

On Formality and Formalism in Ethics

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Abstract

Question: is the familiar distinction of ‘formal’ vs. ‘material’ in ethical theory of any real use?

On one hand, ‘formal’ could just refer to the part of our inquiry known as meta-ethics, and we aren’t querying that here. But ‘formalism’ is also supposed to identify a sub-class of theories about what we ought to do. The idea is supposed to be that “formalism” and something else - ‘consequentialism’ is usually the supposedly opposed idea - are genuine alternatives as ethical theories. It’s that idea that I challenge here.

Morality has to do with principles, or rules, “for the group”. Which group? That ‘group’ might simply be a variable here, which would give us one or another version of Relativism: everyone to do whatever his/her group’s rules say to do. But all relativisms fail in the face of disagreement among the groups in question. The solution to all such is the same as was the application to religion, where freedom is the byword: each to practice his own religion, but no one may enforce his or her religion on others. Other situations of conflict can replace religion, and the general result is the same: we are to respect the freedom of each to pursue his or her own way, so long as that way is compatible with the ways of others. But that rule is not that of any particular group. It is the rule for all, because of reflection on our general situations. And it is only “formal” in the sense that it applies to religions generally, rather than to some particular one.

Underlying all such is the (correct) idea, that morality is essentially a universal understanding, an *agreement* among all, regarding how our mutual interactions are to be conducted. Are contracts, then, “formal”? No. They are motivated by our hope of gain, the particular gain varying from one to another.

I conclude by reminding readers of my earlier proof that a genuine “formalism” in ethics is nonsense. All acts are wrong because of their consequences, but not all consequences are relevant. Those mentioned in the Social Contract are: we are to avoid consequences that are bad for others (or oneself), insofar as those others are themselves living up to that very rule; we may pursue whatever consequences are compatible with others’ pursuits.

1. Introduction

There are often said to be two sorts of ethical principles: “formal” and “material” (or in the newer parlance, ‘consequentialist’ - it isn’t really a matter of just words, actually, but more on that below). In such a real-world subject as ethics, what could this mean? Is this a useful distinction?

There are two main associations with the idea of ‘formalism’. Form has to do with outlines, with the broad framing of a subject. It also has to do with the supposedly *abstract* nature of whatever is in question. One might hope, then, that ‘formalism’ would just mean ‘meta-ethics’: the identification of the basic subject-matter of ethics, or morals, which I shall shortly argue is a major but much too overlooked distinction. But, alas, it is apparently not thought by many contemporary philosophers to be so.

On the other hand, formalism is taken to be one kind of substantive ethical theory. The term ‘substantive’ here should raise flags. What I mean is that ‘formalism’ in this sense is supposed to identify a sub-class of theories about what we ought to do. The idea is supposed to be that “formalism” and something else - ‘consequentialism’ is usually the supposed opposed idea - are genuine alternatives as ethical theories. I will argue below that, at the basic level at which we philosophers are supposed to be mounting our investigations, this familiar idea is utter nonsense and needs to be abandoned.

All actions, of course, are particular: they take place at a specific place and a specific time, and are nonrepeatable as such. Principles, on the other hand, are of necessity general: there cannot be a *principle* which concerns only a particular action and nothing else. At most, there could be a very specific principle or rule, that perhaps turned out to apply on just one occasion. Still, it would not be “particular” in the strict philosophical sense in which, for instance, the pair of glasses I am wearing right now is a particular, as is each of the no doubt thousands of pairs that would be indistinguishable from it. Any possible moral principle would be logically applicable in an indefinite number of possible cases, even if in the real world there happens to be but one. (Or maybe zero. Some fairly cynical critics think that this is true of morality quite generally.)

I add that a supposed view called “particularism” has been popular, one which has been characterized, in the words of its primary exponent Jonathan Dancy, as follows: “*Moral Particularism*, at its most trenchant, is the claim that there are no defensible *moral* principles, that *moral* thought does not consist in the application of *moral* principles to cases, and that the *morally*

perfect person should not be conceived as the person of principle.”¹ While I heartily disagree with Professor Dancy’s thesis as stated, it should be pointed out that he does not use ‘particular’ in the strict sense just noted. It is logically possible that for each actual particular action, what makes it right or wrong is a principle whose extension is just that one action. This, I think, has to be Dancy’s thesis. He does not think that the morality or immorality of a particular action is inexplicable, and its explication will always be in logically general terms. It is no doubt misleading to think of a “principle” with only one instance. But after all, it is not only logically but actually possible.

