

Buck-Passing and the Consequentialism/Deontology Distinction*

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Abstract. According to T.M. Scanlon's 'buck-passing' account of value, for something to be valuable is not for it to possess value as a simple and unanalysable property, but rather to have other properties that provide reasons to take up an attitude in favour of it or against it or to act in certain ways in regard to it. Jonathan Dancy has argued that passing the buck threatens to resolve prematurely the debate between consequentialism and deontology in favour of consequentialism (Dancy 2000). In this paper I shall discuss this claim. Section II suggests that Dancy's objection is well-founded, but not in the precise sense he imagines. Dancy's instructive criticism raises another intriguing question that will be dealt with in section III. The question is this: given that the buck-passing account of value is accepted, to what extent can we draw a distinction between consequentialism and deontology? The way in which Scanlon might answer this question would nullify Dancy's worry, but it suffers from other problems. Ultimately, I shall suggest that the buck-passing account does reduce the conceptual space for the consequentialism/deontology distinction, but that the ways in which it does so are tolerable. There remain a number of useful distinctions between normative theories that the buck-passer is entitled to draw. Some of those capture important aspects of what intuitively divides consequentialists and deontologists.

I. Introduction

The normative sphere splits up into two distinct categories of concepts. On the one side is the *deontic* category containing such concepts as ought, reason, right, wrong, duty, obligation, etc. On the other side is the *axiological* category containing such concepts as value, goodness, badness, betterness, etc. T.M. Scanlon's 'buck-passing' account of value suggests that the concepts in the axiological category are analysable in terms of the deontic concepts; for something to be valuable is not for it to possess value as a simple and unanalysable property, but rather to have other properties that provide reasons to respond in certain ways, i.e., to take up an attitude in favour of it or against it or to act in certain ways in regard to it.¹ There are two distinctive features of the account: The first is that it is not value properties but rather the properties upon which value supervenes that provide reasons. The second is that – unlike G.E. Moore, who in his *Principia Ethica* famously argued that intrinsic value is the fundamental and unanalysable normative concept in terms of which any other normative notions such as right, wrong, ought, duty, reasons, and the like are definable² – the buck-passer analyses intrinsic value in terms of reasons.

The buck-passing account has in a short period of time become increasingly popular, but it has also been exposed to criticism. Jonathan Dancy (2000) argues that passing the buck threatens to

* Earlier versions have been presented at Oxford and at Yale. I am grateful to the participants of these meetings for helpful comments and discussions.

¹ Scanlon (1998, pp 95-100). I follow Jonathan Dancy (2000, p. 163) in taking reason to be a deontic concept.

² See Moore (1903, esp. pp. 24-6, 147). By the time he wrote *Ethics* (1912), Moore had abandoned this view.

resolve prematurely the debate between consequentialism and deontology. Since the issue between consequentialists and deontologists resides in normative ethics one would expect it to be settled by appeal to substantive argumentation, but Dancy claims that the buck-passing account tends to give the game away to the consequentialists already at the level of analysis.

In this paper I shall discuss this claim. My suggestion will be that Dancy's objection is well-founded, but not in the precise sense he imagines. According to a classic statement of the contrast between consequentialism and deontology, the buck-passing account in fact appears to resolve the debate in favour of deontology, but according to another interpretation of the contrast, which is probably the one Dancy has in mind, the buck-passing account does appear to resolve the debate in favour of consequentialism. But in the latter case it is questionable how grave the threat of premature resolve really is. This discussion is carried out in section II.

Dancy's instructive criticism raises another intriguing question that will be dealt with in section III. The question is this: Given that the buck-passing account of value is accepted, to what extent can we draw distinctions between normative theories that enable the buck-passer to account for the divide between consequentialism and deontology? As we shall see, the way in which Scanlon might answer this question nullifies Dancy's worry, but it has problematic implications for the viability of the buck-passing account as an analytic proposal. I shall then attempt to clarify what distinctions between normative theories the buck-passer can utilize in order to account for the consequentialism/deontology divide. In the course of discussion, I shall briefly assess how well these distinctions fulfil this task. But let us first examine in some more detail the buck-passing account and Dancy's worry about it.

II. Is the Buck-Passing Account Biased in Favour of Consequentialism?

A classic and very widespread statement of the contrast between consequentialism and deontology comes from John Rawls. Rawls defined a consequentialist³ theory as one according to which "the good is defined independently of the right, and then the right is defined as that which maximises the good."⁴ A deontological theory is one that fits the negation of this, i.e. a theory that "either does not specify the good independently from the right, or does not interpret the right as maximising the good."⁵ Another common and related way of making the distinction is to say that for the consequentialist the good is prior to the right, while for the deontologist the right is prior to the good.⁶

³ Rawls used the term 'teleology' rather than 'consequentialism'.

⁴ Rawls (1999, pp. 21f.). Rawls expresses his indebtedness to W.K. Frankena (1963).

⁵ Rawls (1999, p. 26).

⁶ Fried (1978, p. 9).

On this view, the buck-passing account appears to be biased in favour of deontology rather than consequentialism since it does not define the good independently of the deontic notion of a reason. This comes out even more clearly when one turns to one of the founding fathers of the buck-passing view, A.C. Ewing.

