Stefan Hofmann SJ

Stefan Hofmann SJ[1]

UNIVERSITY OF INNSBRUCK, AUSTRIA

ORCID: 0000-0003-0514-6386

THE ETHICAL SIGNIFICANCE OF THE CONSEQUENCES OF OUR ACTIONS: CONTEMPORARY THEORY OF ACTION, AQUINAS, AND THE UTILITARIAN POINT OF VIEW

INTRODUCTION

It is a rather challenging task to present a comprehensive view of the ethical significance of our actions' consequences. Any contribution to the debate has to take into account questions that belong to at least two different branches of philosophy. First, the consideration of consequences is one of the primary topics of normative ethics. Since the 1950s the discussion of various forms of utilitarianism and consequentialism has been a major focus of normative ethicists. Today concerns about public health and climate change intensify our awareness of the bad consequences of our behaviour: Environmentalists urgently tell us that the consequences

---

1 Univ.-Prof. Dr. Stefan Hofmann is a Jesuit of the Central European Province of the Society of Jesus. Since 2022, he has held the position of Professor of Moral Theology at the Faculty of Catholic Theology at the University of Innsbruck (Karl-Rahner-Platz 1, 6020 Innsbruck, Austria). His work focuses on questions of philosophical ethics, medical ethics, theology of spirituality, and peace ethics.

of our collective behaviour will have a vast impact on future life on our planet. It is no wonder that contemporary ethicists continue to draw on utilitarian theories in order to respond to these challenges. Second, the ethical discussion about the significance of the consequences of our actions has to clarify the very meaning of the concepts of 'action' and 'consequences'. Large-scale discussions about the bad consequences of our collective behaviour must be broken down into questions of individual conduct and of responsibility for specific acts and consequences. In this regard, it is important to refer to the theory of human action which since the 1960s has become a distinctive discipline of contemporary philosophy. This paper investigates both action theory and normative ethics. Since the descriptive analysis of actions and consequences seems to be the basis for any normative theory, I will start with questions of action theory (1): After providing a short introduction to the basic concepts of contemporary theory of action (1.1), I will present a proposal on act descriptions and action individuation (1.2) which will allow for a distinction between the act and its consequences (1.3). The second section will deal with differentiations made by three moral philosophers (2). It will first present the normative view on the consequences presented by Thomas Aquinas (2.1). Then, the focus will be on two exemplary consequentialists: namely, J. J. C. Smart for act utilitarianism (2.2), and Richard Brandt for rule utilitarianism (2.3). What can we learn from these authors? Has consequentialism a more comprehensive and sophisticated view on the ethical significance of the consequences of our actions? In section 3, I will try to answer these questions (3). Without case studies and examples, action theory and normative ethics would remain very abstract. I will therefore try to elaborate an example from early discussions in contemporary theory of action. It will be argued that in our evaluation of actions, we should give *different* weight to *different* types of consequences.

1. THE ACTION-THEORETICAL POINT OF VIEW

1.1. Basic aspects of action theory

A human act is a conscious and intentional causation of a change in the world. "Mrs Bianchi is blowing out the candle" would be an example of such an act. Philosophers commonly distinguish genuine human acts from unintentional or reflexive behaviour. If Mrs Bianchi is nervously playing with her hair or if, in a reflex, she throws her hair over her shoulders, her conduct exemplifies different kinds of behaviour but not acts in the strict sense of that term. The full concept of a human action normally stands for some kind of conscious and intentional performance of

a human person (Schlosser, 2019; Ricken, 2013, pp. 123-124).[2] In what follows I will restrict myself to discussing actions rather than behaviour.

Actions usually allow for diverse descriptions. It is a phenomenon of everyday life that we give different answers to the question "What did you do?" and that we sometimes disagree about which description of an action should be considered most adequate or correct. Human actions are often so complex that they have to be learned before we can perform them: Dyeing one's hair, performing a magic trick, shooting a pistol unerringly, etc., these actions require a certain sequence of body movements, some of which require skill and practice. Complex actions may be described and analysed with the help of tree-shaped diagrams and with the technical concept of a by-relation as introduced by Alvin Goldman. An example may help to illustrate how these concepts of contemporary theory of action apply: "Anthony squeezes his finger, thereby pulling the trigger, thereby firing the gun, thereby killing the pizza baker Mr Bianchi."[3] The by-relation serves to reflect the connection between simple and complex actions. The *ascending* order of our example answers to the why-question. Here, the by-relation indicates the goals of the action. In our example Anthony squeezes his finger in order to kill Mr Bianchi. However, the sequence of a by-relation may also be arranged in *descending* order. Then, it answers to the how-question: "Anthony kills the pizza baker Bianchi by firing the gun. He fires the gun by pulling the trigger. He pulls the trigger by squeezing the finger." Figure A shows Anthony's action in ascending order:

4. A kills B.

3. A shoots at Bianchi (B).

2. A pulls the trigger.

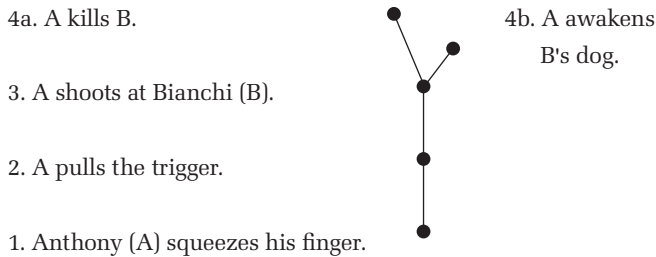1. Anthony (A) squeezes his finger.
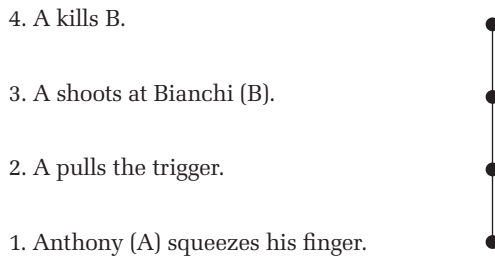
Figure A: Anthony kills Bianchi

The representation of Anthony's action in Figure A may also help us to see how the differences between descriptions 1, 2, 3, and 4 are to be explained. Obviously, the differences between the above-mentioned act descriptions depend on

---

2 According to Donald Davidson (2002, pp. 43-62), every action is intentional under some description.

3 The example is designed on the basis of one of Goldman's (1971, p. 764) examples.

the extent to which Anthony's intentions and the circumstances of his action are included: The higher act descriptions take more intentions and circumstances into account. In description no. 1, nothing is said about the pistol and Anthony's further intentions. In no. 3, we are informed that Anthony is aiming at Bianchi. In no. 4, his intention of killing Bianchi becomes fully obvious.

When we start to represent different courses of action, the figurative representation of act descriptions in columns (like in Figure A) turns into tree-shaped diagrams. Figure B is an example of this since it includes description 4b (A awakens B's dog). Anthony doesn't kill Bianchi by awakening the dog. Nor does he awaken the dog by killing Bianchi: If Anthony had missed Bianchi, he would nonetheless have awakened the dog by his shot. We cannot explain the events by one by-relation alone. This is why the awakening of B's dog cannot be represented in the same column as descriptions 1 to 4. The representation of different courses of action obviously leads to tree-shaped diagrams.
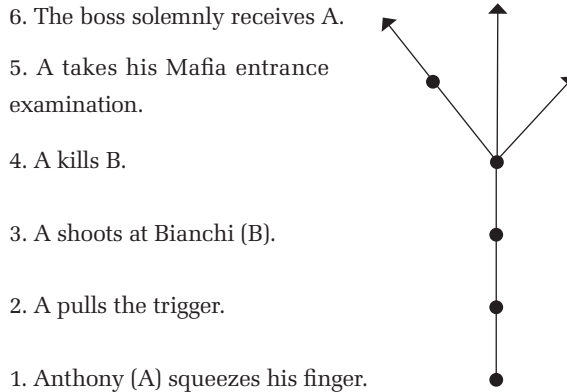
4a. A kills B.   4b. A awakens
                                                                        B's dog.

3. A shoots at Bianchi (B).

2. A pulls the trigger.

1. Anthony (A) squeezes his finger.

Figure B: Anthony kills Bianchi

Alvin Goldman invented the representation of actions in act trees and the concept of by-relation to address the difficult question of action individuation. Goldman claimed that act descriptions like those in Figure A refer to four different actions. Other action theorists, like Elizabeth Anscombe (1976, pp. 40, 45-46) and Donald Davidson (2002, pp. 43-62), argued that in cases like Figure A, we should speak of one single action. For now, it is not necessary to enumerate the particular advantages and disadvantages of these positions. We will return to this matter shortly. It should, however, be clear that any determination regarding the individuation of acts has far-reaching implications: The answer that Anthony's action basically consisted in squeezing his finger apparently implies that Anthony's pulling the trigger, and his shooting and killing Bianchi, would all have to be considered as consequences. If "Anthony killed Bianchi" is what Anthony did, then the events 1, 2, and 3 (the squeezing of his finger, the pulling of the trigger, and the shot at Bianchi)

belong to Anthony's action itself. The eventual awakening of Bianchi's dog (in Figure B) might still be considered a consequence of what Anthony did. However, if "Anthony killed Bianchi" is the right description, then Anthony's pulling the trigger, his shooting and the killing of Bianchi may not be considered as consequences of what Anthony did. Authors who, like Goldman himself, claim that each act description stands for a different action are often called "pluralists" or "multipliers". Their view on action individuation is commonly labelled as a "pluralist" view. Authors like Anscombe and Davidson are in contrast characterised as "unifiers", since their view of individuation of actions is a "unifying" view (Sandis, 2010, pp. 10-17; Runggaldier, 1996, pp. 50-52).