Moral theory, of course, has to do with principles or general rules, and with their foundations. It cannot have to do with literally particular actions as such. (Of course it can have to do with such things as the bearing of circumstances on the judgments of particular actions, and conflicts among different principles in various circumstances. More of that below.) The idea of generality in moral principles is that some feature or features are picked out by the principle, which then applies what we might call a modality to them: acts of this kind are to be done or avoided; or, are OK, good, excellent, evil, whatever. So our questions are: which features are we to apply these modalities to, and why? And, are there any such features? Dancy denies that there are. I think this is unintelligible.

There can be no answering such questions without having some idea what we’re up to here: what, we must ask, is the *point* of having “principles” in this area? But that in turn brings up a question that is not often enough addressed: what *is* the “area” in question? Just what is morality *about*? And, perhaps even more importantly, what *isn’t* it about?

What it isn’t about, as such, is how we live our particular lives. This will surprise many, who just assume that that’s exactly what it is. But few would think that the decision whether to go into one occupation rather than another is, at least just as such, a *moral* issue, though no doubt there could be moral recommendation of some way of life, or moral objection. Thus, one of the possible “occupations” might be morally suspect, to be sure - joining a criminal gang, e.g. But not usually, and certainly not “as such”. That is to say, the fact that x is an *occupation* does not, as it stands, imply anything at all about x’s moral status. The fact that it consists in executing people, on the other hand, certainly does raise distinctively moral issues. The charm of

¹ Quoted from the article Dancy (2017), my emphasis.

Gilbert and Sullivan's Lord High Executioner lies precisely in its making fun of what should be, or obviously are, moral questions.

What is it about then? Here we may turn to any of at least three possibilities.

1) One is anthropological: various societies have, such social scientists (and earlier writers) tell us, varying codes of behavior. That's certainly interesting, and certainly suggests aspects of moral inquiry.

2) Another is ordinary language: what do ordinary people (in our society, no doubt) do when they accuse people of wrongful behavior or praise them for excellent behavior? How do they use a certain vocabulary that they and we identify as moral?

3) And finally, we may turn to properly and narrowly philosophical analyses of the concept(s) of morals. People have expressed doubts about the legitimacy of this third source of moral inquiry. In order to reply effectively to such doubts, the theorist must come up with a set of ideas that are intrinsically plausible, attractive, even compelling. That's what the theorist would like to do, anyway. While he's at it, he needs to take account of both anthropology and ordinary discourse. Is that possible? Yes. (Much more below....)

2. Anthropology

Anthropologists mix theory with observation. There's the famous case of Margaret Mead, who claimed that young women in that part of the world (Samoa) didn't experience the hangups about their sexuality that western girls do. But her accounts were strongly challenged, with huge amounts of evidence, by Derek Freeman, whose refutations were themselves not treated with scientific impartiality, we are told.²

Philosophically, the big question is this: does the variation from one culture to another imply a theory known as "cultural relativism" among philosophers? Answer: No. Indeed, we can say, "No, of course!" because in general, just because A and B have different views of a certain subject, S, it doesn't follow that nothing can be objectively known about S. And where S is a moral matter, what follows from the fact of disagreement - if that is indeed what there is - is surely that somebody has made a mistake, rather than that both are right. The trouble with the latter is that if these are genuinely disagreements, then that means that this is a case where A believes p and B believes not-p. If that is the right description of the situation, it then follows

² <http://gnappell.org/articles/freeman.htm> (a summary of Freeman's work by G. N. Appell).

either that p and $not-p$ - which is a simple contradiction - or that p is just meaningless so that there is no truth or falsity to be had. But which of these is right? I don't see how that can be cleared up without the aid of theory: what is morality all about, after all, and do claims that x is moral or immoral have truth value, or don't they? The sheer observation that A and B disagree, as I say, simply doesn't settle that matter. We have to dig deeper - deeper, evidently, than anthropology as such really permits. (There might be philosophical anthropologists, to be sure. But they shouldn't be automatically accredited the status of experts on philosophical matters - especially when a "theory" appears to be contradictory!)

