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The Doing and the Deed: Action in Normative Ethics

Constantine Sandis

Abstract

This essay is motivated by the thought that the things we do are to be distinguished from our acts of doing them. I defend a particular way of drawing this distinction before proceeding to demonstrate its relevance for normative ethics. Central to my argument is the conviction that certain ongoing debates in ethical theory begin to dissolve once we disambiguate the two concepts of action in question. If this is right, then the study of action should be accorded a far more prominent place within moral philosophy than previously supposed. I end by considering an extension of the above to aesthetic evaluation and, *mutatis mutandis*, that of our lives in general.

Prologue

There exists a contested distinction within the philosophy of action which entails that the correct evaluation of what one does or creates may part ways with that of one's act of doing or creating it.¹ Drawn correctly, this distinction is of utmost importance to questions in ethical theory, and how we generally evaluate our actions and lives. Or so I shall be arguing.

Attempts to relate philosophy of action to ethics have tended to focus on agency, responsibility, free will, and other questions in moral psychology, the latter now treated as a separate and increasingly empirical branch of ethics. This is not that project. There are additional ethical questions which the philosophy of action is in a position to address, not least debates in normative and practical ethics about the nature of right action.² A particular case in point is the interminable debate between consequentialists, deontologists, and virtue-theorists on the potential relevance of person's motives and intentions to the rightness or wrongness of her acts.

The questions of action, intention, and motive I shall focus on are normally identified as belonging to moral psychology. To this extent, it is regrettable that the latter has branched off in a way that has encouraged philosophers to think that such questions belong to moral psychology and not normative ethics. This is one of two unintended and unforeseen consequences of Anscombe's revolutionary paper 'Modern Moral Philosophy', published in this journal almost sixty years ago.³ The second involves the creation of normative virtue ethics as a separate position within moral theory, one to be adopted by *all and only* those who think that questions of character matter to right action.⁴

¹ There are possible distinctions to be made between acts and actions but they don't affect anything I have to say here. For a puzzling attempt to map the act/action distinction onto that between doing and thing done see David Wiggins, *Ethics: Twelve Lectures on the Philosophy of Morality* (Cambridge, MA: Harvard University Press, 2006), 97, n. 8.

² For complications that need not detain us here see Brad Hooker, *Ideal Code, Real World* (Oxford: Clarendon Press, 2000) 1, n.2.

³ G. E. M. Anscombe, 'Modern Moral Philosophy', *Philosophy* 33, No. 124 Jan (1958), 1–9. Anscombe's own failure to distinguish between doing and thing done is a topic for another paper.

⁴ See Rosalind Hursthouse, 'Normative Virtue Ethics', in (ed.) R. Crisp, *How Should One Live?* (Oxford University Press, 1996), 19–33.

In what follows I resist both trends by relating conceptual and ontological questions about action to normative ethics. We may characterise this method as *applied* philosophy of action, so long as such a thing leaves space for a kind of analytic deconstruction of moral theory.

1. Ambiguity in Action

Someone interested in action might wish to explore a number of distinct things such as how the word 'action' is used, our concept(s) of action, different conceptions of action, and empirical findings about actions themselves. In each case there are numerous distinctions to be made and different ways of carving things up. I shall focus on just one of these, namely the conceptual distinction between *what* one does and one's *doing* (of) it. There are radically different ways of understanding this distinction. Indeed, those who appeal to it, myself included, express such a wide range of competing conceptions of each of the two things distinguished to the point where it becomes unclear whether they really are all making the same distinction. I begin by quoting from three influential approaches, in chronological order.

John Macmurray writes the following in an *Aristotelian Society* exchange with A.C. Ewing on the nature of actions:

The term 'action' is involved in the same ambiguity [as] terms like 'perception' or 'conception'. It may refer either to what is done or to the doing of it [...] either 'doing' or 'deed'. When we talk of an action we are normally referring to what is done.⁵

Leaving aside the final claim about ordinary language, the idea here is that the word 'action' is not in any way special for being ambiguous in this regard. Macmurray's distinction is presented as a formal one that may presumably also be extended to additional psychological phenomena such as those of belief, desire, fear, suspicion, thought, etc. In effect, it is a basic logical distinction between a kind of process or activity on the one hand, and its product, content, or object on the other (things which should themselves resist conflation). We don't do our own doings anymore than we fear our own fearings or suspect our own suspectings.⁶

Paul Ricœur extends the scope of interest to speech and writing:

What in effect does writing fix? Not the event of speaking [...] it is speech itself insofar as it is *said* [...] To what extent may we say that what is *done* is inscribed? [...] in a metaphorical way, some actions are events that imprint their mark on their time.⁷

In the case of writing, the distinction comes closer to that between a *process* and its resulting *product*. Ricœur is suggesting that we might, by extension, hold the same to be true of the speaking and the thing said and, *a fortiori*, the doing and the thing done.⁸ He is aware that his suggestion contains the difficulty that, when all is said and done, these things do not remain in the world in the

⁵ John Macmurray, 'What is Action?', *Proceedings of the Aristotelian Society*, Supp. Vol. XVII (1938), 74–6.

⁶ See Alan R. White, 'What We Believe' in (ed.) N. Rescher, *Studies in the Philosophy of Mind* (Oxford: Blackwell, 1972), 69–84.

⁷ Paul Ricœur, *From Text to Action*, trns. K. Blamey & J. Evanston (London: Continuum, 2008 [1986]), 142–9.