Goldman also tried to describe and to explain the possible relations between different act descriptions or actions of complex settings like in Figure A. He speaks about the "generation" of act-tokens. According to his terminology, the squeezing of the finger "generates" the pulling of the trigger. The pulling of the trigger "generates" the shooting, etc. More specifically, our example of Anthony shows three *causal* generations of act-tokens: The squeezing of the finger causally generates the pulling of the trigger. The pulling causally generates the shooting. Finally, the shooting causally generates the killing of Bianchi. In total, Goldman's action theory (1970, pp. 22-31) distinguishes four types of generation: a) causal generation; b) conventional generation; c) simple generation; and d) augmentation generation. This distinction of different kinds of generation is interesting since it offers terminological tools for a similar discrimination among different types of the consequences of actions. I will come back to this point later. For now, it suffices to exemplify at least two other types of generation as understood by Goldman. By killing Bianchi, Anthony might take his entrance examination to the Mafia (5). In this case, we should speak of a *conventional generation* of some action: The rules, conventions, and social practices of the Mafia imply that Anthony's killing of Bianchi might have to be interpreted as passing the entrance examination of the Mafia. If the boss of the Camorra receives Anthony into the Mafia organisation a few days later (6), he is not only performing a rite of initiation. His speech act and the ritual conventionally generate the admission to the Camorra. Since such an action on the part of the Mafia boss may be considered a consequence of Anthony's action, we may convert the initial diagram of act descriptions into a diagram that shows both: the by-relation of Anthony's action but also some of the consequences of his action. Figure C tries to include the consequence of Anthony's admission to the Mafia (6). Arrows help to distinguish consequences from aspects of the action.

6. The boss solemnly receives A.

5. A takes his Mafia entrance examination.

4. A kills B.

3. A shoots at Bianchi (B).

2. A pulls the trigger.

1. Anthony (A) squeezes his finger.

Figure C: Anthony kills Bianchi

Anthony's killing Bianchi may at the same time count as an example of a *simple* generation. Maybe Anthony is the first member of his family to have killed another person. Then, by killing Bianchi, Anthony would distinguish himself as the first murderer in his family. According to Goldman's terminology, the relation between Anthony's killing and his distinguishing himself as the first murderer in his family is a *simple* generation. The killing generates the distinction without causal connection between both descriptions and without a necessity of convention or rules (Goldman, 1970, pp. 26-27).[4]

Critical reflection about the by-relation and tree-shaped diagrams of complex actions may lead to the intriguing question of where the ascending order of the by-relation should begin. Are there criteria for determining the starting point of this order? How should this basic element of the relation be identified? During the 1970s, many philosophers tried to better understand human action by developing a concept of "basic" or "primitive" actions. Depending on their particular understanding of the by-relation, many proposed very different and mutually exclusive concepts of basic actions. Arthur Danto, who introduced the notion of basic action in the first place, had a causal understanding of the by-relation in mind (as exemplified in Figure A).[5] Others like Goldman included conventional relations (as exemplified in no. 5 in Figure C). Still

---

4 Goldman's fourth kind of generation, *augmentation* generation, seems to be similar to *simple* generation. Here, the generated act "is formed 'by augmenting' the generating act with some relevant fact or circumstances" (Goldman, 1970, p. 28). With regard to our discussion of consequences, however, this type of generation may be neglected.

5 Danto introduced the concept in two related articles in 1963 and 1965. According to his 1965 paper (pp. 141-142) a basic action is an action which the agent "cannot be said to have caused to happen". An action A_1 is a basic action if and only if there is no other action A_0 with regard to which it would be true to say that A_1 is being performed by doing A_0. Cf. Kamp (2016, pp. 69-77).

Stefan Hofmann SJ

others listed various ways in which one could act by doing something else. One may therefore distinguish various senses in which an action might be called basic: an action might be *causally* basic, *conventionally* basic, *instrumentally* basic, *logically* basic, etc. (Baier, 1971, pp. 161-170). For our present purpose, it is enough to introduce the very concept of a "basic action" and to see that there are different senses in which an action, or an act description, may be called basic. Many philosophers argue that there are natural limits for the project of finding ever more basic actions. In theory, every action h could be supplemented with another more basic action h' (Kamp, 2016, p. 69).[6] There are, however, actions which do not allow for further analysis in terms of the by-relations. The attempt to analyse Anthony's squeezing of his finger by reference to a more basic action of muscle contraction would miss the point. Muscles do contract, but it seems odd to say that Anthony contracted his muscles in order to squeeze his finger or that he squeezed his finger *by* contracting his muscles. The very concept of a by-relation between actions or act descriptions already offers some criteria for determining the starting point.

1.2. Action individuation by intentions

The most energising action-theoretical discussions during the last decades were related to the opposition between causalist action theories on the one hand and teleological action theories on the other. Causalist philosophers tend to regard bodily basic actions as the proper actions. According to them, "Anthony squeezed his finger" would be what Anthony actually did. His pulling the trigger, the shooting and killing of Bianchi would be consequences. Davidson (2002, p. 59) famously stated: "We never do more than move our bodies: the rest is up to nature".[7] There are, however, several reasons that speak against Davidson's thesis that our actions are nothing more than movements of the body: First, this thesis would so entirely reduce human actions to sequences of *events* that it would not be clear why, in the search of the basic event, we should stop at bodily movements like the squeezing of the finger. Are not the contraction of muscles and the flow of blood movements of the body, too? Secondly, in our everyday life, we often assume that there are complex actions such as the dyeing of one's hair, performing a magic trick or driving a car. If the notion of human action were reduced to simple movements of the body, we would lose constitutive aspects of our usual practice of communication about what we do. Oftentimes, the decisive aspects of our engagement in the lifeworld seem to lie beyond certain body movements: Contracts, for example, can be made in writing, by handshake or even orally. When

6 For the claim concerning natural limits, see Runggaldier (1996, pp. 52-55).

7 See also Thalberg (1977, p. 86).

entering into a contract, it is almost irrelevant whether we move our right hand or not. Finally, Davidson's theory could not explain the so-called phenomenon of time inclusion: Even when Bianchi's death occurs two days after Anthony's attack, we speak of a killing. It is only through this climax or final point of the action that it becomes clear which action Anthony actually committed when he squeezed his finger (Johansson, 1989, pp. 237-239; Runggaldier, 1996, pp. 56-58). The attempt to determine the action performed by reference to body movements seems to miss the point of what many actions are all about.

The teleological approach to the problem of action individuation stresses the intentionality of the agent. According to this view, it is intention which individuates human actions. This position also has its difficulties. Human intentionality can be applied to non-existent objects such as future events. Intentional expressions may therefore seem to be some kind of ornament of our lifeworld which should not be permitted as a subject of science (Runggaldier, 1996, pp. 77-79). The claim that there are so-called volitions, i.e. inner acts of the will, has been subject to suspicion since Gilbert Ryle (1949) and his linguistic studies in the first half of the 20th century.[8] However, these objections do not seem to be insurmountable (Runggaldier, 1996, pp. 81-82). On the contrary, there are good reasons to see the key element of action individuation in intentions. In our ordinary practice of communication, the recourse to intentions is indispensable when an explanation of what one does is needed. One of the crucial points on which causalist and teleological action theories clearly oppose each other concerns the significance of such ordinary explanations of our actions. Causal action theories do not regard ordinary language explanations as scientifically valid. Therefore, they try to find better explanations of our actions in causal terms. In the definition of an action at the beginning of the first section, I presupposed that causation is an integral part of human action. Causalist action theorists like Davidson were certainly right in trying to regain the causal dimension of human action. Nevertheless, the recognition of the causal aspect of human actions need not lead to a reductivist account. In the following considerations, I will focus on the teleological aspects of action. The solution to the intriguing question of action individuation lies in the recognition of the intentionality of the agent.[9] Human actions are always actions of particular agents who form intentions and make plans for their lives. Human agents do not act solely on the basis of simple desires and beliefs. They relate to their desires. They reflect on options for action and choose from various action schemes. The concept of an intention may be used for the

8 For a critical view from the perspective of action theory, see Stout (2005, pp. 7-11); Hyman (2015, pp. 20-24).

9 There is no need to choose between causal theories of action on the one hand and teleological theories on the other. Causality and intentionality are both essential for human agency (Hyman, 2015, pp. 131-132).

