

Review - Beyond Consequentialism

Written by James Wakefield

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JAMES WAKEFIELD, MAR 6 2013

Beyond Consequentialism

By: Paul Hurley

Oxford: Oxford University Press, 2011

Consequentialism is at once a provocative and problematic moral doctrine. Its central claim is that the right thing to do is always the one whose consequences are best. Therefore, says the consequentialist, morality requires us to 'perform the act that promotes the best overall state of affairs,' with an outcome's *goodness* judged by some other, typically non-moral value (the number of people made happier, for example).[1] This strikes many theorists as enticingly simple, neat, even obviously true. No-one, surely, would choose to perform actions that produce worse consequences than their alternatives. On closer inspection, though, the doctrine's superficial appeal reveals a seamier underside. If the moral rightness of actions is invested exclusively in the sum goodness of their outcomes, we must contend with the fact that in certain cases actions conventionally thought to be morally wrong have better consequences than those thought to be right. The values attached to common moral placeholders like trust, honesty, respect and consistency in action are conditional upon whether they happen to produce the best outcomes. In certain cases the doctrine's initial intuitive appeal gives way to decidedly counter-intuitive conclusions. Since these are sometimes far removed from familiar moral sentiments about right and wrong, consequentialism's critics have tended

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to argue that, whatever significance consequences might have, they cannot be the sole basis on which an action's moral rightness is evaluated.

Early on in *Beyond Consequentialism* Paul Hurley notes that many of the existing debates between consequentialists and their critics have relied on question-begging assertions with little power to move either side. For example: it is no good to say that consequentialism fails to respect persons' rights if it can be replied that, on the contrary, consequentialism does respect those rights, but goes beyond rigid deontological theory in saying that the best state of affairs is that in which *the greatest number of persons' rights are respected*. Persons' rights may clash, and the consequentialist, unlike the deontologist, has a sure-fire method to determine what to do when such emergencies arise.[2] So the debate goes on and on, with consequentialists holding tightly to their central premise (however its details, namely the criteria by which consequences are determined to be *good*, are worked out), and non-consequentialists insisting that this *cannot* be all there is to morality. Hurley aims to resolve this impasse by showing that consequentialism fails on its own terms. For most of the book he addresses 'standard act consequentialism,' which is 'the paradigmatic form' of the doctrine, evaluating acts rather than 'rules or motives.' [3] Because not all consequentialists are act consequentialists, the doctrine is 'something of a moving target.' Nonetheless Hurley insists that 'the deepest challenges to the standard form of the theory have not yet been clearly articulated,' and that these, properly presented, will hold for other varieties, too.[4] Those are addressed directly in the final chapter, and Hurley's treatment of them, while brief, is thoroughly competent.

Hurley argues that consequentialism relies on a 'triad of claims' that are in some cases mutually incompatible. Throughout the book these are referred to by acronyms: 'the rational authoritativeness of moral standards' (RAMS), or the idea that 'agents have decisive reasons to do what they are morally required to do'; 'the non-impersonality of practical reason' (NIR), or the idea that 'agents have some fundamentally non-impersonal reasons that sometimes provide them with sufficient reasons not to bring about the best overall state of affairs'; and 'the consequentialist theory of moral standards' (CMS), according to which 'an action is morally right just in case[5] its performance leads to the best overall state of affairs.' Such actions are both morally permissible and morally required, meaning that to choose an action producing a worse state of affairs is morally wrong.[6] Plainly these claims often clash. If NIR is true, and I sometimes have most reason to do something that, viewed from consequentialism's impartial and impersonal standpoint, produces sub-optimal results – if, for example, I have most reason to invest time and effort in my child's welfare rather than that of the two children down the street – then CMS and, by extension, RAMS look doubtful. We could patch things up with CMS by saying that I have most *reason* to help out my own child, and that, rationally speaking, this is what I *ought* to do, but at the same time this is not what is *morally* required of me. But this would suggest that consequentialist moral standards are just one variety of rationality that I can choose, and are only sometimes the ones I *ought* to follow, meaning that RAMS is denied.[7]

Throughout the book Hurley sets out his argument in this kind of complex, densely packed language. This short review does not have the space for a full overview, so to avoid distorting it by compressing it further, I will describe only a selection of its most salient points.

One of Hurley's major aims is to show that consequentialists' attempts to reconcile their doctrine's three foundational claims cannot succeed. Another is to show that consequentialism's opponents often unwittingly presuppose some of those same claims, blunting their own criticisms and perpetuating the stalemate. To achieve these aims, Hurley takes up a series of standard arguments for and against consequentialism and, by reference to CMS, RAMS and NIR, locates their weaknesses. Bernard Williams, whose arguments against consequentialism are widely known, features especially prominently. Hurley takes up Williams' idea that persons' reasons for action 'flow from [their] attitudes, projects, and commitments,' and make sense in terms of corresponding 'motivational set[s]' [8] The reasons each of us has depend upon who we are, just as I have reasons specifically to help my own child (or stick by my friends, or do my job) that you do not share; *your* reasons have to do with *your* children, friends and job, not mine.