According to Ewing's definition, for a thing to be good is for that thing to have properties such that it ought to be the object of a pro-attitude. The ought appealed to is *pro tanto*, and not *all things considered*. 'Pro-attitude' is intended to cover "any favourable attitude to something [...] for instance, choice, desire, liking, pursuit, approval, admiration" (1947, p. 149). This bears an obvious kinship to the idea that value is analysable in terms of reasons to respond.⁷ Ewing got even closer not only to the spirit but also to the letter of Scanlon's view in a later work where he stated that "[t]o say that some particular thing is intrinsically good is then to say that its nature in itself provides *a reason* for adopting a favourable attitude towards it" (1959, p. 63 [my italics])⁸ In this work, Ewing also broadened the term 'pro-attitude' to cover actions.⁹

Hence, in the Ewing/Scanlon analysis, the good is not independently defined, and not conceptually prior to the deontic notions, but defined in terms of the deontic ought or reason coupled with some response component. This is why the buck-passing view, given Rawls's classical distinction, would appear to be biased in favour of deontology rather than consequentialism.¹⁰

However, on a related but different way of drawing the distinction, passing the buck seems automatically to give the game away to consequentialism. The deontologist's claim might be, as Nancy Davies puts it, "that there is no clear specifiable connection between doing right and doing good."¹¹ But according to a natural interpretation, the buck-passing account attempts to establish an analytic connection between the evaluative and the deontic.¹² This is what Dancy has in mind when he says that the buck-passing account is biased in favour of consequentialism:

Deontologists have suggested in one way or another that there are duties, and so reasons, that are not value-involving. An action can be one's duty even though doing it has no value

⁷ Scanlon does not refer to Ewing, but the close affinities between the accounts are highlighted by Dancy (2000, pp. 162f.) and Rabinowicz and Rønnow-Rasmussen (2004).

⁸ Hereafter, I will use the 'buck-passing' label to cover analyses of value both in terms of reasons and in terms of ought.

⁹ Ewing (1959, p. 63). See also his (1959, p. 97).

¹⁰ However, it might be argued that Ewing's (1947) analysis does not lead to 'moral deontology' since the ought in terms of which he analyses goodness or value is not the moral ought but the 'ought of fittingness' (1947, pp. 132ff.; cf. his 1959, pp. 90ff.). If the distinction between those two senses of 'ought' can be intelligibly made, we might be able to distinguish between 'non-moral deontologists' and 'moral deontologists'. The latter would consider the moral ought as prior, or as unconnected, to value or goodness, while the former, with the Ewing of 1947, would consider the ought of fittingness as prior to value or goodness (and possibly even as prior to the moral ought; see Ewing (1947, pp. 132, 136, 189-90) and (1959, pp. 90-5) on this point). I thank Wlodek Rabinowicz for raising this issue.

¹¹ Davies (1991, p. 206).

¹² This interpretation does not seem to be in line with Scanlon's intention, however. See section III.i below.

and its being done generates nothing of value. [...] The buck-passing view rules this out in advance. To have value is to have reason-giving features, we are told, and since this is an identity statement it goes both ways. So to have reason-giving features is to be of value. So the deontological view [...] is ruled out in advance of any significant debate. (2000, p. 168)

Dancy's remark is to the point, but it is questionable how serious this consequentialist concession really is and how much of a triumph for the consequentialist it implies. That the buck-passing account, like any view that reduces the evaluative to the deontic, implies some such consequentialist concession was clear already to Ewing, but he was inclined to view it as merely a Pyrrhic victory for the consequentialist, since the standard consequentialist formula is that "what we ought to do is derivable from the good, while the reverse is true if [the buck-passing] analysis is correct."¹³

This is in brief how Ewing reasoned: If we accept the buck-passing view that for a thing to be good is for that thing to have features such that it ought to be the object of a pro-response, and if we accept that among the things that can be good are actions,¹⁴ then to say that a thing or an action is good is to say that there is, in W.D. Ross's sense, a *prima facie* duty to take up a pro-response of some kind vis-à-vis the thing or the action. To claim that an action would produce the *greatest* good is on this view to claim that this action, rather than any other alternative, ought *all things considered* to be chosen or pursued.

That the consequentialist principle that we ought always to do the best we can is made necessarily true was for Ewing a significant merit of his proposed reduction of the evaluative to the deontic. For as Ewing was neither the first nor the last to urge; "it is hard to believe that it could ever be a duty deliberately to produce less good when we could produce more".¹⁵ This "rather simple thought that it can never be right to prefer a worse state of affairs to a better" is also what Philippa Foot in a classic article identifies as the main compelling force of consequentialism.¹⁶ One achievement of the buck-passing view is that it accounts for this simple and compelling thought in a way that to a large extent countenances Ross's theory of *prima facie* duties, since the requirement to do the best we can simply is the requirement to choose or pursue the action we ought *all things considered* to perform, rather than any other alternative.¹⁷

¹³ Ewing (1947, p. 188). Cf. his (1939, pp. 10f.) and (1959, p. 104).

¹⁴ Some deontologists would perhaps not include actions among the things that can be good or bad. I shall not here delve into the arguments for and against such a view. Suffice it to say that the claim that there can be no such things as good or bad deeds seems highly counterintuitive.

¹⁵ Ewing (1947, p. 188). Actually, the principle that it can never be a duty to produce less good when one could produce more does not entail the consequentialist principle that we ought always to do the best we can. Doing the best we can might be permitted but it need not be a duty.

¹⁶ The quote is from Foot (1988, p. 227).

¹⁷ Ewing (1947, p. 189). I get back to Ross in section III.

To illustrate, imagine that by killing one innocent person you would save two other innocent persons from being killed. Assume that there is in this situation an actual (i.e., not merely *prima facie*) duty not to kill the one in order to save the two others. If the claim is that although the state of affairs that consists in one innocent person being killed in order to prevent two innocent persons from being killed is *better* than the state of affairs that consists in one innocent person not being killed in order to prevent two innocent persons from being killed you ought nevertheless to choose or prefer the latter, this does sound puzzling.

Needless to say, attempts to deal with issues like this abound in the literature. But note that if the buck-passing account is accepted, the formal puzzle of how it can be the case that we ought to choose or prefer a state of affairs that is worse than another does not even arise.¹⁸ If we are buck-passers and believe that one innocent person ought not to be killed in order to save two others, we do not accept that the state of affairs in which one innocent person is killed in order to save two others is better. For we will then hold that for a state of affairs to be better than another just is for that state of affairs to be such that it ought to be chosen or preferred.¹⁹

A first response to Dancy's worry that the buck-passing account is questionable because it is biased in favour of consequentialism will then be this: On the Rawlsian conception of the consequentialism/deontology distinction, the worry is unmotivated since the buck-passing account would according to this conception qualify as a deontological theory. This is because the buck-passer does not specify the good independently of some deontic notion such as ought or reason, but takes the latter to be conceptually prior to the former. On the other hand, Dancy's remark is well-advised if the deontologist's essential claim is that there is no specifiable connection at all between the evaluative and the deontic and hence that there are duties and reasons that are not value-involving. But the form of consequentialism the buck-passer would be committed to should appear pretty harmless even to a convinced deontologist. And one might reasonably conclude that the fact that the compelling thought that we ought always to do the best we can is countenanced in a manner that does not in any obvious way conflict with the central contentions of a theory of *prima facie* duties makes the price of this consequentialist concession worth paying (if, at the end of the day, this is a price to speak of).

