

Teleology, Consequentialism, and the Past

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1. Introduction

Act teleological theories are theories that judge an action permissible just in case its outcome is maximally good.¹ It is usually assumed that act teleological theories cannot be past-regarding, i.e., make the permissibility of actions depend on what the past was like (e.g., on what promises were made, what wrong doings were done, and more generally on what actions were performed).² I shall argue that this is not so. Although some act teleological theories, such as classical act utilitarianism, are not past-regarding, there are other types of act teleological theories that are past-regarding.

¹ In this paper I am primarily concerned with outcome-teleological theories, i.e., theories that judge an action permissible just in case its (objectively determined) outcome is maximally good. Quasi-outcome-teleological theories -- which base the permissibility of actions on the goodness of their intended, anticipated, or reasonably anticipatable outcomes -- will be only briefly discussed in a note below.

² A recent example of the assumption that teleological theories cannot be past-regarding is George Sher's "Antecedentialism", *Ethics* 94 (1983):6-17. Sher contrasts antecedentialist theories (according to which the permissibility of actions is determined by relations to previous events) with teleological theories in a way that presupposes that teleological theories cannot be past-regarding. (Sher uses the term 'consequentialist', but his characterizations on pp.9,12,14 make it clear that he means teleological in my broad sense.)

Classical act utilitarianism, a paradigmatic teleological theory, is not past-regarding. It bases the permissibility of actions only on considerations of present and future happiness. It allows, indeed requires, the "punishment" of innocent persons, when so doing will maximize present and future happiness. The past is irrelevant. In particular, whether or not the person committed a crime in the past is irrelevant.

Consider, for instance, the following version of a now classic example introduced by H.J. McCloskey³. In a certain town there have been a series of violent crimes. The inhabitants of the town are convinced that the local pawnshop owner committed the crimes, and unless he is arrested and executed, there will be massive riots in which great numbers will die, be injured, and otherwise suffer. The pawnshop owner, however, is innocent, and the local sheriff knows this. The sheriff is confronted with the choice of (1) framing and executing the pawnshop owner, and thereby avoiding the riots, or (2) not doing so, and thereby allowing the riots to take place. Because framing and executing the innocent pawnshop owner would produce more happiness (and less suffering), classical act utilitarianism directs the sheriff to do so. This directive is based solely on considerations of present and future happiness. Nothing about the past is relevant. In particular, whether or not the pawnshop owner committed the crimes is irrelevant.

It might seem that this conclusion is too hasty. After all, breaking a promise, punishing the

³ H.J. McCloskey, "An Examination of Restricted Utilitarianism", in Samuel Gorovitz, ed., *Mill: Utilitarianism* (Indianapolis: Bobbs-Merrill, 1971). Originally published in *The Philosophical Review* 24 (1957):466-485.

innocent, etc. often have the effect of reducing community stability and individual security, and at least sometimes that will mean that total happiness will not be maximized by performing such actions. So, it might seem that even classical act utilitarianism is past-regarding, since which actions maximize total happiness can depend on which actions are promise-breakings, etc., and that depends on what the past was like (e.g., what promises were made).

The problem with the above line of reasoning is that it confuses dependence on what the past was like with dependence on what people @u<believe> the past to have been like. The reduction in community stability and individual security that often occurs when a promise is broken is due to the fact that people @u<believe> (or will come to believe) that a certain promise was made in the past. It does not matter whether the promise was actually made or not. What matters is what people believe (and may come to believe), not the @u<truth> of their beliefs.

More generally, for classical act utilitarianism the permissibility of actions depends only on facts about the present (including facts about people's present beliefs and desires) and about the future. It does not matter what the past was like. Of course, what the past was like may have causally determined (or partially determined) what the present is like, but that is irrelevant. For any given present state of the world, there will in general be more than one conceptually possible past that would have given rise to the present. For classical act utilitarianism, however, it does not matter how the present came about. Thus, although classical act utilitarianism certainly makes the permissibility of actions depend on what people believe the past to have been like, it does not make their permissibility depend on what the past was (actually) like.