Why 'contradictory'? The "mores" of a given tribe can address two contexts: (a) intra-tribal relations - relations among the members of that tribe; and (b) inter-tribal relations - relations between this tribe and some or all others. (a) are not *necessarily* a problem, though they might be in a particular case. But (b) is another matter. Cultural relativism says that we ought to obey our tribal laws, just because they are our tribal laws. So what do the mores of A say about what people in B ought to do? Nothing, perhaps? But if so, what happens when As and Bs come into contact with each other? The members of A have their choice: they can say that the Bs ought to do what the mores of A say to do; or they can say that the Bs ought to do what the mores of B say to do. But if the mores of A and B conflict, then it is logically impossible for A to assert that B ought to do what A believes is the right thing to do, and *also* that B ought to do what Bs believe is the right thing to do. And he has no way to resolve any conflict between them. ... Of course, they can (and often enough do) fight about it. This won't decide who is right, but it will probably "decide" who is left standing - not much help, in what was supposed to be a dialectical matter.

The point about any genuinely relativistic theory is that it by definition can provide no impartial solution to any issues that might arise between one party and another among which the theory declares things to be "relative". People often disagree. True. If that's what relativism says, fine - it doesn't, then, say much. Beyond that, it offers no solutions.

One suspects that people who supposed they were "relativists" might be moving in a much different direction, especially to philosophical Contractarianism. I incline strongly toward such a theory, as do a great many philosophers, especially in the wake of John Rawls's A Theory of Justice. (I

don't, however, hold much brief with much of Rawls's theory.³) I suspect that the relativist thinks that position includes appreciation for or sympathy with the differing views of the parties. But in fact, that is no part of the actual relativist position. Realization that it isn't may help to extinguish the grip of this non-theory, as it actually is.

3. Ordinary Language

Must we theorists stick with, or square our views with, Ordinary Language? It needs emphasizing that ordinary language is *language*, and not *theory*. It is implausible to think that people go around with their heads full of theories, but it is far from implausible to think that they are awash in concepts, expressed in a variety of useful expressions. The utility of so many expressions, indeed, is what renders them "ordinary" - we all need these. And among them are moral and ethical notions. But ordinary language is also often ambiguous, and I am of the view that among its most important ambiguities are precisely the notions of 'moral' and 'ethical', and consequently of 'right' and 'wrong.' However, ordinary language is also equipped with means for disambiguation. Used extensively, this can yield what we call a "technical vocabulary" and yet all of it is definable in the "ordinary" terms. There is, then, no conflict between "ordinary" and "technical".

We need, of course, to distinguish between ordinary *language*, and ordinary or typical *beliefs* - those, e.g., of the "man on the Clapham Omnibus". But philosophers, as noted, have discerned a good deal of disagreement about matters ethical, and matters moral. And once we get disagreement, we need analysis, reasons, if we are to resolve these. And if we don't? Then there will be conflict. Or will there? Consider the disagreement about broccoli, in my house. I am a long-time broccoli hater; my family loves it. We disagree. Or do we? There is a simple solution: no broccoli for me, and as much broccoli as desired for the others. No real problem.

This trivial example suggests the need for a distinction that, I hold, is basic to all these discussions. Everyone has life preferences of one kind or another. Some see life one way, some another. Notable, on the world scene, are differences about religion, which range from atheism on the one side to, say, Old-Order Jewish, Shia vs. Sunni Muslim, Roman Catholicism, assorted species of protestant Christian, and many others. For centuries, such

³ Jan Narveson. (1976). A Puzzle about Economic Justice in Rawls's Theory. *Social theory and Practice*, Vol. 4, No. 1, pp. 1–28. Reprinted in Jan Narveson, *Respecting Persons in Theory and Practice* (Lanham, Md.: Rowman & Littlefield, 2002), pp. 13–33.

differences typically led to war. Alas, they still can and do. The broccoli solution, however, still exists: let each practice such religion or lack of same as he or she may. But there is a rule, addressed and to be upheld by *all*, regardless of religious attachment or nonattachment: NO attempts to force your religion (or lack of it) on others. That was the rule that emerged, more or less, from the Thirty Years' War, which left millions dead and solved, as always, nothing. But the Peace of Westphalia, which more or less included the recognition of people's right to practice the religion of their choice, put something of an end to wars of religion. (Not quite, but close - in Europe, anyway.) The principle here is to allow each to have his or her way, so long as that way is compatible with all others doing likewise. This hoary principle does not just reflect someone's way of life: it is, instead, a *moral* principle, designed to enable people to live with each other.

