

## Virtue and Maximization

Every rational agent must reason according to practical dispositions<sup>1</sup>. In this paper I will not be concerned with the content of practical dispositions, nor, except in an indirect way, with their form. Instead, I will advance a claim about the relationship of the forms of the various practical dispositions that a single rational agent may hold. A particularly interesting difference between different sorts of practical dispositions is that some are maximizing (or minimizing)—they aim to bring about states of affairs in which the magnitude of some end is as great (or small) as possible—while others are not. For example, a disposition to ensure that the overall number of killings is as low as possible is minimizing, while a disposition not to kill is not<sup>2</sup>. Maximizing dispositions need not have agent-neutral maximanda: the disposition to minimize the number of killings done by me has a maximizing form<sup>3</sup>.

I will argue that bearing maximizing dispositions is an all-or-nothing matter. By this, I mean that a practical subject might adhere to consequentialism, egoism, or bear some combination of these two sorts of maximizing dispositions. A practical subject might also adhere to a set of non-maximizing dispositions, as many virtue theorists have

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<sup>1</sup> Throughout this paper, I will talk about dispositions giving reasons. However, on some varieties of externalist accounts of practical reason, dispositions to not give reasons at all: rather, they affect what we take to be reasons. They give us a window onto the reasons we in fact have. Nothing that I say depends upon whether dispositions give reasons or cause us to take things to be reasons. I stick to one locution simply to avoid awkwardness.

<sup>2</sup> A terminological note: I will often say “maximizing” when “maximizing or minimizing” would be more accurate, simply for reasons of readability.

<sup>3</sup> There may be two sorts of maximizing virtues: those that call for us to maximize in each decision—as in act consequentialism—and those that call for us to act according to the rules that will maximize. I will ignore the difference between these two sorts of maximizing dispositions, as it does not matter very much for my purposes.

supposed. However, a set of dispositions where some are maximizing and others are non-maximizing is self-effacing: one cannot consistently adhere to it. I do not mean to deny that a bearer of non-maximizing dispositions may ever reason by determining how to maximize some end; rather, all of her ultimate reasons for acting must be non-maximizing. Ultimate reasons—the things that we do not in order to do anything else—are the sort of practical dispositions that I will discuss.

I will ease into the issue by considering a critique of consequentialism by Philippa Foot in “Utilitarianism and the Virtues” wherein Foot claims that consequentialists rely on the bogus assumption that there exists a maximizandum that is logically prior to a set of practical dispositions. This conception of logical priority is taken from Rawls’s “Two Concepts of Rules”. The idea is roughly that e.g. baseball playing is logically prior to stealing a base because one can only perform the action of stealing a base within the context of an established practice of baseball playing. Outside of this context, the same activity would just be running at a bag. I will argue that Foot is not quite right: the key assumption that consequentialists make is that practical dispositions can have maximizanda at all. The question of whether or not the maximizandum is logically prior to a set of practical dispositions is irrelevant. In so doing, I hope to offer a perfectly general argument that rational reflection regarding one’s practical dispositions will cause maximizing dispositions to “crowd out” non-maximizing dispositions.

I take this result to be fairly exciting not just because of its bearing on the specifically ethical issue of whether consequentialism is correct, but also because my argument will describe some formal constraints on practical dispositions that come from the nature of practical rationality itself. I aim to bring attention to an important way in

which practical rationality might be self-governing: constrained by norms that come from the very nature of practical rationality itself.

### **Foot's Argument**

In broad outline, the project of “Utilitarianism and the Virtues” is to show that one may accept all of the important moves that philosophers make in defense of consequentialism without accepting consequentialism. Indeed, Foot thinks that these moves are impossible to resist, although she ultimately thinks that they do nothing to help consequentialism. There are two particularly important ideas that Foot wants to grant consequentialists. First, Foot agrees with consequentialists in finding the thought that “it can never be right to prefer a worse state of affairs to a better” (198) compelling. Second, Foot believes that adding agent-centered restrictions to a consequentialist framework is unacceptable: we cannot plausibly count killings by me as worse than killings simpliciter in evaluating states of affairs. In making these two concessions, Foot seems to be giving consequentialists everything that they need: one must try to bring about the best state of affairs, and any way of doing so is acceptable as long as it creates a better outcome—in an agent neutral sense of what counts as a good outcome—than the alternatives. Call this defense of consequentialism the Basic Argument for Consequentialism.