¹⁸ Cf. Ewing: "The [puzzle] seems to arise from taking too quantitative a view of good and to disappear if we realise that to call something good is not to say that it has a quality, goodness, of which you can have more or less, but to say that we ought to have certain attitudes towards it" (1947, p. 198).

¹⁹ This approach blocks the *formal* puzzle of how it can be true that one ought not to kill one innocent person to save two innocent persons even though it would be better to do so. The *substantive* question of *why* it would be better not to kill one innocent person in order to save two innocent persons remains, of course. One promising answer might be that killing one innocent person in order to save two others is *unfair*, and that unfairness is negatively valuable. To say that unfairness is negatively valuable is, on the buck-passing view, to say that it ought to be the object of a negative response.

So perhaps we should say that rather than resolving the debate between consequentialists and deontologists in favour of the former, the buck-passing account muddles the grounds on which the very distinction between the two camps is usually taken to rest. As Ewing put it: “if the analysis I have given were adopted [...] [the] antithesis between a view which based the ‘ought’ on the ‘good’ and a view which based it on *prima facie* duties would [...] disappear.”²⁰ Ewing welcomed this consequence, but if the conclusion is the slightly broader one that passing the buck rules out the possibilities of distinguishing between consequentialism and deontology, it might well be seen as somewhat unfortunate. The buck-passing account is intended to be a formal²¹ account of what it is for something to be valuable and it is a plausible adequacy constraint on any formal account of value that it is, to the largest extent possible, silent on controversial substantive issues, such as the one between consequentialists and deontologists. The threat of dissolving the grounds for the consequentialism/deontology debate is therefore almost as worrying as the threat of prematurely resolving it. From the buck-passer’s perspective, it is desirable to avoid this conclusion.

To provide a general characterisation of the consequentialism/deontology distinction that captures all uses of the terms and fits every available position has proven a very tricky task. I shall make some tentative attempts at such a characterisation in section III.iii, but the main question to be dealt with in the remainder of this paper is more limited in scope: given that we accept the buck-passing account of value, to what extent can we draw useful distinctions between normative theories that capture commonly recognised differences between consequentialism and deontology?

III. A Buck-Passer’s Account of the Consequentialism /Deontology Distinction: Some Suggestions

Before proceeding I should make two points: First, if the buck-passing account is accepted it is still possible to distinguish between the view that whether an act ought to be performed depends solely on its consequences, as distinguished from the act itself, and the view that the act itself is to be taken into account along with its consequences.²² But it is unclear what the motivation for the former view would be since among the consequences of an act’s being performed is the fact that that act was (would be) performed.²³ Second, passing the buck leaves open the debate on what we ought to take up pro-responses towards – i.e. what is valuable – be it pleasure,

²⁰ Ewing (1947, p. 189).

²¹ Scanlon’s term is ‘abstract’ (1998, p. 95).

²² Ewing (1947, pp. 189, 193). Dancy (2000, p. 168) reports that Philip Stratton-Lake has made a similar suggestion.

²³ Cf. Scheffler: “[It is not the case that] the [consequentialist] divides what happens into the act and the outcome, and evaluates only the latter with his overall ranking principle. Rather, the act itself is initially evaluated as part of the overall outcome” (1983, pp. 1-2, fn. 2). Cf. also Sen (1983); Broome (1991).

happiness, virtue, knowledge, friendship, or what have you. But this is best seen as a matter internal to consequentialism or deontology (depending on which direction one takes the buck-passing account to be biased towards). Crucially, these points are not helpful in the buck-passer's quest for a proper account of the contrast between consequentialism and deontology.

I shall consider attempts at such an account in sections III.ii and III.iii. But let us first examine the ways in which Scanlon has recently qualified his conception of the buck-passing account.

(i) Distinguishing Among Reasons

Since it sets out to analyse value in terms of reasons, it is natural to interpret the buck-passing view as a biconditional account, stating that wherever there are reasons there is value. This is the interpretation on which Dancy bases his claim that the buck-passing account posits an identity statement between having value and having reason-giving features.²⁴ This is also the idea Ewing had in mind when he concluded that on his view of value, to give a list of *prima facie* duties (i.e., of reasons) is tantamount to giving a list of intrinsically valuable things.

However, Roger Crisp reports in a recent article that Scanlon has declared (in personal communication with Crisp) that his intention was merely to account for value in terms of some specific kind(s) of reasons, not to identify value with the generic notion of a reason (Crisp 2005, p. 83). That is, while value is to be understood in terms of (kinds of) reasons, Scanlon meant to allow that there are other (kinds of) reasons that are not value-involving.

This qualification of the buck-passing account nullifies Dancy's objection since it takes the connection between value and reasons to be imperfect; some reasons are value-involving while others are not. This is precisely the idea Dancy took to be characteristic of deontology. Nevertheless, I believe that we should hesitate to endorse Scanlon's qualification. The reason is that it is difficult to see how to distinguish among reasons in a way that does not make the buck-passing account considerably less viable as an analysis of value.

