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David Ross, Ideal Utilitarianism, and the Intrinsic Value of Acts

The denial of the intrinsic value of acts apart from both motives and consequences lies at the heart of Ross's deontology and his opposition to ideal utilitarianism. Moreover, the claim that acts can have intrinsic value is a staple element of early and contemporary attempts to "consequentialise" all of morality. I first show why Ross's denial is relevant both for his philosophy and for current debates. Then I consider and reject as inconclusive some of Ross's explicit and implicit motivations for his claim, stemming from his philosophy of action, his axiology, and his concept of intrinsic value, or a combination of these. I also criticize Ross's later view that all right acts somehow produce some good, but that the value of some of these goods is explained by the prior rightness of the act. In the course of the discussion, the idea that acts can have intrinsic value apart from motives and consequences gains credibility both from the weaknesses in Ross's arguments and from some putative examples. So, finally, I distinguish two attitudes in the history of ideal utilitarianism towards the necessity or not to give a detailed account of the intrinsic value of acts, and suggest that a Why Bother attitude is more promising than a Constructive one.

David Ross, Ideal Utilitarianism, and the Intrinsic Value of Acts

Francesco Orsi

1 Introduction

In *The Right and the Good* David Ross famously claimed that:

if we contemplate a right act alone, it is seen to have no intrinsic value. Suppose for instance that it is right for a man to pay a certain debt, and he pays it. This is in itself no addition to the sum of values in the universe... Whatever intrinsic value... the action may have, it owes to the nature of its motive and not to the act's being right or wrong [Ross, 1930, 132-3].¹

In this paper I aim to evaluate Ross's reasons for the claim that right acts have no intrinsic value.² I will also consider a few suggestions as to how to make sense of the intrinsic value of right acts. The issue is important for a number of reasons. First, the claim that certain acts are intrinsically good or bad, i.e. good for their own sake or in themselves and not because of the motives that produce them or their causal consequences, can be heard in commonsense morality. So a philosophical account that denied acts any intrinsic value or disvalue would seem to reject a piece of commonsense morality. And this is especially troubling for a philosopher such as Ross, whose methodology relies so much on the correspondence of philosophical claims to the verdicts of commonsense, or to "what

we think". Therefore, Ross had better provide quite weighty reasons for his rejection.

Secondly, the notion that acts have intrinsic value seems to be central to those forms of consequentialism which aim to meet traditional charges of counter-intuitiveness by translating deontological duties and rights into an axiological framework. For historical reasons, let us call this family of views ideal utilitarianism.³ For instance, against the objection that consequentialism might require jailing the innocent scapegoat in order to minimize social unrest, ideal utilitarianism might reply that jailing the innocent is a very bad act in itself, and indeed much worse than the social unrest it would minimize. Therefore jailing the innocent would be wrong, just as deontologists and commonsense have it. Or consider another example. Ross argued that according to utilitarianism, I ought to break a promise if by breaking it I produce 1001 units of value and by keeping it I produce 1000, all things being equal. And he thought commonsense would reject the utilitarian verdict [Ross, 1930, 34-5]. However, if promise-breaking is intrinsically bad, then such disvalue has to be counted in, and will likely detract from the overall good done by breaking the promise. The ideal utilitarian verdict might thus agree with Ross's. Such consequentialist views stand as a powerful antagonist to Ross's deontology and its alleged franchise on commonsense morality. Therefore, again Ross needs to have persuasive reasons for the claim that right acts have no intrinsic value.

Finally, the claim that right acts have no intrinsic value is relevant to the debate on the buck-passing or fitting-attitude account of value. The buck-passers' claim is that X has intrinsic value if and only if X has some property which gives, or would in suitable circumstances give, some agent *pro tanto* reason for a positive response to X. Now if right acts have no intrinsic value, then it is not the case that right acts have some property which gives agents *pro tanto* reason for a positive response to them. But right acts do have some such property, because we have reason to approve of them, encourage people to perform them, and intend to perform them our-

selves. Therefore the possibility of right acts lacking intrinsic value constitutes a prima facie counterexample to the buck-passing account of value, analogous in structure to the evil demon objection on which the literature has focussed.⁴ And it does not seem plausible to insist that in every case the positive attitude is not towards the act itself, but rather towards its motives or its consequences: to take just one of the positive attitudes mentioned, intending to perform right acts, it is not plausible to say that for every right act we only have reason to intend to perform it from certain motives or because of certain consequences. It seems that we have reason to intend to perform at least some of them for their own sake. Therefore buck-passers or fitting-attitude theorists will want to argue against Ross's challenge.⁵

This third point makes the issue important independently of Ross's views. But what about Ross himself? The question is tricky, since Ross changed his mind on the definition of intrinsic value between *The Right and the Good* and *Foundations of Ethics*. I will discuss this change in section 2.3. Here it is sufficient to remark that in RG he did not accept the fitting-attitude account, but held intrinsic value to be a simple indefinable property. To this extent, the point made here does not represent a worry for Ross. But it is still a good reason to be interested in the question of whether right acts have intrinsic value.

In the next section I critically examine, and find wanting, some of Ross's possible motivations for denying that right acts have intrinsic value: his philosophy of action (2.1), his axiology (2.2), and his concept of intrinsic value (2.3). Reflection on the last point brings Ross in FE to accept that something very close to right acts, i.e. "situational goods", are in fact valuable. Therefore in section 3 I discuss the concept of situational goods, which makes Ross's view closer to the ideal utilitarian's, and criticize Ross's attempt to circumvent the ideal utilitarian threat. In section 4 I reconsider the dialectical predicament, and explore a few suggestions historically provided by ideal utilitarians as to whether and how the notion of

an act having intrinsic value should be defended and explained. Despite the recent fortunes of ideal utilitarianism in the form of the various consequentialising projects, these suggestions are hardly taken notice of in the current literature.⁶ I will conclude that ideal utilitarians, once Ross's challenges are resisted and some sense is made of an act's intrinsic value, had better simply rest their case on intuitions and the strength of their resulting position rather than venturing into complicated accounts of how such a value arises.

2 *Ross's Reasons*

To hold that right acts have no intrinsic value may not strike everyone as prima facie implausible. However, many of us may share H. W. B. Joseph's sense of incredulity, as he claimed, shortly after Ross's *The Right and the Good* was out: "Why ought I to do that, the doing of which has no value (though my being moved to do it by the consciousness that I ought, has), and which being done causes nothing to be which has value? Is not duty in such a case irrational?" [Joseph, 1931, 26].

Joseph is wrong in calling a duty disconnected from value in any sense "irrational"—he may be wrongly thinking that any separation of what we morally ought to do from what has value will necessarily take away all the *reasons* why we morally ought to do X. He assumes that only value-making properties somehow related to X can be reasons why we morally ought to do X. However, while this much cannot be assumed without begging the question against Ross, a defence of the intrinsic value of right acts will go some way towards justifying Joseph's doubts.

Why did Ross believe that right acts have no intrinsic value? The explanation and defence of such a view must be sought in one or more of the following three issues: (1) Ross's concept of an act and of a right act; (2) Ross's axiology or theory of value; (3) Ross's concept of intrinsic value. I will take them in turn and show why Ross's defence falls short of being successful.

2.1 *Right Acts*

Ross distinguishes “actions” and “acts”. An act, according to Ross, is “the thing done, the initiation of change” irrespective of motive [Ross, 1930, 7], or: “the production of a change in the state of affairs” [Ross, 1930, 42]. An action is “the doing of it, the initiating of change, from a certain motive” [Ross, 1930, 7].⁷ Acts and actions are sharply different, morally speaking. Acts are the proper bearers of deontic predicates like right, wrong, obligatory, forbidden, being one’s duty, whereas, as just stated, they are not bearers of evaluative predicates like having intrinsic value. Actions on the other hand are proper bearers of evaluative predicates, depending on whether their motives are virtuous or vicious, but are not as such bearers of deontic predicates.⁸ Ross maintains that our prima facie duties apply to acts, not actions. This is because to have a duty to F implies to be able to F (in some suitable sense of “to be able to F”). To have a duty to do an action would mean to have a duty to perform an act from a certain motive (benevolence, sense of duty, etc.). But since we are not able to summon up our motives at will, we are not able in this sense to choose to act from a certain motive [Ross, 1930, 5]. So we cannot have a duty to do an *action*.