Stefan Hofmann SJ

choice of these action schemes and action goals. What a person does is determined by the choices she makes. The by-relation and the tree-shaped diagrams can help us to reflect on this aspect of the intentionality of human action.

The example of Anthony and Mr Bianchi may serve to illustrate this point: Anthony's wish is to be accepted into the Camorra. Thus, the first consideration Anthony needs to make is whether he is willing to take the path that leads to the admission and whether he is able to pass the entrance examination of his first murder. Before thinking about which gun to use, Anthony has to make up his mind about the overall plan of what to do. If he wants to take the examination, he forms some kind of "structural intention" (Nida-Rümelin, 2001, p. 130) to commit the crime and thereby to deliver the desired journeyman's piece. The *structural* intention, of course, motivates further decisions which lead to the formation of more *concrete* intentions and, finally, to the corresponding actions as a result: The intention to take the examination leads to the intention to kill which, among other things, may lead to the more precise intention to shoot at the given moment. The intention to shoot in turn explains the punctual intention to squeeze the finger and thus pull the trigger. In his practical reason, Anthony chooses a course of action. The intentions which individuate the single actions seem to be directed to types of action such as "shooting at Bianchi", "pulling of the trigger" or "squeezing the finger" presented to the mind (Goldman, 1971, pp. 769-771). Yet, they are decisive for the realisation of the act-tokens of Anthony's factual aiming, squeezing, shooting, etc.

An adequate view of the intentionality of the human agent that, among others, recognizes concrete as well as structural intentions[10] can help to explain the structural connection between the different elements of a by-relation: It is the complex hierarchy of structural and distinct intentions which human agents have that lies behind the individual elements of the by-relation and explains their cohesion (Wright, 1971, p. 89). Therefore, it might well be justified to consider the question of the individuation of actions as a matter which cannot be answered independently of the context of description. Within the community of the Mafia, Anthony's action may correctly be described as passing the entrance examination of the Camorra. Within the context of a narrative or a criminal report, the various act-tokens which Anthony performed may well be listed as many different single actions. Yet, within the moral community of rational agents and within jurisdictional practice, the action must surely also be

10 The notions of structural and concrete intentions point to an important distinction between different aspects of human intentionality. However, there are many other aspects of intentionality that it is helpful to acknowledge. John Searle (1983, pp. 79-111), for example, distinguishes between intentions that precede the action and those that accompany its performance. The above-mentioned distinction of structural and concrete intentions is just one of many remarkable aspects of the intentionality of human agents.

described as murder. The agent's intentions and their relatedness to act types provide the reasons why, in a certain context of investigation, certain act descriptions seem to be adequate or out of place. The concept of "basic action" may gain a more specific meaning if intentionality is appreciated in this way. Within the context of intentionality-based act descriptions, the notion of "basic action" should serve to designate the most elementary description "under which" the action was done intentionally (Keil, 2015, p. 420).[11] While it exceeds the scope of the present paper, it is still worth mentioning that the recognition of the crucial role of the agent's intentionality may also shed some light on speech acts and omissions. Suppose that Anthony is not alone in his attack on Bianchi, and that at the very moment when he should shoot at Bianchi, his accomplice Rob nods and whispers: "Now!" Symbolic actions and speech acts like the one mentioned are inevitably tied to rules and conventions. If the concept of human action were reduced to basic movements of the body, actions like Rob's nod and whisper could hardly be explained in their meaning. The consideration of Anthony and Rob's shared intentions makes it possible to understand the meaning of the "Now!" Suppose, furthermore, that Anthony refrained from his plan of shooting. He would have acted by omission, and the boss of the Mafia would blame him for that, even though no movement of his body was involved. The reference to his previously shared intentions and the intention to omit the expected act of killing would explain why he has acted without a movement of his body (Runggaldier, 2011, p. 1151).
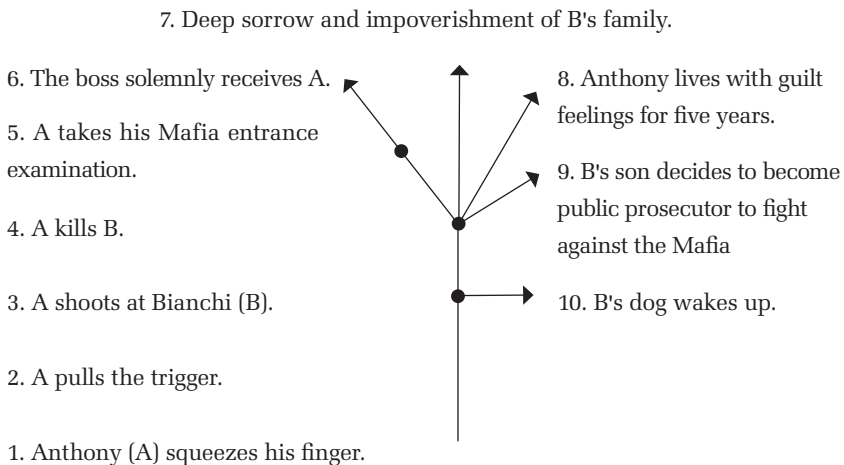
1.3. The distinction of act and consequences

Actions are individuated by the intentions of the one who acts. This reference to the intentions of agents must not be understood in a solipsistic way: Human agents live in a world which is structured by social relations. We are social beings. Therefore, our intentions relate in many ways to intersubjective agreements, conventions, rules, and norms. This fact has important implications for the demarcation of actions and consequences. I already alluded to that point in the section above. The question of *what* one does can lead to different answers according to the context of reference: The tree-shaped diagram of a by-relation sometimes offers many descriptions of the action. From these we must choose the description which in the given context proves

---

11 Since agents' intentions are usually related to conventionally designated types of action (like 'skiing', 'cooking', 'riding a bicycle', etc.), and since the intentions of an agent are frequently ordered towards higher ends, it is no wonder that G. E. M. Anscombe was so reluctant to answer the question as to which of the act descriptions of a by-relation should be taken as the one designation to the action performed. Within the community of the Mafia, no. 5 in Figure C might well be the most adequate description of what Anthony was doing. Nonetheless, this does not mean that description no. 4 ("Anthony killed Bianchi") is false. Within the moral community and with regard to higher concerns of justice, one is surely forced to consider no. 4 as the required description of what Anthony did.

most adequate. Some of the effects caused by the action will be included in the chosen designation. These effects may be characterised as the "result" or "outcome" of the act or even, if they were deliberately chosen, as the *intended* result. Since these effects pertain to the very accomplishment of the action, they should, strictly speaking, not be characterised as its consequences or side-effects. The terms "consequences" and "side-effects" might better be reserved for effects that lie outside the description of the action. Georg Henry von Wright (1971, p. 88) uses the term "result of an action" in the sense just mentioned, when he describes the result as an outer aspect of the action which is "*intrinsically* (conceptually, logically) connected to the action itself." However, Wright (1971, p. 88) seems to be too narrow in his definition of "consequences", when he states that this term should only refer to the "effects of the result of the action". Of course, there can be consequences of an action even when the intended result of the action has not yet been achieved (Bergström, 1966, p. 64). The Mafia boss might be willing to receive Anthony into the Camorra even if Mr Bianchi lies wounded in the intensive care unit.

It is worth extending the example of Anthony and Mr Bianchi into a small case study. Suppose that, as a result of the murder, the family of Mr Bianchi falls into deep grief and slowly drifts into poverty (7). Anthony realises that, surprisingly, he has to live with severe feelings of guilt (8), and ten years later Mr Bianchi's son, who was only eight years old when his father died, decides to study law in order to fight against the Mafia (9). We can elaborate the tree-shaped diagram of Anthony's action into a complex tree of effects in order to illustrate the different kinds of results and consequences and their implications (see Figure D):

7. Deep sorrow and impoverishment of B's family.

6. The boss solemnly receives A.

5. A takes his Mafia entrance examination.

4. A kills B.

3. A shoots at Bianchi (B).

2. A pulls the trigger.

1. Anthony (A) squeezes his finger.

8. Anthony lives with guilt feelings for five years.

9. B's son decides to become public prosecutor to fight against the Mafia

10. B's dog wakes up.

Figure D: Anthony kills Bianchi

THE ETHICAL SIGNIFICANCE OF THE CONSEQUENCES OF OUR ACTIONS

Anthony's movement of the body (described in nos. 1 to 4) and the death of Bianchi certainly are part of what Anthony did. The corresponding changes in the world belong to the intended *result* of Anthony's action. If Anthony's attempt to kill succeeds, these changes should not be classified as consequences. However, in nos. 6, 7, 8, 9, and 10, Figure D shows some genuine *consequences* of Anthony's act. These consequences are brought about in different ways. I propose to take up Goldman's terminology of action generation and to distinguish different kinds of a generation of consequences: There are *causally* generated consequences, *conventionally* generated consequences, and *simply* generated consequences (cf. Goldman, 1970, pp. 22-31):[12] The sorrow of Bianchi's family (7), Anthony's feelings of guilt (8), and the awakening of the dog (10) seem to be causally generated consequences. Anthony's membership in the Mafia (after no. 6) would be an example of a conventionally generated consequence. And it would be regarded as a *simply* generated consequence that, after his deed, Anthony will be considered a murderer. Two consequences of our case study seem to be of a particular kind since both of them are actions of other persons: These are Anthony's reception into the Camorra by the Mafia boss (6) and the decision of Bianchi's son to become a public prosecutor of the Mafia (9). There is a causal relation between Anthony's action and these particular consequences. Yet, since these consequences are actions of other persons who might have reacted in other ways, it might well be wrong to interpret this kind of causality in terms of causal chains. Most actions produce consequences which are events (like the awakening of the dog in no. 10) or states of affairs (like the sorrow of Bianchi's family in no. 7). If the consequences are actions of other persons (or the consequences of these new actions), they should not be confused with events or states of affairs.