It is obvious that for Scanlon's qualification to work, we must be able to somehow distinguish value-involving reasons from reasons that do not involve value. Arguably, the prospects for such an enterprise are bleak. The threat of vicious circularity is imminent, for it is far from obvious how value-involving reasons are supposed to be specified without explicit appeal to value. To see this, consider two distinct scenarios, (a) and (b): In (a) the fact that doing some act, ϕ , would be pleasant provides a reason to choose to ϕ ; in (b) the fact that doing ϕ would be the keeping of a promise provides a reason to choose to ϕ . Now, Scanlon's view seems to be that while the

²⁴ It is also Rabinowicz and Rønnow-Rasmussen's conception of the buck-passing analysis, or, as they prefer to call it, the FA (fitting attitude) analysis, in their (2004).

reason to choose to ϕ in (a) licenses inference to value (ϕ -ing would be good), the reason to choose to ϕ in (b) does not (it is not the case that ϕ -ing would be good).²⁵

Differently put, while the reason to choose to ϕ in (a), i.e., the fact that ϕ -ing would be pleasant, is value-involving, the reason to choose to ϕ in (b), i.e., the fact that ϕ -ing would be the keeping of a promise, is not. But how is the buck-passer supposed to explain this crucial difference between the respective reasons to choose to ϕ in a (a) and in (b)?²⁶ He cannot hope to rely on the idea that pleasantness has a feature of being good or good-making that promise-keeping lacks; that would make his account circular as evaluative notions would appear on both sides of the biconditional. It would also upset the buck-passing credo that goodness or value is not a reason-giving feature.

But perhaps the buck-passer can rely on the idea that reasons are provided not only by natural features, but also by *thick* evaluative features. In a response to Jay Wallace (2002), Scanlon has recently (2002) declared that he does want to allow for that possibility. In that article, Scanlon appears to accept Wallace's suggestion that pleasantness is a thick evaluative feature.

Let us assume for the sake of argument that pleasantness is such a feature and that promise-keeping is not.²⁷ Can this be what accounts for the difference between the reasons in (a) and (b)? Perhaps. But granting that thick evaluative features may provide reasons does not solve the difficulty of specifying which non-evaluative reason-giving features license inferences to value and which do not. Should the buck-passers then make the claim that only reasons provided by thick evaluative features are value-involving?²⁸

They should not. Such a claim would still burden the buck-passing account with circularity, as evaluative notions (thin and thick, respectively) would appear on each side of the biconditional. Furthermore, what several writers have found initially attractive about the buck-passing account is its above-mentioned promise of providing an analysis of the evaluative in terms of the deontic.²⁹ This was also an important motivation for Ewing's view. He prided himself upon having suggested "the minimum non-naturalistic theory of ethics, i.e., the theory other than naturalism which admits least in the way of non-natural [and unanalysable] concepts" (1939, p.

²⁵ Crisp (2005, p. 83).

²⁶ This is reminiscent of the 'wrong kind of reasons' problem for the buck-passing account. As far as I can see, however, the various responses that have been offered to the 'wrong kind of reasons' problem are not helpful in this context. See Rabinowicz and Rønnow-Rasmussen (2004) and Olson (2004a) for discussions.

²⁷ Incidentally, I do not believe that pleasantness is a thick evaluative feature. Imagine an ascetic who claims about something that would be pleasant that it would not be good, or alternatively, that it would provide no reason at all to do it. The ascetic's views about value and reasons may be weird, but they are certainly not conceptually confused, as they would have to be if pleasantness were a thick evaluative feature.

²⁸ Note that this is not Scanlon's view: "I [...] believe that evaluative properties often need to be explained by citing reasons. For example, the claim that something is good is made intelligible by citing the properties, *often non-evaluative ones*, that give us reasons to pursue it, promote it, or whatever" (Scanlon, 2003, p. 428 [my italics]).

²⁹ Dancy (2000); Parfit (2001, p. 19); Rabinowicz and Rønnow-Rasmussen (2004, p. 391); Olson (2004a, p. 295).

14).³⁰ This “theoretical neatness” (to use Dancy’s phrase) is lost on the current proposal, since it makes the analysis of the evaluative in terms of the deontic depend on a prior unexplained notion of the thickly evaluative.

In sum, then, it is not clear that the qualifications of the buck-passing account that Scanlon recommends can be implemented without making the account circular and/or considerably less attractive as an analysis of value. I take these considerations to indicate that a Ewing-style approach that sets out to analyse value in terms of a generic notion of a normative reason or ought and that does not rely on a prior notion of the thickly evaluative, is more promising as an analytic proposal.³¹ Bearing in mind the caveat that it does not cohere with Scanlon’s view, then, let us take this to be our understanding of the buck-passing account. To what extent can we distinguish between consequentialist and deontological theories given that we accept this account?

(ii) Distinguishing among Responses

We have seen that the buck-passing account comprises a deontic component, i.e., reason or ought, and a response component. In the preceding section I criticised the attempt to distinguish value-involving reasons from non-value-involving reasons. Perhaps the buck-passer could reach a distinction between consequentialism and deontology by shifting focus from different types of reasons to different types of responses. He can clearly distinguish between versions of the buck-passing account that are *monistic* with respect to the response component, and versions that are *pluralistic*.³² Ewing and Scanlon are both pluralists in this sense, since in their accounts, to be valuable is to have properties that provide reasons to respond in certain ways, where ‘response’ is an umbrella term covering a multitude of more specific and distinct types of attitudes and actions. By contrast, versions of the buck-passing account that are monistic in this respect appeal to only one more or less specific kind of response.

It has been suggested that consequentialism is characteristically monistic in that it prescribes only one kind of response to value, to wit, promotion.³³ In contrast, deontology has been seen as characteristically pluralistic in that it holds that promotion is not the only adequate response to value.³⁴ According to this proposal, the buck-passing consequentialist holds that for a thing to be valuable is for that thing to possess properties that provide reasons to promote it. The buck-

³⁰ 1939, p. 14. *Cf.* also Frankena (1942, p. 105).

³¹ This claim must not be understood: I am not denying that some qualification must be imposed on the kinds of reasons in terms of which value is analysed. Indeed, some such qualification is required to solve the ‘wrong kind of reasons’ problem (I suggest one in my 2004a). But again, the various responses that have been offered to this problem are not helpful in the present context.