4. Philosophy

"Harm no man!" (Socrates) "every man, ought to endeavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre." (Hobbes) "People are to be treated as ends, never as means only"; "Act only on those maxims you can will to be universal laws" (both Kant). Philosophers have come up with these and many other formulae for morality, and it is of interest to ask whether they have a commonality - or do these philosophers robustly disagree with each other? I, along with many others today, think that they do indeed have a commonality, or at least most of them do, and that that derives ultimately from the idea of a Social Contract. The sheer fact that a lot of smart people have said certain things does not prove they are true, of course; but even so, we should surely take them seriously. Taking them really seriously, though, surely means (as Socrates and Mill, for example, would enthusiastically agree), that we should double down and try to find the more fundamental argument that would provide powerful conceptual support.

Perhaps no one has ever improved on the insightful discussion of "rational axioms in Ethics" than Henry Sidgwick, who comes up with the following as a shot at such an axiom: "In short the self-evident pinciple strictly stated must take some such negative form as this: 'it cannot be right for *A* to treat *B* in a manner in which it would be wrong for *B* to treat *A*, merely on the ground that they are two different individuals, and without

there being any difference between the nature and circumstances of the two which can be stated as a reasonable ground for difference of treatment.”⁴

Here is a suitable sort of test case for this attractive-sounding principle: marriage. Should we not treat our spouses *better* than other people, however otherwise similar? If we say we should, we are perhaps supposing that the “nature and circumstances” of this individual - my spouse - include the fact that he or she is married to *me*. But of course I am just an individual, as is that spouse. No doubt there is no other individual in the world who is exactly like me. But while that might affect my spouse’s reasons for taking up with me rather than someone else, none of my peculiarities constitutes the reason why each of us should “treat” the other better than anyone else (roughly speaking - but let’s admit too that what constitutes “treatment” would not be so easy to say, either). All which is to say, as Sidgwick does, that while such a principle does something to restrict our range of admissible actions, it hardly solves all problems. And solving those surely gets us into the nitty-gritty, the “substance” and not merely the “form” of morals.

Sidgwick also proposes the following: that “it is evident to me that as a rational being I am bound to aim at good generally,—so far as it is attainable by my efforts,—not merely at a particular part of it.”⁵ Oops! Well, am I? Many would, I suspect, find it obvious that any individual A is likely to prefer, indeed greatly to prefer, to aim at A’s good rather than the “general good” (if he has to take his choice, as he of course usually doesn’t) perhaps on the ground that A, after all, is A - how “self-evident” can you get? But of course, everything is identical with itself, so that’s hardly A’s point. What is it, though? Well, it’s that “by his very nature” A will seek A’s own good. Whereas it is not by that “very nature” that he seeks the good of others, if he does.

Support is certainly needed for Sidgwick’s “axiom” of benevolence, then - actions not natural to a given person must, if required of that person, be given plausible support. Such support will consist in, first, nailing down just what morality *is* - beyond the citing of slogans. And second, it should thereby show us how we must proceed in constructing a real argument, and a strong one, to support the Socrates/Mill/etc. thesis. Third, of course, we need to identify the common element, if there is one, in what those famous people had to say. If we can do all that, and also show that morality in general or at

⁴ from Ch. XIII: Philosophical Intuitionism, in Henry Sidgwick. (1907). *The Methods of Ethics*. London: Macmillan: 7th edition, p. 380.

⁵ Sidgwick (1907), p. 382.

least an important large part of it, are really based on that one or those few identified principle(s), I would think most philosophers would be happy.

So, before we begin: which or how much among these tasks is “formal”? And just what does ‘formality’ mean, then?

The “form” of a subject is its set of defining characteristics. Morality is a set of behaviors to which other people react, positively or negatively, and which they want to reinforce, in various ways. So, the morality of a particular group is that group’s assessment of various acts as right (to be done or at least allowed) or avoided (wrong). But different individuals may react differently. Is any unification possible? The first thing for us philosophers to do is to act in accordance with those among these reactions and reinforcements that are the most *rational*. Which, that is, are there good reasons to react to in certain ways? But if we put it that way, the first answers we’ll get are worse than unhelpful. People will probably react as dictated by their own interests (including their interests in selected others, such as their families, friends, and associates). But this could and most likely would (does!) lead to conflict. So we ask: among those reactions, which are capable of being supported by all? For example, perhaps thieves approve and applaud their own larcenous behavior. But larceny universalized? Larceny, where the thieves themselves are the victims? No way! Which puts the thief in an awkward position. He has to be against general thievery, both because that would greatly reduce the available “take” and because that would leave him open to the predation of others. If we ask, whose side must the thief at least pretend to be on, the answer has to be that he’s against it. And at that point, if he continues practicing thievery himself, he must blush.