The number of contemporary philosophers who have tried to clarify the relation between someone's actions and the different kinds of consequences they may have is rather small.[13] Still, the contributions of Goldman, Anscombe, Davidson, and others did allow for many helpful and plausible distinctions. After this exploration of the descriptive perspective of contemporary theory of action, I will now turn to the normative perspective. What is the ethical significance of our actions' consequences? Do all the consequences of our actions have the same significance for ethics? Should we distinguish between actions on the one hand and different kinds of consequences on the other? The case study of Anthony and Bianchi seems to suggest that it is important to distinguish in such a way. In the second part of this

---

12   Wright (1971, p. 194, note 9) distinguishes causal consequences and logical consequences.

13   One of the most interesting books in this regard is Bergström (1966). See also Hofmann (2022).

article, I propose investigating three exemplary accounts of normative ethics which might prove helpful in trying to clarify our normative questions.

2. DESCRIPTIVE DISTINCTIONS
AND THE NORMATIVE POINT OF VIEW

Ethical theories show their strengths and weaknesses if they are compared with each other. I will, therefore, compare the normative view of the consequences of three distinguished moral theories. Thomas Aquinas is the most important point of reference for the scholastic tradition. This is why his normative take on the consequences will be presented first (2.1). For the critical analysis of utilitarian accounts of our actions' consequences, I will focus on two exemplary consequentialist authors and their theories: First, I will discuss the account of J. J. C. Smart who proposed one of the most notable versions of act utilitarianism in the second half of the 20th century (2.2). Then, I will focus on Richard Brandt, the most prominent rule utilitarianist of the same period of time (2.3). The rule utilitarian approach seems to be of special interest for the above-mentioned questions of normative ethics: Rule utilitarians presuppose that actions should be described in terms of rules. One may, therefore, expect rule utilitarians to offer a sophisticated account of acts and their consequences. First, though, I will present the action-theoretical account of Thomas Aquinas and his distinctions between different kinds of consequences.

2.1. The ethical significance of the act and its consequences according to Aquinas

Thomas Aquinas distinguishes the object, the circumstances, and the end (lat. finis) of an action. The concept of the "object" derives from metaphysical reflections. Aquinas explains that as natural things have their species from their forms, so an action has its species from its object.[14] In general, the notion "objectum" stands for something under the aspect of which things are related to a human faculty (STh I q. 1, a. 7). In the case of human actions, the object is the end intended by the will. Since it is reason which proposes possible schemes of action, Aquinas thinks the object of human action must be "constituted by the forms as conceived by reason".[15] For the moral evaluation of actions, the determination of the "object" of these actions is of greatest importance: The object shows *what* the agent does. The action

14 "Sicut autem res naturalis habet speciem ex sua forma, ita actio habet speciem ex obiecto, sicut et motus ex termino" (STh I-II q. 18, a. 2).
15 "constituuntur ex formis prout sunt a ratione conceptae" (STh I-II q. 18, a. 10).

is morally good if the object is in accordance with the precepts of practical reason. If the object is contrary to practical reason, the action is considered morally bad or wrong. To take what belongs to another (accipere aliena) is, in normal cases, contrary to reason. Therefore, it is wrong to steal from others (STh I-II q. 18, a. 2). To give alms is in accordance with practical reason and its precepts. Therefore, giving alms is considered morally good. The concept of circumstances (circumstantiae) stands for every aspect of an action which does not determine the action itself but "touches" it somehow (STh I-II q. 7, a. 1). Aquinas quotes a mnemonic which is usually attributed to Cicero to distinguish between different kinds of circumstances: *quis*, *quid*, *ubi*, *quibus auxiliis*, *cur*, *quomodo*, *quando* (Pilsner, 2006, pp. 172-198; Lutz, 2017, pp. 99-104). The interrogative pronouns *who*, *what*, *where*, *by which means*, *why*, *how*, and *when* help to find the morally relevant circumstances. The circumstance of "why" points to the aim of the action which is already covered by the notion of the "end" (finis). Yet, there seems to be good reason for this special attention being granted to one of the circumstances. From the moral point of view, the goal of the agent may be deemed the most important of the circumstances of an action. Other circumstances like the place and time of an action may in many cases be irrelevant to the moral evaluation of the action. The end to which the agent strives, however, appears always relevant. The end is, therefore, considered to be the most noble of all circumstances.[16]

At first sight, one may wonder where the consequences fit into this account of the object, the circumstances, and the end of the action. In fact, there is no explicit statement about the consequences in *Quaestio* 18 of the *Prima Secundae* of the *Summa theologiae* which is Aquinas' most important text concerning the moral evaluation of human actions. Yet, a closer reading of his writings reveals that Aquinas does pay much attention to the relevance of the consequences. He deliberately uses two distinct Latin notions to discriminate different sorts of consequences: These are the notions of "effectus" and "eventus".[17] I will now give a short overview of Aquinas' use of these notions. Unfortunately, there is little awareness of this distinction in Aquinas' writings, even in Thomistic literature.[18]

Aquinas uses the Latin word "effectus" if he wants to speak about an effect or a consequence which is *causally connected* to the action. The agent may have intended to produce these effects. However, the notion of "effectus" is also used for effects which were clearly beyond the intentions of the agent (praeter intentionem).

---

16 "principalissima est omnium circumstantiarum" (STh I-II q. 7, a. 3).

17 Here, and for the following, see my article (Hofmann, 2020, pp. 200-223).

18 Some scholars do refer to the distinction. See, for example, Honnefelder (1989, pp. 81-98); Tran (2008).

The consideration of the *intended* effects reveals the end (finis) of the action (Hofmann, 2020, p. 215). In this regard, the reflection about effects and consequences helps to clarify the "object" of a specific action and, as such, it helps to answer the question of *what* the agent does.[19] However, in many cases, "effectus" refers to effects in general which include effects which were not intended by the agent. Aquinas uses the term "effectus" also when he is referring to accidental effects (the so-called "effectus per accidens") which are clearly outside the agent's intention. These accidental effects are not considered to constitute the object of the action. That said, Aquinas does allow for exceptions: In very rare cases, he is willing to include even the accidental effects into the determination of the object. The example mentioned by Aquinas is an act of killing. In De Malo 8,2 he states: "[...] there may sometimes be a sin as to its effect but not as to the person's intent. For example, if one should kill one's father thinking the father to be an enemy, the person indeed commits the sin of patricide as to the sin's effect but not as to the person's intent."[20] In this case, the agent did not foresee and intend the death of his father. His father's death is an accidental effect of the chosen action. Yet, it is this effect which, according to Aquinas, determines what the agent actually did: "secundum effectum" he took the life of his father. It is important to stress that, in general, accidental effects do not determine the object of the action. Aquinas is very clear: It is the aim of an agent and, therefore, the intended effect which reveals the object of the action. This is indirectly presupposed even in the section quoted: "committit quidem peccatum patricidii secundum effectum" is not the same as saying "committit peccatum patricidii". By the very distinction between "patricidium" and "patricidium secundum effectum", Aquinas underlines once again that it is only the intended "effectus" which, properly speaking, determines the object of the action. Of course, the distinction between intended and not intended effects is also at the heart of the now famous Doctrine of Double Effect. Aquinas did not himself introduce this kind of reasoning. However, his distinction between intended and not intended effects made this kind of reasoning possible and his analysis of homicidal self-defence in STh II-II, q. 64, a. 7 ad 3 did give rise to the discussion about double effect in the 19th century (Mangan, 1949, pp. 41-61; Kaczor, 1998, pp. 297-316; Masek, 2018).