³² Rabinowicz and Rønnow-Rasmussen (2004).

³³ ‘Response to value’ must in the present context be understood in buck-passing terms, i.e., as responses to non-evaluative properties that function as reasons for the responses in question.

³⁴ See Pettit (1991).

passing deontologist, by contrast, holds that the values of some things are analysable in terms of reasons to promote these things, while the values of other things are analysable in terms of reasons to respond in other ways.³⁵

According to some writers, the distinction between normative theories in terms of different responses is closely aligned with a distinction in terms of the objects of these responses, i.e., the bearers of value. This latter distinction contrasts theories that endorse pluralism about value bearers with theories that endorse monism about value bearers. Normative theories that are monistic in this sense hold that only one type of ontological entity may possess value,³⁶ while pluralist theories hold that value bearers are to be found in diverse ontological categories. Consequentialism is often characterised as a theory that endorses this form of monism. More specifically, it is often said that a distinctive feature of consequentialism is that it ascribes value only to propositional entities, such as states of affairs.³⁷ The connection to monism about responses is that promotion is understood as a kind of response that can only take propositional entities as its objects. On this view, deontological theories might be characterised as pluralistic both with respect to responses and to value bearers. Unlike consequentialism, the idea goes, deontological theories prescribe not only promotion as an adequate response to value, but also such responses as cherishing, protection, respect, admiration, etc. Arguably, at least some of these responses take physical things and persons rather than propositional entities as their objects; you can hardly, say, cherish or protect a state of affairs. Hence the connection between the distinction in terms of responses and the distinction in terms of value bearers.

The buck-passer is in a position to draw both distinctions. They are both useful ways of classifying normative theories. As I shall now explain, however, it is questionable how well they capture the consequentialism/deontology divide.

Pretheoretically at least, it seems that persons and physical objects may possess intrinsic value. For instance, the claim that the *Mona Lisa* is intrinsically valuable does not appear obviously implausible. The buck-passing deontologist could take this claim to mean that there is reason to, say, cherish and protect the *Mona Lisa*, for its own sake. On the current proposal, however, the consequentialist would hold that, strictly speaking, it is not the *Mona Lisa* (the painting) that is intrinsically valuable, but rather some state of affairs, e.g., that the *Mona Lisa*

³⁵ Stratton-Lake and Hooker (2006) describe the idea that for a thing to be valuable is for that thing to have properties that provide reasons to promote it as a *teleological* version of buck-passing. Cf. Scanlon (1998, pp. 98, 384 fn. 20).

³⁶ Some versions of ontological monism about value bearers is fully compatible with value pluralism in the sense that a variety of different ‘things’, such as pleasure, happiness, knowledge, virtue, friendship, or what have you, are valuable.

³⁷ Consequentialists’ presumptive commitment to the view that states of affairs are the sole bearers of intrinsic value is what Elizabeth Anderson (1993) identifies as the distinguishing mark and the great flaw in consequentialism. Cf. Scanlon (1998, p. 80); Williams (1973, pp. 84f.).

exists. Qua buck-passer, the consequentialist would mean by this that there is reason to promote for its own sake the state of affairs that the *Mona Lisa* exists.

But it seems that the consequentialist could sensibly hold that whatever intrinsic value accrues to the state of affairs that the *Mona Lisa* exists, stems from the intrinsic value of the physical object. In other words, the state of affairs that the *Mona Lisa* exists is intrinsically valuable precisely because the *Mona Lisa* (the painting) is intrinsically valuable in the first place.³⁸ Qua buck-passer, the consequentialist explicates the intrinsic value of *Mona Lisa* in terms of reasons for responses. Since, by hypothesis, promotion can only take propositional entities as objects, it is reasonable for the consequentialist to explicate the intrinsic value of the *Mona Lisa* in terms of responses that take non-propositional entities as their objects, e.g., cherishing and protecting. It is of course likely that in cherishing and protecting the *Mona Lisa*, we simultaneously promote the state of affairs that the *Mona Lisa* exists.

But now it is difficult to discern just what in this story that the deontologist does not (cannot) accept. Thus, if we grant the consequentialist the view that persons and physical objects may be intrinsically valuable (as it seems that we should do if we grant her that the state of affairs that a certain person or a physical object exists might be intrinsically valuable³⁹), it is difficult to see that the monism/pluralism distinction about responses to value and the correlative monism/pluralism distinction about value bearers capture a definitive divide between consequentialists and deontologists.

However, we might attempt to understand the crucial difference counterfactually. Perhaps the consequentialist characteristically holds that while there is *pro tanto* reason to cherish and protect the *Mona Lisa*, there is *all things considered* reason to do so only insofar as this promotes the relevant state of affairs. By contrast, the deontologist might characteristically hold that there can be *all things considered* reason to cherish and protect the *Mona Lisa* irrespective of whether this promotes some state of affairs. It is easier to illustrate this alleged difference if we focus on a type of intrinsic value bearers, such as, say, renaissance art, rather than a particular token, such as the *Mona Lisa*. According to this proposal, the deontologist might characteristically say that there is reason to cherish and protect renaissance art, even if we by not doing so would promote

³⁸ Proposals along these lines are made in Sturgeon (1996) and Rabinowicz and Rønnow-Rasmussen (1999, 2003). Cf. also Card (2004a). Delicate issues are raised here concerning value bearers and the typology of value, but I cannot discuss those issues here. (I discuss some of them in my 2003 and 2004b.) My aim in the present context is merely to demonstrate that there is a view that the consequentialist can adopt about the value of states of affairs, which is not obviously implausible and which commits him neither to monism about value bearers nor to monism about responses.

³⁹ It is notable in this context that recent consequentialist responses to the critique that consequentialism cannot account for the value of friendship relations have made use of the idea that persons, and not merely propositional entities may possess value. See Railton (1984, pp. 149-50) and Card (2004b).

occurrences of renaissance art.⁴⁰ This suggests that the crucial difference between promotion and other kinds of responses is not that they take different ontological entities as their objects, but rather that they are different ways of valuing: One promotes a type of intrinsic value insofar as one complements the relevant pro-responses (cherishing, protection, admiration, or what have you) to particular tokens of that type with a readiness to sacrifice particular tokens, should that produce more of the same type of intrinsic value. The opposite way of valuing is to refuse to complement the relevant pro-responses to particular tokens with such readiness. In the terminology of some authors, insofar as one does the latter rather than the former, one honours rather than promotes value.