Certain kinds of consequentialism can make sense of this. It might be that, as utilitarian theorists claim, the goodness of consequences is measurable by the happiness they produce. Happiness is not a means to and end in itself; its achievement relies on other projects. The same is true of good consequences broadly conceived. Goodness cannot be measured independently of the standards contained in projects, attitudes and commitments. But

Review - Beyond Consequentialism

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consequentialism, via RAMS and CMS, maintains that what persons have *most* reason to do is ultimately something that can be determined from an artificially impersonal and impartial standpoint. The authority of the imagined observer at this standpoint is taken for granted. Although a person may recognise a commitment to bringing about the best consequences, this is taken, without justification, to trump all others in her 'motivational set,' even if those are more 'fundamental' and 'deeply grounded.'^[9] This claim is left unexplained. Hurley insists that the impersonal standpoint 'becomes an evaluative standpoint and a source of reasons at the table of practical reason only to the extent that among the agent's good reasons are certain higher-order reasons to maximise the satisfaction overall of the ends that persons are recognised as having good reasons to value.'^[10] This means, in effect, that the appropriateness of invoking the impersonal standpoint, and the decisiveness of reasons viewed from it, depends upon the value of certain agent-centred reasons that obtain in any case.^[11]

I mentioned earlier that among the reasons for consequentialism's enduring popularity is its ostensible commitment to impartiality, which in turn suggests fairness, consistency of application, and so forth. If questions of practical reason are to be answered conclusively, rather than left to the potentially incommensurable opinions of the persons involved, such impartiality seems appropriate and even necessary. Hurley does not deny that an impartial standpoint is needed; instead he denies that the consequentialists' specifically impersonal conception of this standpoint is flawed. In making this argument he turns to Samuel Scheffler's much-discussed arguments concerning the permissions and obligations that impersonally-considered rationales can generate. It is argued that Scheffler is right to think that agents often *may* perform actions that do not produce the best consequences (they would not be acting wrongly if they did otherwise), but that he is wrong to think that agents can never be shown to have decisive reasons *not* to bring them about. Hurley's reply appeals to a conception of impartiality that is not impersonal but *interpersonal*, premised on the 'recognition of the independent moral significance of each person by each person.'^[12] Only in this way can we make sense of the idea that particular actors personally hold responsibilities to perform right actions. Rightness is a property of actions distinct from the goodness of outcomes. One is not reducible to the other. Once this is accepted, argues Hurley, it is clear that agents do not have any general obligation or authoritative reason to do what consequentialism demands.^[13]

I leave the book's other detailed arguments for the reader to explore. Its presentation deserves a comment. Hurley's decision to structure his accounts of both consequentialist and standard anti-consequentialist theories around the acronymic triad of claims (RAMS, CMS and NIR) means that among the arguments he is able to expose commonalities and contrasts that are not immediately obvious. Plainly there are advantages to using consistent terminology, especially when dealing with a diverse set of texts and modes of argument such as the consequentialists and their various objectors present. Another great strength of this approach is that, while specialist terminology is frequently used, it consists of only a few key terms, with the result that once readers are comfortable with the triad laid out in chapter 2, they have what they need to tackle the rest of the book. The downside to this is that, by fitting arguments into a common mould, the differences between successive versions of a given argument end up hidden among the acronyms, making the finer progressions of the arguments difficult to follow. This is no real failure on the author's part, of course, since the specialist audience for whom the book is intended is likely to be familiar with the theories in question. Hurley's argumentation is consistently rigorous, and he makes frequent pauses to review what has gone before and to preview what is still to come. Still, in the spirit of fair warning, it should be noted that the book, and especially its first half, is not an easy read. Its arguments are densely packed and intricate, and readers will need patience, paper and a pen if they are to make the most of its riches.

Beyond Consequentialism is not only a challenge to the doctrine's confirmed supporters and a tonic for its detractors. Large stretches of its second half are dedicated to questions of interest to anyone concerned with ethics and practical reason more broadly conceived. Hurley examines a series of issues, such as the differences between doing and allowing, right actions and good states of affairs (chapter 5), and impersonal vs. interpersonal conceptions of impartiality (chapter 6). While these are chosen to further Hurley's overall project, his responses to them can be applied to other kinds of theory, too. It is in these chapters that the book really comes to life. They offer a rich vein of material for moral theorists ambivalent about consequentialism but interested in impartiality, the link between morality and rationality, or other central themes of moral and political theory.

The positive side of Hurley's argument, in which he sketches the outlines of the moral theory we should endorse

Review - Beyond Consequentialism

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instead of consequentialism, calls upon authors including Kant, as well as recent Kantians like Christine Korsgaard; Thomas Nagel; Stephen Darwall; Derek Parfit, who is currently much discussed for his attempts to reconcile Kant and consequentialism; and a host of others. Theorists interested in them will find much here to think about. Although Hurley never works out the details of a complete alternative theory, in its place he offers us 'a large promissory note': these particulars can be worked out later, now that consequentialism has been systematically exposed as the result of confusions and equivocations.[14] The first hard task is over. The second has just begun.

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[1] Hurley 2011: 1

[2] Hurley 2011: 3

[3] Hurley 2011: 10

[4] Hurley 2011: 11

[5] Hurley uses the phrase 'just in case' in the formal sense of 'if and only if,' not in the more ordinary sense of 'in anticipation of the possibility that'.

[6] Hurley 2011: 15

[7] Hurley 2011: 25

[8] Hurley 2011: 68-9

[9] Hurley 2011: 73-4

[10] Hurley 2011: 100

[11] Hurley 2011: 101

[12] Hurley 2011: 168

[13] Hurley 2011: 175-6

[14] Hurley 2011: 260-1

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