Aquinas' use of the notion of "eventus" is much less prominent among Thomistic researchers. The term eventus stands for an event, an incident, a result or

---

19 This is why Aquinas (STh I- II q. 18, a. 2 ad 3) says: "obiectum est aliquo modo effectus potentiae activae".

20 "Contingit enim quandoque esse aliquod peccatum secundum effectum, non tamen secundum affectum; sicut si aliquis occidat patrem putans occidere hostem, committit quidem peccatum patricidii secundum effectum, non autem secundum affectum". I follow the translation of Richard Regan (2001). A similar example may be found in De Malo 2, 6.

consequence. Roy Deferrari's *A Lexicon of St. Thomas Aquinas* (2004, p. 384) gives two fields of meaning (for the *Summa Theologiae*): "(1) event, issue, result, consequence of an action, (2) a happening, occurrence, emergency, any unexpected occurrence or condition calling for immediate action." Aquinas explicitly mentions the "eventus" in Quaestio 20,5 of the *Prima Secundae*. His question is whether or not the "eventus sequens" of an external action increases the goodness or malice of the action. A close reading of this Quaestio shows: The meaning of "eventus sequens" is that of an event that follows after the action, even though its direct cause is not to be found in the action itself. Aquinas' examples of an "eventus sequens" in I-II, q. 20, a. 5 are actions by other agents and the consequences of these actions. This is important for questions of moral evaluation. Since the eventus sequens is, unlike the "effectus", not an effect which might be caused by the agent himself, it may only be considered as a circumstance of the action. Aquinas states: "eventus sequens non facit actum malum qui erat bonus, nec bonum qui erat malus" (I-II q. 20, a. 5 sed contra). The action's object is determined independently of the eventus sequentes. Giving alms, for example, remains almsgiving (which is to be evaluated positively) even if the recipient uses the alms for a bad action. If the eventus sequens was foreseen, it is obvious that it contributes to the goodness or badness of the action.[21] In cases where the agent has not foreseen the following "eventus", Aquinas stipulates the need for another differentiation: If the eventus follows "from the nature of the action" (per se sequitur ex tali actu), it certainly adds to the goodness or badness of the action.[22] However, if the agent could not foresee the "eventus" (like an unforeseeable misuse of alms) since it occurs only by chance (per accidens) and in rare cases (ut in paucioribus), the "eventus" adds nothing to the goodness or badness of the action. Aquinas holds: A subsequent event that only occurs by chance and therefore cannot be foreseen cannot contribute to the moral evaluation of the action.[23] How does this apply to our case study of Anthony and Bianchi?

According to Aquinas' account, we certainly need to distinguish the different kinds of effects and consequences of Anthony's action. First of all, it is necessary to determine what Anthony did. Anthony chose to kill Bianchi. The pizza baker's

---

21 "Si est praecogitatus, manifestum est quod addit ad bonitatem vel malitiam. Cum enim aliquis cogitans quod ex opere suo multa mala possunt sequi, nec propter hoc dimittit, ex hoc apparet voluntas eius esse magis inordinata" (STh I-II, q. 20, a. 5).

22 "Quia si per se sequitur ex tali actu, et ut in pluribus, secundum hoc eventus sequens addit ad bonitatem vel malitiam actus" (STh I-II, q. 20, a. 5).

23 "Si vero per accidens, et ut in paucioribus, tunc eventus sequens non addit ad bonitatem vel ad malitiam actus, non enim datur iudicium de re aliqua secundum illud quod est per accidens, sed solum secundum illud quod est per se" (STh I-II, q. 20, a. 5). Cf. STh I-II, q. 73, a. 8. For questions of ignorance and its meaning for sin, see De Malo 3, 6.

death was the intended effect of the action. Anthony's further intentions (e.g., passing the exam) may have been decisive, and they may lead to additional descriptions of the action. However, the killing was certainly one "object" of Anthony's actions. The description of the action as an instance of killing is, therefore, inevitable; it is necessary to evaluate the act according to the precepts of reason concerning killing. Since, according to Aquinas, every killing of an innocent person is a morally bad action, Anthony's action has to be evaluated as a morally bad action. Of course, Anthony's shooting did lead to other effects besides the death of Bianchi which were not intended: the awakening of the dog, Anthony's feelings of guilt, the sorrow and impoverishment of Bianchi's family. Anthony neither foresaw nor intended these effects. This is why, according to Aquinas' terminology, these consequences should be considered as circumstances of the act itself: They can add to the goodness or the badness of the action. Anthony could have foreseen the impoverishment of Bianchi's family. This negative effect of his act of killing was foreseeable. The effect, therefore, "adds" to the badness of his (already bad) action. The impoverishment of Bianchi's family was, however, not a part of the action's object. Thus, it does not enter into the description of the action itself. Other consequences of Anthony's shot at Bianchi should probably not be described as "effectus" in the sense of that term as given by Aquinas: The Mafia boss's act of receiving Anthony into the Camorra and Bianchi's son's decision to become a public prosecutor are actions by other agents. In Aquinas' terms, they would be considered as "eventus sequentes", not as "effectus". As such, these consequences cannot alter the badness of Anthony's action. Suppose Bianchi's son becomes astonishingly successful as a chief prosecutor against the Mafia and thereby enormously contributes to the safety of many people. Even this positive outcome which was certainly provoked by Anthony's action would not mitigate the badness of his act of killing. An "eventus sequens" which was foreseen by the agent may contribute to the goodness or badness of the action. But even a positive "eventus sequens" which was foreseen could not change a bad action into a good one.

Aquinas' concept of the evaluation of human actions is highly sophisticated. At first sight, it seemed that Aquinas did not pay much attention to the consequences. Yet, a closer examination of his writings shows exactly the opposite: Aquinas demands a very careful evaluation of actions and their consequences which includes questions of causality, foresight, and intention. Authors who work in the Thomistic tradition oftentimes stress the distinction between foreseen and intended consequences since this distinction is pivotal for the determination of the "object" of the action. There are many contributions with regard to questions of foresight and

intention.[24] Aquinas' notion of "eventus sequens" has not received much attention in contemporary research.

2.2. The act utilitarian view of John J.C. Smart

An action is morally right if and only if it maximises the happiness of all those affected over time. This is the principle of traditional act utilitarian philosophers. Utilitarianism embodies the principle of consequentialism. For this normative theory, consequences are all that matter. Therefore, utilitarianism and consequentialism seem to pay more attention to the consequences of our actions than any other theory does. In this section, I will focus on John J. C. Smart who is the most prominent proponent of act utilitarianism of the 20th century.

Smart (1986, p. 24) defines the right action as follows: "what it is right to do on any occasion is to maximize the total happiness (now and at all future times) of all sentient creatures, whether humans, other animals, or extra-terrestrials […]." This concern about the "total happiness" of all beings is reflected in Smart's more explicit statements about the "consequences" of actions. In almost all his writings, Smart speaks of consequences in the plural form. He is concerned about the "total consequences" (Smart, 1973, pp. 14, 32), the "total situation" (Smart, 1973, pp. 32-33, 36, 38, 48), and also the "results" (Smart, 1973, pp. 45, 47, 59), again in the plural. Since consequences are all that matter in the act utilitarian theory, it may seem surprising that there is not even one definition of the notion of a "consequence" throughout all of Smart's writings. Smart is aware that one may well distinguish between individual consequences, since at one point he speaks about the "various possible effects of an action" (Smart, 1973, p. 38). Yet, an action-theoretical reflection on the fact that there can be very different kinds of consequences (and different kinds of generating them) is completely missing. Bernard Williams criticised this lack of action-theoretical analysis as early as 1973.[25] Smart's later clarifications regarding the consequences did, however, focus on normative aspects: Smart replaced his notion of the "total consequences" with the new notion of "probable benefit" (Smart, 1978, p. 288; Smart, 1981, pp. 1-19, 2; Smart, 1961, pp. 12, 49) and "expected utility" (Smart, 1984, pp. 79, 117-118; Smart, 1986, p. 31; Smart, 1991, pp. 360-362, 370-371, 375). The change from total consequences to "expected utility" indicates that Smart eventually dropped the view of "objective consequentialism". Starting from about

24 For relevant literature, see Masek (2010, pp. 567-585); Lee (2017, pp. 231-251); Masek (2018).

25 In *Utilitarianism: For and Against*, Williams (1973, p. 154) comments on Smart's earlier book: "In Smart's monograph the notion of 'consequences of an action' has been left pretty well unanalyzed." Williams is referring to Smart (1961).

Stefan Hofmann SJ

1981, Smart came to think that the right action should not be defined in terms of the consequences that it actually will produce. Smart's talk about "expected" utility refers to the agent and to the subjective probabilities the agent has in his calculation of the consequences: His mature view of utilitarianism acknowledges that human agents cannot predict the future. Therefore, Smart contends: An action is morally right if it maximises the utility according to the rational standards the agent should have as a rational being. Smart became a proponent of what is now called "prospective consequentialism": Agents are required to reflect about the consequences of their actions according to objective standards of rationality. The right action is the one which will probably maximise the expected result (Mason, 2014, pp. 177-198).[26] It is important to underscore an action-theoretical implication of this theory: Smart's utilitarianism requires a description of individual actions which refers to amounts of utility (e.g., "30 units of goodness") (Smart, 1981, p. 289). Smart speaks about different types of actions like promises, voting, or killing. But for him there is no need to distinguish between the act itself and its consequences. The distinction between the act and its consequences is without meaning for act consequentialist theories.[27] This is also the reason why Smart does not distinguish between intended consequences and those consequences which were foreseen but not intended. It is clear that, because of its normative presuppositions, utilitarianism is only concerned about the overall result of the action, the notion of intrinsic value being restricted to certain mental states like happiness.