⁸ For the philosophy of what we are doing when we say things, see Jennifer Mather Saul, *Lying, Misleading, and What is Said: An Exploration in the Philosophy of Language and Ethics* (Oxford: Oxford University Press, 2012).

literal way that things written might; they are not carved in stone, or even paper. And yet, Ricœur reminds us, our events of acting – a subset of which are speech-act events – may nonetheless leave imprints or traces of a biographical, psychological, historical, cultural, or empirical nature.⁹

This thought of actions as *events* connects with Jennifer Hornsby's way of framing the distinction as one between (i) the spatio-temporally located events of our doing things and (ii) the things we do, the latter admitting to being done by different agents across more than one location or occasion, including the possible future as in Lenin's *What is to be Done?*:

The word 'action' is ambiguous. Where it has a plural: in ordinary usage what it denotes, nearly always, are the things people do; in philosophical usage, what it denotes, very often, are events, each one of them some person's doing something.¹⁰

Like Macmurray, Hornsby takes our ordinary talk of action to typically denote things done. My own view is that in everyday language the term 'thing done' is itself multiply ambiguous, much as we might use the expression 'soup' in any of the following assertions: 'the soup is always great at *Gino's*'; 'tonight's soup is very good'; and 'your soup looks nicer than mine (even though they presumably come from the same kitchen batch)'. Such ambiguities account for much conflation in the philosophy of action, if not that of Donald Davidson who, misled by the Quinean mirage of desert landscapes, provides a systematic argument for why all action statements quantify over events.¹¹ The trouble is that there exists conceptual space for a distinction that is only partially mirrored in our ordinary use of the terms 'doing' and 'thing done', the latter frequently being used rather liberally, as in 'the hardest thing I ever did'.

All analogies sooner or later come to an end, of course. What I do is neither the *product* nor the *content* of my doing. Nor is it an object in the way that the things I perceive, such as the records on the table, are. Deeds are not entities of any kind, be they type or token. Accordingly, we must take my soup comparisons with a pinch of salt: what I do is not the same sort of thing as what I ate or hope to eat¹², not even in the Proustian sense in which I might lament that the rusty bicycle in the garden shed is not as bright or green as the one I remember.¹³ Moreover, it is at best contentious to assume that the 'of' in 'the event of my doing x' is one of identity (as in 'the county of Hertfordshire') as opposed to, say, relation (as in 'the University of Hertfordshire').¹⁴

Unsurprisingly, we find competing ontologies of doings and things done in the literature, with little consensus on whether the former are particulars, events, processes, instances of relations etc. and the latter universals, types, results, products, etc.¹⁵ For now, however, I have merely wished to highlight a more general agreement on the basic distinction between particular doings and

⁹ For Ricœur's development of Levinas and Derrida's theories of the trace see his *La Mémoire, l'Histoire, l'Oubli* (Paris: Éditions du Seuil, 2000).

¹⁰ Jennifer Hornsby, *Simple Mindedness* (Cambridge, MA: Harvard University Press, 1997), 142.

¹¹ Donald Davidson, 'The Logical Form of Action Sentences' (1967); reprinted in his *Essays on Actions & Events*, 2nd ed. (Oxford: Clarendon Press, 2001), 105–21.

¹² See Hans-Johann Glock, 'Truth Without People?', *Philosophy*, 72 (1997), 98. I discuss the individuation of things done in *The Things We Do and Why We Do Them* (London: Palgrave Macmillan, 2012), 34 & 150.

¹³ As the narrator of *In Search of Lost Time* puts it in the volume's closing passage, '[t]he places we have known do not belong only to the world of space on which we map them for our own convenience. They were only a thin slice, held between the contiguous impressions that composed our life at the time [...] houses, roads, avenues are as fugitive, alas, as the years'. Proust, *Swann's Way* [1913], 513.

¹⁴ See my *The Things We Do*, 8 & 33.

¹⁵ Just as there are different conceptions of the basic distinction between doings and things done, so there are different conceptions of each of the two things distinguished; the latter may differ even when there is agreement on the former.

repeatable things that you and I might both do.¹⁶ We might, for example, both listen to Leonard Cohen's *You Want it Darker* again and again, with each of our singular, spatio-temporally located, acts of doing so differing in their properties: you play the MP3 as background on your ipod during your morning jogs and in the afternoons as you drive home from work; I listen to the LP attentively in the evenings by the fireplace at home, usually (but not always) by myself in the dark, with a glass of burgundy wine at hand.¹⁷

2. Right and Wrong Action

Despite the relative prevalence of the above distinction in the philosophy of action, it is all but completely ignored in normative theories concerned with right action. These are typically in the business of offering necessary and sufficient conditions of the form 'an action is right if (and only if) it...' where the blanks may be filled by statements such as 'promotes the greatest good', 'maximises pleasure', 'stems from a good will', 'is what the virtuous agent would (advise you to) do', 'is prescribed by divine command', and so on.¹⁸ But moral theorists rarely stop to ask fundamental questions about action, sticking to the bare minimum needed to deal with the act/omission distinction and the doctrine of double effect.¹⁹ The unvoiced assumption is that one can simply plug in one's favoured account of action, the dominating consensus having largely been that actions are events. I maintain that this assumption lies at the core of what renders debates within normative ethics irresolvable.

To illustrate, here are some concise claims about right action, chosen randomly from across the normative spectrum. The first comes from Jesse Prinz's defence of sentimentalism about moral rightness and wrongness:

An action has the property of being morally right (wrong) just in case it causes feelings of approbation (disapprobation) in normal observers under certain conditions.²⁰

Notice how actions are here understood as the sorts of things that can have moral properties, but there is no mention (and you will have to trust me that this is so throughout his book) about whether he is here thinking of a doing or a thing done. The sentence gives us some clues: it is the sort of thing that may be observed 'cause feelings' and to this extent sound more like a *doing* than a thing done. Either way, the view is meant to be in competition with other accounts of right action which also fail to disambiguate.

¹⁶ Not everybody conceives of the doing/thing done distinction in even these general terms. For example, H.A. Prichard, G.H. von Wright, and David Charles all think of the thing done as the bodily event that action results in; see Prichard's 'Duty and Ignorance of Fact' (1932) as reprinted in his *Moral Writings*, (ed.) J. MacAdam (Oxford: Clarendon Press, 2004, 85), G.H. von Wright *Norm and Action* (London: Routledge & Kegan Paul, 1963, 39) and D. Charles 'Processes, Activities and Actions' in (ed.) R. Stout, *Process, Action and Experience* (Oxford University Press, 2017).

¹⁷ We can of course contract sets of things done to include such details, but not beyond the bounds of generality. For complications to do with properties and descriptions see Davidson, 'The Logical Form of Action Sentences', 106 & 'Adverbs of Action' (1985), reprinted in his *Essays on Actions & Events*, 293–304.