But this suggests that the distinction between promoting value and responding to value in other ways can be more directly understood in terms of a distinction between normative theories that include side constraints and those that do not.⁴¹ In the next section, I shall argue that buck-passers can account for this distinction in terms of a distinction between comparative and non-comparative determination of normative status.

(iii) Comparative and Non-Comparative Determination of Normative Status

The final proposal of how buck-passers can frame the consequentialism/deontology distinction that I will consider is one that distinguishes between theories in terms of comparative and non-comparative determination of all things considered normative status. Very briefly put, the proposal will be this (where an alternative is an action available to an agent): According to buck-passing consequentialists, the all things considered normative status of any alternative is comparatively determined, whereas according to buck-passing deontologists, the all things considered normative status of some alternatives is non-comparatively determined.⁴²

Let us first focus on consequentialism. It is a familiar dictum that a consequentialist holds that an act is right if and only if it is in the circumstances better or at least as good as any other alternative act available.⁴³ That one alternative, ϕ , is better than another, ψ , means in buck-passing terms that ϕ rather than ψ ought to be chosen.⁴⁴ According to the buck-passing

⁴⁰ Cf. one of Pettit's examples: "Suppose that a liberal government comes to power, a government which is primarily concerned with people's enjoying liberty. Should such a government honour people's liberty punctiliously in its own conduct, avoiding any interference that offends against liberty? Or should it pursue all measures, including offences against liberty, that makes for a greater degree of liberty overall?" (1991, p. 231).

⁴¹ For a different critique of the attempt to capture the consequentialism/deontology distinction in terms of the promoting/honouring distinction, see Jennie Louise (2004).

⁴² When talking about determination of normative status in this section, I throughout have in mind determination of *all things considered* normative status. For ease of exposition, I sometimes omit this qualification.

⁴³ Proponents of non-standard versions of consequentialism, such as rule consequentialism and satisficing consequentialism do not accept this dictum. See fn. 54 below.

⁴⁴ Ewing (1959, p. 105). An early precursor of this view is Franz Brentano: "When we call one good 'better' than another, we mean that the one good is preferable to the other. In other words, it is *correct to prefer* the one good, for its own sake, to the other" (1969[1889], p. 26). In Brentano's analysis, the notion of 'correctness' is the normative

consequentialist, the ought here supervenes directly on non-normative features of ϕ and ψ and not on an intermediate feature of goodness or betterness: for ϕ to be better than ψ just is for ϕ and ψ to have natural properties such that ϕ rather than ψ ought to be chosen. Note that this is compatible with there being two or more equally good – and hence equally right – acts. Note also that the consequentialist need not demand an ordering of alternatives that is complete. This means that the possibility of incomparability among alternatives is left open. The buck-passing deontologist can happily agree with everything said so far. In order to get further we need to spell out the difference between comparative and non-comparative determination of normative status.

To say that the normative status of an alternative is comparatively determined is to say that the normative status of that alternative is dependent on what other alternatives are available in the situation; that is, its normative status supervenes on features of all other available alternatives. To illustrate, if we in a concrete circumstance ought to fulfill a promise, this is so because there is in the concrete circumstance no other, incompatible, alternative that ought to be chosen rather than the one that consists in the fulfillment of the promise.⁴⁵ In other words, the feature that determines the normative status of an act of promise-breaking involves reference to all other available alternatives. I propose that we take a normative theory to be consequentialist only if it determines the normative status of any alternative in this comparative manner (I'll explain in a moment why this is merely a necessary and not a sufficient condition).

The buck-passing deontologist, in contrast, rejects the idea that the normative status of any alternative is comparatively determined. For her, the normative status of an alternative is not always determined by what alternatives are available, but in at least some cases by the simple fact that there are some things we ought never to do, i.e. are not permitted to do (and additionally, perhaps, that there are some things we ought always to do, i.e. things we are not permitted not to do). Such non-overrideable oughts are non-comparatively determined in the sense that they supervene only on features of alternatives that do not involve reference to other alternatives.⁴⁶ They are what Robert Nozick called 'side constraints'.⁴⁷ To illustrate, if there is a side constraint against breaking promises, the fact that we in a concrete circumstance ought not to break our promise is not due to the fact that there is in the concrete circumstance no other,

component that corresponds to 'ought' or 'reason' in the buck-passing vocabulary. 'Preference' is the response component. Cf. also C.A. Baylis (1958, esp. pp. 494, 501).

⁴⁵ Note that this claim is not about decision procedures. The claim is that, for the consequentialist, the determination of normative status is always and essentially comparative, while for the deontologist, normative status is sometimes non-comparatively determined. See Bales (1971) for an influential discussion of the distinction between decision procedures and criteria of right-making characteristics.

⁴⁶ Davies (1991, p. 206) suggests that it is a distinctive feature of deontological views that they are not comparative. Frankena suggests that deontologists characteristically hold that "[an act] may be right or obligatory simply because of [...] its own nature" (1963, p. 14).

⁴⁷ Nozick (1974, pp. 28-33).

incompatible, alternative that ought to be chosen rather than the one that consists in the fulfillment of the promise. The feature that determines the normative status of an act of promise-breaking involves no reference to other available alternatives; the wrong-making feature is simply that of being an instance of promise-breaking. The claim, then, is that given that the buck-passing account of value is accepted, a theory must include at least one non-comparatively determined non-overrideable ought, or side constraint, to qualify as deontological.

