‘The right and the good’ and W. D. Ross’s criticism of consequentialism

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There is but one unconditional commandment, which is that we should seek incessantly, with fear and trembling, so to vote and so to act as to bring about the very largest total universe of good we can see.

William James, in The Will to Believe

The ardor of undisciplined benevolence seduces us into malignity and whenever our hearts are warm and our objects great and excellent, intolerance is the sin that does most easily beset us.

I rather think that the distant prospect, to which [Robespierre] was travelling appeared to him grand and beautiful; but that he fixed his eye on it with such intense earnestness as to neglect the foulness of the road.

Samuel Taylor Coleridge, on Robespierre, Conciones ad Populum, 1795

1 The theme announced for these lectures is the philosophy of value. It may seem that moral philosophy, along with aesthetics, the philosophy of art, the philosophy of environment ... ought to be a proper part of the philosophy of value. I have chosen mottoes to illustrate the dangers of that supposition.

The supposition that the whole of ethics can be subsumed within the philosophy of value has a long history. It is older than the familiar confrontations — Coleridge versus Bentham and Paley, Whewell versus Mill, Sidgwick, James ... Ross versus Moore, Bernard Williams versus J. J. C. Smart, Philippa Foot versus Samuel Scheffler. (We may find traces of the supposition in Leibniz, for instance.) It marks one of the places in human thinking where philosophy, so far from dissipating ordinary confusion, has aided and abetted it. Or so I claim. This confusion has now gone so far, I think, that we shall never fully escape it until we pay careful attention not only to the issue but to the history of some of the extended disputation to which it has given rise in philosophy. On this occasion, the historical episode I shall commend to your attention is Sir David Ross’s critique of G. E. Moore.
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Ross’s *The Right and the Good* was published by Oxford University Press in 1930. The style of the book is dense. The mode of argument is close and sometimes tortuous. Even with one foot in the grave, I could not be sure I was reading it with the precision it deserves. But *The Right and the Good* is above all a work of intellectual excitement, an excitement long since forgotten that nevertheless anticipates some of our present day preoccupations. The first two chapters, on which I propose to concentrate my whole discussion here, represent one notable document in the development of the case against the position we now call (after G. E. M. Anscombe) moral consequentialism. Even though not quite everything went right in Ross’s conduct of this case, we need to study that case if we are to improve upon it.

2 By ‘moral consequentialism’ (let me explain) I mean not the view that consequences matter – for absolutely nobody denies that consequences matter – but the view that the rightness or wrongness of an act can be defined in terms of the merit or the demerit of the consequences of doing the act. Or I mean the view that the rightness or wrongness of doing a particular act at a particular time can be grounded exhaustively in considerations of all the consequences of doing the act (including any consequences there will be of others doing things relevantly similar to this thing) without further and separate regard to what the act itself is. Thus moral deliberation between alternative acts is seen by consequentialists as a process of ranking alternatives by reference to that which would result from the doing of each available alternative. Thus consequentialism celebrates the subordination of moral questions to the philosophy of value. In other words, it celebrates the subordination of the right to the good.

Salient among the consequentialists who were considered by Ross was G. E. Moore. I think that Ross saw Moore’s account of moral- ity as the culmination of all earlier attempts to base rightness on productivity of some sort of result. Moore had claimed in *Principia Ethica* that ‘right’ meant ‘productive of the greatest good’. In a passage that Ross quoted at page 9 of *The Right and The Good*, Moore had claimed:

our duty, therefore, can be defined as that action which will cause more good to exist in the Universe than any possible alternative. And what is ‘right’ or ‘morally permissible’ only differs from this as what will not cause less good than any possible alternatives.

In his later book, *Ethics*, Moore adjusted this claim a little (as Ross remarks). Instead of offering an analysis of the word’s meaning (or
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of its sense, as one might now say), Moore saw himself as offering productivity of maximum intrinsic good as ‘the reason why an action is right, when it is right’.

One could spend time here on the nature of this shift – the shift, as I should say, from the elaboration of sense to the further explication of reference. One could dwell too upon Ross’s reading of Moore’s doctrines of definition. But our chief concern must be the general nature of consequentialism and the nature of Moore’s ‘agathistic (or ideal) utilitarianism’. In this particular form of consequentialism, much emphasis is placed upon the irreducibility of good – and/or upon its irreducibility a fortiori to anything that is part of the subject matter of the natural sciences or psychology (cf. Principia Ethica, p. 40). But, once he is safe within the realm of the ethical, and settles down to frame his own agathistic doctrine, Moore no longer scrutinises every substantive definition or putative analysis by use of the open-question argument. One might expect that Moore would have been alert to the suggestion that an act might produce the greatest possible amount of intrinsic good yet still not be right. But in practice, when he discusses ‘right’ in chapter 1, section 17, and chapter 5, section 89, there is no echo of the open-question argument, potent though it would have been to alert Moore to the entirely question-begging character of his argument for the equivalence that Ross quotes.

So perhaps the situation is as simple as this. According to agathistic or ideal consequentialism, a right act is one the doing of which maximises intrinsic goodness or produces no less intrinsic goodness than the doing of any other. And it is the doubtfulness of this putative equivalence, the doubtfulness of what Broad called of Moore’s ‘ethical neutralism’, which seems to have been the chief spur to Ross’s writing of The Right and the Good.