Foot argues that the problem with the Basic Argument for Consequentialism lies in what initially appears to be a trivial assumption: she does not believe that there are better and worse states of affairs in the sense that the argument requires. Thus in spite of its air of truism, the thought that “it can never be right to prefer a worse state of affairs to

a better” is meaningless. A large portion of “Utilitarianism and the Virtues” is dedicated to showing that while there is a sense to the idea of a better or worse state of affairs for Jones or Smith, there is no sense to a better state of affairs for the universe. Foot shows, compellingly, that outside of the specific context of moral philosophy, when someone says that something is better or worse without qualification, they almost always mean better or worse *for him*. In addition, she thinks that talk of better and worse states of affairs *from a moral point of view* is either meaningless or question begging. The phrase is meaningless if we do not assume that there is any particular type of state of affairs that a moral agent prefers. The phrase has content if we assume that moral agents prefer states of affairs of a certain type, such as those with the most overall well being. However, the claim that moral agents need always prefer states of affairs of some particular type is precisely what Foot is challenging: one cannot defeat her challenge by simply assuming what is at issue.

Foot does not deny that there are better and worse states of affairs in general and leave it at that: she does believe that there is something correct about the thought that some actions are worth doing because they make people better off. Foot believes that benevolence—the desire to increase the well being of others—is a virtue. A virtuous agent thus has reason to help others even when justice and promise keeping and so on provide no reason to do so. Indeed, Foot believes that it makes sense to label as “good” those states of affairs that a benevolent person prefers. This goodness is not a feature of the state of affairs themselves: it adheres to them only through the perspective of a benevolent person. Foot thus endorses what I will call the Logical Priority Thesis: the virtues are logically prior to the goodness of states of affairs. In Foot’s words, “there is

indeed a place within morality for the idea of better and worse states of affairs....only because the proper end of benevolence is the good of others” (206).

Foot believes that her discussion of benevolence diffuses the intuitions that made the Basic Argument for Consequentialism initially compelling. Benevolence gives reasons to pursue the best state of affairs, but other virtues give reasons to act in other sorts of ways that may be in conflict with pursuing the best state of affairs. The virtues are all on a par, so there is nothing strange about the reasons given by justice outweighing the reasons given by benevolence in some situations. By situating the sense in which states of affairs are good or bad in the framework of the virtues, Foot seems to have succeeded in showing how one can successfully resist consequentialism.

### **An Initial Objection**

The Basic Argument for Consequentialism did not depend in any obvious way upon any thesis about whether the goodness of states of affairs was logically prior or posterior to practical dispositions. Thus, it is not obvious how the Logical Priority Thesis gets any traction on the Basic Argument for Consequentialism. Foot agrees with consequentialists that for an agent trying to act morally there seems to be something absurd about saying that she has more reason to pursue a worse state of affairs to a better. For a virtuous agent—on Foot’s view—different states of affairs are legitimately better and worse: goodness is not some sort of hoax or illusion. A virtuous agent—provided she does not accept that there are agent-centered maximanda—will see a state of affairs in which she kills one person as better than one in which someone else kills five people.

If the thought that “it can never be right to prefer a worse state of affairs to a better” is right, then a virtuous agent will prefer to kill one than to allow five to be killed.

There is a stronger claim than the Logical Priority Thesis—the outright denial that there are good and bad states of affairs at all from an impersonal point of view—that would plainly undermine the Basic Argument for Consequentialism. Call this view the Strong Thesis. Foot never explicitly endorses the Strong Thesis. Moreover, she endorses a claim that is incompatible with the Strong Thesis: she says that there are states of affairs that virtuous agents consider better or worse. There is a puzzle about how the Logical Priority Thesis allows one to resist the Basic Argument for Consequentialism without endorsing the Strong Thesis. Foot never directly addresses the question of how, exactly, the Logical Priority Thesis demonstrates a problem with the Basic Argument for Consequentialism. What sort of argument against the Basic Argument for Consequentialism does she have in mind?

### **Some Non-Starters**

Here are some arguments that Foot hints at but which cannot work:

1. The Initial Objection of the previous section depended upon talk of better and worse states of affairs from the perspective of a virtuous agent. Perhaps this talk is misguided, though: while there may be a good state of affairs from the perspective of benevolence, there is no such thing as a good state of affairs simpliciter for a virtuous

agent. Maybe there is no state of affairs that a virtuous agent prefers in a case where one option contains more well being but the alternative is more just.