The idea that the normative status of some alternatives is non-comparatively determined lends plausibility to the common thought that while consequentialism reflects a pragmatic conception of morality, deontology reflects an absolutist or legalistic conception.⁴⁸ This squares fairly well with the deontological theories advocated not only by Nozick, but also by, e.g., G.E.M. Anscombe (1957), Alan Donagan (1977), and Charles Fried (1978). According to Fried:

[T]he norms which express deontological judgements – for example, Do not commit murder – may be said to be absolute. They do not say: “Avoid lying, other things being equal” but “Do not lie, period.” This absoluteness is an expression of how deontological norms or judgements differ from those of consequentialism (1978, pp. 9-10).

However, I anticipate that the idea that it is a distinctive mark of deontology that it takes the normative status of at least some alternative(s) to be non-comparatively determined immediately invites at least two objections. The first is simply that it gives an uncharitable characterisation of deontology, since any theory that includes non-comparatively determined non-overrideable oughts appears unreasonably rigid. The second objection is the equally simple one that it casts the consequentialist net too widely. On some deontological theories, notably Ross’s, the normative status of any alternative is comparatively determined.⁴⁹

As to the first objection, two things should be noted. Many deontologists who do accept non-comparatively determined non-overrideable oughts hold that they are, to use Fried’s term, ‘bounded’. By this they mean that even if there is a non-overrideable side constraint against, say, lying, there is no such constraint against withholding the truth (I leave unanswered the question whether the distinction between lying and withholding the truth, on which the boundary rests, can ultimately be maintained). Secondly, the idea of a non-comparatively determined non-overrideable ought may appear less unreasonable if we consider examples different from the ones offered by Fried in the above quote.⁵⁰ Arguably, non-overrideable side constraints against, say,

⁴⁸ Davies (1991, p. 217).

⁴⁹ See Ross (1930, p. 46).

⁵⁰ Fried is of course well aware of examples of cases in which not violating a non-overrideable side constraint has dire consequences. But his treatment of them is not entirely clear. At one point he imagines a case in which killing one innocent person may save a whole nation, and concedes that in such a case “it seems fanatical to maintain the absoluteness of the judgement [that killing innocents is all things considered wrong]” (1978, p. 10). But he goes on

lying, do appear unreasonably rigid. But non-overrideable side constraints against, say, torturing babies or carrying out massive genocides might not. In short, the view that there are some alternatives that ought under no circumstances to be chosen does not appear obviously unreasonable.⁵¹

This is a suitable place to repeat a point made in section II that should be unequivocally welcomed by the deontologists who accept non-overrideable side constraints. It is a common view that the principle that one ought always to do the act that is best is distinctive of consequentialism, and that a deontologist therefore must concede that there are actual or possible situations where we ought not to do what is (would be) best.⁵² But as we saw in section II, if the buck-passing account is accepted the principle that we ought always to do what is best becomes inescapable, since for an alternative to be best will then just be for that alternative to be such that it ought *all things considered* to be chosen. We should say, then, that the claim that we ought sometimes to choose the act that would not be the best is *not* distinctive of deontology, since a buck-passing deontologist does not accept it. The deontologist should welcome this conclusion since it rids her theory of the commonly recognised air of paradox, which stems from the claim that we ought sometimes to do the act that would not be the best, and which has been recognised by both antagonists and protagonists of deontological theories.⁵³

In order to respond to the second objection above, i.e., that the consequentialist net has been cast too widely, I need to sharpen the outlines I have given of consequentialism and deontology. I grant that some deontological theories, notably Ross's, do not include non-comparatively determined non-overrideable side constraints. But recall now that I said earlier that the doctrine that the normative status of any alternative is comparatively determined is only a necessary but not a sufficient condition for a theory to count as consequentialist; some further condition needs to be added in order to generate a necessary and sufficient condition. It is not one of my main aims in this paper to give a general definition of consequentialism, but it seems to me plausible to say that another necessary condition should be based on the idea that reasons or oughts are somehow necessarily connected to value or goodness. Such a relation can take various forms; the

to say that these are examples of "extreme situations in which the usual categories of judgement (including the category of right and wrong) no longer apply" (p. 10). The question is of course which categories of judgement do apply and in particular whether it is right or wrong to kill innocents in such extreme cases. Later on, he concedes that "I do not know how to answer the person who asks me whether I would be willing to kill an innocent person to save the whole of humanity from excruciating suffering and death" (p. 31).

⁵¹ One is reminded here of Bernard Williams's category of the 'morally unthinkable': "For [a person with a certain moral outlook] there are certain situations so monstrous that the idea that the processes of moral rationality could yield an answer in them is insane: they are situations which so transcend in enormity the human business of moral deliberation that from a moral point of view it cannot matter anymore what happens" (1973, p. 92).

⁵² See, e.g., Scheffler (1982, p. 2); Pettit and Smith (2004, p. 153).

⁵³ E.g., Ewing (1947); Foot (1988); Scheffler (1983); Kagan (1989).

buck-passing idea that value is analysable in terms of reasons or ought is but one of them.⁵⁴ This is admittedly vague, but it suffices as an explanation of why some philosophers who believe that normative status is always comparatively determined are not thereby captured in the consequentialist net.

Ross is one such example. His view was that the *prima facie* duty to promote intrinsic value is but one among several others that are not connected to value.⁵⁵ Something similar might hold for Scanlon. It is doubtful whether Scanlon would accept non-comparatively determined non-overrideable side constraints.⁵⁶ But this need not mean that the outline of the consequentialism/deontology distinction that I have proposed in this section necessarily pushes Scanlon to the consequentialist side of the divide. For as we saw in section III.i above, his qualifications of the buck-passing account, albeit problematic, do not commit him to the view that reasons are necessarily connected to value or goodness. Remember that the interpretation of the buck-passing account that Scanlon might now be inclined to give is different from the more Ewing-like approach that I have worked with.

IV. Summary and Concluding Reflections

Let us recap the points made in the preceding (rather long) section. The task was to examine to what extent we can distinguish between consequentialism and deontology, given that the buck-passing account of value is accepted. I began by discussing a possible response from Scanlon.