3 How does Ross argue against the equivalence? First he says that there is a presumption that in ‘right act’ the word ‘right’ means the same as ‘morally ought to be done’. In that case, the word ‘right’ has a quite different application from ‘morally good’. For the words ‘morally good’ fit into the frame ‘x is a [morally good] man’, where-

1 Ross seconds this weakening of ‘right’. ‘It may sometimes happen that there is a set of two or more acts, one or other of which ought to be done by me rather than any act not belonging to the set. In such a case any act of this set is right, but none is my duty; my duty is to do “one or other” of them.’ (p. 3). He acknowledges an element of stipulation in this finding.

2 For the expression ‘ethical neutralism’, as used of Moore, see C. D. Broad in The Philosophy of G. E. Moore, (ed.) P. Schilp, (Evantston and Chicago 1942), especially pp. 43 and 51.
as the words ‘morally ought to be done’ do not fit into it. Here, however, with some presentiment perhaps of the danger of committing a cancelling-out fallacy, Ross acknowledges that someone might say that while ‘morally good’ has a wider application than ‘right’, in that it can be applied to agents as well as to acts, yet when applied to acts they mean the same thing. Against this, Ross records his agreement with the view that the only acts that are morally good are those that proceed from a good motive. But if so (he concludes), and if the Kantian principle that ‘ought’ implies ‘can’ excludes our being required always to act from a good motive, then neither the rightness nor the obligatoriness of an act can be the same as its moral goodness. Our duty is to do certain things, not to do them from the sense of duty. And then, in a further clarification, anticipating something that has been stressed more recently by Richard Cartwright and Jennifer Hornsby, Ross writes that clearness would be gained if we used ‘act’ of the thing done, and ‘action’ of the doing of it. The latter, the doing of the act, can then be that which is from good motives. [Cp. p. 156]. This excellent ruling, not always in fact observed by Ross— but I shall try to stick to it myself and sometimes I shall even correct Ross quotations accordingly— clears the way for Ross to say: ‘right’ and ‘wrong’ refer entirely to the thing done, ‘morally good’ and ‘morally bad’ entirely to the motive from which it is done. A firm grasp of this distinction will do much to remove some of the perplexities of our moral thought. [7]

Ross’s ruling also smooths the road to his announcement of his own opinion that notions such as that of right are ‘ultimate and irreducible’ [11], not analysable that is by deployment of any other moral philosophical or sociological notions; and his further opinion that:

the rightness prima facie of certain types of act is self evident ... to minds that have reached a certain degree of maturity; and, for minds to reach the necessary degree of maturity, the development that takes place from generation to generation is as much needed as that which takes place from infancy to adult life. [12]

5 See Jennifer Hornsby ‘Which physical events are mental events’ PAS 81 (1980–81); her review of Davidson at Ratio, 24,(1) (1982), 88–9; and Simple Mindedness (Harvard 1997), v. index, s.v. ‘actions’.
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It is to such minds as these that chapter 2 of *The Right and the Good* will be addressed. In that chapter, Ross sets forth his argument against the claim that productivity of the maximum good is what makes right actions right.

4 After certain preliminaries, Ross reminds us that, when someone fulfils a promise because he believes he ought, he thinks more of the past than of the future: ‘What makes him think it right to act in a certain way is the fact that he has promised to do so – that and, usually, nothing more’ [17]. The only thing that Ross thinks would lend credibility to the other view, the productivity of good view, is an exceptional case in which the prospective disastrousness of doing the thing we promised to do prompts us to judge it not right. But Ross thinks the productivity view furnishes a worse explanation of that exception than the fact that there are other duties we have beside that of keeping promises, e.g. the duty to have regard for the distress of others (not least perhaps those to whom the promise was given). Ross says that ideal utilitarians seem to have fallen into the erroneous supposition that ‘the only morally significant relation in which my neighbours stand to me is that of being possible beneficiaries of my action’ [19].

They do stand in this relation to me, and this relation is morally significant. But they may stand in the relation of promisee to promiser, of creditor to debtor, of wife to husband, of child to parent, of friend to friend, of fellow countryman to fellow countryman, and the like; and each of these relations is the foundation of a prima facie duty. [19].

After some discussion of the nature of the *prima facie* (a matter to which I shall return shortly), Ross offers the following provisional division of duties:

1 Duties resting on previous acts of my own either (a) promises or implied promises, entailing duties of fidelity, or (b) wrongful acts, entailing duties of reparation.
2 Duties deriving from the acts of others, such as duties of gratitude (or, as one might say with greater generality, of reciprocity).
3 Duties of distributive justice.
4 Duties of beneficence.
5 Duties of self-improvement.
6 Duties of care not to injure others or non-maleficence, rightly perceived by Ross as not reducible to duties of type (4) or beneficence. (‘Even when we have come to recognise the duty of beneficence, it appears to me that the duty of non-maleficence
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is recognised as a distinct one, and as *prima facie* more binding. We should not in general consider it justifiable to kill one person in order to keep another alive, or to steal from one in order to give alms to another' [p. 22].

In sum then ‘the essential defect of the “ideal utilitarian” theory is that it ignores, or at least does not do full justice to, the highly personal character of duty’.

The last claim resonates with things that Bernard Williams and Peter Winch and others have been insisting upon in other ways over the last three decades. Ross may not exactly mean by these words all and only that which Williams or Winch would want to mean if they used them. Ross does mean at least this, however: Most of the duties this or that person has are duties that arise (*inter alia*) from his or her historic situation (comprising *inter alia* what he or she has done or received, what responsibilities he or she has incurred), and these duties are duties in relation to other persons in their historic situations similarly historically and specifically characterised. This is not of course to say that Ross disallows other sorts of duties. Conspicuously, he insists on the duty of non-maleficence to no matter whom (type (6)), and he insists on beneficence (type (4)) (where there is unfinished business about recipients). But the ideal utilitarians’ or consequentialists’ great mistake, according to Ross, is to want to assimilate all other duties to the paradigm of duties of the type (4). Other duties are simply not intelligible when they are conceived in accordance with that paradigm:

If the only duty is to produce the maximum of good, the question who is to have the good – whether it is myself or my benefactor, or a person to whom I have made a promise to confer that good on him, or a mere fellow man to whom I stand in no such special relation – should make no difference to my having a duty to produce that good. But we are all in fact sure that it makes a vast difference. [22].

