A CONSEQUENTIALIST RESPONSE TO THE DEMANDINGNESS OBJECTION

Nicholas R. Baker, Lee University

INTRODUCTION

We usually believe that morality has limits; that is, that there is some limit to what morality may reasonably demand of moral agents. We suppose that there are supererogatory actions that are just that, supererogatory. We often think that while morality may require some positive and negative obligations, there are at least some actions that are simply permissible.[1] This is what the demandingness objection to consequentialism is about; it draws upon our intuitions on these issues in order to show how counter-intuitive the implications of some versions of normative ethics can be. In this paper I will outline and defend the demandingness objection as it applies to act-consequentialism (hereafter AC), then I will argue that rule-consequentialism (hereafter RC), as conceived of by Brad Hooker, is also susceptible to this objection; finally, I will attempt to amend RC so that it may escape the demandingness objection.

THE DEMANDS OF ACT CONSEQUENTIALISM

Shelly Kagan states in the early parts of his text, *The Limits of Morality,* that, "[T]here are [. . .] what we might think of as limits imposed on morality – for it is typically believed that there are limits to what morality can demand of us."[2] He goes on to further suggest that, "[I]t is generally held that although morality does sometimes require us to make sacrifices, we are not morally required to make our greatest possible contributions to the overall good. There is a limit to moral requirement."[3] While Kagan himself argues for a withholding of judgement as to whether or not these limits do exist, I will be arguing that these limits do, in fact, exist. This is because I agree with Hooker, who states that our intuitions are major factors in evaluating moral theories; indeed, on Hooker's view, it seems that for a moral theory to be acceptable it must cohere well with our strongly held moral intuitions.[4] We ought to, as Rawls prescribes, engage in a sort of reflective equilibrium when considering the demands of moral theories.[5]

Thus, it is important that any normative theory at least be near our intuitions; perhaps it should also be able to arrange them into a cohesive system. AC is the view that an act is morally right if and only if the act maximizes value, impartially construed.[6] Now, to a consequentially minded individual, this principle is going to seem highly plausible; it can be difficult to see what is wrong with it. However, if we start with the (perhaps) equally plausible idea that moral theories ought to be evaluated, at least partially, according to

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[1] For a more in depth discussion of these sentiments, Cf. Liam B. Murphy in *Moral Demands in Nonideal Theory.* (Oxford: Oxford University Press, 2000), 5.

[2] Shelly Kagan, *The Limits of Morality.* (Oxford: Oxford University Press, 1989), XI.

[3] Kagan, *The Limits of Morality,* XII.

[4] Brad Hooker, *Ideal Code, Real World*. (Oxford: Oxford University Press, 2000), 4.

[5] Hooker, *Ideal Code, Real World,* 9.

[6] Ibid. 142.

how well they capture our intuitions about specific cases, then we will quickly see how AC fails to accurately capture our intuitions about many cases, especially in cases of our positive obligations.

The demandingness objection is perhaps the best way to construe this failure of AC to cohere well with our intuitions. Consider this objection in the form of a *reductio ad absurdum* argument:

1. Assume that AC is correct.
2. Then it follows that an action is right if and only if that action maximizes value impartially.
3. The value gained by a suffering agent receiving aid from charity is more than the value gained by an agent going to the movies.
4. Thus, if a moral agent goes to the movies instead of donating that money to a good charity, then that agent has acted wrongly.
5. But the agent in (4) has not acted wrongly.
6. Thus, either (1), (3), or (5) is false.

Since (2) follows from the definition of (1), the only premises that we may reasonably challenge if we accept (1) are either (3) or (5) since (4) follows from (1), (2), and (3) taken together. However, (3) seems obviously true. In fact, I see no plausible way to challenge its truth; so, a defender of AC has, it seems, only one option. She may either revise the definition of AC so that it does not imply (2)--and hence (4)--or hold her ground and assert that (5) is false.

It seems implausible to reject (5). Moral theories ought to be able to explain our intuitions, not force us to abandon them. Now, of course, this is open to a suspicious criticism. It is perfectly fair to question the motives of such a move; indeed, I will admit that it does seem a selfish move to make. However, if we can conceive of a morality that is still founded upon plausible principles yet can explain our intuitions about the limits of morality, then it seems obvious that we have found a better normative theory.