¹⁸ Andreas Lind has convinced me that the employment of such biconditionals is often confused with regard to whether they are picking out meanings, right-makers, truth-conditions, etc.

¹⁹ Neglected exceptions include E. D'Arcy's *Human Acts: An Essay in their Moral Evaluation* (Oxford: Clarendon Press, 1963) and D.G. Brown's *Action* (London: George Allen & Unwin, 1968).

²⁰ Jesse Prinz, *The Emotional Construction of Morals* (Oxford University Press, 2007), 20.

Writing about moral obligation, H.A. Prichard claims that:

An obligation is always an obligation *to do* some action.²¹

So long as I *do* the action in question, I have fulfilled my obligation, whatever my motive. This is why W.D. Ross, following Prichard, will ultimately claim that moral rightness should be distinguished from moral goodness.²² The question remains, however, whether I can be said to be acting wrongly merely by virtue of doing the wrong thing. Jonathan Bennett seems to not only think that this is so but that it is a basic semantic truth:

When we say that *what he did* was wrong we mean that *he acted wrongly*.²³

Yet *acting wrongly* is at best itself ambiguous between doing the wrong thing and doing some thing (right or wrong) for the wrong reasons or out of a wrong motive.²⁴ One might think that killing, lying, cheating or murder are all wrong. Such thoughts seem to be about act-types to the extent that it entails that all particular acts of killing etc. are wrong. If Eevee kills Jolene and we think that *what she did* was wrong in the sense of 'thing done' delineated in §1 (*viz.* kill someone) then the wrong thing done is something that Cedly could have also done. Indeed, Cedly could have even killed the very same person (Jolene), though it is too late now that Eevee has done so.

If this is so, then it cannot matter what Eevee or Cedly's motives are for it cannot be the case that 'kill someone' is a wrong thing done when Eevee does it but not when Cedly does it, at least not systematically so according to any of the normative theories on offer.²⁵ By contrast, Eevee's killing of Jolene on Monday morning may be a vicious act motivated by jealousy, whereas Cedly's possible killing of her on Monday evening (say after Simon's botched attempt) would have been an act of mercy.

Similarly, for right actions: Eevee and Cedly may both give the same amount of money and/or the percentage of their income Trust (two different things which may coincide to the British Hen Welfare Trust). But suppose that Eevee's doing so *just is* her trying to impress Simon, whereas Cedly does so in order to help rescue battery hens. In such a case. Eevee and Cedly each do two things, only one of which is the same (give money to the British Hen Welfare Trust). Eevee's doing this one thing *just is* her showing off and, similarly, Cedly's doing it is identical to his trying to help rescue battery hens. Whilst the thing done may or may not be the right thing to do, it would seem that Cedly is acting rightly (or at least well)²⁶ whereas Eevee is not.

There seems, then, to be a huge difference between claims concerning a person's doing something, and claims about the rightness or wrongness of *what* they did. Once we become attuned to this, certain disputes within normative theory begin to dissolve. Recall the dispute over whether or not intention matters to right action. If two or more people can do the same thing with different

²¹ H.A. Prichard, 'Duty and Ignorance of Fact', 95, my emphasis. Prichard's view of what sorts of things we are obliged to do would later change radically upon his embracing the conclusion that to act is to perform a mental activity of some kind (*viz.* to will something); see 'Acting, Willing, Desiring' (1945) in his *Moral Writings*, 272–81.

²² In §5 I argue that Ross makes this point in a strikingly paradoxical manner precisely because he lacks the doing/thing done distinction.

²³ Jonathan Bennett, *The Act Itself* (Oxford: Oxford University Press, 1995), 46, my emphasis.

²⁴ Both are, of course, to be distinguished from doing something in the wrong way or manner, such as when one goes about doing something without the appropriate skill or know-how.

²⁵ Moral particularism might be an exception here, at least if the particularist is willing to distinguish between type and token things done (see §4).

²⁶ I return to the evaluative/deontic distinction in §5.

intentions, it is unclear how intention could possibly matter to the rightness or wrongness of the thing that they both do.²⁷ Conversely, it is highly implausible that intention doesn't matter to the moral evaluation of each individual's *doing* of this thing. It is hard not to conclude from this that the notion of right action most amenable to virtue ethics is different from that which is of interest to consequentialists.

While I have chiefly been focusing on motive and intention but the moral appraisal of our doings will also depend upon biographical information relating to upbringing, ability, education, circumstance and more. Such facts may individually or collectively reveal that a person was acting rightly or at least justifiably²⁸ when they did the wrong thing, and wrongly or unjustifiably when they did the right thing.

None of this is to say that there is no connection between descriptions of our doings and the things that we do. On the contrary, one can act with the best of intentions and still be acting wrongly even if the action is not intentional under the negative description. An act intending to pay tribute to another culture, for example, may nonetheless be an instance of cultural appropriation. For everything one does unintentionally, there will be a relevant description of their doing it. But there are no hard and fast rules by which we can decide which doings remain praiseworthy, permissible, or at least excusable, and which are not.

Often, it can take years or centuries before we are even in a position to understand what had been done. In such cases, we must be lenient on the doing without becoming relativists about the thing done. Consider the well-trodden debates on whether or not it would be anachronistic to judge 19th century racism and slavery from a 21st century standpoint. The answer, I contend, is that while *things done* centuries ago were as wrong then as they would be if they were done now, past *doings* may be more forgivable, and at times even justified (precise judgements of past *doings* would need to be formed on a case by case basis).²⁹

3. Inner and Outer Lives

I have been arguing that there is an important but neglected difference between what it is for *a thing one does* to be right or wrong and for *one's doing* it to be right or wrong. This lends itself to the response, alluded to in my *Prologue*, that those interested in the doing, motive, intention, etc. subscribe to virtue theory, thereby embracing just one normative position among many, and that other views – in competition with it – simply deny the importance of such things to right action, or perhaps to morality altogether.³⁰ Such points are sometimes put forward as criticisms of virtue ethics being *agent-centred* (as opposed to *action-centred*) and thereby either failing to provide a theory of right action or offering one whose focus is misplaced. Thus, even someone as sympathetic to the concerns of virtue ethics as Martha Nussbaum, criticises Iris Murdoch, for being too obsessed with the agent's psychology to care about action:

²⁷ The case of speech-acts in which two people utter the same words but with different meanings highlights a wider truth concerning the significance of all the things we do.