In sum, nobody who pays the slightest attention to the moral ideas by which we do in fact live can find the consequentialist definition of ‘right’ credible.

5 I have not yet recapitulated everything Ross says that needs to be discussed in this connection (about *prima facie*-ness, for instance). But this is the moment to survey the strengths of Ross’s own defences against the ideal or agathistic consequentialism that he chiefly set out to combat. Ideal consequentialism, if it fails, is all

6 The supposed neutrality of these two duties is not exactly the same.

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the more interesting for failing, *despite* respecting so scrupulously as it does the autonomy of the ethical. Precisely perhaps because of its recognition of the distinctiveness of the ethical, however, Ross himself is not so proof against its charms as one might have expected.

The issue comes to the fore sooner than Ross might wish, and with effects not intended by Ross, when he says, à propos of the duty of beneficence, that it is 'self-evident' that we have a duty to produce as much good as we can. See *The Right and the Good* [25] (echoed on this point by the *Foundations of Ethics* [FE 313 et passim]). The idea of producing as much good as possible, which is foundational in some other systematisations of moral thinking, first arises in the scheme of Ross, who is opposed to an equivalence between productivity of good and the grounds of Rightness, only in connection with his account of the simple duty of beneficence, or type (4). That might seem to insulate Ross from this duty’s having any larger effects. As the book proceeds, however, type (4) duty seems to grow in scale and importance and it becomes more and more doubtful how beneficence as Ross conceives of it can ever be confined within the space Ross originally assigned to it.

There is good and there is intrinsically good. With regard to the second, it emerges that, according to Ross, there are three main things that are intrinsically good, ‘virtue, knowledge and, with certain limitations, pleasure’. But then, he says:

> since a given virtuous disposition, for instance, is equally good whether it is realised in myself or in another, it seems to be my duty to bring it [the virtuous disposition] into existence, whether in myself or in another. [24]

There are several passages to this effect in *The Right and The Good* and *The Foundation of Ethics*. The definition of the intrinsically good is given in *The Right and The Good* as follows: (p. 68) ‘the intrinsically good is best defined as that which is good apart from any of the results it produces.’ [cp. 115].

6 So, having separated the right and the good, Ross then ratifies certain connections between them. Sixty or seventy years further on, some of these connections put one on to one’s guard. The recipe for perplexity here is no longer novel – either theoretically or practically.

Let us suppose that ethnic non-quarrelsomeness is a moral virtue. And let us suppose that in the Balkans somewhere some reflective, self-conscious person, a patriot of some sort, possessing both determination and armed power, deliberates as follows:
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The only way out of the present situation is to bring into being communities which do not see themselves as ethnically divided and in which the issue of ethnicity can be allowed to go to sleep. That is the essential prerequisite of their becoming communities in which questions of race can be discounted and the positive virtues can eventually be cultivated of ethnic non-quarrelsome-ness and non-factiousness. That is for the long run. But now, in the real world of 1997, the only way in which even the first step can be achieved is at cost of a certain minimum of rearrangement, even at cost of measures of partition or of ethnic cleansing, as some call it. And that, alas, is what must happen now ... I can see no alternative.

Suppose that this deliberation is markedly more thorough (at least) and takes into account more facts, political and historical, than any other deliberation that looks steadfastly for some way out of some present impasse; and suppose, as it seems Ross supposes, that the duty of benevolence requires that we should produce as much intrinsic good as possible. Then agents who have this thought must inevitably face the altogether insidious question of how many objects of virtuous concern it is right for them to sacrifice in order to fulfil their duty to promote some larger and more widespread future virtue, the virtue of ethnic non-quarrelsomeness or non-fac-
tiousness which they see open-endedly continuing into the distant future within less troubled communities. Indeed, if there really is a prima facie duty to maximise good, then agents who have the

If the example just given does not carry conviction, apply the recipe again and find another one. The example does however stand in need of clarification, as Professor C. B. Ricks has made me see. The patriot’s idea (let me explain) is not that some cloistered virtue of racial non-quarrel-
someness can exist wherever everyone is of the same race (or everyone sees everyone else in this way). The patriot’s idea is that, in the short term future of certain torn communities, the question of race must be put ther-
apeutically to sleep, so that in the longer term, among new generations to come, ordinary questions that will arise of race and racial difference can be managed more calmly and reasonably. Compare the advice of an allergy specialist that, for a considerable period, the patient should withdraw from all contact with an irritating agent to which he has become hypersensitive – before resuming ordinary life on a better regime. The patriot’s idea is not confused, or even simple minded. But the magnitude of the distant prize and the consequentialist framework in which the patriot has chosen to deliberately distract his attention from the true nature of that which he is preparing to countenance. Or so I contend. Whatever prospect his idea holds out for human peace and virtue stretching into an open-ended future, it will give cover in the present to other and much more disquiet-
ing intentions.
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thoughts just expounded must prepare to answer the question of what could ever release them from the positive alleged duty to maximise future virtue – by this or any other effective method.