Unlike classical act utilitarianism, rule utilitarianism can be past-regarding. Rule utilitarianism judges an action permissible just in case it conforms to a set of rules, the existence (conformance, acceptance) of which would produce at least as much happiness as the existence of any other set of rules. It is quite plausible that for at least some communities the best set of rules would include some past-regarding rules (such as injunctions against promise-breaking or punishing the innocent). For such communities, rule utilitarianism would be past-regarding, because, although the determination of which set of rules is the best would not be sensitive to what the past was like, the determination of whether a particular action conforms to the best set of rules would depend on what the past was like.

Many authors of a teleological persuasion (e.g., Rolf Sartorius, Peter Singer, and J.J.C. Smart) find rule teleological theories inadequate on the grounds that they involve a form of "rule worship". They insist that the rightness of an action depends on the goodness of its outcome -- not that of some set of rules that it falls under. For this reason, the question of whether any act teleological theory can be past-regarding remains an interesting question.

Because classical act utilitarianism is a paradigmatic act teleological theory, and it is not past-regarding, it is commonly supposed that act teleological theories cannot be past-regarding. I shall argue, however, that although all act teleological theories are future-regarding, not all are purely future-regarding. Some are also past-regarding. In what follows I shall identify the features that an act teleological theory must have in order to be past-regarding. In identifying these features I will uncover a class of act teleological theories that has been almost entirely ignored and which deserves careful consideration.

Because we shall be concerned only with *act* teleological theories and not with *rule* teleological theories (such as rule utilitarianism), 'teleological' and its variants are to be understood as 'act teleological' and its variants.

2. Consequences, Futures, and World Scenarios

A necessary condition for teleological theories to be past-regarding is that the outcomes they evaluate pertain to the past.⁴ For teleological theories the ranking of outcomes, and therefore the permissibility of actions, depends only on features of the outcomes. If the outcomes do not

⁴ Throughout I am concerned only with teleological theories that have *internal* theories of the good, i.e., theories of the good that assess the goodness of a state of affairs solely on the basis of what it entails (and not on anything external to that state of affairs). Classical hedonism is an example of an internal theory of the good. A preference-based theory of the good that assesses the goodness of a state of affairs on the basis on the degree of preference satisfaction of some independently specified group of individuals (not necessarily "in" the state of affairs) is an example of a theory of the good that is external (i.e., not internal). Teleological theories with external theories of the good can be past-regarding even if the outcomes on which they base the permissibility of actions do not pertain to the past. For example, a theory that judges the goodness of states of affairs on the basis to which the preferences of which the preferences of *past* and present individuals are satisfied is past-regarding even if the outcomes only pertain to the future.

pertain to the past, the permissibility of actions cannot depend on what the past was like.

The question, then, is whether the outcome of an action can pertain to the past. It is usually assumed that they do not. A careful analysis of the notion of outcome, however, will reveal that some types of outcomes do pertain to the past. First, however, a few words need to be said about the notion of pertaining to the past.

The outcome of an action is a state of affairs. To say (at a given time) that a state of affairs pertains to the past is to say that it pertains to past points in time, which is to say that whether the state of affairs is realized in a given world depends on what that world is like at past points in time. Explicating the notion of temporal aboutness is no easy task. The dates to which a state of affairs pertains cannot simply be read off the surface structure of a sentence expressing it. That an action is an eating of meat at t pertains only to t , but that an action is a promise-breaking at t pertains both to times prior to t (for the determination of what promises were made) and to t and times later than t (for the determination of whether any of the promises were broken). In what follows I shall presume that an adequate explication of the notion of temporal aboutness can be given.⁵

Let us now take a closer look at the notion of outcome. The outcome of an action is some sort of state of affairs that would be realized if the action were performed. There are, however, different

⁵ For a useful discussion of this matter, see Alfred Freddoso, "Accidental Necessity and Logical Determinism", *Journal of Philosophy* 80 (1983):257-78.

types of outcomes, based on different conditions that may be further imposed.⁶

In any given choice situation the past (P) is unavoidable. Nothing the agent does can change the past. Furthermore, some parts of the present may be unavoidable (UP), in that they will be realized no matter which feasible action the agent performs. (For example, that a large meteor strikes the ground in China at t may be unavoidable relative to the choice situation at t of an agent in the U.S.A..) Other parts of the present are avoidable. The avoidable present of an action a1 (AP(a1)) is the most complete entirely avoidable state of affairs pertaining only to the present. Likewise, some parts of the future are unavoidable (UF) (e.g., that a meteor strikes the ground three minutes hence) and some are not. The avoidable future of a1 (AF(a1)) is the most complete entirely avoidable state of affairs pertaining only to times in the future.