Therefore it is only acts which are right or wrong. What is right to do is the producing of an actual state of affairs (e.g. my ensuring that my friend receives a book I borrowed so that I fulfil my promise to return it), as opposed to: merely aiming at such a state of affairs, doing what is likely to produce it, or producing a result as distinct from the act itself [Ross, 1930, 42-7]. Also, whatever makes an act right or obligatory must therefore reside in the nature of the act itself (e.g. its being a fulfilment of a promise) rather than in any of these other things:

An act is not right because it, being one thing, produces good results different from itself; it is right because it is itself the production of a certain state of affairs. Such production is right in itself, apart from any conse-

quence... [W]e have to recognize the intrinsic rightness of a certain type of act, not depending on its consequences but on its own nature [Ross, 1930, 46-7].

In FE Ross changes his mind about what we have a duty to do. What we are obligated to do is no longer an act as the producing of a change but “a self-exertion, a setting oneself to effect this or that change” [Ross, 1939, 160].⁹ In fact, he defines an intentional act as “the conscious setting of oneself to bring some change into being, or to prevent some change from coming into being” [Ross, 1939, 125]. Moreover, the physical movements and changes brought about are not part of the act ([Ross, 1939, 126]: “the occurrence of a physical change is not even a necessary part of the whole thing which we call an action”; see also [Ross, 1939, 153, 160]). However, what does not change is the idea that motives do not make an act right or wrong. The “setting oneself” is a “mental activity” [Ross, 1939, 126], but is distinct from the motive. One can set oneself to keep a promise from a variety of motives. So, it is only acts, i.e. settings of oneself, that are right or wrong. Also, Ross stresses in continuity with RG that it is the content of such a setting and not the results of the act as something separate that make the act (the setting oneself) right or wrong:

It is sometimes said that it is neither results nor motives but intentions that make actions right or wrong, and this is almost true. There is a certain danger in laying the stress on intention, since intentions may remain idle; but it would be true to say that the nature of what is intended in an act is what makes the act right or wrong [Ross, 1939, 160].

[R]ightness depends not at all on motive, but on intention, or more strictly, on the nature of that which we set ourselves to do [Ross, 1939, 308].

Are there any reasons to deny that a right act, or a right setting oneself, may have intrinsic value? Now, right *actions* may have value, to the extent that they proceed from or manifest virtuous or vicious motives. We may call this “expressive” value. But acts and settings of oneself are by their own nature devoid of any expressive value, since their motives are by definition abstracted away. Moreover, a right act may have instrumental value. But two things might be meant by instrumental value: (1) the property of producing a valuable state of affairs *different from* the right act itself. But in this sense, instrumental value does not make the act any “righter”, for the rightness of a right act is always intrinsic to it.¹⁰ (2) The property, *intrinsic to the act*, of producing a valuable state of affairs. This does make the act right, but Ross stresses that this is not a form of value and so does not make the act good:

Whatever value [a right act] has independently of its motive is instrumental value, i.e. not goodness at all, but the property of producing something that is good [Ross, 1930, 133].

‘Right’ does not stand for a form of value at all [Ross, 1930, 122].

Ross’s claim here stood in contrast to G. E. Moore’s explicit definition of rightness in terms of instrumental value. For Moore (in *Principia Ethica*), the rightness of an act was not an intrinsic attribute, but rather a relational one: roughly, an act is right if and only if it causes something *different from itself* which has intrinsic value.

Whatever might be said about instrumental value, the crucial point is that for Ross what makes an act right or wrong, i.e. its belonging to a certain type, such as, e.g. its being the keeping of a promise, or as above, its producing something that is good, has no power to make the act intrinsically good or bad. Ross’s reasons lie partly in his axiology: being a certain type of act is simply

not in the list of the features that can make something intrinsically good (virtue, knowledge, creative endeavours, innocent pleasures, justice). But here we want to understand whether something in the *nature* of a right act or of a setting oneself, as Ross understands them, rules out their having intrinsic value, i.e. their being on the axiological list.

The difference between RG and FE is of some importance, but it seems that in both cases there is no major conceptual obstacle to thinking of right acts as having intrinsic value. In RG Ross rejects the view that our duty is to do what will actually produce a certain result, rather than to produce a certain result [Ross, 1930, 43]. Such a view implies an artificial distinction between what I do and what happens as a result of my doing it. Our duty would be limited to what we can directly do, that is, to what causes the consequences, rather than to the “causing” of such consequences. So, take the duty to fulfil one’s promise to return a book. Our duty would be to take the steps which are causally required in order to produce the result that my friend receives the book—namely packing up and posting the book—*rather than* to fulfil the promise as such. And this is counterintuitive, in that what we think we ought to do is to actually fulfil the promise rather than just do what is required to fulfil it [Ross, 1930, 44-5]. What I ought to do is to fulfil the promise, that is, in the example, to secure my friend’s actually getting the book I have promised to return. Ross acknowledges the “curious” implication that, on his view, “success and failure are the only test, and a sufficient test, of the performance of duty” [Ross, 1930, 45]. So, “however carelessly I pack or dispatch the book, if it comes to hand I have done my duty, and however carefully I have acted, if the book does not come to hand I have not done my duty” [Ross, 1930, 45].

These passages indicate how Ross conceives of a right act in RG. The result of a right act—the promise to return the book being fulfilled—is part of the act itself. The duty is performed when such a result is brought about. But, as we have seen, at least some of these results are evaluatively characterized: some good being pro-

duced (or some evil being minimized) is the only test of the performance of the duty to promote intrinsic value; likewise, some evil being caused to others is the only test of the violation of the duty of non-maleficence. If the act is not separate from its result, then the act is not separate from the value of its result. This of course is not sufficient to show that acts have intrinsic value, i.e. that the value of an essential part of the act is transferred to the act as a whole (e.g. that the producing of some good is itself good, or the causing of evil is itself evil).¹¹ But it does suggest that right acts and intrinsic values are more intimately connected than Ross states in the opening quotation: “Suppose for instance that it is right for a man to pay a certain debt, and he pays it. This is in itself no addition to the sum of values in the universe”. For at least some right and wrong acts (beneficence, violations of non-maleficence), performing the act does *in itself* add or detract to the sum of values in the universe, because the act contains as an essential part of itself the good or bad result that it produces. So the concept of a right act in RG is not at all inimical to the possibility of an act having intrinsic value.¹²

With regards to FE’s conception of right acts, it might seem that Ross is on stronger ground. Since the actual result of the act (of the setting oneself) is not part of the right act, there is nothing valuable that could be regarded as part of the act itself. Valuable states of affairs will only be the causal consequences of (some) right acts. But there are two problems here. First, the performance of a right act in FE is not tied to the occurrence of the consequences; however, the intended consequences do matter to the identity of a right act—it is because such consequences (e.g. relieving your pain) are what we set ourselves to bring about that our act of beneficence is right. So, while performing the right act will not itself add to the sum of values, the intrinsic value of the intended consequences is still an essential part of (some) right acts.