How can things have gone wrong so quickly for Ross, to whom we look as the non-consequentialist par excellence and to whom we look to play the role of the arch enemy of such reasonings? Ross himself calls producing as much good as possible a 'general obligation' [27]. That seems ill-advised. Worse, all he gives us with which to counter this general obligation are the things that he calls special obligations. So it begins to appear that, having initially denied that there should be any presumption at all in favour of an equivalence between productivity of good and that which makes right acts right,8 Ross has somehow given back the whole initiative to the ideal consequentialist. Isn't Ross in danger of falling backwards into the position, which he needed to avoid, of being forced to insist upon the various special types of obligations as exceptions to some 'general obligation', the agathistic and general obligation whose existence he explicitly allows to be 'manifest'? Surely G. E. Moore must have bewitched him?

7 Dismayed and disappointed by this, anti-consequentialists can turn over again all the evidence to be found in The Right and The Good about whether the doctrine that gives this trouble says exactly what Ross meant. Have I perhaps got him wrong? There are further clues I have not deployed (I shall use one or two of them later) especially at pp. 58, 63, 105 and 154. Or else we can turn to the parallel, perhaps more hopeful, stretch of argument to be found in Ross's Gifford lectures, published in 1939 as The Foundation of Ethics.

In the Foundation of Ethics, Ross writes [FE 69] that Moore says that he finds it self-evident that being optimific is always a ground

8 Cp. Foundations of Ethics, page 319. 'If we are right in holding that the general nature of things that are obligatory is that they are activities of self-exertion, what can we say about their particular character? Perhaps the most widely current view on this question is that the special character of all acts that are right, and that which makes them right, is that they are acts of setting oneself to produce a maximum of what is good. This seems to me far from being, as it is often supposed to be, self-evident, and to be in fact a great oversimplification of the ground of rightness. There is no more reason, after all, to suppose that there is one single reason which makes all acts right that are right than there is for supposing (what I fancy no one who considers the matter will suppose) that there is a single reason which makes all things good that are good. And in fact there are several branches of duty which apparently cannot be grounded on the productivity of the greatest good ... fulfilling promises.'
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of rightness. But Ross says that he himself can find no self-evidence about it. Not only that. Ross raises several difficulties. (1) Increasing the population with people just happy enough not to be better off dead would increase the total of happiness: but that wouldn’t make it right to increase the population thus. (2) Suppose an extra dose of happiness is to be introduced into the world. It ought to be indifferent on the consequentialist view how it is distributed. But it is not really indifferent. Then, after another argument (3) which I omit, Ross points out in an argument (4) that ‘we think the principle “do evil to no one” more pressing than the principle “do good to everyone” except when the evil is very substantially outweighed by the good. This consideration seems to be perfectly clear’ [FE 75]. Ross mentions these and other points. And something very important indeed seems to lurk here. But then, instead of ferreting it out further, he messes about trying to construct the utilitarian answer to each point. Rather than see him do that, one might have hoped that Ross would try to apply these points (1), (2), (4), and make them work for him, especially point (1), in order to reinforce the claim that it was never self-evident at all (that it was always an illusion that it was self-evident) that simply being optimific was (as such) even a candidate to coincide with grounds of rightness – even a candidate to coincide with one of the grounds of rightness. I think that it is obvious that that is what he ought to have tried to do (consider the title of the book The Right and the Good). Instead of that, however, Ross allows an impression to grow up that his chief concern is only to carve off from everything else one special and distinct realm of obligation, viz. that constituted by the five other types prima facie duty already set out in The Right and The Good. It comes as no surprise then when we find Ross, a hundred and eleven pages later, debating the problem that he describes in almost consequentialist terms as that of ‘balancing duties of special obligation against the duty of maximising [intrinsic?] goods’ (see [FE xii], [FE 185]) or ‘of producing the maximum good.’

Yet not quite all is lost. The thing that saves Ross from collapsing into a consequentialist – if you call that saving him – is his remembering in Foundations of Ethics to insist on this: that

where a special prima facie duty exists, as well as the general prima facie duty of producing the maximum good, our final judgement about our duty depend not [my italics] on a comparison of goods, but on comparison of prima facie duties ... We study the situation in detail till the morally significant features of it become clear to us. [FE 186]
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So it appears that, if Ross were confronted with the Balkan example I have mentioned or he were asked whether there is the slightest prima facie obligation on anyone for population to be increased in order that nett happiness be (however barely) increased, then he would have to aver that he confidently expected that such prima facie duties to produce maximum good would be swamped (albeit not qualified, for he has no way to qualify them in the form in which they present themselves to deliberation) by all the other prima facie duties we should need to review when we sought to discover ‘which of the [acts]9 open to one [it] would be objectively right [to do], [the doing of which] would discharge in the fullest possible measure the various claims or prima facie duties that are involved in the situation.’

8 I shall return to the thing that I lament in this compromise. But now I need to paint in some of the rest of the picture. It is at this sort of point in his scheme, where prima facie duties need to be balanced against one another, that Ross is apt to have recourse to the celebrated Aristotelian aperçu

En tei aisthesei he krisis [RG 42], [compare Aristotle NE 1109a23, 1126b4].

Ross quotes this tag several times. It means that the judgement lies in perception. But Ross is apt to say it allusively. Because it is necessary in the new condition of moral philosophy for it to be expanded unallusively, I will attempt that straightway, enlarging at the same time upon Ross’s conception of the conflict between prima facie duties. When that is done, we can return to the supposed prima facie duty to produce the greatest intrinsic good.