We have, then, at least the following five types of outcomes. (1) The @i<world scenario> of an action is the most complete state of affairs (with no restriction on the times to which it may pertain) that would be the case, if the action were performed. (The world scenario of a1 is P&UP&AP(a1)&UF&AF(a1).) (2) The @i<future> of an action is the most complete state of affairs not pertaining to the @i<past or present> that would be the case, if the action were

⁶ The first author to recognize the existence of different notions of outcome was, I believe, C.D. Broad, "The Doctrine of Consequences in Ethics", @u<International Journal of Ethics> 24 (1913):293-320. More recently, both Lars Bergstrom, @u<The Alternatives and Consequences of Actions> (Stockholm:Almqvist & Wiksell, 1966), and Howard Sobel, "Utilitarianisms: Simple and General", @u<Inquiry> 13 (1970):394-449 have discussed the differences.

performed. (The future of a_1 is $UF \& AF(a_1)$.) Unlike the world scenario of an action, the future of an action does not include states of affairs that pertain to the past or present. (3) The *augmented future* of an action is the most complete state of affairs not pertaining to the *past* that would be the case if the action were performed. (The augmented future of a_1 is $UP \& AP(a_1) \& UF \& AF(a_1)$.) Unlike the future of an action, the augmented future of an action includes states of affairs that pertain to the present. (4) The *consequence* of an action is the most complete entirely avoidable state of affairs that would be realized, if the action were performed. (The consequence of a_1 is $AP(a_1) \& AF(a_1)$.) Unlike the previous three types of outcomes, the consequence of an action does not include unavoidable states of affairs (i.e., that will be realized no matter what the agent does). Finally, (5) the *diminished consequence* of an action is the most complete entirely avoidable state of affairs not pertaining to the present (or the past) that would be realized if the action were performed. (The diminished consequence of a_1 is $AF(a_1)$.) Unlike the consequence of an action, the diminished consequence of an action does not include states of affairs that pertain to the present.⁷

⁷ A few remarks are in order concerning some of the notions used in the definitions of the types of outcomes. First of all, the completeness of a state of affairs is to be understood as relative to some implicitly specified conceptual scheme. Secondly, throughout the paper I use a type of conditional for which 'if A were realized, then B would be realized' is true in world w at time t just in case in all the empirically possible world histories of w at t (i.e., all the histories of worlds which are the same up to t as the actual history of w and which are compatible with the empirical laws of w) in which A is true, B is also true. Thus, the truth of such a conditional does not depend on how things are in other worlds with different pasts or different empirical laws.

For the present purposes the importance of recognizing these different types of outcome lies in the fact that at least one type of outcome, namely world scenarios, pertains to the past. Because a necessary condition for a teleological theory to be past regarding is that the outcomes that are evaluated pertain at least in part to the past, teleological theories based on the consequences, diminished consequences, futures, or augmented futures of actions cannot be past-regarding. As we shall see, however, teleological theories based on the world scenarios of actions -- @i<world scenario theories>, as I shall call them -- can be past-regarding.