What does Smart's normative theory imply for the evaluation of Anthony's action? Smart would of course call for a complete assessment of its (factual and probable) results: Bianchi's death, Anthony's reception into the Mafia, the sorrow and impoverishment of Bianchi's family, Anthony's guilt feelings, Bianchi's son's successful fight against the Mafia, and all the consequences which are beyond our case study would have to be subsumed under the notion of "total situation" or "total consequences". Of course, there would be no need to describe Anthony's action according to specific moral concepts (like murder) or moral norms (like "No killing of innocent people"). If it comes to morality, the concept of an "action" is obviously reduced to a triggering of consequences. The intended effects which according to Aquinas would be a part of the action itself have to count as consequences or parts of the total result. According to objective consequentialism, Anthony's action would be morally right if its total result is better than the result of any alternative action.

26   "The probable benefit is got by summing the products of the values of consequences and the probabilities of these consequences" (Smart, 1981, p. 2).

27   Cf. the references in Schroth (2009, p. 66); Birnbacher (2013, pp. 122-127, 176-177).

The action would be morally wrong if it did not maximise the probable result. The good consequences of other people's actions would, without further distinctions, be attributed to Anthony as well: If Bianchi's son succeeds to secure the happiness of many people, this could, of course, change the deontic status of Anthony's act of killing. Then, according to the objective consequentialist account (held by Smart until about 1981), Anthony's act of killing would have been the only morally good action for Anthony at that time. According to the prospective account (advocated by Smart after 1981), killing Bianchi would probably be wrong. It would seem rather unlikely that Bianchi's son would start such a career after the death of his father.

2.3. The rule utilitarian view of Richard Brandt

Richard Brandt's publications on utilitarianism cover a period of more than 50 years. It is no surprise that his utilitarian theory developed over time. Brandt's main work, his *Theory of the Good and the Right* (1984), recommends a strong version of rule utilitarianism. In his later years, he moved on to qualify his theory as "conscience rule utilitarianism".[28] For the sake of simplicity, I will present Brandt's view as put forward in his *Theory of the Good and the Right* which is clearly Brandt's most important contribution to ethics. The *Theory* is composed of two well elaborated parts: In the first part, Brandt develops a philosophical theory of human action which draws heavily on resources of empirical psychology. In the second part, he develops his rule utilitarian theory of a moral "code", i.e., a set of moral rules. Both parts of the book deal with aspects of the consequences of human actions. Part one raises descriptive questions about the outcomes which motivate action. Part two elaborates a theory of the normative significance of the consequences for the justification of moral rules. A detailed discussion of these theories would take us beyond the limits of the current paper.[29] However, for the purpose of a short comparison with the accounts of Aquinas and Smart, a presentation of Brandt's core assumptions will suffice.

The main difficulty with Brandt's book is that he uses two distinct technical terms for his reflection about the consequences. In part one of his *Theory*, Brandt outlines a psychological theory of human decision-making which includes a "cognitive theory of action". One of the pivotal terms of this theory is the technical term of the "outcome" or the "prospective outcome" of an action. Brandt uses this concept to designate a possible result of a (potential) action as present to the mind of the agent. The (potential) outcome of an action is that part of the consequences of an

28 For this new shape of his theory, see Brandt's last book (1996) and Brandt (1995, pp. 65-89).

29 For a detailed discussion, see Hofmann (2022).

action which is foreseen by agents and as such motivates them, either positively or negatively. The term "outcome" is not meant to refer to the causal chain of ever new consequences in the world "out there". Its context is Brandt's motivational theory of human action: The "outcome" stands for the action's result as conceived and (if positive) wished for by the agent. One of the laws of Brandt's motivational theory of action asserts (1984, p. 48): "If an individual expects, to a degree E, that a consequence of an action A by him now will bring about an outcome O then, if O has a positive valence V for him, his tendency (T) to perform $A(T_A)$ will have the magnitude of the product E x V. If O has a negative valence V, the tendency ($\check{T}$) *not* to do $A(\check{T}_A)$ will have the magnitude E x (the absolute value of) V." It is not by chance that, in the formulation of this law, Brandt distinguishes between "outcome" and "consequence". Even though he does not explicitly define these terms, he uses them in precise and distinct ways. "Outcome" refers to a result of an action as it is (subjectively) expected by the agent. The technical term "consequence(s) of an action", on the contrary, refers to all the (objective) causal effects of the action in space and time. The notion of "consequences" may be further qualified: At some points Brandt speaks about "short-range consequences" (Brandt, 1984, p. 281) and about "what in the long-run will have best consequences" (Brandt, 1984, p. 297). He discusses the "expectable consequences" (Brandt, 1984, p. 281). It seems highly plausible to Brandt that morality should aim at the "best consequences" (Brandt, 1984, pp. 281, 296-297). Therefore, he asks: "What types of consequence of a possible social moral code might influence a fully rational person's choice of a code?" (Brandt, 1984, p. 203). Brandt thinks rational people would choose the moral code which leads to "better consequences" (Brandt, 1984, p. 179). Scientists should compare the probable consequences of different moral codes and help to determine the best code for the society. However, in all these contexts, the term "consequence(s)" clearly refers to the causal effects which the action produces in the objective world "out there". Brandt's use of two distinct concepts for his reflection about the consequences is not disconnected from ethical considerations. Yet, the aim of the distinction is not directly a normative one. Brandt uses the notion of "outcome" mainly in the *descriptive* contexts of part one of his book. The notion of "consequence(s)" is predominantly found in the *normative* context of part two. Brandt's terminology clearly has an advantage over the concepts used by Smart: Brandt does not just speak about "total consequences" and "total situations". Instead, he offers a terminology to distinguish between different kinds of consequences. However, Brandt did not go into details with regard to the implications of his distinction for the evaluation of specific actions. The main aim of Brandt's *Theory* was to argue for the justification of a rule utilitarian theory of morality.

There are many aspects of Brandt's moral philosophy which bear on the evaluation of specific actions. Brandt proposes a rule utilitarian theory of normative ethics. This means that, in normal cases, the action must be evaluated according to these rules. Brandt (1984, p. 183; 1996, p. 94) explicitly argues for a rule against killing.[30] Therefore, it is required to describe Anthony's action in a specific way: This action has to be subsumed under the generic concept of killing.[31] We need to describe the action as an instance of killing. It is beyond doubt that the description of Anthony's killing as "passing the entrance examination" would not be correct for a moral evaluation according to Brandt's *Theory*. However, Brandt did not explicitly state the requirements implied by his approach. On the contrary, he rarely speaks about the demarcation between the act and its consequences. In addition, in contexts where he does touch on this question, he even argues that this demarcation is of little importance. At one point in his *Theory*, Brandt asks: "Where do we draw the line between an act and its consequences? [...] It normally makes no difference where we draw the line (as long as any utility of the act itself is counted along with the utility of the consequences) [...]." (Brandt, 1984, p. 271). The context of this statement is a critical assessment of act utilitarianism. However, since this is the only explicit statement regarding the delineation in Brandt's *Theory*, and since it is in line with what he says in other publications,[32] it seems safe to assume that it does, in fact, reflect what he himself thought.

Brandt's normative theory also fails to offer further reflections concerning the side-effects (like the awakening of Bianchi's dog) and the consequences that follow after Anthony's deed (like the impoverishment of Bianchi's family). Brandt's notion of "outcome" would be a helpful technical term for a differentiation between intended and not intended consequences: Anthony intended the "outcome" of Bianchi's death. It is one of the strengths of Brandt's action theory that its concept of "outcome" is meant to refer to the result that motivates the agent. Brandt's distinction between outcome and consequences could be useful to reflect also on the

---

30   Even more frequently he mentions a rule against violating others (Brandt, 1984, pp. 288, 291-293, 295).

31   In *Fairness to Indirect Optimific Theories*, Brandt (1992, pp. 137-157, 143) argues that the introjected motivational set of a moral rule will be directed at types of actions: "A feature of all such motivation sets is that they will be directed at types of action: requiring a token of some act-type A whenever the circumstances are C." This article was originally published in 1988 in *Ethics*.

32   In his voluminous introduction *Ethical Theory* from 1959 Brandt argues (p. 354, note 2): "We can count the act itself (with its intrinsic worth) as part of the 'consequence' if we wish, even though we ordinarily think of the results of an act as coming subsequent to the act. Whether or not it is important to speak in this way depends on how we use the word 'act' – whether to refer to a whole event, such as the execution of a kidnapping, or simply to an initiating decision or resolution." The circumstances of an action are "what remains fixed, irrespective of which of the alternative actions under consideration the agent performs" (Brandt, 1984, p. 280).

Stefan Hofmann SJ

distinct normative significance of the intended and the not intended (and partly not even foreseen) consequences. Yet, Brandt himself did not recognise this philosophical potential of his concepts. On the contrary, in his view that it is sufficient to count the utility of both, of act and consequences alike (Brandt, 1984, p. 271), he even falls back into act utilitarian considerations. This is certainly surprising: Brandt underlines the necessity of moral rules. As a proponent of a utilitarian approach, he stresses that moral judgements should exclusively depend on considerations of the consequences. He knows there are different concepts of consequences. Yet, he does not regard it as necessary to consider the differentiation of different kinds of consequences in ethical analysis and the evaluation of concrete actions.