To claim as Ross does, that ‘the judgement lies in perception’ implies first that there does not need to be one general principle by which any or every conflict of duties may, in whatever context, be arbitrated. It implies that it is no more sensible to expect to find one principle of this sort than it is to search for some general ground or explication for all judgements of tightness. Nevertheless, just as one may expect that, for each judgement of tightness, there will be some ground or explication, so one might expect that, for every context in which a conflict of prima facie duties arises,10 moral perception will find some recognisably convincing consideration by which to arbitrate the conflict. Such a particular finding will be local to context,

9 Ross writes ‘actions’, forgetting (as so often) the excellent preliminaries set out in chapter 1 of The Right and Good, already here rehearsed, concerning acts and actions.

10 Or ‘for every non-tragic context in which a conflict of prima facie duties arises’, one might prefer Ross to say, though he does not.

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highly specific, and almost devoid of generality. Indeed the Aristotelian tag, when it is read in the larger setting of Aristotle's view of practical reason, suggests that the arbitrary finding must itself be the creature of the context. Of course, if one were able to disentangle the finding of perception completely from the context – if, by means of a conditional, one could write enough of the context into the finding itself, for instance – then that would be the transposition of the finding into something specific, universal and explicitly codifiable in a self-sufficient sentence of the form ‘It is always right, when ... to do the act _ _ _ ’. But in practice, when they are understood literally, all such claims prove to be incorrect. Or that is the plausible contention conveyed by en tei aisthesei he krisis. The practical knowledge or understanding that produces the decisive consideration, alias ‘the finding of perception’, never needs, as a condition of its adequacy, to have the wherewith to write explicitly into its finding for the context the whole of the thing that is relevant in the context. Why suppose that, whenever there is something it is one's duty to do, it must be possible to find a universally true sentence of the form ‘It is right when ... to do the act _ _ _ ’? Why suppose that it is a readily remediable accident that we don’t in practice expect there to be many unqualified and unrestrictedly true sentences in the form ‘It is always right, when ... to do the act _ _ _ ’? (Contrast simple prohibitions and all the other

11 To say that much, however, is not of course to deny that such a consideration will commit those who accept it to something universal. For on a proper understanding of the distinctness of generality and universality, the consideration could be utterly specific and still point towards something unqualifiedly universal. It is useful, here and everywhere, to make use of R. M. Hare’s distinction in Freedom and Reason (Oxford, 1963), chapter 3, between the general/specific distinction and the universal/particular distinction. See also R. M. Hare, Moral Thinking (Oxford, 1981), 41.

12 Cp. Nic. Ethics 1143b. Nb. especially the anapodektai phaseis ton presbuteron. If you do not believe me when I say this on Ross’ behalf, then you should take note of the fact that, typically, the premises of a practical syllogism that expresses ordinary practical insight into a given context are neither numerous nor long. A practical syllogism only needs premises that are adequate for its context. That is what makes the practical syllogism finite, manageable and serviceable. Why should it count against our claim to have practical knowledge if we are unable to rewrite the premises of our moral reasoning in a form that makes such reasoning self-sufficient and independent of context?

13 I formulate the schema in this way in order to respect the point that there may be true universal prohibitions. Note here that there is not a doing of the act of refraining from φ-ing (an action of refraining from φ-ing) wherever someone does not φ.
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forms of speech which bear on practice and encapsulate moral wisdom, but do not purport to tell you what positively and determinately to do under all circumstances.)

All right. So much for one reason for saying 'en tei aisthesei he krisis'. But one who places Ross's kind of reliance upon the Aristotelian aperçu now needs to be prepared to address a question that Ross does not mention. From whence, if not from a general formula, does practical perception draw its sundry context-specific findings, maxims, arbitrations, unproven declarations or anapodeiktai phaseis (NE 1143b) and the rest? And what organises these things? Ross never says — perhaps because he assumed that his readers would know Aristotle. I think Ross never expected anyone to find his view at all mysterious. What then was he taking for granted?

If we insert something Ross must have been assuming his readers might supply, then the answer to the question is that these perceptions are the perceptions of practically wise people ('mature minds'). Such people can judge of such constantly evolving, essentially contestable matters and judge them in the light of their contextually adjustable conceptions of the human good — the good of human beings living well in the society of other human beings who are living well in that society. Anyone who has some grasp of that sort of ideal or skopos has some sense not only of the hoti, the that, but also of the dioti, the why or wherefore, of action in accordance with virtue. Such a one will exercise irreducibly practical knowledge in search of (in context) practicable specifications of happiness or eudaimonia and of the demands of the virtues or aretai — specifications which will in practice render happiness/eudaimonia the same as activity of the soul in accordance with virtue (psuches energeia kat' areten). Or such was Aristotle's doctrine.

9 Where Ross left a gap, something such as this from Aristotle will go into it. Equally, a less Aristotelian supplementation could be imagined, e.g. one based on the Kantian idea of the kingdom of ends. But the most important thing is that something reasonably detailed can be put there; that, at this point in his exposition, Ross is being not evasive but allusive, or so it may be hoped; and that those who accuse Ross of invoking intuition to solve the problems of moral epistemology are insisting on seeing him as offering a mysterious general answer to questions to which Ross in fact, both justifiably and explicitly, emphatically refuses a general answer. What Ross sees himself as offering piecemeal, or rather reminding us of piecemeal, are the commonplace answers (plural) of our ordinary moral cum practical knowledge, and the reasons this furnishes for

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the answers it provides. (Note that, contrary to what these accusers have been told about Ross, Ross scarcely mentions intuition.)