²⁸ See §5.

²⁹ Hence Luke 22:33–4, which could be alluding to multiple actions from killing the son of God to giving birth to the Christian religion: 'And when they came to the place that is called The Skull, there they crucified him, and the criminals, one on his right and one on his left. And Jesus said, "Father, forgive them, for they know not what they do."'

³⁰ The latter view is implicitly embraced in Derek Parfit's *On What Matters* (Oxford: Oxford University Press, 2011).

Murdoch is so preoccupied with the goings-on of the inner world that she seems almost to have forgotten about the difference that action can make [...] commitment to action can make the difference to people who are suffering, no matter whether the agents' intentions are pure.³¹

Nussbaum is here completely separating action from intention, thereby implicitly running with a 'thing done' notion of action. This move is akin to thinking that since Eevee gave 20% of her salary to the British hen Welfare Trust, we should not be morally distracted by the fact that she only did it to show off in front of Simon. What matters, on this outlook, is *what* she did. In the case at hand, the thing that Eevee did was right since, unlike her inner motives, it made a good difference in the world. Nussbaum's worry is that concerns with another's inner world are overly precious and, in the case of one's own actions, narcissistic. Virtue ethicists such as Christine Swanton have responded to such criticisms by reminding us that two people may do the very same thing, and yet one's doing might be virtuous and the other's an uncaring, racist, or otherwise vicious act of 'mimicry':

Rightness, it may be claimed, has nothing to do with an agent's motives or reasons, but has exactly to do with success in the external realm [...] on my view, an act which mimics the action of a virtuous agent may be wrong, because *in the hands of the actor* it is unvirtuous [...] uncaring or racist.³²

This response is on the right track, but unless we can enrich it with a suitable version of the doing/thing done distinction it shall remain as question-begging as Nussbaum's original objection. The correct thing to say, I believe, is that while *what* the vicious agent is doing can be no more (or less) uncaring than what the virtuous agent does, *her doing it* may well be. Indeed, things done are, in this technical sense the wrong sorts of thing to be caring or uncaring, rash or prudent, and so on for only an individual person's doings may be described adverbially.

There is, of course, an ordinary sense of 'what she did' in which we might say that she did a kind or unkind thing, but all this amounts to is that her doing of *x* was unkind, or that she was unkind to do it.³³ If we ignore the conceptual space for this distinction and simply talk of things done as if *they themselves* are re-describable as virtuous or vicious, we will have saved the truth of virtue ethics at the cost of masking the truth of consequence-based views and deontologies (such as some forms of divine-command theory) which appeal to the intrinsic goodness of act-types (as opposed to motives). The truth of these views is that the rightness of what is done does not (indeed cannot) depend on the psychology of the agent.

4. Ontologies of Action

At this juncture it might help to delve a little into some of the ontological questions I remained neutral upon earlier. Is there any sense in which an event can itself be deemed to be morally right or wrong? And what, if anything, would it be for a universal to be right?

One answer to the first question appeals to Donald Davidson's notion that an action is an event that is intentional under some description. I shall not critique this here, save to say that while it is innocuous to say that the event of someone's doing one thing (e.g. playing music) intentionally may be identical to the event of their doing something else (waking up the neighbours)

³¹ Martha C. Nussbaum, *Philosophical Interventions: 1986–2011* (Oxford: Oxford University Press, 2011), 269.

³² Christine Swanton, *Virtue Ethics: A Pluralistic View* (Oxford: Oxford University Press, 2003), 245.

³³ Macmurray and Hornsby are right to claim that in everyday language we typically talk of things done, but as noted in §1 this way of speaking is very loose.

unintentionally, this does not reduce to the far more baffling claim that it is the event *itself* that is intentional under some description(s).

In one of very few existing papers attempting to relate action theory to normative ethics Matthew Hanser resists Davidsonian simplicity as follows:

We may think of the 'things people do,' [...] as act – or behavior – types. A particular person's throwing of a particular baseball on a particular occasion, by contrast, is not an act – or behavior – type. It is a token action, an unrepeatable, particular instantiation of the act-type *throwing a baseball* [...] 'What he did was wrong' concerns some unspecified act-type instantiated by the agent, whereas 'He acted wrongly in doing what he did' concerns the agent's particular instantiation of that act-type.³⁴

Hanser's metaphysics seem implausible to me for a number of related reasons: the things we do are not types of action but actions that fall under types. The relation between doings and things done is thus not one between types and tokens. A doing is not an instance of a thing done anymore than a believing is an instance of a thing believed, and there are type and token doings (just as there are type and token events and processes³⁵) just as there are type and token things done. If A kills B this may or may not fall under the type 'killing an adolescent' or 'killing an innocent human'.

A different way of resisting Hanser's approach is to deny that there is any morally relevant distinction to be made between doings and things done. An explicit defence of it has been made by Jonathan Dancy, who writes:

There should be less of action in our moral metaphysics, not more... 'he did the right thing for the wrong reason' [...] means something like 'he acted rightly, but for the wrong reasons' [...] 'he V-ed, and in the situation he was right to V, but the reasons why he V-ed were not the reasons why he was right to V' [...] rightness is not a way of acting [...] there is no room for the combination of blameless agent and wrong action that might force us towards some notion of an action as a distinct bearer of evaluative properties.³⁶

On Dancy's account, we so conduct all the theoretical work we need to do with one notion of action, coupled with a narrative about the agent's reasons. While there is much to agree with in the above passage, it won't do to say that the person who does the right thing for the wrong reason(s) is acting *rightly*. After all, she isn't acting virtuously, for it is merely by chance that she is doing the right thing at all. This point is brought out well in the following passage by Rosalind Hursthouse:

[A]ct honestly, charitably, generously; do not act dishonestly, etc. [...] the adverbs connote not only doing what the virtuous agent would do, but also doing it 'in the way' she would do it, which includes 'for the same sort(s) of reason(s)' [...] What is misleading about this phrase is that it obscures the fact that, in one way, the agent is not 'doing the right thing'. What she is doing is, say, trying to impress the onlookers, or hurting someone's feelings, or avoiding punishment.³⁷

³⁴ Matthew Hanser, 'Actions, Acting, and Acting Well', in (ed.) Russ Shafer-Landau, *Oxford Studies in Metaethics*, Vol 3 (2008), 272–3. Cf. Romane Clark, 'Deeds, Doings and What is Done', *Noûs*, Vol. 23, No. 2 (1989), 199–210.

