is no way of explaining what “good-relative-to-x” is in ordinary language using the term “good.” Expressions such as “good for” or “good from the point of view of x” fail here. Keeping a promise may be costly for me and, therefore, not good for me or good from my perspective. People who defend the new forms of consequentialism would still have to say that keeping the promise would be good-relative-to-me in order to be able to say that it is something I ought to do. This seems to indicate that the new consequentialists fail to give an explanation of the agent-relative good which plays a crucial role in the theory in terms of the ordinary notion of good.<sup>7</sup>

### 3. Schroeder’s Objection to the Fitting Attitude Reply

Schroeder, however, offers some hope for the new consequentialists. He admits that a solution proposed by Douglas Portmore is on the right track.<sup>8</sup> Portmore suggests that we should adopt Thomas Hurka’s understanding of the good-relative-to to explain what this form of value has in common with ordinary goodness.<sup>9</sup> According to this proposal, we should use the so-called *fitting attitude* account of value to understand both the good and the good-relative-to.

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

Schroeder argues that this account of value cannot (i) be simultaneously true of both the good *simpliciter* and the good-relative-to-an-agent, and also (ii) save the moral constraints.<sup>10</sup>

Any account of good would need to make sense of the relational property of “being better than.” After all, being a good object just is be-

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

<sup>8</sup> See Schroeder, “Teleology,” p. 292.

<sup>9</sup> See Thomas Hurka, “Moore in the Middle,” *Ethics* 113 (2004): 599–628, esp. p. 612, but also Smith, “Two Kinds,” Wallace, “Reasons,” and J.L.A. Garcia, “Agent-Relativity and the Theory of Value,” *Mind* 95 (1986): 242–245. The fitting attitude accounts of value go at least back to Franz Brentano (See *The Origin of Our Knowledge of Right and Wrong*, trans. Roderick Chisholm, (1889, repr., London: Routledge and Kegan Paul, 1969), p. 18).

<sup>10</sup> See Schroeder, “Teleology,” p. 293.

ing better than many other objects. The new consequentialists then need a fitting attitude account of also the “being better than” relation. According to the previous suggestion, a is better than b if and only if it is fitting for *everyone* to value a more than b. And, for a to be better-relative-to-x than b, it would have to be fitting for x to value a more than b. This combination, however, makes the moral constraints impossible in the considered framework.

Actions ruled out by the constraints would need to have consequences that are the best *simpliciter* but not the best-relative-to-the-agent. Take Joe’s action of killing Jill, who would otherwise kill two other people. This action intuitively has the best consequences *simpliciter* because fewer people die and fewer actions of killing are done. But, given that the new consequentialists want to claim that Joe should not do this action, they would need to claim that this action is not the best-relative-to-Joe. On the proposed account, they will be unable to say this.

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

#### 4. An Improved Fitting Attitude View

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

Early consequentialists thought that when we consider how good *simpliciter* the consequences of actions are we should try to be “strictly impartial ... disinterested and benevolent spectator[s].”<sup>11</sup> A fitting attitude account of the good *simpliciter* would then state that for states of affairs to be good *simpliciter* is for them to be fitting objects of the valuing attitudes of an impartial spectator. In effect, the good *simpliciter* is reduced to the good-relative-to-an-impartial-spectator.

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<sup>11</sup> See Mill, *Utilitarianism*, ch. 2, para. 18. Mill was influenced by the earlier work of David Hume, Francis Hutcheson and Adam Smith. See Francis Hutcheson, *An Inquiry into the Origins of Our Ideas of Beauty and Virtue* (1725), part 2, sec. 1, David Hume, *A Treatise of Human Nature*, eds. David Fate Norton and Mary J. Norton (1739-40; repr., Oxford: Oxford University Press, 2000), especially book 3, part 1, sec. 2, and Adam Smith, *The Theory of Moral Sentiments* (1759, repr., New York: Augustus M. Kelley, 1966), esp. pp. 21–25 and pp. 97–99. For an informative investigation of the previous, see Gilbert Harman, “Moral Agent and Impartial Spectator,” in his *Explaining Value and Other Essays in Moral Philosophy* (Oxford: Oxford University Press, 2000): 181–195. For more recent uses of the impartial spectator, see Roderick Firth, “Ethical Absolutism and the Ideal Observer,” *Philosophy and Phenomenological Research* 12 (1952): 317–345, and John Harsanyi, “Morality and the Theory of Rational Behaviour,” in *Utilitarianism and Beyond*, eds. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982): 39–62.

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

Second, the impartial spectator is of course *impartial*. To guarantee this, we can stipulate that she has no personal relations whatsoever to anyone. As a result, for the impartial spectator, it would be equally fitting to value any two outcomes between which the only difference is that numerically distinct but qualitatively identical individuals occupy the corresponding positions.