⁵⁴ Another form such a relation can take is the reversal of buck-passing, i.e., the idea that reason or ought is analysable in terms of value. This was Moore's view in *Principia Ethica* (1903). Yet another idea is that the relation is not analytic, but synthetically necessary (*cf.*, e.g., Moore (1912)). Note also that this characterisation of consequentialism need not expel non-standard versions, such as rule-consequentialism and satisficing consequentialism from the consequentialist family. The idea that reasons or oughts are somehow necessarily connected to value or goodness need not be supplemented by the idea that goodness and value are similarly connected to reasons or oughts. Rule-consequentialists are committed to the former type of connection since they hold that there is reason to perform an act if only if that is in accordance with the best set of rules; they are not committed to the latter connection since they allow for the possibility that we sometimes ought not to perform the act that would have the best consequences. However, rule-consequentialists are, for the reason just stated, not committed to the view that the normative status of any alternative is comparatively determined (the normative status of any alternative is simply a matter of whether it complies with the best set of rules, or the 'ideal code'). But in a more basic sense, rule-consequentialists are just as committed to comparative determination of normative status as are act-consequentialists, for it is comparatively determined which rules to include in the ideal code. The difference between rule- and act-consequentialists is just that they choose different "evaluative focal points" (Kagan 1998). Satisficing consequentialists hold that there is reason to perform an act if and only if it is 'good enough'. In so far as what is 'good enough' in concrete circumstances depends on what other alternatives are available, satisficing consequentialists are also committed to normative status being comparatively determined. However, if an action's being 'good enough' means that it would surpass a certain fixed threshold, normative status is not comparatively determined. Such 'absolute level' versions of satisficing thus turn out non-consequentialist, on my proposal. This is an upshot I am inclined to accept; 'absolute level' versions of consequentialism seem to have more in common with theories incorporating side constraints than with the spirit of consequentialism. For a critical discussion of various versions of satisficing consequentialism, see Carlson (1995, pp. 13-17).

⁵⁵ There is evidence that Ross also rejected the buck-passing idea that goodness or value is not a reason-giving property (1939, pp. 276-9).

⁵⁶ In his (1998), Scanlon says that he believes that the charges that deontological prohibitions are paradoxical can be answered. But he does not say that the constraints he finds defensible are non-overrideable.

The idea was to frame the buck-passing account in terms of a biconditional relation between value and certain types of (normative) reasons, rather than as a biconditional relation between value and the generic notion of a (normative) reason. I argued that this has problematic implications for the viability of the buck-passing account as an analysis of value.

Next, I discussed the possibility that the buck-passer might distinguish between consequentialism and deontology in terms of different types of responses. We saw that there is another distinction closely aligned with this one, *viz.* the distinction between theories according to which bearers of value must be propositional entities such as states of affairs and theories according to which value bearers are to be found in diverse ontological categories. The buck-passer is perfectly able to draw both distinctions. But however useful, it is questionable how well these distinctions can provide a definitive distinction between consequentialism and deontology. Lastly, I suggested that a clearer distinction can be formulated in terms of comparative and non-comparative determination of normative status.

I have not said anything in this paper about agent-neutrality and agent-relativity with respect to reasons and value. This is yet another useful distinction between normative theories that the buck-passer is perfectly able to draw. My reasons for setting it aside in this paper are twofold. First, it has already been noted by Dancy that a buck-passer can make use of this distinction. He suggests this as a way in which the buck-passer could attempt to make room for deontological theories, but he is ultimately sceptical about such a manoeuvre on the grounds that many philosophers find the notion of agent-relative value dubious.⁵⁷ Second, however useful, it is unlikely that the agent-neutrality/agent-relativity distinction captures a definitive divide between consequentialists and deontologists; agent-neutrality does not seem to be a necessary condition of consequentialism, as some versions of consequentialism include agent-relative values.⁵⁸ And conversely, agent-relativity does not seem to be a necessary feature of deontology.⁵⁹

My final verdict is that it should be conceded that the buck-passing account does reduce the conceptual space for the consequentialism/deontology distinction. It does so by postulating a necessary link between reasons or ought and value or goodness. As we saw in section II, this prompted Ewing's diagnosis that the buck-passing account dissolves the opposition between consequentialism and Ross's theory of *prima facie* duties. Moreover, on my last proposal discussed in section III.iii, it is not merely the case that passing the buck dissolves the opposition between these theories; the advocate of a Rossian theory in fact becomes a consequentialist if he also accepts buck-passing. This is because, according to the proposal in that section, a buck-

⁵⁷ Dancy (2000, pp. 171f.).

⁵⁸ See, e.g. Sen (1983); Broome (1991); Louise (2004).

⁵⁹ Skorupski (1995, esp. pp. 50f.).

passing deontologist must accept at least one non-overrideable non-comparatively determined ought, or side constraint, lest she succumbs to consequentialism.

I said in section I that it is an adequacy condition on any formal account of value that it is, to the largest extent possible, non-committal on substantive issues. The concessions above might be taken to suggest that the buck-passing account fails in this respect. But whatever failures in this respect the buck-passing account is guilty of must be weighed against the merits of the analysis of value in terms of reasons.

Rather than focusing on these merits, I have tried to argue that the ways in which the buck-passing account reduces the conceptual space to distinguish between consequentialism/deontology are tolerable.⁶⁰ There remain a number of useful distinctions between normative theories that the buck-passer is entitled to draw. This warrants the following conclusions: It is not correct that the buck-passing account prematurely resolves the debate in favour of consequentialism. Neither is it correct that passing the buck entirely dissolves the grounds on which to distinguish between consequentialism and deontology. For even if the buck-passing account is accepted, we can still distinguish between theories in terms of comparative and non-comparative determination of normative status. This, I have argued, can serve as a ground on which to draw a distinction between consequentialist and deontological theories, which has in any event turned out to be a tricky task.

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⁶⁰ For discussions of the merits of the buck-passing account, see Ewing (1947, ch. 6); Scanlon (1998, pp. 95-100); Rabinowicz and Rønnow-Rasmussen (2004); Stratton-Lake and Hooker (2006).

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