³⁵ It should already be clear by now that I don't maintain that doings *are* processes and/or events.

³⁶ Jonathan Dancy, 'Action in Moral Metaphysics' in (ed.) C. Sandis, *New Essays on Action Explanation* (London: Palgrave Macmillan, 2009), 396ff. Cf. his 'Action, Content and Inference' in (eds.) H-J. Glock & J. Hyman, *Wittgenstein and Analytic Philosophy* (Oxford: Oxford University Press, 2009), 278–98.

³⁷ Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999), 29 & 125.

Hursthouse makes her point without appealing to any form of the doing/thing done distinction and, *pari passu*, concludes that *what* the vicious agent is doing is wrong. And indeed, *one* of the things that she has done is wrong (namely showing off), but she has also done something quite right (donating to the the British Hen Welfare Trust), albeit for the wrong reason, as Dancy puts it. Yet the idea that the agent has done anything right has all but disappeared from Hursthouse's narrative. Assuming that two people can do the same thing for different reasons, it can be true that the person acting wrongly is still doing the right thing. When two or more people do the same thing for different reasons, there will be huge discrepancies in our evaluation of their doings. We need look no further than the 69,456,897 people voted for Obama in 2008, and the plurality of reasons in the offing.

5. Moral Appraisal

Consider the following claim by Thomas Nagel, which forms a crucial assumption behind his understanding of moral luck:

We judge people for what they actually do or fail to do [...] a person can be morally responsible only for *what he does*.³⁸

Implicit in this remark is the identification of all action with the things we do, as made explicit by Swann in *Proust's In Search of Lost Time*, a novel fixated with relation of fleeting particulars to repeatable universals:

"It's not for nothing," he now assured himself, "that whenever people pass judgements on their fellows, it's always for their *actions*. It's only *what we do* that counts, and not at all what we say or think..."³⁹

Here we encounter, once more, the idea that we judge others simply by being provided with a list of the things they did. We might call this the obituary view of moral appraisal. It is no wonder that actions so conceived – without mention of the doings which reveal our reasons, motives, and intentions – are so readily susceptible to moral luck.⁴⁰ But it would be pretty extreme to deny that we are not to judge them for this. Perhaps this is not Nagel's view and he thinks, with Anscombe, that action descriptions reveal intention. If so, he is conflating the things we do with our doings of them.⁴¹

Moving further back into the history of deontology, we find the following pronouncement in Kant's second critique:

³⁸ Thomas Nagel, 'Moral Luck', in his *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 146, my emphasis. Nagel explicitly conflates things done with events in *The View From Nowhere* (Cambridge: Cambridge University Press, 1986, p.114) an observation first made in Hornsby, *Simple Mindedness*, 143-48.

³⁹ Marcel Proust, *Swann's Way* [1913], trns. C.K.S. Moncrieff & T. Kilmartin, rev. d.J. Enright (London: Chatto & Windus 1992), 430, my emphasis. The set of things we do, of course, includes speaking.

⁴⁰ It is noteworthy that simple descriptions of things done (e.g. 'lying') may reveal the agent's intention but not their motive.

⁴¹ For independent reasons for thinking that Nagel is guilty of such confluations see Hornsby, *Simple Mindedness* and Sandis, *The Things We Do*.

Most lawful actions would be done from fear, only a few from hope, and none at all from duty; and the moral worth of actions – on which alone, after all, the worth of the person and even that of the world hinges in the eyes of the highest wisdom – would not exist at all.⁴²

It is no surprise that all law, be it divine, social, or moral should primarily focus on things done rather than doings, for it is the fact that one did something that we can provide evidence for in any kind of court.⁴³ So it is that in Romans 2:6 of the the *New International Version* of the Bible, we are told in God 'will repay each person according to what they have done' (see also Mathew 16:27 and Corinthians 11:15).⁴⁴ Kant's insight is that one could do the right thing and yet one's action might still lack moral worth, if done from the wrong motive. Suppose we knew for certain that heaven and hell existed: many of us might then make sure that we did all the right (morally lawful) things, but we would do them from an unethical motive (fear or hope, but never duty).⁴⁵ This appreciation of the fact that the moral worth of actions is completely separable from the rightness or wrongness of the things they do, a view shared by his most famous opponent in moral philosophy, John Stuart Mill:

He who saves a creature from drowning does what is morally right, whether his motive be duty or the hope of being paid for his trouble [...] A right action does not necessarily indicate a virtuous character and [...] actions which are blameable often proceed from qualities entitled to praise.⁴⁶

Kant and Mill form a sharp contrast to the view from Nagel, according to which we are to appraise people for *what* they do, and nothing else.⁴⁷ The clash cannot be resolved in either party's favour, for it stems from muddled conceptions of action. In the above passages, Kant and Mill separate the worthiness of actions from their rightness and wrongness, whereas Nagel wishes to align the two.⁴⁸ A third solution, proposed by Robert Audi, is that we 'should distinguish the moral worth of an act from its creditworthiness'.⁴⁹ But this just digs deeper into the same conceptual pit. The way out of it is not

⁴² Immanuel Kant, *Critique of Practical Reason* [1788]; trns & ed. M.J. Gregor & A. Reath (Cambridge: Cambridge University Press, 1997), 5: 147. Yet it is events that have consequences (even if we might ordinarily speak of 'the things we do' having consequences).