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

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

Given that the impartial spectator and the fittingness of her attitudes are characterized in this way, it is easy to see why it would be fitting for the impartial spectator to prefer that Joe kills Jill in the previous case. In it, the impartial spectator would have to compare two possible outcomes. One of them would consist of one act of killing and one death, whereas the second would consist of two acts of killing and two deaths. Given that she has no connections to any of the people involved and no possibility of affecting the situation, it is intuitive to think that she should prefer the first outcome just for the reason that it gives more people a chance of living worthwhile lives.

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

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

## 5. The Consequentialist Constraints

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

Consider Joe's action of killing Jill which would bring about a state of affairs that is first in the impartial spectator's ranking. This is because of the considerations, such as the number of future worthwhile lives, that, for her, make this state of affairs worth preferring over any other state of affairs. This state of affairs can include other considerations which lower its placing in the evaluative ranking of the outcomes relative to Joe. We might think that the fact that Joe has to commit an act of killing in order to bring about the previous outcome makes it the case that it is not fitting for him to prefer this outcome over the one in which Jill kills two.

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

## 6. An Objection and a Reply

There is an objection to the previous solution worth discussing.<sup>12</sup> The role of the impartial spectator in this proposal is to rank whole states of affairs on the basis of the considerations that make it fitting for her to prefer some states of affairs over others. One state of affairs is then better than another if it is fitting for the impartial spectator to prefer it of the two.

Let us return to Joe. It seems like he cannot have the same preferences as the impartial spectator. In his case, it is fitting for the impartial spectator to prefer the states of affairs in which fewer killings occur over the ones in which more killings take place. If it were fitting for Joe to do the same, then he could not simultaneously prefer the states of affairs in which he does not kill over the ones in which Jill kills more people. Yet it must be fitting for him to prefer such states of affairs for there to be a moral constraint for him not to kill.

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

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<sup>12</sup> I thank the anonymous referee of *JESP* for raising this objection.

I accept that everyone should be able to care about which states of affairs are better *simpliciter* than others. However, everyone should care about that only to a high but still-limited degree. That is, if there are moral constraints, no agent should care about which states of affairs are better *simpliciter* than others *so much* that this *always* decides for her which evaluative attitudes to adopt and how to act.<sup>13</sup>

If it is right to bring about the states of affairs that are best-relative-to-one, then caring about which states of affairs are better *simpliciter* than others helps one to do what is right. An agent who cares about the good *simpliciter* will first rank her options in terms of how good *simpliciter* they are. If she gets this ranking right, it represents which states of affairs the impartial spectator should prefer over others.

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

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

An agent who has all these aforementioned concerns can first determine which outcome is the best *simpliciter*.<sup>14</sup> She can then consider if there are such agent-relative considerations present that they make some other state of affairs even better-relative-to-her. If there are such considerations present, then the agent should not care about the good *simpliciter* so much as to choose the (wrong, constrained) action which has the best consequences *simpliciter*.

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

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<sup>13</sup> We can assume here that there are moral constraints. After all, we are discussing an objection according to which the new forms of consequentialism leave no room for constraints. Without there being moral constraints, this could not be an objection to the new forms of consequentialism.

<sup>14</sup> One motivation for the agent to consider first goodness *simpliciter* rather than goodness-relative-to-her is that at this point she can rely in part on the judgments of others. They will already have considered judgments about what is good *simpliciter* whereas few of them will have reflected on, for instance, what is good-relative-to-Joe.

There is perhaps a clearer and less abstract way of making the same point if we ignore some of the issues it might give rise to.<sup>15</sup> The idea would be that all of us can adopt different perspectives from which different considerations are salient. Consider the case in Sidney Lumet's 1964 film *Fail-Safe*. In the film, the only option which the president of United States has for preventing an all-out nuclear war is to let New York City be destroyed. If the president considers this case as an impartial spectator who is equally concerned with everyone's well-being, he should prefer the destruction of New York to the likely destruction of the whole planet slightly later. That less people would be killed would thereby make this option the best *simpliciter*.

However, if the president looked at the situation merely as a husband, it could be that he should not let New York be destroyed because his wife is there. As a situated agent who is both a president and a husband, he should of course take into account both the fact that destroying New York is the best choice *simpliciter* and the situation of his wife, which makes the other choice best from the perspective of a husband.

Intuitively, in this case, the impartial reasons which the president shares with the impartial spectator would outweigh the personal reasons which he has as a husband. For this reason, what is best *simpliciter* is in this case what is best-relative-to-the-agent. This is why the president should let New York be destroyed. But, the president would not always get such choices right unless he cared both about what is best *simpliciter* and the more personal considerations which he would recognize as a husband and which sometimes can require him not to put the world first.

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<sup>15</sup> I thank Julia Driver for this point and the example. A similar thought seems to be outlined in Derek Parfit, *On What Matters* (Oxford: Oxford University Press, forthcoming), §2.