One reason for this lack of further reflection might be found in Brandt's adherence to a causal theory of action. Brandt championed the belief-desire model of explaining human action. In the early sixties, he published an article which presented an early contribution to a causal theory of action (Brandt and Jaegwon, 1963). Nonetheless, there is a certain blindness in Brandt's consideration of the consequences: His action theory offers a term to refer to the desired, if not intended, effect of one's action (outcome). He offers another term which might be used to refer to what is often called further consequences and side-effects of the action (consequences). Yet, after arguing for a utilitarian set of moral rules, Brandt has nothing to say about the ethical significance of these (further) consequences and side-effects. He seems utterly unaware of the fact that it is not enough to judge actions according to moral rules. His moral theory is consequentialist in its argument for moral rules. When it comes to the evaluation of specific actions, however, it appears vague and undeveloped. It leaves out what seems of pivotal significance for many moral issues: Human actions often have side-effects which are foreseen but not intended. Besides that, they have consequences which *could* have been foreseen. The case study of Anthony and Bianchi illustrates the usefulness of action theory for ethical considerations. Unfortunately, Brandt's moral theory does not include an account of how to consider *different kinds* of consequences.

3. CONCLUSION

Considering Anthony's act of killing, there are highly plausible intuitions to evaluate this action as follows: What Anthony did should be described as an act of killing, and more precisely as an act of murder (no. 4). This is the most elementary description of the action – at least if we may presuppose that killing innocent human beings is morally (and legally) wrong. Furthermore, Anthony may have known about the probable impoverishment of Bianchi's family (no. 7). If he foresaw and

167

willingly accepted this consequence, one may blame him even more for not refraining from carrying out his crime. The impoverishment of the family was a likely consequence of the action which adds to the badness of this crime. If Bianchi's son eventually succeeds as a prosecutor against the Mafia (no. 9), one has to acknowledge that Anthony's crime did produce good consequences as well. However, since Anthony could not foresee those consequences and, even more so, since it is not Anthony but Bianchi's son who succeeds in this surprising way, it seems clear that the good consequences produced by Bianchi Jr should not be attributed to the mobster Anthony. The successful fight against the Mafia is the achievement of Bianchi Jr. It would seem highly counter-intuitive to attribute Bianchi Jr's achievement to Anthony whose crime certainly influenced the young man's choice of profession. Anthony is a murderer who should be blamed for what he did. The good deeds of other people cannot turn his murder into a morally good or acceptable action. How far do the normative theories proposed conform with these intuitions?

The moral philosophy of Thomas Aquinas is very much in line with the aforementioned intuitions. Aquinas offers a terminology for the consideration of consequences which is surprisingly sophisticated: Aquinas differentiates between consequences which are causally connected to the action (lat. effectus) and consequences which are further occurrences that follow after the action, even though they are caused by other agents (lat. eventus sequentes). Some of the many causal effects produced by the agent are intended by the agent. The technical term of the "object" of an action (lat. objectum) refers to some of these intended effects: It relates to those effects which are the direct end of the will. In a more modern idiom, the "object" indicates the type of action. It tells us *what* the agent does or did. In the case of Anthony, the object of the will was to commit an act of murder. Anthony may have accepted the likely impoverishment of Bianchi's family. In Aquinas' terminology, this would be considered as an aggravating "circumstance" of the action. What is more basic, however, is that by his distinction between consequences as causally related effects (effectus) and consequences as occurrences which follow after the action (eventus sequentes), Aquinas incorporates what Alan Gewirth (1982, p. 229) called the "principle of the intervening action": If consequences are caused by other agents A_2, A_3, etc., they are not directly attributed to agent A_1 who acted first (even though he might have influenced these other agents and may well be responsible in many respects).

John Smart argues that when morally evaluating an action, only consequences matter. Nonetheless, he often talks about the "total consequences". His concept of "consequence(s)" remains staggeringly vague. Smart presents no differentiation concerning different kinds of consequences. On the contrary, his act utilitarian theory considers the actions of subsequent agents A_2, A_3, etc. (and the consequences of

their actions) as consequences of the act of agent A_1. The good effects of subsequent actions of other agents are included into the sum of the "total consequences". What does this imply for the evaluation of Anthony's action? Act utilitarianism does not allow for moral rules. It is, therefore, morally irrelevant to ask whether Anthony's action should be described as an act of killing. The act has to be evaluated with regard to total consequences only. Until 1981 Smart held objective consequentialism to be true. This means: Anthony's action was morally right if it actually maximises happiness. If Bianchi Jr succeeds sufficiently, Anthony's action must in the end be considered the only morally right action open to Anthony in his situation. After 1981 Smart adopted a prospective version of consequentialism. Since it is unlikely that Bianchi Jr would turn out to be such a successful prosecutor, Anthony's murder would then be wrong.

Richard Brandt presents moral rules against hurting and killing other people. According to his theory, Anthony's action would count as an act of murder. Brandt offers a terminology which might be useful to distinguish between the act and its consequences. He might argue that killing Bianchi (no. 4) and taking the entrance examination (no. 5) were the "outcomes" which motivated Anthony. The reception into the Mafia (no. 6), the sorrow and the impoverishment of Bianchi's family (no. 7), Anthony's guilt feelings (no. 8), and Bianchi Jr's legal fight against the Mafia (no. 9) could be seen as "consequences" of the action. However, Brandt did not explicitly propose this usage of his terminology. It is clear that, according to Brandt, the good consequences of Bianchi Jr's campaign against the Mafia cannot change the deontic status of Anthony's action. Anthony's deed will in any case remain a morally wrong action, even more a murder. Brandt's rule utilitarianism does conform with Gewirth's call for a "principle of the intervening action". Yet, his consequentialist theory appears completely blind to unintended consequences. Brandt's moral theory and its implications for the evaluation of concrete actions do not include considerations of consequences which lie beyond the act itself. Only in extreme cases would Brandt demand a specification of the rule. After that, unintended effects would again be left aside.

If one approaches the question of the ethical significance of the consequences from the perspective of action theory, and the question of how to evaluate a particular action, one might wonder at the coarseness of consequentialist theories, act utilitarian and rule utilitarian alike. Why should only one type of consequences be deemed decisive for the moral evaluation of an action? Consequentialism is basically an agent-neutral moral theory. It seems that this neutrality has prevented consequentialists from adopting or developing a more sophisticated view of the diversity of consequences and of their significance for the evaluation of particular actions.

What can we learn from Aquinas, Smart, and Brandt? Has consequential-ism a more comprehensive and sophisticated view on the ethical significance of the consequences of our actions? The analysis of the writings of Smart and Brandt led to astonishing results: Their accounts of ethics are among the most influential utilitarian theories of the 20th century. Yet, they show little sophistication in their concepts of consequences. Smart's move from objective to prospective consequen-tialism certainly suggests that foresight is important for questions of responsibility. Brandt's action theory includes the notion of the "outcome" of an action which proves helpful in various ways. Nonetheless, the most sophisticated account of a moral evaluation of actions in light of the consequences was clearly offered by Aquinas. If it comes to the evaluation of complex actions like Anthony's case as described, the Thomistic account of the significance of the consequences has more intuitive appeal than its utilitarian rivals. It is certainly true that the epistemic reli-ability of moral intuitions is itself controversial. Smart (1977, pp. 127-135, 132-133) and Brandt (1984, pp. 2-23, 163, 185, 235-242) were critical of the significance of moral intuitions.[33] Still, intuitive appeal is one of the features of a moral theory which allows us to compare it to other theories (Timmons, 2013, pp. 12-16). It seems paradoxical that consequentialists fail to offer a sophisticated and intuitively appeal-ing account of the ethical significance of our actions' consequences. One might, of course, opt for a causal theory of action which accords no importance to intention-ality. Both Smart and Brandt accepted some version of the belief-desire model of human action. This action-theoretical move would question the assumptions made in section 1. However, it would not compensate for the lack of distinction in Smart and Brandt's account of the consequences. A plausible theory of normative ethics should offer a sophisticated account of how the different kinds of consequences should be included in our moral judgements. It is highly plausible to suppose that in our evaluation of actions, different kinds of consequences (like intended/unintend-ed, foreseen/unforeseen, foreseeable/unforeseeable consequences) should have dif-ferent normative weight.

33   In his last book, Brandt (1996, p. 11) was willing to concede "some respect for moral intuitions".

List of sources:

Anscombe, G. E. M. (1976). *Intention*, Oxford: Basil Blackwell.

Baier, A. (1971). The Search for Basic Actions. *American Philosophical Quarterly*, *8* (2), 161-170.

Bergström, L. (1966). *The Alternatives and Consequences of Actions*, Stockholm: Almqvist & Wiksell.

Birnbacher, D. (2013). *Analytische Einführung in die Ethik*, Berlin/Boston: De Gruyter.