Secondly, FE’s conception of right acts makes them precisely the sort of things that *can* have intrinsic value or disvalue according

to Ross’s official axiology. Ross seems to think that only mental states (or relations between mental states) can have intrinsic value [Ross, 1930, 122, 140]: innocent pleasures, knowledge, creative endeavours, virtue, justice (the distribution of happiness in accordance to virtue and pain in accordance to vice).¹³ But an act is a “setting oneself to bring about something”, and Ross remarks that this is a mental activity or state, causally located between “conations” of the will [Ross, 1939, 193]—which he also describes as “resolutions” and “intentions” to set oneself to do something [Ross, 1939, 203-4], and which causally follow motives and desires¹⁴—and the physical movements and changes brought about. Therefore right acts, such as the setting oneself to keep a promise or to relieve suffering are in principle candidates for intrinsic value.¹⁵ Again, nothing in the concept of a right act rules out its having intrinsic value.

2.2 Ross’s Axiology

Ross might reply to these concerns by explaining why right acts, despite being intimately connected to intrinsic value or even eligible candidates for it, do not make it into the list of intrinsically good things alongside innocent pleasure, knowledge, creative endeavours, virtue, and justice. Given the difference between RG and FE in the conception of right acts, the explanation will be different for each. With regards to RG’s view, Ross might object that even if the intrinsically valuable result of a right act is intrinsic to the right act (at least in the case of the duty of beneficence), and thus the value of an act could be an intrinsic property of the act, still such value would not count as intrinsic value, in the sense of non-derivative value, or value for its own sake. For the act would not be valuable if something else were not valuable, namely the virtue, knowledge, pleasure etc. which the act brings about.

However, the truth of the counterfactual “x would not be valuable unless y were valuable” does not entail that x is not valuable for its own sake. As Hurka [2001] argues, and will be discussed in sec. 4, virtues are precisely the sort of things which are valuable condi-

tionally on other things being valuable, but this only entails that they are higher-order intrinsic values, not that they are purely instrumental or derivative values. For instance, benevolence is a virtue and has value only if others' happiness (or whatever is the proper object of benevolence) has intrinsic value, but this does not entail that benevolence should not be admired for its own sake. Rather, benevolence is intrinsically good just because it is an instance of loving what is intrinsically good for its own sake. Moreover, it seems that Ross himself would in principle accept this idea, at least at an epistemic level, as he remarks that our admiring kindness and condemning cruelty depend on the conviction that pleasure (the object of kindness) is good and pain (the object of cruelty) bad [Ross, 1930, 135]. But kindness is a virtue and virtue is for Ross an intrinsic value (and cruelty a vice, thus an intrinsic evil).¹⁶ So this line of response is not plausible and not available to Ross.

As for FE, Ross should explain why right acts (settings of oneself), despite being somehow desirable mental activities, and therefore eligible candidates for intrinsic value, are not intrinsically good (or why wrong acts, despite being somehow undesirable mental activities, are not intrinsically bad). Here Ross would stick to the view that mere acts, even if regarded as mental activities, have no value independently of the motives that they express. In fact, in arguing against Joseph, he reiterates the point made in the opening quotation:

If I contemplate... an act, say, in which a promise is kept, or an act in which A brings into being a certain pleasure for B, when he might have brought into being an equal or greater pleasure for himself, and ask myself whether it is good, apart both from results and from motives, I can find no goodness in it. The fact is that when some one keeps a promise we can see no intrinsic worth in that; we must first know from what motive the promise was kept [Ross, 1939, 141].

This passage shows that for Ross it is not merely as a matter of linguistic stipulation or common usage that motives, but not acts, are intrinsically good or bad.¹⁷ And it had better not be, since otherwise the ideal utilitarian sketched in the introduction would be guilty of misusing words or at best misunderstanding concepts, and that would not be a good way of resolving (or pre-empting) the substantive dispute with her. The axiological question about the value of right acts must instead be approached, as Ross does elsewhere, by conducting thought experiments in which different worlds are compared. It is somewhat puzzling why Ross does not adopt his methodology in this case and rests content with the fact that he cannot find any intrinsic goodness in promise-keeping or other right acts.

So, let us imagine two worlds. In world A, a certain amount of pain is brought about by violent acts; in world B, the same amount of pain is brought about by natural causes. All other things are equal, and we know nothing about the motives for the acts of violence. They harm the victims, and make nobody better off. In comparing the two worlds, it seems we have reason to prefer world B. But Ross cannot allow that world A is worse than B: "maleficent" acts do not add disvalue to the universe, any more than beneficent or dutiful acts add positive value to it. The only value contained in the first world is the evil of pain, and, since the amount of pain is the same as in the second world, for Ross the two worlds must be evaluatively equal. This is hardly "what we really think".¹⁸

Ross could not object that we lack crucial information to make an evaluative judgment on the case, such as the motives of the acts. For one thing, put in these terms this would be a question-begging reply. Secondly, even if it is true that no act can exist without a motive, Ross himself allows that we can abstract away the motive when making a deontic judgment about an action. It is not clear why we would not be allowed to do the same here, i.e. when making an evaluative judgment. Ross might say that we are allowed to abstract the motive from the act, but that we find nothing of value.

But then, Ross needs an argument as to why acts of setting oneself can be right or wrong but not good or bad.

Thirdly, the intrinsic value of acts can be grasped also by imagining scenarios where motives *are* included. Suppose in world A acts of promise-keeping (acts of setting oneself to keep promises) are motivated by respect of some of God's demands, whereas in world B respect of God's demands motivates people to acts of promise-breaking (acts of setting oneself to break promises). This time we do not know anything about the consequences of either acts of setting oneself; this is just as it should be, since in FE actual consequences do not matter to the identity of acts. For Ross, since the motives are in both cases evaluatively neutral, the two worlds must be evaluatively equal. But it is not clear that this is what we really think. We seem to have reason to prefer world A, even if we know nothing about the actual fulfilment of the promises. Setting oneself to keep a promise is *prima facie* a better state of mind to be in, or a better mental activity, than setting oneself to break a promise.¹⁹

Now, Ross might reply that this at most shows that we think setting oneself to keep promises is an instrumentally better mental activity than setting oneself to break them, because it reliably produces better consequences than the latter, and we are failing to imagine the consequences away when considering the case. However, exactly the same reply might be given by those (e.g. hedonists) who regard virtue as a merely instrumental value, and Ross himself believes that such replies are doomed to fail [Ross, 1930, 134-5].

Therefore, neither Ross's axiology nor his methodology for arriving at judgments of intrinsic value give him a conclusive reason to rule out the intrinsic value (disvalue) of right (wrong) acts.

2.3 *Right Acts and The Concept of Intrinsic Value*

The third hypothesis is that something in Ross's concept of intrinsic value explains why right acts lack it. As noted in the introduction, Ross's view on the question changed between RG and FE. In RG, he takes the Moorean view that intrinsic value is a simple indefin-

able property. And so are deontic properties like rightness. There is no principled reason why intrinsic goodness, so conceived, could not be consequential on the nature of the act itself, just as rightness is. To invoke a principle of metaphysical economy would be inappropriate: by allowing for intrinsically good acts we would not be introducing a new simple indefinable property, but only expanding the distribution of intrinsic value.

In FE Ross distinguishes two concepts of intrinsic value or goodness: (1) good as worthy (or fitting) object of admiration, and (2) good as worthy (or fitting) object of satisfaction or liking for an observer [Ross, 1939, 271ff.]. He argues that virtue, knowledge, creative endeavours are good in the first and the second sense, whereas the innocent pleasures of others²⁰ and justice are good only in the second sense [Ross, 1939, 282-3, 322-3]. The difference between the two concepts lies in the different relations in which goodness stands to the properties of being worthy of either attitude. Under the first concept, x's goodness is itself what makes x worthy of admiration, because admiring x entails thinking x to be good, so goodness must be logically and explanatorily prior to being worthy of admiration [Ross, 1939, 278-9]. The "buck"—the capacity to provide reasons to admire x, or to make x fitting to be admired—is thus not passed down from goodness to the good-making properties. Under the first concept, goodness is a simple, non-relational, and indefinable property. "Worthy of admiration" does not define, but only paraphrases good in the first sense [Ross, 1939, 283]. Schematically:

(IV1) x's good-making features → x's being good → x's being worthy of admiration.