It might be objected that world scenario theories are "not really" teleological theories on the grounds that the defining characteristics of teleological theories rule out the possibility of basing the permissibility of actions on the goodness of states of affairs that pertain to the past. It might be objected, that is, that the @u<relevant> notion of outcome for teleological theories precludes

Thirdly, both probabilistic and possibilistic states of affairs are counted as states of affairs. Thus, if it is false that p @i<would> be realized if ac were performed, but true that p @i<might> be realized if ac were performed (it depending on other factors), the outcome of ac would @i<not> include p, but would include the state of affairs that p is empirically possible. (This, of course, is the usual case, if determinism is false.) If there are such things as objective probabilities, the outcome would also include a state of affairs that ascribes an objective empirical probability to p. Finally, explicating the appropriate notion of unavoidability is no easy task. See Sobel "Utilitarianism: Simple and General" and Allan Gibbard, "Doing More Harm than Good", @u<Philosophical Studies>, @u<24> (1973): 158-173 for further discussion of this point.

the possibility of outcomes pertaining to the past. In reply to this objection, I grant that some people may define teleological theories as theories that judge an action permissible just in case its consequence (or future) is maximally good, and that on that definition world scenario theories are not teleological. The important question, however, is whether such definitions adequately capture the root conception of morality shared by theories that we call 'teleological'. I claim that they do not. The teleological conception makes the right depend solely on considerations of goodness; indeed, it judges an action permissible just in case it maximizes the good. The goodness in question is that of some aspect of the way the world would be if the action were performed. World scenario theories have all these features. Like the difference between consequence theories (which consider only avoidable states of affairs) and future theories (which consider all future states of affairs, avoidable or not), the difference between world scenario theories and future (or consequence) theories is a difference @u<within> the teleological framework concerning the specification of the sort of thing the goodness of which is to be maximized.⁸

⁸ I discuss these matters in more detail in "The Teleological/Deontological Distinction", @u<Journal of Value Inquiry>, forthcoming. Note that C.D. Broad explicitly advocated a world scenario theory (or at least something very close to it) in "The Doctrine of Consequences in Ethics", pp.314-317, as did G.E. Moore in at least in some passages of @u<Ethics>. More recently Fred Feldman has advocated a world scenario type of theory in "World Utilitarianism", in Keith Lehrer, ed., @u<Analysis and Metaphysics> (Dordrecht: D. Reidel, 1975). All three of these authors take themselves to be advocating teleological theories.

In any case, even if I am mistaken about what the defining characteristics are of teleological theories (and I see no reason to think that this is so), the important point here is that world scenario theories are at least @u<very> similar in spirit to teleological theories, and they -- as we shall see -- can be past-regarding.

It might be thought that being based on a type of outcome that pertains to the past is not only necessary but also sufficient for a teleological theory to be past-regarding. That this is not so can be seen by considering a world scenario theory that is based on classical hedonism. For such a theory an action is permissible just in case the amount of happiness in its world scenario is at least as great as that of each of its alternatives. Because the past is fixed, in any given choice situation, the world scenarios of the feasible actions will all be the same with respect to points in time prior to the time of action. Consequently, because the value of a state of affairs is determined by adding up the happiness levels of the various individuals at the various times, the ranking of actions in terms of the total happiness in their @i<world scenarios> will be the same as their ranking in terms of the total happiness in their @i<augmented futures>. The amount of past happiness is irrelevant, since it is common to the world scenarios of each of the feasible actions. Thus, which actions are permissible, does not depend on what the past was like. Such a world scenario theory is not past-regarding.

Thus, being based on a type of outcome that pertains to the past (e.g., world scenarios) is necessary, but insufficient for a teleological theory to be past-regarding. Something more is needed: the theory must have a certain type of theory of the good.

3. Organic Theories of the Good

World scenario theories that are based on classical hedonism are not past-regarding. As we shall see, this is because classical hedonism is a *non-organic* theory of the good: the way it ranks two states of affairs does not depend on any "parts" that they have in common.⁹ Classical hedonism determines the value of a state of affairs by, in some sense, adding together the value of its parts (the happiness of each individual). Thus, the relative ranking of two states of affairs having some parts in common does not depend on what those parts are.