Brandt, R. (1959). *Ethical Theory: The Problems of Normative and Critical Ethics*, Englewood Cliffs, NJ: Prentice Hall, Inc.

Brandt, R., and Jaegwon, K. (1963). Wants as Explanations of Actions. *Journal of Philosophy*, *60* (15), 425-435.

Brandt, R. (1984). *A Theory of the Good and the Right*, Oxford: Clarendon Press.

Brandt, R. (1992). *Fairness to Indirect Optimific Theories in Ethics: Morality, Utilitarianism, and Rights*, Cambridge/New York: Cambridge University Press.

Brandt, R. (1995). Conscience (Rule) Utilitarianism and the Criminal Law. *Law and Philosophy*, *14*, 65-89.

Brandt, R. (1996). *Facts, Values, and Morality*, Cambridge/New York: Cambridge University Press.

Danto, A. (1965). Basic Actions. *American Philosophical Quarterly*, *2*, 142-148.

Davidson, D. (2002). Agency. In: D. Davidson (ed.), *Essays on Actions and Events* (43-62), Oxford: Oxford University Press.

Deferrari, R., Barry, M., and McGuiness, I. (2004). *A Lexicon of St. Thomas Aquinas, Based on the Summa Theologica and Selected Passages of His Other Works*. Fitzwilliam, NH: Loreto Publications.

Gewirth, A. (1982). Are There Any Absolute Rights? In: A. Gewirth (ed.), *Human Rights: Essays on Justification and Applications* (218-233)*, London/Chicago: University of Chicago Press.

Goldman, A. (1970). *A Theory of Human Action*, Englewood Cliffs, NJ: Prentice Hall Inc.

Goldman, A. (1971). The Individuation of Action. *Journal of Philosophy*, *68* (21), 761-774.

Hofmann, S. (2020). Die normative Bedeutung der Handlungsfolgen nach Thomas von Aquin. *Theologie und Philosophie*, *95*, 200-223.

Hofmann, S. (2022). *Normative Bedeutung der Handlungsfolgen: Paradigmatische utilitaristische Ansätze und katholische Moraltheologie*, Berlin: De Gruyter.

Honnefelder, L. (1989). Güterabwägung und Folgenabschätzung. Zur Bedeutung des sittlich Guten bei Thomas von Aquin. In: D. Schwab (ed.), *Staat, Kirche, Wis-*

senschaft in einer Pluralistischen Gesellschaft. Festschrift für P. Mikat (81-98), Berlin: Duncker & Humblot.

Hyman, J. (2015). *Action, Knowledge, and Will*, Oxford: Oxford University Press.

Johansson, I. (1989). *Ontological Investigations: An Inquiry into the Categories of Nature, Man and Society*, London: ontos verlag.

Kaczor, C. (1998). Double-Effect Reasoning from Jean Pierre Gury to Peter Knauer. *Theological Studies, 59*, p. 297-316.

Kamp, G. (2016). Basishandlungen. In: M. Kühler and M. Rüther (eds), *Handbuch Handlungstheorie. Grundlagen, Kontexte, Perspektiven* (69-77), Stuttgart: J. B. Metzler.

Keil, G. (2015). *Handeln und Verursachen*, Frankfurt am Main: Vittorio Klostermann.

Lee, P. (2017). Distinguishing Between What Is Intended and Foreseen Side Effects. *American Journal of Jurisprudence, 62* (2), p. 231-251.

Lutz, R. (2017), Die klassische Lehre von den Umständen einer Handlung. Ein Beitrag zur Handlungstheorie Thomas von Aquins. In: F.-J. Bormann (ed.), *Lebensbeendende Handlungen: Ethik, Medizin und Recht. Zur Grenze von ‚Töten‘ und ‚Sterbenlassen‘* (95-121), Berlin/Boston: De Gruyter.

Mangan, J. (1949). An Historical Analysis of the Principle of Double Effect. *Theological Studies*, *10* (1), 41-61.

Masek, L. (2010). Intentions, Motives, and the Doctrine of Double Effect. *Philosophical Quarterly*, *60* (240), 567-585.

Masek, L. (2018). *Intention, Character, and Double Effect*, Notre Dame: University of Notre Dame Press.

Mason, E. (2014), Objectivism, Subjectivism, and Prospectivism. In: B. Eggleston and D. Miller (eds), *The Cambridge Companion to Utilitarianism* (177-198), Cambridge/New York: Cambridge University Press.

Nida-Rümelin, J. (2001). *Strukturelle Rationalität. Ein philosophischer Essay über praktische Vernunft*, Stuttgart: Reclam.

Pilsner, J. (2006). *The Specification of Human Actions in St Thomas Aquinas*, Oxford: Oxford University Press.

Regan, R. J. and B. Davies (eds.). (2001). *The De malo of Thomas Aquinas*. Oxford: Oxford University Press.

Ricken, F. (2013). *Allgemeine Ethik*, Stuttgart: Kohlhammer.

Runggaldier, E. (1996). *Was sind Handlungen? Eine philosophische Auseinandersetzung mit dem Naturalismus*, Stuttgart: Kohlhammer.

Runggaldier, E. (2011), Handlung. In: P. Kolmer and A. Wildfeuer (eds), *Neues Handbuch philosophischer Grundbegriffe*, Freiburg im Breisgau: Verlag Karl Alber.

Ryle, G. (1949). *The Concept of Mind*, London: Hutchinson House.

Sandis, C. (2010). Basic Actions and Individuation. In: T. O'Connor and C. Sandis (eds), *A Companion to the Philosophy of Action* (10-17), Malden, MA: Wiley-Blackwell.

Schlosser, M. (2019). Agency. In: E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy (Winter 2019 Edition)*, accessed at: https://plato.stanford.edu/archives/win2019/entries/agency/ (16 January 2024).

Schroth, J. (2009). Deontologie und die moralische Relevanz der Handlungskonsequenzen. *Zeitschrift für philosophische Forschung*, *63*, 55-75.

Searle, J. (1983). *Intentionality: An Essay in the Philosophy of Mind*, Cambridge: Cambridge University Press.

Smart, J. (1961). *An Outline of a System of Utilitarian Ethics*, Melbourne: Melbourne University Press.

Smart, J. (1973). An Outline of a System of Utilitarian Ethics. In: J. Smart and B. Williams (eds), *Utilitarianism: For and Against* (1-74), Cambridge: Cambridge University Press.

Smart, J. (1977). Benevolence as an Over-Riding Attitude. *Australasian Journal of Philosophy*, *55*, 127-135.

Smart, J. (1978). Utilitarianism and Justice. *Journal of Chinese Philosophy*, *5* (3), 217-342.

Smart, J. (1981). Utilitarianism and Criminal Justice. Justice and Legal Reasoning. Special Issue of the *Bulletin of the Australian Society of Legal Philosophy.*

Smart, J. (1984). *Ethics, Persuasion, and Truth*, London/Boston: Routledge & Kegan Paul.

Smart, J. (1986). Utilitarianism and Its Applications. In: R. Fox and J. DeMarco (eds), *New Directions in Ethics* (24-41), New York/London: Routledge & Kegan Paul.

Stout, R. (2005). *Action*, Chesham: Acumen.

Thalberg, I. (1977). *Perception, Emotion, and Action: A Component Approach*, Oxford: Basil Blackwell.

Timmons, M. (2013). *Moral Theory: An Introduction*, Lanham, MD: Rowman & Littlefield.

Tran, D. B. Q. (2008). *Ultimate End, Intention, and Consequences of Human Action: A Critical Reflection on Jeremy Bentham's Utilitarian Ethics of Happiness in the Light of St. Thomas Aquinas's Teaching*, Rome (dissertation).

Williams, B. (1973). A Critique of Utilitarianism. In: J. Smart and B. Williams (eds), *Utilitarianism: For and Against* (77-150), Cambridge: Cambridge University Press.

Wright, G. von (1971). *Explanation and Understanding*, London: Routledge & Kegan Paul.

THE ETHICAL SIGNIFICANCE OF THE CONSEQUENCES OF OUR ACTIONS: CONTEMPORARY THEORY OF ACTION, AQUINAS, AND THE UTILITARIAN POINT OF VIEW

SUMMARY

Human actions have consequences for others and for oneself. The consequences may be positive. They may, however, also be devastating. This is why it is important for the moral evaluation of actions to take their consequences into account. The ethical significance of the consequences may depend on many aspects: From the point of view of action theory, ethicists may distinguish different kinds of consequences, like intended/unintended or foreseen/unforeseen consequences. From the point of view of normative ethics, scholars give different ethical weight to the consequences. This paper tries to combine insights from both disciplines: In section 1, I present a view of the consequences which draws heavily on contemporary theory of action. In section 2, I compare the normative accounts of three exemplary moral philosophers: the act utilitarian theory of John J. C. Smart, the rule utilitarian account of Richard Brandt, and the scholastic approach of Thomas Aquinas. I argue that we should give *different* moral weight to *different* kinds of consequences. It is shown that when it comes to complex actions, Aquinas' account is more sophisticated and has more intuitive support than its utilitarian rivals.

Stefan Hofmann SJ