Under the second concept, x's goodness does not make x being worthy of satisfaction, because the attitude of satisfaction does not necessarily include the thought that its object is good [Ross, 1939, 279]. Goodness in the second sense is thus definable as a relational property. To this limited extent, Ross notes his agreement with F.

Brentano's views [Ross, 1939, 282], and we can add, with fitting-attitude theorists more generally. Schematically:

(IV2) x 's good-making features \rightarrow x 's being good = x 's being worthy of satisfaction.

The question therefore is whether either concept rules out right acts having intrinsic value. Under the first concept, the idea would be that right acts are never worthy of admiration as such. But is this universal proposition true? Now, it may be that some right act, say, keeping a promise, done from a neutral motive (from fear of punishment) or even a bad one ("to spite some third person", [Ross, 1939, 141]) is not admirable. But it is not hard to think of an admirable right act done from a morally neutral or opaque motive: an act of risking one's life that will knowingly save other people's lives is worthy of admiration, despite being done (say) from a desire to appear on tomorrow's headlines. It is true that unless the consequences of the act were good ones, we would not admire it. But this, from a Rossian point of view, does not necessarily mean that the act is admirable for the sake of something else. If we take RG's notion of an act, the good consequences can be built into the act itself; if we take FE's, the actual consequences are not part of the act, but the *intended* consequences are, and we can admire the act itself because of the intended consequences which are part of it. Setting oneself to do x is merely the actualization of an intention to do x . We admire the act on the supposition that the actual consequences were intended by the agent and not simply fortunate. This kind of example of course does not show that all right acts are admirable for their own sake. But that some can be is enough to reject Ross's generalized denial.²¹

At any rate, it is unnecessary to dwell too much on right acts as intrinsically admirable, since under the second concept of intrinsic value (good as worthy object of satisfaction for an observer), it seems even easier to imagine a right act being a fitting object of satisfaction regardless of its motives and its further conse-

quences. As in the two-world comparisons presented above (2.2), at least it seems fitting to prefer a world without wrong acts to a world which contains them, other things being equal. What is more, in FE Ross acknowledges that the results of some right acts as such are worthy of satisfaction.²² Alongside the "personal" goods which make up the main items of the list of intrinsic values (virtue, knowledge, artistic activity, pleasure), he considers "situational goods". They are not "activities or enjoyments resident in individuals, but... involve relations between individuals" [Ross, 1939, 286], and they consist in the good created by a right act as such: the fulfilment of a promise, the receipt of reparation for a wrong, the enjoyment of services in return of services, the enjoyment of happiness in proportion to merit (justice). It is clear that he regards these as genuine goods, since they are worthy objects of satisfaction (*ibid.*), and presumably complex but basic ones, in that their value does not reduce to the value of the happiness (or disvalue of pain) that the obtaining (or non-obtaining) of these goods involves.²³

To take up one concern mentioned in the introduction, Ross thus turns out to have very close to a fitting-attitude view regarding right acts: the result of a right act as such has value, whether it is a personal or a situational good, and such value *can* be defined in fitting-attitude or buck-passing terms (remember that the results of beneficence which are worthy of admiration—virtue, knowledge—are also worthy of satisfaction, so under this description their value is definable). So we can now see that Ross's views on this point are overall coherent: in RG, right acts have no intrinsic value, but then he does not hold a fitting-attitude account of value; in FE, he partially adopts a fitting-attitude account of value, but then he also recognizes that right acts (or something close enough) have or can have intrinsic value.

3 *Situational Goods and Special Duties*

The acknowledgment of situational goods makes it necessary to qualify Ross's official view and shifts somewhat the terms of the debate with the ideal utilitarian. The obvious consequence is that every right act as such creates (or is the setting oneself to create) a good, whether a personal or a situational one. Therefore, *whenever* a right act is successfully performed, there is an addition to the sum of values in the world. And in a mere successful act of promise-keeping, there is after all some intrinsic worth to be seen.

Does this concession mean that Ross's deontology and his opposition to ideal utilitarianism end up in self-conscious failure? There are two issues that need to be addressed at this point: (1) How does the recognition of situational goods threaten his opposition to ideal utilitarianism? (2) How does Ross respond to the threat?

Regarding the first issue, first it should be pointed out that it does not really matter whether it is acts themselves or their (intended) situational goods which have intrinsic value. The logical gap between an act and the situational good it produces after all does not need to be filled in order to threaten Ross's deontology. If a promise being kept is intrinsically good, then the ideal utilitarian has what she needs in order to make room for her rival account of the duty of keeping promises: we have a duty to keep a promise because we would thereby produce an instance of a situational good. The act/result distinction might perhaps matter for right acts which are the production of a non-situational good, such as beneficence. In these cases, act and good result are intimately connected but are not two sides of the same coin. E.g. the pleasure that I give to you is good independently of my giving it to you, whereas the fulfilment of a promise to you is not good independently of my fulfilling the promise. If it is relatively easy to see how the value of a situational good might reflect back on the act producing it, it is less obvious that (e.g.) the value of pleasure reflects back on the beneficent act in the same way: the beneficent act is conceptually tied to its result,

the production of some good (whether actual or intended), but the result that evaluatively matters, the good produced, is not conceptually tied to the act of producing it. It is good regardless of whether I bring it about or it occurs independently of my actions. However, if the ideal utilitarian wants to narrow this apparently wider gap in order to also allow intrinsically good beneficent acts (or intrinsically evil maleficent acts),²⁴ it seems that she can simply posit new situational goods and evils, namely the good (evil) consisting of a pleasure (pain) being caused to B by A, as distinct from the pleasure (pain) received by B *simpliciter*.²⁵

However, the recognition of the act (or its immediate result) as good is not as such sufficient to establish an ideal utilitarian view. A second element is needed: a maximizing or promoting picture of how values are to be responded to in action. In other words, the ideal utilitarian claims that (1) all the right is derived from the good (and never the other way round); and (2) all right acts are right because they maximize the good. Having recognized situational goods, Ross feels threatened because he assumes the maximizing picture too. In RG he says: "it seems self-evident that if there are things that are intrinsically good, it is *prima facie* a duty to bring them into existence rather than not to do so, and to bring as much of them into existence as possible" [Ross, 1930, 24]. So, once you allow (1), he thinks you cannot escape (2), and you have become an ideal utilitarian. All duties would then be subsumed under the one duty to promote intrinsic value, albeit articulated into as many duties as there are intrinsic values, personal and situational. It is this monistic view of duty which Ross wants to oppose, and not other aspects of ideal utilitarianism. In particular, it is *not* the fact that, if promise-keeping were to be maximized, then I might be required to break one of my promises in order to allow two other people keeping their promises. Ross never considers such cases, and we cannot say whether he dislikes the ideal utilitarian verdict.²⁶

So, one could have pointed out to Ross that (2) need not follow from (1): the adoption of a maximizing picture is at best op-

tional. Admitting acts like promise-keeping as such into one's axiology is compatible with holding that such values require honouring and respect rather than promotion.²⁷ The duty to honour promise-keeping would not be subsumed under the duty to promote intrinsic value, and might well conflict with the latter. It is not clear whether it is possible to translate all "special" duties into an honouring/respecting axiological framework without loss, i.e. whether value-based deontology would be as strong against consequentialism as the Rossian deontology based on a right-good dichotomy. But it is worth noticing that Ross's fears depend on an assumption which can hardly be called self-evident.²⁸

Regarding the second issue (how does Ross respond to the threat?), we can now see why Ross's defence against the ideal utilitarian threat is to argue against (1) (all the right is derived from the good, and never the other way round). Ross suggests that the recognition of the situational goods created by the "special duties" (promise-keeping, reparation, gratitude) is logically dependent on the deontic thought that there is a duty to perform those acts. It is *qua* results of right acts that we think of them as good, i.e. worthy of satisfaction, and not the other way round [Ross, 1939, 289]. So, the ideal utilitarian gets things upside down in trying to explain the rightness of special duties in terms of the situational goods, even if he gets them right in the case of other duties.