⁹ Explicating the notion of organicity and the appropriate notion of parthood is more difficult than it might seem. For a general discussion of organic theories of the good, see Moore, *Principia Ethica*, ch. 1; Broad, "The Doctrine of Consequences in Ethics"; Bergstrom, *The Alternatives and Consequences of Actions*, ch. 5; and Sobel, "Utilitarianisms: Simple and General". For discussion of some of the problems in specifying exactly what it means for a theory to be organic, see Sobel's article; Allan Gibbard, "Doing More Harm Than Good"; and Gilbert Harman, "Toward a Theory of Intrinsic Value", *Journal of Philosophy*, 64 (1967): 792-804. All three of these authors discuss the problem of specifying the conditions under which the value of a state of affairs is the sum of the values of its parts. This is a special case of non-organicity. Non-organic theories need not be representable by a (single-valued) numerical function (e.g., as in the case of lexicographic orderings). Even if they are so representable, the value of the whole need not be equal to the sum of the values of its parts. It might, for example, be equal to the sum of the square of the values of its parts.

Not all theories of the good, however, are non-organic. G.E. Moore¹⁰, for example, advocated a theory of the good that was organic. His Principle of the Organic Unity of Wholes asserts that the value of a whole cannot be assumed to be equal to the sum of the values of its parts. Even if the value of state of affairs depends only on the happiness levels of the individuals it contains, it need not be equal, or even proportional, to the \sum of these happiness levels. A state of affairs in which there is less total happiness than in another, may nonetheless be a better state of affairs, if the happiness in it is more fairly distributed.

A theory of the good that ranks states of affairs in terms of both the quantity and the relative equality of the distribution of happiness (e.g., the total less some multiple of the standard deviation) is an example of an organic theory of the good. To see this, consider the two states of affairs involving only two individuals represented in the following table.

	<u>Happiness Levels</u>	
	Smith	Jones
s1	X	200
s2	X	100

Smith's happiness level is X in both s1 and s2. Jones' happiness level is 200 in s1 and 100 in s2.

A theory that is sensitive to both the quantity and the equality of distribution of happiness is

¹⁰ G.E. Moore, *Principia Ethica* (London: Cambridge U.P., 1903), ch.1.

organic because, although Smith's happiness level, X , is the same in s_1 as it is in s_2 , the relative ranking the theory accords to these two states of affairs depends on what that shared happiness level is. If X is 140 then, s_1 (with its 140-200 distribution) might be ranked better than s_2 (with its 140-100 distribution). But if X is 110, then s_2 (with its 110-100 distribution) might (if in this case the factor for the equality of distribution outweighs the factor for total quantity) be ranked better than s_1 (with its 110-200 distribution). Unlike classical hedonism, the relative ranking of two states of affairs depends on the parts that they have in common.

Having an organic theory of the good is a necessary condition for a teleological theory to be past-regarding. For if a teleological theory does not have an organic theory of the good, then, even if the outcomes do pertain to the past (as is the case for world scenario theories), the goodness of the outcomes, and therefore the permissibility of actions, does not depend on what the past was like. This is because the outcomes of the feasible actions will all be the same with respect to the past, and so, because the theory of the good is non-organic, the ranking of the outcomes does not depend on these shared parts.

We can now see why world scenario theories have received little attention in the past from teleologists. Because most teleologists have advocated non-organic theories of the good, there was no point in considering world scenario theories, since for non-organic theories of the good there is no effective difference between world scenario theories and augmented future theories (or consequence theories). The past part (and more generally, the unavoidable part) of the world scenarios effectively drops out.

Below we shall see that @i<some> teleological theories with organic theories of the good are past-regarding. Having an organic theory of the good is not, however, a sufficient condition for a teleological theory to be past-regarding. First of all, as we have seen, the outcomes it evaluates must pertain to the past. Secondly, even if the outcomes do pertain to the past, the theory need not be past-regarding. Consider, for example, a world scenario theory that ranks states of affairs in the following manner. For each point in time to which a state of affairs pertains it assigns a number -- call it 'an equality number' -- that reflects how equally happiness is distributed among persons. The goodness value of a state of affairs is equal to the sum of (or integral over) these numbers for the points in time to which it pertains. Because such a theory of the good is sensitive to the distribution of happiness over persons, it is organic. However, because it ranks states of affairs by adding together the equality numbers for each point in time, and because the world scenarios of the feasible actions of any choice situation are all the same with respect to the past, the relative ranking of these outcomes, and therefore the permissibility of actions, does not depend on what the past was like. No matter what it was like, the equality numbers for past times will be the same for the outcomes of each of the feasible actions. And since the goodness value of a state of affairs is determined by adding together its equality numbers for times, the equality numbers for past times are irrelevant. The permissibility of actions therefore does not depend on what the past was like.