⁴³ A complication here is that we can of course find evidence for the occurrence of *events*, which J.L. Austin famously brings close to facts in 'Unfair to Facts' (1954), reprinted in his *Philosophical Papers* (Oxford: Clarendon Press, 1961), 154–74. Those who follow Austin in this critique of P.F. Strawson may prove more inclined to identify things done, and not doings, with events of some kind (see note 13). It should by now be clear that I think that while this temptation should be resisted, we would do equally well to avoid conflating one's doing *x* with the *event of* one's doing *x* (it only being sensible to apply moral properties to the former).

⁴⁴ Other translations have variants of judge, reward, or render to everyone according to their 'deeds' (*King James*) or 'works' (*English Standard Version*), the latter being the more accurate translation of the Greek 'ἔργα' and the Hebrew 'עֲשָׂוֹת' found in many of the Old Testament Parallels (Job 34:11, Psalm 62:12, Proverbs 24:1, Ecclesiastes 3:17, Jeremiah 17:10, and Ezekiel 18:20 & 36:19; cf. Exodus 32:34).

⁴⁵ For a deflationist interpretation of what Kant means by the motive of duty see Onora O'Neill, 'Kantian Ethics' in (ed.) P. Singer, *A Companion to Ethics* (Oxford: Blackwell, 1991), 183.

⁴⁶ J.S. Mill, *Utilitarianism*, 1863 (London: Parker, Son & Bourn), 18–20. This is in tension with those aspects of Mill's philosophy that seem to require actions to be events with causes and effects.

⁴⁷ Hegel famously talks of the history's progress from the ancient ethical concern with pure objective deed (*Tat*) to the modern interest in the subjective element of action (*Handlung*). For how this relates to my concerns in this paper see my 'The Man Who Mistook his Handlung for a Tat', *Bulletin of the Hegel Society of Great Britain*, No. 62 (2010), 35–60.

⁴⁸ Cf. T.M. Scanlon *Moral Dimensions: Permissibility, Meaning, Blame* (New Jersey: Harvard University Press, 2008), esp. 122–7 & 151–9.

⁴⁹ Robert Audi, *The Good in the Right: A Theory of Intuition and Intrinsic Value* (Princeton, NJ: Princeton University Press, 2004), 133.

to pile on further distinctions but to understand that between the things we do and our acts of doing them.⁵⁰

A neat way of proceeding is to attempt to map the distinction onto that between evaluative and deontic concepts and norms, the former being concerned with praise or blame (good and bad), the latter with duty and obligation (right and wrong).⁵¹ So conceived, the doing would be the bearer of moral worth and the things done that of rightness and wrongness.⁵² While not an altogether unhelpful move, it leaves one wondering why our doings cannot be morally right or wrong and, conversely, whether there might be things done that are in themselves good or bad (e.g. acts of kindness of charity).⁵³

No discussion of the distinction between the right and good would be complete without mention of the pluralistic deontology of Ross, who brings out the extremely paradoxical nature of maintaining, alongside Kant, that the right action may be morally worthless:

[N]othing that ought to be done is ever morally good [...] the only acts that are morally good are those that proceed from a good motive...If, then, we can show that action from a good motive is never morally obligatory, we shall have established that what is morally good is never right...That action from a good motive is never obligatory follows from the Kantian principle [...] that 'I ought' implies 'I can'. It is not the case that I can by choice produce a certain motive [...] if we contemplate a right act alone, it is seen to have no intrinsic *value* [...] however carelessly I pack or dispatch the book, if it comes to hand I have done my duty, and however carefully I acted, if the book does not come to hand I have not done my duty. Of course I should deserve more praise in the second case than in the first [...] we must not mix up the question of right and wrong with that of the morally good and the morally bad [...] if the carelessly dispatched book comes to hand, it is not my duty to send another copy, while if the carefully dispatched book does not come to hand I must send another to replace it.⁵⁴

This is all well and good, but the paradox of the first line occurs precisely because the evaluative and deontic properties are being applied to one kind of thing called 'action'. The same holds true of the added claim that 'what is morally good is never right'. How could it possibly be true that the right and the good can never coincide? Ross holds that motives belong in the world of evaluation and actions in that of obligation. But this distinction is ill equipped to do the work required from it. Ross' aims would have been better served by one between the doing and the thing done.

As noted earlier, the doing/thing done distinction is in some respects analogous to many others, including that between what one believes and one's believing it. Suppose I believe something that's true and which I ought to believe but I do so for very bad reasons. You may wish to criticise my believing it without criticising the belief I have (which you and I might, after all, share). Conversely, I may be perfectly justified in having a belief that turns out to be false. Hence the initial divide of intuitions about whether Edmund Gettier's famous examples were indeed ones of justified true belief, for what was justified was the thing believed, not the believing. Clayton Littlejohn's diagnosis of the situation offers the following trifecta of ascriptions:

Ascriptions of personal justification tell us something about a believer – whether *she* is justified in believing. An ascription of doxastic justification tells us something about a belief – whether *the belief* is justifiably held. An

⁵⁰ I don't claim that this way of carving things up is the only one true to the facts, just that it does a better explanatory job than its competitors.

⁵¹ Cf. Kevin Mulligan, 'From Appropriate Emotions to Values', *The Monist*, vol. 81, no. 1 (1988), 161–88, and Christine Tappolet, 'Evaluative Vs. Deontic Concepts', *The International Encyclopedia of Ethics* (2013).

⁵² Peter Geach argues that we should jettison the concept of right action and make do with talk of good and bad acts, which was good enough for Aquinas (P.T. Geach, 'Good and Evil', *Analysis*, Vol.1, 7 1956, 41ff.) His illustrations, however, betray a conflation between deeds and doings.

⁵³ But see note 34 above.