The problem with this reply is that there are often cases in which benevolence gives reason to prefer one state of affairs and there is no other virtue that gives us a reason not to prefer it. In such instances, we can say that some state of affairs is better simpliciter, although common-sense morality prohibits bringing that state of affairs about. A state of affairs in which there is one killing by me is better than one in which there are five killings by someone else from the perspective of benevolence; there is no virtue according to which it is worse. Here Foot's view seems to require siding with consequentialist departures from commonsense morality, which Foot wants to avoid. Agent-centered restrictions would solve the problem for Foot, but she wants to find an alternative to consequentialism that does not depend upon agent-centered restrictions.

2. Perhaps benevolent agents in some sense want there to be more well being in the world, yet benevolence does not always give reason to count states of affairs in which there is more well being as better. In particular, a benevolent agent might not see any goodness in outcomes that can only be attained through actions prohibited by other virtues: he simply does not rank the state of affairs that would obtain if he killed an innocent person.

This proposal is, I think, deeply strange. More importantly, in order to adopt it, Foot must embrace the Strong Thesis since the proposal says that states of affairs are not good or bad at all: they are only good or bad when evaluated in combination with the means of bringing them about. If Foot adopts such a view then the Strong Thesis does all

of the work in deflecting the Basic Argument for Consequentialism; the Logical Priority Thesis is superfluous.

### **Internal and External Ends**

The best clue to Foot's reasons for believing that the Logical Priority Thesis makes trouble for the Basic Argument for Consequentialism come in a cryptic discussion of etiquette. Etiquette, like ethics, regards some states of affairs—those in which there is least social discomfort—as better than others. Yet, etiquette can demand that we create more discomfort: for example, etiquette may demand that we refuse to talk about a host's shortcomings immediately after she has left the room, even if so refusing creates an awkward situation. Nobody thinks it paradoxical that etiquette has this structure of being only partially goal-oriented.

Foot's point is to introduce a division between two types of goal oriented practices. The first type contains practices that we adopt to attain some antecedent end. Foot does not discuss any such cases, but presumably if someone engages in the practice of fishing simply because he wants fish, then he only has reason to do what will maximize the number of fish caught. The other type—the ones that Foot discusses—have a goal that is not antecedent. Chess is a clear example of such a practice: we do not decide that we want to checkmate someone and therefore adopt the practice of playing chess; we could not, because chess playing is logically prior to checkmating. Chess playing thus has a peculiar structure: one adopts the practice of chess playing to meet antecedent goals such as having fun or being intellectually stimulated. However, once

one has adopted the practice of chess playing, one pursues a goal internal to the practice—checkmating—rather than selecting moves by deciding which would be most fun or most intellectually stimulating. I will call practices with this structure—practices whose bearers pursue a telos logically posterior to the practice itself (the internal telos) as opposed to the goal or goals that warrant the adoption of the practice itself (the external telos)—*complexly teleological*, or CT.

Within CT practices, there is no air of paradox in behavior that does not maximize the attainment of the internal telos. Suppose that I would be in a much better strategic position if my bishop was at E4, but in order to get it there I must make an illegal move. A better strategic position is a better state of affairs from the perspective of chess. As a chess player I would not believe that I had reason to move my bishop to E4—even if I was sure I could get away with it—even though I would be perfectly aware that the state of affairs where my bishop is at E4 is better than the alternative. My commitment to the practice of chess playing would simply mean a commitment to letting considerations arising from the rules of chess outweigh considerations arising from strategic position in cases of conflict. There is no air of paradox here. The agent adopts a practice that pursues the internal telos simply because doing so is conducive to the attainment of the external telos; thus, failure to single-mindedly pursue the internal telos is rational if the constraints upon maximization within the practice make the practice as a whole more conducive to the attainment of the external telos.

