

DONAGAN ON ACT AND AGENT EVALUATIONS

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Article:

What the connection is between the moral evaluation of actions and the moral evaluation of agents is a matter of dispute among philosophers. Many hold that these two types of evaluation are logically distinct, that there is no conceptual connection between them. Others, though, have claimed that act and agent evaluations are linked together in natural ways; the connection, they argue, is a necessary one.¹ Alan Donagan, in his important book: *The Theory of Morality* (University of Chicago Press, Chicago, 1977), has written extensively on both the notion of morally assessing actions and that of assessing agents. What he says has implications for the dispute just described. In particular, Donagan articulates three theses concerning the relationship between act and agent evaluations. What I shall try to show is that the conjunction of these three theses is inconsistent.

The first thesis, which I shall call the *dependence thesis* (DT), is stated as follows: "Precepts about the culpability or inculpability of agents in doing what they do would make no sense whatever unless their actions were in themselves, objectively considered, permissible or impermissible" (p. 55). This says that one cannot understand or have knowledge of judgments about the agent's culpability or inculpability unless one first understands or has knowledge of judgments about what acts are right and what acts are wrong. Because of this, Donagan calls questions about the rightness or wrongness of actions 'first-order' moral questions, and questions about the culpability or inculpability of agents 'second-order' moral questions. Second-order questions are dependent, in an epistemological sense, on first-order questions. This is a standard thesis among those who claim that there is a sharp distinction between act and agent evaluations. The usual defense of this view is that answers to second-order questions *presuppose* answers to first-order ones (p. 30). We cannot even make a second-order judgment unless we already know what agents should (objectively) be doing. If we know what an agent should do, then presumably if the person is aiming at or trying to do the (objectively) right act we assess him positively. Similarly, an agent is assessed negatively if that person is trying or intends to do what is really wrong. Thus agent evaluations are dependent on *knowledge* about which actions are right and which are wrong.

The second thesis which Donagan asserts, the *separation thesis* (ST), is stated this way: "A deed may be impermissible, and yet its doer be inculpable; and a doer may be culpable even though his deed is permissible" (p. 112). ST claims that evaluations of actions and evaluations of agents are logically distinct. There are four possible cases, and the first two are the unproblematic ones: the case when the act is right and the agent is inculpable, and the case when the act is wrong and the agent is culpable. The third possibility, that an act can be impermissible though its agent is inculpable, is also uncontroversial. One who does the wrong thing because of excusable ignorance is a paradigm example. One might wonder, though, how a person can be culpable when his action is permissible. This fourth possibility occurs when an agent

does the right act but for the wrong reason. It is suggested by DT that we make agent evaluations by determining whether the person was aiming at or trying to do the right thing. If a person is knowingly and willingly doing an action which would be wrong under the description he believes himself to be doing it, then the person is culpable. Thus a judge may rightly find a person guilty of a crime and yet be culpable for doing so. The verdict is right because the evidence warrants it; but the judge is culpable because his reason for declaring the person to be guilty is racial prejudice. DT and ST are theses that are most basic to those who say that there is no necessary connection between act and agent evaluations. This may seem puzzling, since DT purports that agent evaluations in some way depend on act evaluations. However, it is evident that this dependence is epistemological in nature and actually lends additional support to the logical independence of the two judgments.

Donagan's third thesis is the *wrongful intentions principle* (WIP). According to this principle, "if an action of a certain kind is impermissible, then it is impermissible to intend to do it, even if that intention miscarries" (p. 126). Put simply, the thesis says this: To intend to do what one knows to be wrong is itself wrong.² The intuition underlying WIP is familiar enough. Consider two people, *A* and *B*. Each plans to murder an innocent person. Suppose that *A* carries out his plan, but *B*'s plans are thwarted. Perhaps *B*'s gun will not discharge, or maybe his victim dies of a heart attack. From the moral point of view, it seems that we are as appalled by *B*'s actions as we are by those of *A*. That *B*'s intention miscarries, that *B* is lucky, does not change our assessment of his plan. WIP, like DT and ST, seems to be a very plausible principle.