⁵⁴ W.D. Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930), 132ff.

ascription of propositional justification tells us something about a proposition – whether the proposition is such that there is sufficient justification for someone to believe it.⁵⁵

Gilbert Harman makes a very similar disambiguation in relation to action:

I do want to distinguish between using the word 'wrong' to say that a particular situation or action is wrong from using the word to say that it is wrong of someone to do something.⁵⁶

This is the idea that what a person did was right but it was wrong of them to do it or, conversely, that what they did was wrong but it was right of them to do it. But what is it for something to be right or wrong of someone? Nothing that is worryingly relativistic or subjective. It is simply the thought that a person may be right or wrong to do something given all the evidence available in some further specifiable sense. Helpful as Harman's distinction is, it doesn't get us all the way. The problem, to return to the charity example, is not that it was wrong of me to make a donation to the British Hen Welfare Trust in the case where my doing so is vicious. The difficulty is not that some people ought to give to the British Hen Welfare Trust, but not me, it is that my giving to them was unethical despite the fact that it *would have been* right of me to make a donation.⁵⁷ This should not be confused with those of blameless wrongdoing as understood by either or Derek Parfit, both of whom fail to distinguish between doing and thing done, thereby rendering their examples hostage to unnecessary paradoxes concerning luck and belief, respectively.⁵⁸

Acting rightly does not amount to doing the right thing, nor vice versa. Philosophers that stop shy of making this distinction find themselves having to make up for it by concocting new distinctions elsewhere. And yet these never seem quite capable of doing the work required. Without losing track of the fact that even Oedipus' tragic deeds are imputable to him,⁵⁹ we should not praise or blame people solely on the ground of *what* they did or didn't do.

In an obituary what one typically finds is a list of achievements and failures. The sorts of things listed here are *things done* e.g. she founded a charity, fought in the second world war, directed two Oscar-winning films, or wrote an influential book. Indeed, the very chronology of peoples' life is typically offered as a sort of list of things done: she went to school A, studied subject x at university B, took a job as y at firm C, and so on. What is much rarer is an attempt to reveal the person's acts of doing these things, as a serious biography might. Without this crucial feature any attempt at praise and blame will be half-blind and paradoxical. This holds true across moral theory as a whole. Normative ethics but leave space for both our deeds *and* doings.

⁵⁵Clayton Littlejohn, *Justification and the Truth Connection* (Cambridge: Cambridge University Press, 2012), 5. Cf. White, 'What We Believe', & Catherine Lowy, 'Gettier's Notion of Justification', *Mind* 87 (1978), 105–8. A further question (an analogue of which appears in my discussion of Harman further below) is whether the person's being justified to have the belief that *p* is identical to her believing that *p* being justified.

⁵⁶ Gilbert Harman, *Explaining Value and Other Essays in Moral Philosophy* (Oxford: Oxford University Press, 2000), 6–7.

⁵⁷ Perhaps it neither was nor wasn't right of me to do so. Either way, the scenario should not be confused with those of blameless wrongdoing as understood by Bernard Williams in *Shame and Necessity* (Cambridge: Cambridge University Press, 1993), 68–70 or by Derek Parfit in *Reasons and Persons* (Oxford: Clarendon Press, 1984), 34. Neither Williams nor Parfit distinguish between doing and thing done, thereby rendering their examples hostage to unnecessary paradoxes concerning luck and belief, respectively.

⁵⁸ Bernard Williams, *Shame and Necessity* (Cambridge: Cambridge University Press, 1993), 68–70 & Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), 34.

⁵⁹ See my 'Motivated by the Gods', in (eds.) A. Buckareff, C. Moya, & S. Rosell, *Agency and Responsibility* (Basingstoke: Palgrave Macmillan, 2015), §3.

Epilogue

John Macmurray, whose distinction between doing and deed we began with, would some decades later complain that art 'is treated not as a form of reflective activity, but as a set of 'works' to be apprehended and appreciated'.⁶⁰ Around the same time, art critic Harold Rosenberg baptised a non-cohesive group of artists, the most famous of which was Jackson Pollock, as 'action painters'. Rosenberg's central idea – later taken up by David Davies⁶¹ – was that the real work of art is not the the painting or building (noun) but the act of painting or building (verb). We might equally, if not entirely analogously, distinguish between the dancing and the dance, the composing of a song, and the song composed, the photographing and the photograph taken and subsequently developed. Thus, Bob Dylan's 'Girl from the North Country' may be a superior song to 'Scarborough Fair', even if the composition of the former involved stealing both melody and line from the latter.

Rosenberg's theory is coupled with the additional thought that the painting on the canvas represents the act of painting it, not the way in which one might draw a self-portrait of the artist at work but by being a residue of the act of painting which bore the gesture traces of the brush strokes that produced it:

A canvas is [...] an arena in which to act [...] A painting is an action [...] that becomes its own representation [...] An act can be prolonged from a piece of paper to a canvas.⁶²

This echoes Ricœur's metaphor of acting as the thing done as a kind of trace (of the event of acting) left in the world; a mark in history or memory. This mark or imprint is a reminder or at best a kind of souvenir of the artistic event of painting (verb). Hence the famous videos of Pollock painting his massive canvasses; this was not intended to just be a portrayal of the artist at work but a document of the art itself unfolding, with or without performance. What was hung on the wall being but the marks which have been left behind, the ashes of an event long-gone.⁶³

Rosenberg undoubtedly took his own metaphor too seriously, thus prompting Mary McCarthy to quip 'you can't hang an event on the wall, only a picture'.⁶⁴ But while it may be nonsense to say that a painting is an action or that it represents itself, the movement teaches us that art presents us with two objects of aesthetic evaluation: the creating and the thing created. As with right action, I have no interest in offering any theory of art here (let alone one which highlights one of these things over the other). I merely wish to point out that it is the act of creating which expresses the author's motives or intentions. After all, the thing created could have been made by a

⁶⁰ John Macmurray, *Persons in Relation* (London: Faber & Faber, 1961), 11.

⁶¹ David Davies, *Art as Performance* (Oxford: Blackwell, 2004). For insightful critical overviews of attempts to capture something similar by distinguishing the phenomenology of making art from that of spectating see Steven Crowell, 'Phenomenology and aesthetics; or why art matters' in (ed.) J. Parry, *Art and Phenomenology* (London: Routledge, 2011), 31–53 and Kate Kirkpatrick, 'Beneath the Surface: Whose Phenomenology? Which Art?', in (eds.) L. Nelstrop & H. Appleton *Mysticism and Art* (London: Routledge, 2017).