Or again, consider the principle that one ought to keep one’s promises. This principle is plausibly claimed to be “formal” because it is supposed to hold independently of the specific content of the promise. Money for dolls, shares in the firm, whatever - not money for her age or sex or whatever. Both parties say “done!” and the deal goes through. Only, we know it’s not quite pristine. The purchaser falls ill, the merchant goes bankrupt - some relief is in order. All sorts of things can go wrong. The problem, generally speaking, is human imperfection. Deals are made on the assumption that we know, well enough, what we’re doing: what we’re getting, whether it will serve our purposes well enough that the environment in which we make the deal will not radically change... All of these require judgments or assumptions, and the judgments may have been way off, the assumptions undone by the world -

and then what? No amount of resort to “formalism” will survive such things, but the world we live in is replete with them.

If we consider promising in the abstract, the question is, why is it thought to have the power claimed for it? Each party to an agreement hopes thereby to gain from it, and the gains are of an indefinitely large variation. What matters is that each party does expect to gain, and that is the source of the motivation, and thus, perhaps the sense that the principle of keeping our promises is “formal”. But that’s not the end of the matter, for the prospect of gain can also motivate theft, or assorted other wrongful acts - and also, there can, notoriously, be promises among thieves and then what?

Analysis shows that lurking beneath the attractive surface of contract lies a Prisoner’s Dilemma. If each party pursues gain in one of the several morally frowned-upon ways, then both fail of their objective. But if one can “get away” with it, the other not responding in kind, then instead of mutual benefit, we have one gaining at the expense of the other - precisely what the terms of contract intend to preclude. What now? This is, surely and primarily, why Society calls upon all to keep their promises, whatever their own prospect of gain or loss in the result.

But why would society’s “voice” have any power? Answers to this are available, at several levels. On the one hand, there is the power of “hearts and minds”: if we can persuade most people that peace and prosperity among all is better, there is soon a great majority who think that - not just because the Persuader classes are pretty good at persuasion, but also because their message is generally so plausible.

Of course, in a society where speech is free, there will be pacifists. But they will be perceived as cranks: which among us are ready to see our spouses murdered and yet take no violent action against the invaders, even when we *can*? Things get much more problematic, though, when some state is in a position of actual military dominance - technologically and industrially. If, however, there are two such in comparable positions (or, perceived to be so anyway), that’s another matter. Rationally speaking, we don’t want to enter wars when the probability of actually emerging victorious is roughly 50-50. What higher figure is “enough”? That’s very hard to say, but the existence of two or more “superpowers” makes out-and-out war much too risky from the point of view of ordinary citizens, and even from that of military leaders and autocratic politicians.

During the past couple of centuries, peace has had the ideological upper hand, even though the irrational passions of too many people led to two

world wars, at the end of which the Two Superpowers era began, presently to be expanded to three. And among those, there has been no prospect of real war. So peace has the strongest appeal, ideologically, despite the presence of states ready to make “little” wars.

The serious question, though, is whether it is outrightly *rational* to support military ventures where one’s state has a very good chance of winning, and where there are real rewards for the victors. To address this issue, there is no way to avoid reckoning up actual values. Just why *would* rational people suppose they would be better off if their state were to undertake a war they would probably win? And when one addresses this question seriously, there is one overwhelming factor that pretty well “blows away” all others, at least for recent times: in a word (or two, actually), free commerce. Once commerce emerges, what confronts any reasonable person contemplating war is that wars are *expensive* - both in the usual economic terms and in terms of lives lost and property destroyed, both of which are sure to happen even to the “victor”; and yet, meanwhile, there is the option of simply *buying* what one needs or wants. Even “land”? But if you mean, the food that land enables the growing of, then food, after all, at the world level, is cheap, whereas war is not. No-brainer! And those seeking estates can almost always find an owner ready to sell.

It might be said that this reasoning is all very well for a lot of people, but maybe won’t work for some others. Which is evidently true, considering that the world contains its fair share of criminals, con men, and the like. Of course, life is not a bed of roses for such, who are often enough arrested and imprisoned. And to remind: the question here is not whether people *would* do these things. It is whether they would *approve* these things being done, by others as well as oneself. Does the “rational thief” really want thievery to be generally approved, applauded, instead of condemned, as now? For if it’s the former, then his prospects of success as a thief greatly diminish. Every property-owner would jealously guard all of his takable possessions, making their prices go skyhigh; and - well, the list of very adverse consequences goes on and on. The cagey immoralist will live a split life, publicly denouncing crime but privately practicing it.