In Ross's picture, as I have filled it out, virtuous agents are seen as striving to determine which acts would discharge in the fullest possible measure various *prima facie* duties. Our *prima facie* duties represent the various claims that lie upon us. In the typical case, such claims arise from what we have done or received or contracted, or they arise from what we are (from our status, etc.). They are, moreover, real claims, not apparent claims. So now we come to the expression *prima facie*.

Ross was just as aware as all his critics have been of the disadvantages of the expression *prima facie*. In so far as he explains his reservations about the other term that he might have used, viz. ‘claim’ (‘claim’ is less misleading, surely, than Ross's terminology and its merits were urged upon him by Prichard), these reservations related only to claim’s not being quite general enough to cover all cases where Ross thought he saw a *prima facie* duty (e.g. the agent’s duty of improving his own character). Why then does Ross persist with *prima facie*? (If we want to have Latin, then Susan Hurley's *pro tanto* would have been so much better.) And why does Ross use the equally (though differently) misleading noun-phrase ‘conditional duties’, if the claims made upon us of Rossian obligations are neither illusory nor hypothetical, but categorical [cp. RG 28] or categorically founded?

Well, perhaps the thought goes like this. Duties all strive, so to speak, to direct or appropriate the agent’s choice of act. They all strive to get themselves adopted as what verdictively or all-in ought to be done. But unluckily (the thought goes) not all can be done. So not all will win the all-in verdict ‘let this be done!’ If this is a correct reconstruction, then Ross’s unfortunate retention of *prima facie* and ‘conditional’ arises from his desire to suggest simultaneously all of the following: ‘these are categorical claims’, ‘not all can be satisfied’, and ‘in deliberative mode we have to decide which duties, verdictively, ought to be performed’. Perhaps the saddest effect of the *prima facie* terminology is for it to have overlain Ross’s expression of his key assertion that in many cases *prima facie* duty is rooted in the sanctity of a practice [RG 37] or in the inherent evil or wrongness of non-fidelity, of non-reciprocity, of unconcern for injuries done, or of unconcern for dependents, etc. But here let me direct you to Bernard Williams’s old discussion of *prima facie* in his *Problems of the Self* (Cambridge, 1973) and direct you further to the admirable attempt of the logician E. J. Lemmon to persuade us, in Oxford’s best linguistic mode, to distinguish more carefully than we usually do in philosophy (and Ross ever does) between duties, oblig-
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10 Back now to Ross’s own defences against ideal or agathistic utilitarianism. Earlier, I committed myself to thinking it philosophically embarrassing to find Ross saying anything like this:

Just as before we were led to recognise the *prima facie* rightness of the fulfilment of promises, we are now led to recognise the *prima facie* rightness of promoting the general welfare. In both cases we have to recognise the intrinsic [author’s italics] rightness of a certain type of act, not depending on its consequences but on its own nature [RG 47].

And the thing I have complained I cannot believe is that there is any rightness at all – let alone intrinsic rightness – in acts ultimately promotive of the moral virtue of ethnic non-quarrelsomeness if the doing of these acts involves acts of ethnic cleansing, expropriation, murder and the rest. Ross cannot win even a Pyrrhic victory over consequentialism, I judge, if he commits himself to recognise any *prima facie* rightness at all (let alone intrinsic rightness) in promoting the general good simply *as such*, or if he relies on the existence of other *prima facie* duties to disable or render inert the *prima facie* duty to do acts of intrinsic good-promotion or virtue-promotion by doing acts that are themselves outrageous. Even as he criticised Moore, Ross surely needed to escape more cleanly and definitively from the charm of the idea, so relentlessly exploited by consequentialists of all colours,¹⁴ that no act can be wrong the doing of which will increase the nett amount of intrinsic good in the world.

Let us begin on this matter by noticing two things: first that what Ross really needs when he formulates the duty of type [4] is to understand the content of the duty itself *as already qualified* by the other duties. It may seem to be a pedantry to insist that he cannot have what he needs to have here. But it is important. So long as Ross stays inside the framework that he has himself set up and so long as he recognises a *prima facie* duty to increase intrinsic good, he cannot qualify the content of the duty of beneficence in this way. For the *prima facie* duties in (1)–(6) are all co-ordinate. None can be formulated in a way that renders its content (contrast its final force) dependent on the content of the other *prima facie* duties. That the

¹⁴ Cp. S. Scheffler: ‘One thing they all share is a very simple and seductive idea: namely that ... what people ought to do is to minimise evil and maximise good, to try in other words to make the world as good a place as possible.’ Consequentialism and its Critics (Oxford University Press, 1988), page 1.
duties will work in concert is owed to the balancing done by the agent who has the eye of experience, the omma tes empeirias (Aristotle NE 1147\textsuperscript{b}4). Using that eye, he arbitrates the proper relative demandingness of the claims that he surveys. That eye cannot, however, change their given content.

The second thing to notice is that the directive ‘Increase the nett amount of intrinsic good in the world’ is not only completely mad. It is not only the recipe by which some of the most megalomanical crimes in the history of the world might have been justified. It is also different in content from the general directive ‘Be beneficent’. If the injunctions of Ross’s type (4) duty of beneficence corresponded to duties, the duties in question could not be the same as those to which one is directed by the imperative ‘Be beneficial’. Listen to the words ‘Be beneficent.’ In English I take it that they mean more or less, ‘Do the sort of thing a beneficent person would do.’ The beneficent person is not simply one busy in producing good as such, still less one producing as much good as possible. The beneficent person is one who helps X, or rescues Y, or promotes this or that cause because each of those things is in its own way an important and benevolent end. His acts are not directed at simply increasing the nett quantity of intrinsic good in the world.