⁶² Harold Rosenberg, 'The American Action Painters' in his *The Tradition of the New* (New York, NY: Da Capo Press, 1960), 26–8. In his Preface to the book Rosenberg nonetheless talks of art in terms of 'things made' which he contrasts with 'deeds done'.

⁶³ Marks which sell for grotesque amounts of money, but this arguably only serves to illustrate our fetishistic attachment to unique souvenirs such as the original reels of music or film. See Constantine Sandis 'An Honest Display of Fakery', in (eds.) Harrison, V., Kemp, G. & Bergqvist, A., *Philosophy and Museums: Ethics, Aesthetics, and Ontology* (Cambridge: Cambridge University Press, 2017), 1–9.

⁶⁴ As quoted in Rosenberg's Preface referring to 'her generous review of this book'.

different person with a different aim.⁶⁵

We are now in a position to appreciate Nietzsche's intriguing conception of life as art:

Art is the real task of life, art as life's metaphysical activity.⁶⁶

Nietzsche does not have the life of an artist in mind here. Rather, the task of any life is the *creating* of the life lived. The art in question, here, is not the life ones creates for oneself, but the life-long activity of creating it: the living of the life and not the life lived. In his magisterial work *Nietzsche: Life as Literature*, Alexander Nehamas parses Nietzsche's motto in terms of things done instead of doings:

Everything we have done actually constitutes who each one of us is.⁶⁷

This is no misinterpretation of Nietzsche but a reflection of the fact that our ordinary term 'thing done' is itself ambiguous in ways that can be philosophically troubling. A case in point is Sartre's existentialist retelling of Nietzsche's tale:

Man is nothing other than his own projects. He exists only to the extent that he realizes himself, therefore he is nothing more than the sum of his actions, nothing more than his life.⁶⁸

If this view is to capture the roundedness of human life, the sum of our actions had better include the totality of both our deeds *and* doings. It is in this spirit that Ronald Dworkin writes:

The final value of our lives is adverbial, not adjectival. It's the value of the performance, not anything that is left when the performance is subtracted.⁶⁹

Dworkin models his distinction between having a good life and living well to that between art products and artistic acts of creation. The argument runs parallel to that of Rosenberg and Davies who claim that artistic value is adverbial though, like myself, Dworkin is not committed to any views about what art *is*. For my own part, I have merely sought to show that there is value to be found in both the living and the life lived, the doing and the thing done, the creating and the thing created.⁷⁰ In sum, we should be dualists about the objects of both moral and aesthetic evaluation.⁷¹

⁶⁵ Victor Dura-Vila reminded me that aesthetics places no value in the artistic analogue of a 'pure will'. To this extent, all art theory is on Mill's side. There remains, nonetheless, the Collingwoodian understanding of art as the imaginative creation, *Principles of Art* (Oxford: Clarendon Press, 1938), 128–34. Cf. Benedetto Croce, *Aesthetic: As science of expression and general linguistic*, trns. D. Ainslee (London: Macmillan).

⁶⁶ Friedrich Nietzsche, *The Will to Power* [1886], trns. Walter Kaufmann (New York: Vintage Books, 1966), §853, IV.

⁶⁷ Alexander Nehamas, *Nietzsche: Life as Literature* (Cambridge MA: Harvard University Press, 1985), 188. See also Zachary Simpson, *Life as Art: Aesthetics and the Creation of the Self* (London: Roman & Littlefield, 2012).

⁶⁸ Jean-Paul Sartre, *Existentialism is a Humanism*, trns. C. Macomber (New Haven, CT: Yale University Press, 2007 [1945]), 37.

⁶⁹ Ronald Dworkin, *Justice for Hedgehogs* (Boston, NJ: Harvard University Press, 2011), 197. Note the allusion to Wittgenstein's famous rhetorical question, 'what is left over if I subtract the fact that my arm goes up from the fact that I raise my arm?', *Philosophical Investigations*, trns. G.E.M. Anscombe (Oxford: Blackwell, 1953), §621.

⁷⁰ The theological implications are nicely brought out in Kirkpatrick, 'Beneath the Surface'.

⁷¹ As with soup and things done, we can talk of things produced as either repeatables or particulars. P.F. Strawson writes: 'We should be able to speak of the same painting being seen by different people in different places at one time, in just the same way in which we now speak of the same sonata being heard by different people at different times in one place'. Strawson, 'Aesthetic Appraisal and Works of Art', *The Oxford Review*,

There is much that normative ethics can learn from the the once fashionable 'death of the author' view of art. Its insight is not that the author has no say *tout court* but only that, *pace* intentionalism about art products, our aesthetic evaluation of their creation must, unlike that of their creative acts, ultimately carry on without them.⁷² As with creations, our deeds are but the ashes of our acts in time. To evaluate our lives solely by them would be a grave mistake.⁷³

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no. 3 (1966), reprinted in his *Freedom and Resentment and Other Essays*, 2nd ed. (London: Routledge, 2008), 202. I concur, but leave it for another day to quibble over whether Pierre Menard's *Don Quixote* could have ever been an identical work to that of Cervantes.

⁷² This does not preclude the possibility of better understanding the things we do and create by situating them within the normative contexts of their production. For the convoluted question of what, if anything, it is to understand an act or artwork, see my 'If an Artwork Could Speak', in (ed.) G. Hagberg, *Wittgenstein on Aesthetic Understanding* (London: Palgrave Macmillan, 2017).

⁷³ I have subjected audiences in Cardiff, Grenoble, London, Helsinki, Hertfordshire, Montréal, Norwich, Oxford, Tartu, Turku, Wolverhampton, and Valencia to earlier versions of this material and am grateful to all of them for their comments and questions. I'd like to also thank Joseph Almog, Louise R. Chapman, Rémi Clot-Goudard, Meena Dhandu, Victor Dura-Vila, James Garvey, Naomi Goulder, Kate Kirkpatrick, Andreas Lind, Elijah Millgram, Danièle Moyal-Sharrock, Henry Mulhall, Luke Mulhall, Sarah Stroud, Christine Tappolet, and Susanne Uusitalo for helpful suggestions and discussions.