The ideal utilitarian might simply reply that here, as elsewhere, the order of thought inverts the order of normative explanation, which really goes from the intrinsic value of (e.g.) keeping promises to the rightness of the act.²⁹ So, in order to safeguard his deontology against the ideal utilitarian threat, Ross must show that these remarks about the order of thought must also be valid at a meta-physical level, thus providing a second way in which goodness in the second sense can come about:

(IV2*) x 's right-making features \rightarrow x 's rightness \rightarrow x 's (or x 's results) being good = being worthy of satisfaction.

One way to decide the issue of explanatory priority might be by considering the content of the motivation of a "good man"; in fact Ross in these passages seems to assume something like the following: the reasons which motivate a good man are the explanatorily prior normative reasons. As it were, the order of thought which motivates the good man is by definition the *correct* order of thought, and thus corresponds to the order of explanation. Thus if the good man is motivated to keep promises (or to approve of keeping promises) because it is a right act, rather than because the promise being kept is a good result, then the rightness of the act is prior to and explains the goodness of its result. However, even if the assumption is not unreasonable, it seems that the good man must be primarily motivated by the non-normative fact that a promise will be or has been kept; i.e. by the right-making feature of the act. But this, for the ideal utilitarian, is the good-making feature of the result of the act. So now the problem represents itself in different terms: under which description does the fact that a promise will be or has been kept motivate the good man, as "right-making" or "good-making", as a feature of the act or as a feature of the immediate result of the act? It is not clear where the debate should proceed from here.

Alternatively, Rossians might try to argue for the explanatory priority of the right with respect to the good, in the case of special duties, by suggesting that the ideal utilitarian explanation distorts both the ordinary and the correct order of thought because it "ignores. . . the highly personal character" of special duties [Ross, 1930, 22]. Now, partly this is a question-begging objection. To the extent that the situational goods are agent-neutral goods, i.e. such that there is reason for anyone to be satisfied at them, and help to produce them if possible, the fact that the corresponding duty is not personal, i.e. not agent-relative, is just part and parcel of the ideal utilitarian view. Moreover, the ideal utilitarian has two further replies. First, the goodness of promises being kept is in fact grounded on the very nature of the relationship of promiser to promisee on which the deontologist grounds the rightness of the corresponding act, and like-

wise for the other special duties. In this sense, personal relationships are not ignored by the ideal utilitarian. Secondly, if Ross accepts the idea that these situational goods are agent-neutrally good, the ideal utilitarian might challenge Ross to explain how the agent-neutral reason for anyone to help to produce the situational good can arise from the agent-relative reason for each to keep their promises. As shown in the defence that Sidgwick famously concedes to the ethical egoist, there is a logical gap from the claim that I should mind my promises (and you yours, etc.) to the claim that you and anyone else should mind my promises. The utilitarian can thus retort that to ground agent-neutral reasons in agent-relative reasons ignores the *impersonal* character of value.

Ross would then have to hold that the situational good is agent-relative, so that a kept promise is not worthy of satisfaction for any observer whatsoever, and does not generate agent-neutral reasons. He does claim that justice is an agent-relative situational good:

[T]he relativity of this good... betrays itself in the fact that, just as his own pleasure is not a morally worthy object of interest to any man, so the right proportioning of pleasure between himself and others is not a morally worthy object of interest to him, but only the right proportioning of pleasure between others. There is clearly nothing morally right in desiring happiness proportioned to one's own merits [Ross, 1939, 323].

The idea behind such a claim must be continuous with Ross's account of the value of pleasure. Our own pleasure is not worthy of sympathetic satisfaction for us, but only for others, for two reasons: first, we cannot sympathize with ourselves; second, it is intuitively obvious that there is no duty to promote our own pleasure, therefore our own pleasure is good, but not good for us. These reasons apply to any good which involves pleasure, such as justice, or any evil which involves pain. Now, it might be thought that all special situational goods involve some pleasure or satisfaction for the recip-

ient of the act: the promisee (if alive) has a satisfied expectation;³⁰ the recipients of gratitude and reparation get some satisfaction from the grateful or repairing act. It would follow that these goods, like pleasure and justice, are agent- (or rather patient-) relative, i.e. they are worthy objects of satisfaction for everyone but the recipient. If this were a plausible picture, then Ross would be free of the burden of showing that situational goods generate agent-neutral reasons, and might suggest that the ideal utilitarian explanation ignores the personal character of special duties because it ignores the agent-relativity of the corresponding situational goods.

However, this line of defence has serious faults. The most obvious one is that the ideal utilitarian might embrace Ross's idea about agent-relativity, and say that, at least for these goods, the reasons to maximize them are accordingly agent-relative, e.g. we ought to maximize promise-keeping, except when we are the recipients of a promise.³¹ The rightness of special duties would still be explained by the goodness of the situational goods. Ross would have yet to show that such goodness is in fact explained by rightness.

The other problem is that it is not quite plausible to claim, as Ross has to, that (e.g.) promise-breaking is only agent-relatively evil, in the sense that a broken promise is morally worthy of dissatisfaction for everyone but the promisee. It seems instead that the moral resentment or anger that we feel for a breach of trust towards ourselves is a morally appropriate dissatisfaction, even if inevitable given that a broken promise causes disappointment to the promisee. Likewise, in the case of injustice, if our merits are not properly rewarded, it seems morally appropriate for us to react with dissatisfaction at such a state of affairs, precisely because we are the recipients of the injustice. So, Ross's agent-relative view might be plausible with regard to pleasure, but does not clearly apply to the situational goods and evils, which seem to be morally worthy objects of satisfaction or dislike for anyone, regardless of one's relation to them. Ross cannot use agent-relativity in support of his preferred explanatory priority claim.

Therefore, if the issue of explanatory priority cannot be thus decided, Ross should at least argue that his explanation of the goodness of promise-keeping is better than the explanation provided by the ideal utilitarian; in fact, it seems that the utilitarian must take the goodness of promise-keeping as an unexplained primitive. However, as Shaver notes [Shaver, 2011, 139], this does not give Ross a dialectical advantage. The utilitarian can retort that Ross takes the *rightness* of promise-keeping as an unexplained primitive, whereas she can explain that. All Ross provides us with in the case of *prima facie* duties are two-world comparisons, but such comparisons can be made with regard to situational goods too. The two-world comparison would tell us (e.g.) that a world where there is promise-breaking is worse than a world where there is promise-keeping, but would not tell us that this is *because* promise-breaking is primarily wrong.

Nor would Ross's explanation be better than the ideal utilitarian's in terms of simplicity: admitting more primitive goods is no worse than admitting more primitive duties. Moreover, admitting the situational goods created by the special duties as primitive would merely expand a class of primitive goods which for Ross already has one member, namely justice. Justice is a situational good whose goodness does not depend on the duty to promote just states of affairs, but the other way round [Ross, 1939, 288-9].

It is therefore fair to conclude that (1) Ross's philosophy of action, axiology, and concept of intrinsic value do not provide, on their own or jointly, any decisive reason to rule out the intrinsic value of right acts; (2) when Ross does allow that something very close to a right act, i.e. the situational good created by the performance of special duties, is valuable, he does not provide convincing arguments to establish that such value is reducible to or fully explained by the rightness of the act, and in this sense unusable to the ideal utilitarian.