The interesting thing about this divergence of view concerning beneficence is that it takes us all the way back to Ross’s own original insight, ‘The essential defect of the ideal utilitarian theory is that it ignores or at least does not do full justice to, the highly personal character of duty.’ If we abandon some of Ross’s subsequent formulations and insist on interpreting the type (4) obligation to beneficence as an obligation to act the part of the beneficent or benevolent kind of person, we can see the obligation in a new way. We can see it as a schema that generates countless more specific, as Ross would say prima facie, duties, duties most of which arise (often in a supererogatory or non-mandatory manner) from the agent’s historic situation, arise from who he is, arise from who his putative beneficiary is, or arise from what goals he has already committed himself to promoting (say, education or music or whatever). In so far as there is a duty to beneficence, so construed, it is not derived from the supposed platitude of moral mathematics that a larger nett intrinsic good is better than a small one. That has nothing to do with it and Ross has no need to concede anything at all to this idea. It is derived from the kind of reflection that I have claimed Ross ought not to have taken so much for granted on the part of his reader and that I have already touched upon in further elucidation of the Aristotelian tag ‘the judgement lies in perception’. This reflection could take the form of reflection on the ends of life for human
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beings who are seeking to live in eudaimonia with other human beings.\footnote{15} Or it could take the form of reflection about what conduct is to be expected of autonomous beings who live within a kingdom of ends, live that is within a systematic union under common objective laws of self-legislating beings that treat one another as befits self-legislating beings. Or it could have taken other forms. What is important is the size and shape of the space that Ross's theory can leave for such reflections.

11 This is not the moment to try to think all the way through the divers consequences of limiting and reformulating agathistic or type (4) \textit{prima facie} duties of agents in the manner I have just advocated. I simply remark that I should not myself claim that it would have the effect of shifting Ross into the camp of those who seek to make the virtues somehow \textit{foundational} of moral thought. For in matters of right and wrong Ross is best advised not to be a foundationalist at all.

12 Let me conclude by trying to carry one or two steps further the now revised Rossian disputation with consequentialism. Suppose someone said this: It is all very well limiting the type (4) obligation in this way. But the benevolent person as reconstituted is not \textit{facing up} to the Balkan situation – just as one fears, have faced up to the Nazi one. 'Even if he'd been in a position to shoot Hitler, he wouldn't have faced up to that either.'

My reply to this begins by pointing out that, in the Balkan case, the thing that one is being inveigled into is violence against the innocent. Resistance to Nazism need not have involved that. Second, the new dialectical situation, as I see it, is this.

1 The requirement of beneficence – the thing Ross calls the \textit{prima facie} duty to beneficence (misleadingly so far as \textit{prima facie} goes and somewhat indiscriminately, so far as the word 'duty' goes) – is not the same as the requirement to 'make the world a better place'. In its new form, it can generate some 'highly personal' concerns. (This is not to say it cannot inherit any of the charms so widely attributed to the would-be platitudinous injunction to 'make the world a better place'.)

2 Beneficence is by its \textit{true nature} restricted, both in what it will attempt and in the means by which it will attempt that.

3 It seems unthinkable that a beneficent person could take seriously the consequentialistic representations that we considered in the Balkan example.

\footnote{15}{Note however that the beneficent person is not as such readily identifiable with any Aristotelian stereotype.}
All right. So much is obvious. But suppose it were still represented that the beneficent person ought to be taking the consequentialists’ representations seriously, that the beneficent person as so far characterised, appears complacent, hide-bound, a veritable faineant. Is there not any more to say here?

Well, I would say first that, if the consequentialist really wanted the beneficent person to take seriously the prospect of doing that sort of thing, then the consequentialist could no longer be in the friendly or advisory business of telling the beneficent person what it was right for him to do. He would have to be in the business of showing that there was nothing else for him to do, that there was nothing else that anyone could try out. He would have to be in the business of showing the beneficent person that that was what he had to do. This is a new discipline and a new dialectic. Surely though, if such a thing were shown – and the difficulty of showing it would be extreme, but if it were shown – then the questions of right and wrong, of obligation, of acts the doing of which would be morally praiseworthy because from a sense of duty, all these would long since have gone out of the window. Their place would have been taken by dire (alleged) necessity.

13 That is one answer to the charge. The second answer is partly inspired by Ross’s very title The Right and the Good. The anti-consequentialist should remind the consequentialist of the state of the argument. The consequentialist has proposed an account of rightness. But on behalf of this account, the consequentialist offers (so far) no non-question-begging argument – either to the effect that we already believe his equivalence (we don’t, and Ross has shown we don’t) or to the effect that we are already committed to believe it. How could the second be shown? I am not certain. Until the consequentialists try to show it, I think it is a mistake to raise objections to their doctrine. It does not deserve objections. If one were to offer objections then people could object to the objections. But then we should lose track and forget that objections to objections do not give the consequentialists any argument for this equivalence. That would still be the thing we lacked. Pending the production of a non-question-begging argument for consequentialism, let me simply say that it may be best for the ordinary, passably beneficent, passably otherwise virtuous person’s ideas of what is right to be permitted to stand. Contrary to consequentialist misrepresentations, this person is not concerned with his own virtue. He is concerned with what it would be right for him to do.

14 The consequentialist might say to Ross at this point (if Ross were to concur in this part of my defence of his position) that con-
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stantly agents rank the alternative courses of action that are open to them. If they rank alternatives, then they must do so in the light of something or other. Surely it would be irrational for them to prefer alternatives that secured worse outcomes, that is outcomes whose badness was already implicit in the rankings that the agents already make.