The discussion of etiquette suggests the idea of a CT practice which, when combined with the Logical Priority Thesis, can generate a response to the Basic Argument for Consequentialism. It would not be quite right to say that ethical behavior

is a CT practice for Foot, because she does not think that there is an external telos to ethical behavior. However, many of the virtues, like CT practices, have internal ends that are logically posterior to the virtues themselves. It follows that although virtuous agents pursue internal ends as a chess player pursues checkmates, the fact that adopting some virtue leads to an increase in the attainment of some internal end cannot be what makes the adoption of that virtue rational. If the reason we adopt the virtues was, in part, that we wanted to increase the goodness of states of affairs, then it would be paradoxical to prefer the worse state of affairs to the better. However, the Logical Priority Thesis shows that the reasons for adopting the virtues cannot possibly have included their proclivity to make states of affairs better. Thus, there is nothing unduly strange about the virtues sometimes advising actions inconsistent with the maximization of the goodness of states of affairs. The Logical Priority Thesis can serve to dispel the air of paradox in resisting consequentialism.

### **Rationality and the Virtues**

If I am right that the argument of the previous section captures Foot's stance in "Utilitarianism and the Virtues" then she does offer a strong case that the Logical Priority Thesis makes trouble for consequentialism. However, there is a problem with this argument based upon an important disanalogy between ethics and, say, chess. All of the reasons given by the practice of chess playing are reasons to move pieces on a board and no more. In contrast, the practical dispositions that we are concerned with are practices

that govern all reasoning about how to act. This means that practical dispositions can give reasons to adopt or not to adopt particular practical dispositions.

This observation will yield a startling claim: all sets of practical dispositions that contain both maximizing and non-maximizing dispositions are unstable. By this, I mean that someone who bears both maximizing and non-maximizing dispositions will always be rationally compelled, in light of her own dispositions, to abandon her set of practical dispositions in light of an alternative set of dispositions<sup>4</sup>.

When reflecting upon our own dispositions, maximizing dispositions generate standards for the goodness of sets of dispositions while non-maximizing dispositions do not. For example, someone who bears a disposition to minimize the number of promises broken will have a reason to adopt a set of practical dispositions that will generate a minimal number of broken promises. A maximizing disposition of that sort tells an agent to do whatever action will minimize the number of promises broken: adopting a disposition to minimize the number of promises broken is such an action. In contrast, a bearer of a non-maximizing disposition to keep her promises will not be provided with a reason to adopt or retain a set of practical dispositions that includes the disposition to keep promises. A disposition to keep promises gives a reason to keep promises, but it does not give a reason to adopt—or to continue to bear—the disposition to keep promises. It does not say anything about any action that is not the keeping or breaking of a promise.

This asymmetry between maximizing and non-maximizing dispositions leaves the latter no way to influence the choice between alternative sets of dispositions. Bearing a

disposition to maximize X gives a reason to continue to bear the disposition to maximize X, as well as some reason to abandon any disposition that interferes with the maximization of X. In contrast, non-maximizing dispositions do not give reasons for their own perpetuation. This situation will cause the squeezing out of non-maximizing dispositions: nothing in the reflecting agent's set of dispositions gives reason to maintain his non-maximizing dispositions, and the maximizing dispositions give positive reason to abandon the non-maximizing dispositions. Any agent with both maximizing and non-maximizing dispositions will, upon reflection, be rationally compelled to keep the former and abandon the latter. Call the view that non-maximizing dispositions cannot survive reflection if their bearer also holds maximizing dispositions the Squeezing Out Thesis.

The Squeezing Out Thesis does not depend on the maximanda of the maximizing dispositions being logically prior to the dispositions themselves. The Squeezing Out Thesis does depend on the reflecting agent recognizing that the maximanda of his dispositions are worthwhile goals even during reflection. But this latter fact does not threaten the Squeezing Out Thesis. A reflecting agent is guided in his reflection by his current set of virtues. If he bears some maximizing dispositions at the time of reflection he will view their maximanda as worthy of maximization. If an agent could suspend commitment to all practical dispositions then, according to the Logical Priority Thesis, he would not have a reason to maximize anything in particular. However, selecting new practical dispositions while suspending all of one's prior practical dispositions is impossible: one could not reason about what to do without any standards whatsoever.

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<sup>4</sup> David Gauthier makes the argument that act egoism is unstable in this way: by the standards of rationality inherent in act egoism, rule egoism is superior to act egoism. So an act egoist is rationally compelled to become a rule egoist.

While we can reason about which dispositions we should bear, we can only do so by appealing to our current dispositions.