In this respect, I simply echo many others, such as Liam Murphy, who states, "The objection to extreme demands is based on the simple belief that there is a limit to how much morality can demand of people. The *prima facie* plausibility of this belief is very high: it stands in no obvious need of a deeper rationale."[7] Richard Brandt makes a similar claim stating, "Act utilitarianism [in this case, his quarrel with act utilitarianism is applicable to our discussion of AC] makes extreme and oppressive demands on the individual, so much so that it can hardly be taken seriously."[8] If the reader rejects this axiom, it is understandable, but, for the purposes of this paper, I ask the reader to accept that morality has limits, and that AC cannot, as demonstrated by the demandingness objection, represent these limits. Now, we turn to a system of morality that many believe can explain our intuitions about cases and provide plausible first principles better than any other version of consequentialism, namely RC.[9]

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[7] Murphy, *Moral Demands in Nonideal Theory,* 15.
[8] Richard B. Brandt, *A Theory of the Good and the Right.* (Oxford: Clarendon Press, 1979), 276.
[9] Perhaps some will think that RC is a way of following the first course of action I mentioned which was available to the defender of AC in light of the demandingness objection, namely a revised AC.

RULE CONSEQUENTIALISM

Hooker formulates RC in the following manner:

> An act is wrong if it is forbidden by the code of rules whose internalization by the overwhelming majority of everyone everywhere in each new generation has maximum expected value in terms of well-being (with some priority for the worst off). The calculation of a code's expected value includes all costs of getting the code internalized. If in terms of expected value two or more codes are better than the rest but equal to one another, the one closest to conventional morality determines what acts are wrong.[10]

RC, like AC, places value at the center of ethical decisions. The primary difference is that actions are two steps removed from value in RC, rather than only one in AC. RC ties together not only our intuitions regarding particular cases and general moral rules but also intuitive abstract moral ideals. In particular, RC represents a marrying of two compelling ideals: the idea that morality is about the promotion of value (as AC states) and the notion of universalizability. But, we are concerned with the demandingness objection; namely, we are concerned with whether or not RC can fare any better than AC in terms of cohering with our intuitions about moral duties.

Before addressing this, however, we must first realize that, as Hooker states, "[O]ne rule an ideal code would contain is a rule telling people to prevent disaster, even if they have to break other rules to do it."[11] Why is this the case? Since the rules in RC are directly connected to value, namely well-being in Hooker's formulation, and since the amount of value brought about (or rather retained) by having moral agents internalize such a rule is potentially infinite, there must exist such a rule in any code.[12] This rule, however, may prove to be a difficult hurdle to overcome for RC if it is to fare any better than AC against the demandingness objection.

THE DEMANDS OF RULE-CONSEQUENTIALISM

Tim Mulgan, in what is perhaps the first work on the subject of intergenerational ethics—*Future People*—states, "Our actions have little impact on those who are dead, considerable impact on those currently alive, and potentially enormous impact on those who will live in the future. Perhaps the most significant impact is that our decisions affect who those future people will be, and even if there will be any future people at all."[13] Environmental issues will take on a new sense of urgency if we agree with Mulgan's sentiments, which, of course, seem to have intuitive weight.

Consider climate change, for example. There is a wealth of empirical evidence to suggest the following two claims:

1. Previous consumption of fossil fuels, predominantly by people in the developed

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[10] Hooker, *Ideal Code, Real World,* 32.
[11] Ibid. 86.
[12] Whether or not it would take on such a form as Hooker's is debatable.
[13] Tim Mulgan, *Future People.* (Oxford: Clarendon Press, 2006), 1.

world, is changing the global climate in ways that have detrimental effects on future people, especially those in developing countries.

2. Current patterns of consumption of fossil fuels will cause additional climate change, with additional detrimental impact.[14]

Although Hooker's notion of a disaster is intentionally vague, we can rightly say that if climate change continues, it will constitute a disaster. The rule, which, as we discussed earlier, must be contained in any code puts an obligation on people to prevent disasters, even at the expense of other rules. But what is the limit of this obligation to prevent disaster? Would it not be the case that, if the imperative is to prevent disaster, moral agents should dedicate their entire lives to preventing climate change? Shouldn't, according to RC, people give up their jobs and campaign vigorously or perhaps even give up families if it means better helping to prevent this disaster?

But this seems as implausible as AC did earlier. Let us formulate the demandingness objection to RC thusly:

1. Assume RC is correct.
2. RC must contain a disaster prevention rule.
3. Thus, if a disaster looms, moral agents are obligated to prevent it at any cost.
4. Climate change is a looming disaster.
5. Thus, moral agents are obligated to prevent climate change at any cost.

This argument does not yet have any teeth though; that is, a rule-consequentialist may very well accept this argument. It does not lend itself to a rejection of RC as too demanding. The teeth come when we realize the implications of (5).

Because it is the case that most moral agents are often not acting upon their moral duties, and because it is the case that the disaster still looms no matter what other moral agents do (which is to say that the fact that other moral agents are failing to do their duty does not excuse other agents under RC), then, it would seem, moral agents must pick up the slack, so to speak, in preventing disaster. This is where the counter-intuitive implications arise. This is why I stated earlier that people may be required to give up many things (perhaps everything) which make their lives good in order to prevent climate change. So, let us complete the argument so as to give it teeth.