It seems, however, that WIP is inconsistent with DT and ST.³ If ST is true, it is possible for a person to do a permissible act and yet to be culpable. Presumably this can occur only when the person aims at or tries to do something wrong but fails. Somehow the person manages to do the right thing in spite of himself. But if WIP is true, it appears that this situation cannot obtain. WIP tells us that a person who intends to do what is wrong is behaving in an impermissible way, even if his intention miscarries. It seems, then, that WIP *excludes* the possibility that a person can do a permissible act but be culpable.

Two possible responses to the criticism of inconsistency must be considered, each of which purports that I have misconstrued WIP. *First*, it might be argued that there are two distinct actions to be assessed, the act of intending and the overt behavior that follows. WIP is a principle meant to apply only to the act of intending. If WIP were understood in this way, the problem of inconsistency would disappear because the overt behavior could be permissible though the agent culpable. The textual evidence does not support this interpretation, however. Donagan considers (pp. 126-127) the objection that WIP will allow for the following anomaly: one may have a duty to do a certain act (e.g., to defend an innocent from violence), but can do it from no other intention than to do something impermissible (e.g., because the agent has a strong desire to harm the violator). Donagan does not say that this apparent dilemma is resolved because there are two separate acts, as one would expect he would if this first response were correct. Rather, he says that the agent is not condemned to do wrong no matter what he does because it is within his power to determine his intentions. If he does not alter his intentions, he has simply done the wrong thing. This indicates that there is only one act to be assessed, and for the act to be right the intentions must be right. In addition to this textual evidence, it is useful and standard philosophical practice to treat one's intentions to do something as the beginning of one's act.

The *second* response claims that WIP should be taken as a thesis about evaluating agents, not actions. This interpretation, like the first, would eliminate the problem of inconsistency. Again, however, the text suggests that Donagan does not mean this. Note, first, that he uses the term 'impermissible' to state the principle, and as he himself says (p. 37), that word and the term 'permissible' are moral grades assigned to *human actions*, not to the agents of those actions. Moreover, if we were to construe WIP in this way, the principle would be superfluous. Taken together, DT and ST imply that one who sets out or intends to do wrong is culpable, regardless of how the act turns out.

It is clear, I think, that DT and ST can be maintained only by those who argue that there is no necessary connection between the moral evaluation of agents and the moral evaluations of actions. It is also clear that WIP can be held only by those who defend the view that there is a necessary link between act and agent evaluations. Because of this, an inconsistency among the theses is generated. Yet each of the theses seems to be plausible. The support for DT and ST seems solid, but the intuitive appeal of principles such as WIP that tie together act and agent evaluations is also wide. Given these conflicting intuitions, it is not surprising that one writing on this topic would be led to an inconsistency. Our intuitions about the relationship between act and agent evaluations are, I am afraid, confused. Any attempt to untangle these complexities will have to take into account the apparent plausibility of theses supported by each side of this dispute.

Notes

1. The position that there is no necessary connection between act evaluations and agent evaluations is held by many philosophers. For one example, see Richard B. Brandt, *Ethical Theory* (Prentice-Hall, Englewood Cliffs, 1959), Chapter 18. The view that there is a necessary connection between act and agent evaluations is less popular, but is vigorously defended by Norman O. Dahl in "Ought" and blameworthiness', *The Journal of Philosophy* LXIV (1967), pp. 418-428, and by Michael Stocker in 'Act and agent evaluations', *The Review of Metaphysics* 27 (1973), pp. 42-61.
2. For this way of stating the principle as well as the label I give to it, I am indebted to Gregory S. Kavka's 'Some paradoxes of deterrence', *The Journal of Philosophy* LXXV (1978), p. 289.
3. Actually WIP is inconsistent with ST alone. I include DT, however, since it sheds light on ST and one who holds the one usually assents to the other.