4 *The Intrinsic Value of Acts*

Ross lacked convincing grounds to dismiss or reduce the intrinsic value of right act, and thus to reject the ideal utilitarian alternative. But what can be said in favour of the intrinsic value of right acts? That the notion can resist Ross's challenge is obviously not sufficient to establish its wider credentials. Particularly when intrinsic value is applied to the performance of special duties, there might be a lingering sense that Ross's deontology "got there first", and the ideal utilitarian is trying to catch up with it in her own slightly clumsy way, no matter how consistently. Hence the idea that there might be a dialectical burden on her to say something in order to *positively* defend the much-needed intrinsic value of acts, or of their immediate consequences (the "situational goods").

One reason in support of the intrinsic value of acts is given by the thought experiments presented above, where a world seemed better or worse than another because of the good or bad acts in it rather than because of their motives or consequences (2.2). In the first case, in world A a certain amount of pain is brought about by violent acts; in world B, the same amount of pain is brought about by natural causes. All other things are equal, and we know nothing about the motives for the acts of violence. They harm the victims, and make nobody better off. In comparing the two worlds, it seems we have reason to prefer world B. Now we can say that world A is worse than B, because it contains intrinsically evil acts of violence, where such evil cannot be reduced to "there being wrong acts".

In the second case, world A contains acts of promise-keeping motivated by respect of some God's demands, whereas in world B respect of God's demands motivates people to acts of promise-breaking. All things being equal, world A seems better than B. Now we can say that this is because A contains intrinsically better acts than B (or B contains intrinsically worse acts), for A but not B contains the situational good of promise-keeping, where this cannot be reduced to "A, but not B, contains right acts". Of course

Ross might suppose that A is better than B because the fulfilment of promises brings with itself the satisfaction of expectations on part of the promisee, whereas such expectations are frustrated in B. To avoid this reply, we can imagine that the total happiness in world A is matched by the total happiness in world B, despite the extensive promise-breaking occurring there (God, feeling responsible for the misinterpretation of its demands, somehow compensates the promisees' frustration). In this case, A would be better than B because of the situational good of promise-keeping produced in A but not in B.

Furthermore, it was suggested (2.3) that there could be intrinsically admirable acts done from a morally neutral or opaque motive, such as an act of risking one's life that will knowingly save other people's lives, despite being done from a desire to appear on tomorrow's headlines. To the objection that this only shows the value of the consequences, it was replied that consequences might be thought of as part of the act or (as intended consequences) part of the "setting oneself" to act. If this does not sound convincing enough (because of the logical gap between the value of the result and the value of the act, see section 3), now it can be added that there is a special situational good created by such an act, namely the relationship of life-risking benefactor to beneficiary (see section 3). This is what makes the act additionally "worthy of satisfaction for an observer", and possibly intrinsically admirable too, despite the nature of its motive. Again, Ross would have no way of showing that thoughts about the rightness of the act are prior to thoughts about the value of the situational good.

In this final section I want to suggest that the dialectical burden on the ideal utilitarian is better met by presenting a sufficient range of examples like the previous ones, where our judgments are plausibly explained by the intrinsic value of acts (or the situational goods created by the acts), rather than by venturing into theoretical explanations of the intrinsic value of acts or their situational goods. In fact, in the history of ideal utilitarianism one can distinguish two

different attitudes towards the present dialectical issue. The first one can be dubbed the "Why Bother" attitude, and is well represented in A. C. Ewing's words:

Actions have as much claim as anything has to be classed among the things which can be intrinsically good or evil, and their intrinsic goodness or badness will have to be considered in computing the total good produced. . . There seems to be a special evil about lying, for example, apart from that which belongs to all morally wrong acts merely as such, and this evil may well be part of the reason why lies are usually wrong. This can be maintained without a vicious circle, for the evil does not result from the lie being a wrong act but simply from its being a lie [Ewing, 1948, 109-10].

Note the phrase "as much claim as anything": for Ewing, no particular story is needed to explain (e.g.) the intrinsic evil of lying, any more than for the intrinsic values of pleasure or knowledge. Once the notion of a situational good as part of the outcome of an act is shown to be plausible, and the Rossian explanatory priority claim is resisted, appeal to examples is good enough, and perhaps not even required, in order to substantiate ideal utilitarianism. This attitude is shared by practically all contemporary ideal utilitarians, i.e. by those consequentialists whose main concern is to "consequentialise" commonsense morality or deontology.³² The first step towards consequentialisation is commonly regarded as unproblematic:

The main strategy for "consequentializing" any given moral theory is simple. We merely take the features of an action that the theory considers to be relevant, and build them into the consequences. For example, if a theory says that promises are not to be broken, then we restate this requirement: that a promise has been broken is a bad consequence [Dreier, 1993, 23].

The justification for the Why Bother attitude seems to lie in the strength of the resulting position, i.e. one that can capture all that seemed to make deontology more attractive than utilitarianism, while maintaining the compelling and distinctive consequentialist thought that it is always all things considered permissible to maximize value.³³ If the theory can deliver such juicy fruits, why bother specifying why intrinsically valuable acts are valuable?

The second attitude can be termed “Constructive”. In this case, it is not thought sufficient to rebut deontology by merely positing acts as further intrinsic goods and resisting Ross’s explanatory claim. The idea is rather that a positive characterization of the intrinsic value of acts *should* be given, at least for clarificatory purposes, and in a way which, in particular, should make sense of the intrinsic value of the “special relationships” that special duties promote. The Constructive attitude can find and has found expression in two types of ideal utilitarian accounts: (1) recursive accounts; (2) “way of life” accounts.

Hurka provides a general formulation of a recursive account of the intrinsic goodness of attitudes: “If x is intrinsically good, loving x (desiring, pursuing, or taking pleasure in x) for itself is also intrinsically good” [Hurka, 2001, 13]. In turn this, together with further recursive claims about attitudes towards intrinsic evils, provides him with a recursive view of virtue: “The moral virtues are those attitudes to goods and evils that are intrinsically good, and the moral vices are those attitudes to goods and evils that are intrinsically evil” [Hurka, 2001, 20]. A recursive account allows virtues to have intrinsic value even if their value logically depends on the value of their objects. Hurka counts Moore and Hastings Rashdall among the precursors of his view. Rashdall explicitly advocates this view of virtue: the intrinsic value of virtue is grounded on the “idea of the intrinsic worth of promoting what has worth” [Rashdall, 1924, I: 59], quoted in [Hurka, 2001, 25]. Moore similarly believes that among the intrinsic goods are the appreciation of what has great intrinsic value and the hatred of what is evil [Hurka, 2001, 25].

However, neither Moore nor Rashdall (nor Hurka) seem to be committed to defending the intrinsic value of acts as distinct from the intrinsic value of motives or virtues on the basis of the recursive account.³⁴ And this for good reasons. A recursive account might help the ideal utilitarian if one could construe right (wrong) acts somehow as active or practical ways of loving what is intrinsically good (bad) for itself, for then it would nicely follow that right (wrong) acts are intrinsically good (bad). But there are two problems with this strategy. First, the three examples shown above did not represent agents as (e.g.) loving what is bad (others’ pain) *for itself*, or loving what is good (promise-keeping, or others’ happiness) *for itself*. To claim that they did so is to make a claim about the agents’ motives, or reasons for action. But the point of presenting such examples was precisely to isolate judgments about the value of acts regardless of motives. In the first case, we are supposed to ignore whether the agents in world A acted violently (“loved what is bad”) for its own sake or not. In the second case, we know that promises are kept in A (or broken in B) not for their own sake, but in order to respect God’s commands. In the third case, we know that the brave agent does not risk her life for the sake of others’ happiness, but because of her desire to appear on tomorrow’s headlines.

One could perhaps drop the “for itself” clause and formulate a more liberal recursive account: any positive attitude to the good (bad) is intrinsically good (bad), and any negative attitude to the good (bad) is intrinsically bad (good). But this move would considerably weaken the intuitive appeal of such an account.³⁵ Moreover, any act which pursues the good for no matter what reason would count as intrinsically good, and this is not a consequence that an ideal utilitarian needs to embrace for her purposes. The ideal utilitarian only needs the intrinsic value of those acts whose rightness does not seem to be solely grounded in their further causal consequences.