In practice, such arguments, when spelled out in particular cases, usually prove to presuppose consequentialism rather than to justify it. The chief point I want to make about them is this, however. In a context, we may well rank acts for their possibility in that context. That is agreed. But this ranking is one that we effect (or that is my suspicion) by applying all sorts of ideas that are not really valuational at all. We deploy here all sorts of ideas that fall under the right rather than the good, namely ideas of the sanctity of a practice, of the forbidden, of the taboo, of the nefastum or atasthalon. Such ideas are already involved by their whole nature with thoughts of the morally impossible. The capacity that we have to make context-specific rankings of alternative courses of action shows nothing then about the possibility of grounding the right in the good. It shows nothing at all about the analytical, conceptual or moral grounding of the consequentialists’ foundational equivalence.

Consider. When someone draws back in horror from the suggestion that problems of race, hatred and prejudice can only be solved by acts of genocide, do we really need or want to describe things as follows?:

the agent is devoted to a certain end E (racial harmony) valued at N and is considering an act (genocide) disvalued at M. But when the agent looks deeper into things, the difference between N and (N – M) shocks him, shocks him so much that he draws back in horror.

Horror at a mere difference! This is mad. The agent is not shocked by the difference between N and (N – M). That is just a number, very much like any other difference. Surely he is shocked at the nature of the act itself that is said to be disvalued at M. If ‘disvalued’ is the right word at all .... The ideas he is deploying are ideas of right and wrong, forbidden, nefas etc. The thought the agent is having is the thought of doing something like that! Once consequentialism had been argued for in a non-question-begging way, perhaps it could be argued such responses were to be discounted. But that is not the present situation.

15 These points ought to be all of a piece with Ross’s point about the right and the good. But are they? The point we are looking for
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is not put explicitly into service, alas, in chapters 1 or 2 of *The Right and The Good*, where we most need it, or in the parallel passage in *The Foundations of Ethics*. In so far as we find it working explicitly in Ross, it occurs in chapter 4 of *The Right and The Good*, the chapter entitled ‘The Nature of Goodness’. In that chapter it is lodged at an interstice in the highly wrought filigree of Ross’s very Moorean discussion of the nature of the good and the toti-resul-tance of good from the other properties of things:

In contrast with [certain other properties], value is a toti-resulant property based on the whole nature of its possessors. And this is true not only of ‘good’, the adjective which expresses intrinsic value, but also of ‘right’ and ‘beautiful’, which are often classed with it; though right does not stand for a form of value at all, and beautiful does not stand for an intrinsic form of value. [122]

‘Right does not stand for a form of value at all. And wrong does not stand for a form of disvalue’: this was really Ross’s whole message, waiting there to be followed through. How one wishes he had said some more about it — and said it in chapters 1 or 2, in explicit opposition to Moore’s agathistic consequentialism.

Is this the only place where Ross makes anything of the thought we attribute to him? Once we look, there are one or two similar remarks to be picked up. I conclude with one other:

The rightness of an act, if the contention of our second chapter is correct, is intrinsic to the act, depending solely on its nature. But 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. If he does it from a good motive, that adds to the sum of values in the universe. Whatever intrinsic value, positive or negative, the action may have, it owes to the nature of its motive and not to the act’s being right or wrong; and whatever value it has independently of its motive is instrumental value, i.e. not goodness at all but the property of producing something that is good. [133]

To assess this, it is necessary, before one exercises the freedom to try to deploy Ross’s finding in a less scholastic fashion, to remember that the intrinsic goods are for Ross knowledge, virtue and pleasure. It is true that, if the suggestion I have made to Ross be adopted and implemented, then Ross is no longer without defences against the suggestion that there is an unqualified *prima facie* duty to promote knowledge, virtue and pleasure. But there is so much more to say —
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not least about the ideas that fall under the category of right, wrong, forbidden etc and about the point of the whole non-consequentialist scheme by which we still have to live. If only someone would begin there.16

16 Conclusion. Ross saw clearly that something was wrong with Moore’s reductivism and his neutralism. He chased the weakness that he saw round and round the plate, but he never properly speared it. Maybe Ross thought his insight into the personal character of duty would fully suffice for him to secure one small and decisive victory over Moore – a victory on neutral ground that would lead into others over the whole field. But in order to win any decisive result at all, he needed a more accurate reconnaissance of the dispositions of the enemy to be defeated. And Ross needed to take more care to reckon or enumerate his own forces. Had he compared the forces available to him with all the forces that Aristotle or Kant were wont to deploy, he would have seen that by taking the enemy more seriously he had the power to win the whole campaign. For on the main point, he was right (I think). The mistake was for Ross to suppose there was a small victory he could win quickly on the enemy’s own terms without radical reconstrual of the conception he had inherited from Moore of benevolence, without following through all the consequences of his own insights into the personal character of obligations not duties. Changing the metaphor yet again, I conclude by saying that Ross needed to take more care to get all his pieces on to the board, to take better stock of them and to use all of them. Nothing less would have sufficed. Moore was not to be defeated by anything so quick or humiliating as fool’s mate.17 Those like me who want to disbelieve consequentialism will have to purify Ross’s critique before they resume it.


17 The text published here overlaps but does not coincide with the lecture given at the Royal Institute of Philosophy. In the text given here, I dwell mostly on an earlier phase of the debate about consequentialism than the Philippa Foot – Samuel Scheffler phase that consumed the major part of the lecture actually delivered. For criticisms and amplifications of some of the claims advanced here about Ross and Moore, see the comments that Jonathan Dancy and Stephen Darwall offered on the version of the present text that was published in Utilitas, 10(3) (November 1998).