For organic theories the goodness of a state of affairs depends on how its parts fit together. It need not, however, depend on how its "temporal parts" fit together. In order for a teleological theory to be past-regarding it must have a @i< historical> theory of the good, i.e., a theory for which, roughly speaking, the relative ranking of two states of affairs depends on their shared

"initial temporal parts". For such a theory the goodness of a state of affairs depends on how, for any time t , its parts that pertain to times earlier than t "fit" with those that pertain to t or times later than t .¹¹

A theory that ranks states of affairs on the basis of total happiness, but which breaks ties on the basis of how equally temporally averaged happiness is distributed among persons is an example of a historical theory of the good. (The temporally averaged level of happiness for an individual in a given state of affairs is the sum of [or integral over] his/her happiness level at each point in time at which he/she exists in the state of affairs divided by the sum of [or integral over] the number of such points in time.) To see that this theory of good is historical consider the following two states of affairs, each of which pertains to exactly two points in time, t_1 and t_2 (with t_2 later than t_1), and to exactly two individuals, Smith and Jones, and which are identical with respect to t_1 .

Happiness Levels Temporally

	t_1	t_2	Averaged Happiness
s1			
Jones	X	100	$(X+100)/2$
Smith	Y	200	$(Y+200)/2$

¹¹ I make the notions of temporal parthood and historicalness precise in Ch.4 of my dissertation @u<The Teleological/Deontological Distinction> (University of Pittsburgh, 1984), from which this paper is drawn.

s2

Jones X 200 $(X+200)/2$

Smith Y 100 $(Y+100)/2$

To show that this theory is historical, we want to show that the relative ranking of s1 and s2, which have an initial temporal part in common (namely, their t1-parts), depends on what that initial temporal part is. Because s1 and s2 have the same total happiness ($X+Y+100+200$), the above theory ranks them on the basis of how equally temporally averaged happiness is distributed, and, as we shall now see, that depends on what their happiness levels are at t1. For if X is 200 and Y is 100, then s1 (with its 150-150 distribution) is ranked better than s2 (with its (200-100 distribution)). But if X is 100 and Y is 200, then s2 (with its (150-150 distribution)) is ranked better than s1 (with its (200-100 distribution)). This theory of the good is therefore historical: the goodness it ascribes to a state of affairs depends on how its temporal parts fit together.

Note further that a world scenario theory with this theory of the good is past-regarding. In choice situations in which there is more than one action that has a world scenario that maximizes total happiness, the permissibility of these actions will depend on which has the world scenario in which temporally averaged happiness is most equally distributed, and that will depend on what the past is like.

We saw above that a necessary condition for a teleological theory to be past-regarding is that it have an organic theory of the good. This result can now be strengthened: in order to be past-

regarding a teleological theory must have a historical theory of the good (a particular kind of organic theory). For if its theory of the good is not historical, then the relative ranking of the outcomes of actions will not depend on past states of affairs (which all feasible actions share). Consequently, the permissibility of actions will not depend on what the past was like.

Having a historical theory of the good is @u<not>, however, sufficient for a teleological theory to be past-regarding. Teleological theories based on outcomes that do not pertain to the past are not past-regarding, even if they have a historical theory of the good. Consider, for example, a theory that bases the permissibility of actions on the goodness of their consequences (or futures), and that assesses the goodness of states of affairs on the basis of the extent to which promises are kept (a historical theory of the good). For any given choice situation, such a theory will make the permissibility of actions depend on their impact on the extent to which @u<future> promises are kept, but @u<not> on their impact on the extent to which @u<past> promises are kept. This is because the consequences (or futures) of actions do not pertain to the past, and thus entail nothing about what promises were made in the past. If in the past I promised to return your book on a certain day, and then the day before the return date I burn your book, the consequence of my action entails that your book is burned, and that I do not return your book, but does not entail that I broke my promise to you, since it does not entail that I made a promise to you.