Are such people thereby exemplifying *rationality*? Rationality assesses options in terms of their likelihood of achieving our goals. Which goals? The goals, whatever they are, of the agent. The catch lies in ‘whatever they are’. If that is open-ended, then it is hard to see how the answer could be anything but Yes.

Here, however, is where something like ‘form’ enters our deliberations. In pursuing my goals, whatever they are, I might well run into trouble with Jones, pursuing *his* goals, whatever *they* are. Well, yes. But that’s a ‘might’. Is there any way to turn that into a ‘probably’ or, better yet, ‘must’? Here’s where things get interesting. In the case of almost all of us (at least; practically speaking, we can discard the ‘almost’), we are where we are because of the assistance, of innumerable kinds, of an indefinite number of others. If pursuit of our current goals brings us into serious conflict with some of them, and they knew this would happen, why wouldn’t they have withdrawn their assistance? Greek parents of long ago subjected their infants to a checking procedure; if the recently-born promised to be more cost than benefit as it grows, they would discard it. Are we, in supposedly rationally pursuing evil goals, not qualifying ourselves for the “discard”? We - yes, actually, we could well do. Now, Society has missed the boat regarding people like us, the criminals and such. They let us through, and here we are - enemies of the people. Obviously society is justified in criticizing and punishing such persons, as those persons themselves will admit on any decent analysis.

At this point we must remember what our project is. It is not to appraise your or anyone’s particular way of life, just like that. It is to see whether there is an underlying commitment that it is *rational for the community to require* of its members. And with general morality, this is the human community in general, rather than this tribe or group now or at time *t*, whatever *t* may be - so all groups and tribes are, by definition, in this community.

5. Back to Formality

Is our result so far *formal*? Our first image of ‘formality’ is that a ‘formal’ morality would be “based on” something having no foundation in *what we want*. But on reflection, that’s just crazy. Morals arises from the antecedent interests and desires of those subject to it. Each of us has a “stake” in it, and that’s why we subscribe to it. But there’s nothing “formal” about our various interests. Perhaps we should say that to talk generally about them, to reason from generalizations about them and each other, is formal - it is, after all, of the “form” of morality. True. But, interesting?

In my 1965 paper⁶ about this, by which time ethics text books were grandly dividing theories into “formal” vs. “consequentialist” I pointed out

⁶ Jan Narveson. (1965). Formalism and Utilitarianism. *Australasian Journal of Philosophy*, pp. 58–71; reprinted in: E. Llinas-Alvarez, *Problemas de Etica* (Mexico, 1977 (in Spanish), and

that as a fundamental distinction, this was untenable, or anyway bogus. Using the example of murder, we can point out that “murder is wrong” is plausibly held to be true by definition, since ‘murder’ applies to a killing *when it’s wrong*. But so what? I then pointed out that what makes an act into a killing is a *consequence*, namely that someone ends up dead as a result - Jones pulls the trigger, the bullet hits Smith who dies. So anyone who wanted to claim that killing was wrong as a matter of “form” runs up against the unavoidable “consequentialism” of the very idea of murder.

More generally, I argue, all acts begin in the mind (or maybe the brain?) of the agent, and whether we should construe all the further happenings that ensue as a result of these intentions and plans as “consequences” is of no real interest (apart from this very issue!). We can build as much into the “very concept” of doing-phi as we need, which can thus make phi-ing “intrinsically” right or wrong as may be. Or we can go the other direction and point out that the intending, or anything earlier along the line, would not be enough to ensure wrongness, which would depend on its consequences. The fact that Ms. Smith might have wanted or even intended to kill Mr. Jones does not make her guilty of murder. Whether she actually pulled the trigger, or whatever, with the consequence that Jones dies, is essential to appraising what she did as wrong. And so on.

Our general conclusion, then, is that it matters what subject we are talking about, of course, and that is the job of definition. But definitions do not a moral code make, and as soon as content is poured into these “forms” we have surely gone beyond “formality”. So is morality necessarily “consequentialist”, then? No. We don’t have to look beyond what makes phi an act of *murder* to convince us that phi is at least pro tanto wrong. But then, to do that we will, necessarily, already have identified some consequences: the putative murderer did some things which he intended would have certain results, and they in fact did in that case.

Sic transit formalism in morals.

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