6. (5) is only plausible if most people do their duty with respect to disaster prevention.
7. Most people do not do their duty with respect to disaster prevention.
8. Thus, (5) is implausible.

So RC, as it stands, still leads to very counter-intuitive demands.[15] There are a few options open here to the rule-consequentialist. First, the rule-consequentialist may try to make (7) a non-issue; that is, the rule-consequentialist may attempt to get a majority of

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14 Mulgan, *Future People,* 278.
15 Although, it still seems to fare better than AC.

individuals to fulfill their obligations with respect to disaster prevention. While this is an admirable approach, it, in the current world, is practically impossible.[16] This is, of course, not to say that such efforts are meaningless. In fact, these efforts are much needed, very helpful, and ought to be strongly encouraged. The point is that they simply are impractical for use in this philosophical puzzle. Another, more promising option is to change the disaster prevention rule such that it will not lead to such implausible obligations, and it is to this response that we now turn.

AMENDING THE DISASTER PREVENTION RULE

The amended rule that I suggest is the following:

(RDR): Prevent disaster in such a way that the universalization of this method is not itself a disaster.

First, let us consider whether or not the moral code would contain this rule instead of its competitor, the original disaster prevention rule. The internalization costs of (RDR) initially seem to be greater than the costs of the original disaster prevention rule; any jump in the complexity of a rule seems to indicate a jump in internalization costs. However, it is less demanding of moral agents. This means that we could expect individuals to more readily internalize such a rule. The fact that so few individuals in the actual world follow the original disaster prevention rule to its conclusion suggests that the internalization costs of this rule are high; indeed, I would suggest that it would be much more difficult to get the vast majority of everyone everywhere to internalize such a rule than it would be to have them internalize (RDR).

Consider also the expected value of the vast internalization of both rules. The internalization of the original disaster prevention rule would lead to an easy decision making process; that is, moral agents would not have any inclination to 'calculate' before jumping into the ocean to rescue a drowning child. But, we should not suppose that (RDR) is meant to be a decision procedure in cases of split second timing; perhaps it is a good decision procedure in cases of deciding what our obligations are with respect to climate change, but it need not always be the decision procedure in cases of disaster prevention.[17]

It is not immediately apparent that the vast internalization of everyone everywhere in each new generation will lead to a clear winner amongst either rule. In the case of the original rule, most individuals will act so as to prevent disasters whatever the costs. In the case of (RDR), the same will be true; the only difference will be that the agents adhering to (RDR) will prevent disaster in a more optimific way. Consider what the response may be if (RDR) is followed with respect to climate change.

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[16] It also seems that such a course of action, campaigning to get others to do their fair share in preventing climate change, in theory (since no one person's campaigning will be enough to prevent climate change), will be as demanding as we saw AC to be.

[17] Cf. Hooker's discussion on AC as a decision procedure in Hooker, Ideal Code, Real World, 142. Also, the reader may want to consider an alternative reading of disasters to the one which I have presented. It is conceivable that there are two types of disasters, each type requiring its own rule; on such a reading, (RDR) need not be a competitor with the standard prevent disaster rule. This may provide the reader with an interesting way to solve the issue of demandingness. However, I am not convinced of this alternative reading of disasters presently and will not allot any further discussion to this solution.

Individuals need not give up homes and families to combat the looming disaster of climate change because, if everyone did this, it would itself be a disaster in terms of well-being. However, individuals are required to do as much as they possibly can without the universalization of their actions being disastrous. This may look like e-mailing congress(wo)men, making all appliances and vehicles safe for the environment, and spreading the sense of duty amongst others, but this is the more balanced response that accords with our intuitions; this response does not seem implausibly demanding.

CONCLUSION

So, even if we make the concession that neither rule clearly has a higher expected value than the other, (RDR) is the better rule because, according to Hooker, we ought to follow the set of rules, in cases of ties, that is closest to ordinary morality, and (RDR) captures our sense of moral obligations much more closely.[18] So, we see that (3), of the demandingness argument against RC, is false and thus the argument fails, if we amend the argument to include (RDR) in place of (2).

Make no mistake, RC is still very demanding even when formulated with (RDR). We are still obligated to act in cases of disaster, often in very demanding ways. However, these obligations are palatable; that is, they are not far from our intuitions. Thus we see that RC has many attractive features: it captures the consequentialist's insistence on placing the optimization of value at the center of moral theory, the deontologist's insistence on universalizability, and it accords strongly with our intuitions about the limits of morality. RC is the happy medium between a moral system that does not require much of us (which is counter-intuitive as well) and one that is too demanding.

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[18] Hooker, Ideal Code, Real World, 32.