In order to be past-regarding a teleological theory must both (1) ground the permissibility of actions in the intrinsic goodness of outcomes that pertain to the past (e.g. world scenarios) and

(2) have a theory of intrinsic goodness that is historical. I have shown elsewhere¹² that these two conditions are *not* jointly sufficient for a teleological theory to be past-regarding. There are some gimmicky historical theories of the good which do not yield past-regarding theories when joined with a world scenario theory. For all practical purposes, however, these two conditions are jointly sufficient for a teleological theory to be past-regarding.

For example, as noted above, a world scenario theory with a theory of the good that ranks states of affairs in terms of total happiness, but which breaks ties on the basis of the equality of the distribution over persons of temporally averaged happiness (a historical theory of the good) is past-regarding.

Likewise, a world scenario theory based on a theory of the good that assesses the goodness of states of affairs in terms of some measure of retributive justice (a historical theory of the good) is past-regarding. Such a theory assesses the goodness of states in terms of the extent to which people who do good deeds are rewarded and people who do bad deeds are punished. This theory of the good is historical, since the relative ranking of two states of affairs depends on their shared initial temporal parts. It depends, in particular, on what actions were performed in their shared initial temporal parts. Furthermore, a world scenario theory with this theory of the good is past-regarding, since which actions have maximally good world scenarios will depend on what actions were performed in the past. Of course, as Nozick has emphasized¹³, such a theory is not

¹² Ch.4 of *The Teleological/Deontological Distinction*.

¹³ Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p.28.

sensitive to the past in the way that a retributive deontological theory would be. This teleological theory allows, indeed requires, one to act unjustly (e.g., by punishing an innocent person) when doing so best promotes the overall (past, present and future) retributive justice in the world. Still, unlike classical act utilitarianism, such a theory is sensitive to what the past was like (and to retributive considerations in particular).

An example of a retributive theory of the good closer in spirit to classical hedonism is one which ranks states of affairs in terms of the sum over persons and times of their *weighted* happiness levels at those times, where the weight that a person's happiness has at a time is always non-negative, and reflects how deserving he/she is of happiness, based on their past behavior and treatment by others. Like classical act utilitarianism, this theory holds that all else being equal an increase in the happiness level of a given individual will generally increase the goodness level of the state of affairs as a whole. (It holds that this is always so, when the individual's weight is not zero.) Unlike classical utilitarianism, however, this theory of the good is historical, since it is sensitive to retributive considerations. A world scenario theory with this theory of the good is past-regarding, since the past is relevant for determining how happiness levels are to be weighted.

4. Conclusion

Although all act teleological theories are future-regarding, not all are *purely* future-regarding. Act world scenario theories with the appropriate sort of historical theory of the good

are past-regarding.¹⁴ Of course, the mere fact that they are past-regarding does not guarantee that they will be past-regarding in the right sort of way. My goal here has not been to defend any particular act teleological theory, but rather to identify a class of theories that have been largely ignored. Whether any such theory is adequate cannot be determined until they are given more careful consideration.¹⁵

¹⁴ Throughout this paper I have been concerned only with outcome-teleological theories, that is, with theories that judge an action permissible just in case its outcome is maximally good. Teleological theories are sometimes characterized more broadly so as also to include theories that judge an action permissible just in case its intended, anticipated, or reasonably anticipatable outcome is maximally good. Theories of this latter sort are not past-regarding, even if they have an intuitively plausible historical theory of the good, and the evaluated states of affairs associated with actions pertain to the past. This is because, even if the evaluated states of affairs pertains to the past (as is the case for, e.g., anticipated world scenarios), the permissibility of actions depends only on what the agent @i<believes> or @i<should reasonably believe> the past to have been like, and not on what the past was actually like.

¹⁵ I have benefited enormously from Sobel's, "Utilitarianisms: Simple and General". I am indebted to Chris Gauker, David Gauthier, Don Hubin, Shelly Kagan, Geoff Sayre McCord, J. Howard Sobel, and Saul Traiger for their critical comments on an earlier version of the paper.

Notes