The second difficulty is that on the recursive account an act of promise-keeping is intrinsically good because it is an instance of

loving what is intrinsically good (for itself or not, that is not the point here). But what is the intrinsically good object of such loving? Presumably, the situational good of one's promise being kept. However, we cannot appeal to such value here. If we are ideal utilitarians who adopt a Constructive attitude, then we think that the situational values replacing the deontological primitive duties require some explanation just as much as the value of the corresponding act does. The situational good of a promise being kept is, in a way, nothing but the objectification of the performed act. Its intrinsic value cannot thus logically precede the intrinsic value of the act. If the recursive account cannot be used to explain the intrinsic value of promise-keeping acts, this is a conclusive reason for the Constructive ideal utilitarian to look elsewhere.

The "way of life" account of the intrinsic value of acts is suggested in remarks made by, respectively, Joseph, Oliver Johnson, and Susan Brennan. Here is Joseph (as reported in [Ross \[1939\]](#)):

[The goodness of an act independent both of results and motives] belongs to 'the rule of action of which it' (the action) 'is a manifestation' ([Joseph, 1931, 98](#)). But finally we are told that 'we must look to the whole form of life in some community, to which all the actions manifesting this rule would belong, and ask whether it, or some other form of life is better, which would be lived by the community instead, if this rule were not helping to determine it. If we judge that it is better, then the particular action is right, for the sake of the better system to which it belongs' ([Joseph, 1931, 98](#)) [[Ross, 1939, 141-2](#)].

One of Ross's objections is by now predictable and unsatisfactory: in explaining the rightness of acts by reference to the goodness of the "system" to which their rule belongs, Joseph puts the cart before the horse; rather, the system is good because it contains right acts [[Ross, 1939, 142-3](#)]. But a different objection does seem to

hit the target, namely that the goodness of a system is not sufficient to guarantee the goodness of its elements [[Ross, 1939, 143](#)]. The goodness of a whole does not imply the goodness of any of its parts. Therefore the goodness of the system cannot justify the goodness of the act, and in turn, the rightness of the act. Also, Joseph's view might be read as a form of rule utilitarianism: an action is right because it is good, and it is good because it is enjoined by a good rule, and a good rule is one which makes the system containing it better than a system not containing it. Presumably, what makes a system better than another then is not that it contains intrinsically good rules and acts (otherwise the explanation would be circular), but rather that the internalization of such rules and the performance of such acts maximize some *different* value. So understood, Joseph's view makes better sense, but is not what ideal utilitarians need.

Here is Johnson instead:

To defend our thesis we must, therefore, discover another source of value in the moral situation, overlooked by the deontologists in their critique of axiological ethical theories. This source of additional value, we maintain, lies in actions themselves, as distinct from both their motives and their consequences. Certain types of action are good-in-themselves. They are good because they represent a way of life which, to borrow a mode of expression in vogue among eighteenth-century moralists, is "fitting" or "appropriate" to human beings... a kind of life which, by being appropriate to human beings, is intrinsically good... It is right for men to speak the truth because truth-telling represents a type of action fitting to men, one which in itself embodies a way of life intrinsically good for rational beings [[Johnson, 1953, 605-7](#)].

And more recently, arguing against Ross and in favour of the intrinsic value of keeping promises, Brennan writes:

Why would one act be intrinsically good and another not? One cannot prove that something is intrinsically good, but one might discover that all intrinsically good acts stand in a certain relationship to human life, to human nature, or to the human situation [Brennan, 1989, 56].

What the “certain relationship” is Brennan does not say, but it is plausible to maintain that it might be some kind of fittingness, as in Johnson’s view. These are no more than hints of an account, but they do reflect a Constructive attitude, i.e. an appreciation of the dialectical demand to say something positive. Are they any use for the ideal utilitarian?

The main problem is that mention of fittingness sounds perilously close to Ross’s explanatory priority claim. Fittingness seems to be a normative concept of which moral rightness is one particular and indefinable expression [Ross, 1939, 51-5, 146]. The “way of life” account thus seems to explain the intrinsic value of acts in terms of their rightness, or the rightness of the way of life to which they pertain. Goodness thus becomes unusable to explain an act’s rightness. Johnson tries to avoid this circle by saying that to call a type of act or a way of life “fitting to man” is just another way to call it good. But this does not strengthen his view: if fittingness is just a notational variant of goodness, we are not really explaining any further the intrinsic goodness of acts. This is the Why Bother attitude in disguise.

Alternatively, Johnson might claim that “fittingness to man” expresses a relation whose substance can be given a naturalistic explanation, in a way perhaps reminiscent of Aristotelian teleology. Fittingness to man would here make a way of life or an act good, without being conflated with goodness. However, if this view entails a particular metaphysical doctrine about the *telos* of human beings, it would saddle ideal utilitarianism with an even weightier burden. If, on the other hand, what is fitting to man is ultimately what makes human beings happy, the view seems to fall back on

some form of hedonism or eudemonism, thus ceasing to be relevant to ideal utilitarianism, which instead implies a pluralist theory of the good.

Pending better suggestions, the instability and sketchiness of recursive and “way of life” accounts recommend the ideal utilitarian to prefer a Why Bother attitude to a Constructive one.

5 Conclusion

The denial of the intrinsic value of acts apart from both motives and consequences lies at the heart of Ross’s deontology and his opposition to ideal utilitarianism. Moreover, the claim that acts can have intrinsic value is a staple element of early and contemporary attempts to “consequentialise” all of morality. In this paper I have shown why Ross’s denial is relevant both for his philosophy and for current debates (sec. 1). Then I have considered and rejected as inconclusive some of Ross’s explicit and implicit motivations for his claim, stemming from his philosophy of action, his axiology, and his concept of intrinsic value, or a combination of these (sec. 2). I have also criticized Ross’s later view that all right acts somehow produce some good, but that the value of some of these goods is explained by the prior rightness of the act (sec. 3). In the course of the discussion, the idea that acts can have intrinsic value apart from motives and consequences has gained credibility both from the weaknesses in Ross’s arguments and from some putative examples. So, finally, I have distinguished two attitudes in the history of ideal utilitarianism towards the necessity or not to give a detailed account of the intrinsic value of acts, and suggested that a Why Bother attitude is more promising than a Constructive one (sec. 4).³⁶

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Notes

¹In what follows, RG refers to *The Right and the Good*, FE to *Foundations of Ethics*.

²In a broad sense of “value”, whereby rightness and wrongness count as forms of value, Ross would actually be a champion of the intrinsic value of acts, since he insists that rightness is an intrinsic property of right acts. But here I use “value” in a narrow axiological sense, to be contrasted to deontic predicates; and so does Ross.

³Ross gives this label to Moore’s and Rashdall’s views [Ross, 1930, 19], distinguishing them from hedonistic utilitarianism. Early versions of ideal utilitarianism are found in: Moore [1992], Rashdall [1924], Joseph [1931], Ewing [1929] and Ewing [1948], Johnson [1953] and Johnson [1959]. Contemporary ideal utilitarianism is found in, among others: Sen [1982], Vallentyne [1988], Brennan [1989], Broome [1991], Sosa [1993], Dreier [1993], Pettit [1997], Smith [2003], Louise [2004], Portmore [2007]. It must be added that some of the latter (e.g. Sen, Dreier, Smith) incorporate an agent-relative theory of value, which makes their views importantly different from classical ideal utilitarianism.

⁴See Rabinowicz and Rønnow-Rasmussen [2004].

⁵Ewing’s fitting-attitude account of value Ewing [1947] might be one of the motivations behind the ideal utilitarianism defended in Ewing [1948]. An examination of Ewing’s complex views is beyond the scope of this paper.