### **The Resilience of the Basic Argument for Consequentialism**

The Squeezing Out Thesis allows us to restate the Basic Argument for Consequentialism in a way that is unaffected by the Logical Priority Thesis. Consider an agent that bears what we ordinarily consider the proper practical dispositions: promise keeping, honesty, and other non-maximizing dispositions, as well as benevolence, characterized as the disposition to maximize overall well being. For now, make the simplifying assumption that this agent does not bear the disposition to maximize her own well being. If she reflects upon her dispositions, she will find that she has reason to continue to be benevolent—bearing that disposition increases the amount of well-being in the world—but no reason to continue to bear the disposition of promise keeping: the latter disposition does not tend to increase the level of any of her maximizanda. This is just a restatement of the Squeezing Out Thesis: reflection will lead this agent to the adoption of consequentialism. Moreover, the Squeezing Out Thesis shows how the core intuition of the Basic Argument for Consequentialism—that “it can never be right to prefer a worse state of affairs to a better”—can be meaningful in spite of the Logical Priority Thesis. This version of the argument does not appeal to better states of affairs logically independent of practical dispositions<sup>5</sup>.

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<sup>5</sup> It is more difficult to say precisely what happens when we consider an agent who bears other maximizing dispositions, such as the disposition to maximize her own well being as well as that of others. Benevolence, prudence, and other maximizing dispositions will squeeze out non-maximizing dispositions,

The important upshot of this section is that there is a form of the Basic Argument for Consequentialism that need not rely on intuitive appeals to the strangeness of preferring a worse state of affairs to a better one. This version of the argument depends only upon two claims about practical reason that are nearly unassailable: that one can reason about what dispositions to bear and that one cannot suspend all of one's current set of dispositions when engaging in practical reason.

### **Can We Resist the Basic Argument for Consequentialism?**

The conclusions of the last two sections may make the prospects of resisting the Basic Argument for Consequentialism appear grim for two reasons. First, if I am correct then the Logical Priority Thesis does not directly provide an objection to the Basic Argument for Consequentialism. Second, the Squeezing Out Thesis may make the Basic Argument for Consequentialism seem more powerful by removing the need for the vague and controversial first premise.

However, there are two reasons not to jump to the conclusion that the Basic Argument for Consequentialism is impossible to resist. First, the Squeezing Out Thesis shows that it is irrational for a bearer of maximizing dispositions to continue to bear non-maximizing dispositions. However, it is not at all obvious that any of us should or do bear any maximizing dispositions. Ordinary moral reasoning may appear to involve some maximizing dispositions: Foot is surely right that nobody would want to deny that benevolence is a virtue. However, one might deny that benevolence is maximizing and

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but will not squeeze out each other. The result will likely be consequentialism tempered by agent-centered options but not agent-centered restrictions: the sort of view defended by Scheffler.

thus deny that benevolence is able to rank states of affairs. Fleshing out a non-maximizing account of benevolence is beyond the scope of this paper: moreover, I have nothing to add to accounts that have already been given. Very roughly, a bearer of a non-maximizing form of benevolence might take herself to have reason to pursue some end insofar as someone else has prudential reason to pursue that end; alternately, a benevolent agent might take herself to have reason to pursue some end insofar as that end contributes to another person's well being. A non-maximizing account of benevolence can be roughly extensionally equivalent to a maximizing form of benevolence in everyday cases and yet have an entirely different form. If such a non-maximizing account of benevolence is plausible, the Squeezing Out Thesis cuts no ice against commonsense morality.

A second way to resist the version of the Basic Argument for Consequentialism grounded in the Squeezing Out Thesis is to go farther than Foot and argue directly for the Strong Thesis. Many moral philosophers have been tempted by a view of the property of goodness wherein states of affairs are not the sort of thing that can be good or bad; Foot herself seems, in other writings, to endorse such a view. Any argument for such a view of goodness would obviously derail the Basic Argument for Consequentialism.

These two reasons not to jump to the conclusion that my argument means that consequentialism cannot be resisted have a startling similarity: they are both reasons to believe that the Strong Thesis is plausible. The upshot of my argument is thus that in order to resist consequentialism, one must be willing to endorse the Strong Thesis. Countenancing better and worse states of affairs *at all* gives a defender of consequentialism all the ground he needs to mount a successful defense of his view. A

rational agent may not merely have some maximizing dispositions: whether all or none of her dispositions are maximizing remains an open question.

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