⁶Notable exceptions to this trend are Shaver [2011] and Skelton [2011] and Skelton [2010].

⁷Ross inherits the distinction from Prichard [Prichard, 2002, 11-12, 14, 59, 198-99].

⁸In FE Ross partly reduces the distance between the right and the good: an overall right act is also the act that an ideally good person, i.e. a person whose motives are sensitive to all the morally relevant features in their right proportions, would perform [Ross, 1939, 306-10, 325-7]. Therefore the ideally good action will in fact correspond to the right act. This leaves it open that any actual overall right act might be indifferent or bad (as an action), if the agent’s actual motives were morally indifferent or vicious. Likewise a partially good action might be wrong, if the agent’s motives are sensitive to only one morally relevant feature that is outweighed by other features.

⁹Ross is here influenced by Prichard’s *Duty and Ignorance of Fact* [Prichard, 2002, ch. 6].

¹⁰Scholars who charge Ross with being “under Moore’s spell”, at least for the way he construes the duty of beneficence, seem to miss this point. For the accusation, see Wiggins [1998] and Darwall [1998]. For a defence of Ross, see Dancy [1998].

¹¹See [Shaver, 2011, 131, fn. 21]. One can likewise remark that producing a

dangerous weapon need not be a dangerous act, and painting a beautiful picture need not be a beautiful act of painting.

¹²It is less clear whether in RG intentions (as distinct from motives) matter at all to the identity of a right act. If all that matters for performance of a duty is, e.g. that my friend *somehow* gets the book I promised to return, then I might perform my duties unintentionally. But this picture of right acts seems to confuse them with fortunate outcomes.

¹³Shaver [Shaver, 2011, 134] and Skelton [2010] note that the value of knowledge entails a relation between a state of mind and something extra-mental; if so, Ross could not have ruled out right acts as he thinks of them in RG from having intrinsic value on the grounds that only what is purely mental has intrinsic value. Like knowledge, also right acts (in RG) entail a relation between a state of mind such as an intention and an extra-mental state of affairs (e.g. the promise being fulfilled).

¹⁴At least when the act is deliberate and not impulsive. Impulsive acts seem to follow directly from motives or habits.

¹⁵Ross goes very close to admitting this in the final summary of FE, by remarking that “intention as well as motive plays a part in fixing the goodness of an action”, however small [Ross, 1939, 326]. However, the idea there is that the presence of an intention (e.g. to hurt a person) in an act makes it bad to that extent, since it shows something about the agent’s motivational set, i.e. the agent’s failure to be repelled by a morally relevant feature of the act by which an ideally good agent would be repelled.

¹⁶However, Hurka notes that not all virtuous motives for Ross have the good *qua* good as their object [Hurka, 2001, 26-7]. See [Ross, 1930, 161].

¹⁷Whereas for Ross it is a matter of linguistic stipulation (albeit confirmed by usage) that only motives (or character-related dispositions) are *morally* intrinsically good or bad [Ross, 1930, 155]. I thank one of the referees for pointing out the difference.

¹⁸Ross might reply that world A is worse than B because, even if there might be no malicious motives, the violent acts (if they are intentional) show at least an indifference to the victims’ pain, which is an additional evil [Ross, 1939, 306-8]. Now, if indifference to the victims’ pain is a feature of the acts of violence, and which therefore makes the acts intrinsically bad, then Ross’s reply here would be inconsistent with his official position. On the other hand, if indifference to the victims’ pain is a feature of the motive (as distinct from the act itself)—which seems to be Ross’s view [Ross, 1939, 326-7], see fns. 15 and 21—then Ross is not addressing the example in its own terms. The example requires that we abstract away from any knowledge we might have or infer about the motives of the acts.

¹⁹See the previous fn. for the possible reply that world B contains bad acts even if the motives for breaking the promises are neutral.

²⁰This qualification implies that the duty to promote intrinsic value entails a duty

to promote only others’ innocent pleasures [Ross, 1939, 271-2].

²¹Ross himself goes close to admitting this much when he says that the intention to accept pain for ourselves in an intentional act of self-sacrifice makes the act additionally good. However, the intention only matters because it shows a virtuous willingness to give up our own pleasure in a good cause [Ross, 1939, 327]. He thus resists recognizing an intrinsic value in the act or in the intention in acting.

²²Thanks to the referees for convincing me to examine this point, which I had deliberately left aside in a previous version.

²³Do situational goods contradict Ross’s view that only mental states have intrinsic value? Perhaps not. Justice is a situational good consisting of a relation between mental states. If relations of mental states are acceptable as bearers of intrinsic value, and promise-keeping and the rest are fundamentally relations between the mental states of different individuals, then situational goods are consistent with Ross’s official axiology.

²⁴Why would she? E.g., to justify the intuitions about examples like the ones above where the beneficial or maleficent act is valued or disvalued for its own sake regardless of its consequences.

²⁵Cf. [Sosa, 1993, 115] on how one can consequentialise parental obligations by positing situational goods such as a child being saved by her parent, as distinct from a child being saved and a child being saved by a stranger. See also [Ewing, 1947, 191-2.].

²⁶See [Shaver, 2011, 141-2] The conflict between minimization of evil and non-maleficence is the closest analogue to these sorts of cases one can find in Ross [Ross, 1930, 22], [Ross, 1939, 75]. Ross claims that we think “the principle ‘do evil to no one’ more pressing than the principle ‘do good to every one’, except when the evil is very substantially outweighed by the good” (FE 75). However, the puzzle here is how the duty of non-maleficence can be more pressing than the duty to minimize evil, since both are grounded on the badness of pain and other evils [Ross, 1939, 287], [Ross, 1930, 26]. The case of promises is different, because (see below) for Ross the ground of the goodness of a kept promise is the rightness of the act of keeping it, and it is not obvious that rightness should be maximized. However, two units of rightness at the cost of one unit of wrongness (two other people’s promises being kept by breaking one of my promises) are presumably worthy of a more intense satisfaction for an observer than one unit of rightness plus two units of wrongness (keeping my promise, thereby letting two other people’s promises be broken).

²⁷See Pettit [1997].

²⁸Perhaps Ross did not consistently adhere to the maximizing picture, since the duty of non-maleficence (of not causing evil in or to others) is not a duty to minimize evil, and might conflict with the latter [Ross, 1930, 21-2], [Ross, 1939, 75]. So, good is only to be maximized, whereas evil is to be either minimized or avoided. Ross might have made his view more consistent by claiming that non-

maleficence is a special duty whose violation creates a situational evil (the relation between the agent and its victim).

²⁹[Shaver, 2011, 138, fn. 43] notes that Ross elsewhere accepts in principle a mismatch between order of thought and order of explanation (see also [Ross, 1939, 288], which immediately precedes the passage discussed, where he distinguishes subjective basis and objective ground of a duty).

³⁰See Skelton [2010] for a penetrating analysis of Ross on promises.

³¹Indeed, one does not need agent-relativity for this: it seems simply counter-productive to try to maximize promise-keeping by somehow making it the case that the promiser maintains her promise to us. We would get what we want, but the promise is not kept if we have to play a major role in getting the promiser to keep it.

³²See fn. 3, with the exception of Brennan [1989]. Unlike early ideal utilitarians, most of these authors also defend an agent-relative theory of the good. (Vallentyne [1988] suggests but does not commit himself to consequentialisation.)

³³Or some such thought. See Portmore [2007]. But see his fn. 30. Ross might have accepted such thought if “value” includes rightness-dependent situational goods.

³⁴For this assessment of Rashdall’s position, see Skelton [2011]. Virtuous and vicious acts are good or bad as manifestations of intrinsically good or bad states of mind. It is not clear that his claim that drunkenness is an “intrinsically disgusting” act (quoted in [Skelton, 2011, 64]) contradicts his overall view.

³⁵Thanks to a referee for helping me see this.

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