

# **Consequentialism and Its Demands: The Role of Institutions**

## **Abstract**

Consequentialism is often criticised as being overly demanding, and this overdemandingness is seen as sufficient to reject it as a moral theory. This paper takes the plausibility and coherence of this objection – the Demandingness Objection – as a given. Our question, therefore, is how to respond to the Objection. We put forward a response that we think has not received sufficient attention in the literature: institutional consequentialism. On this view institutions take over the consequentialist burden, whereas individuals, special occasions aside, are required to set up and maintain institutions. We first introduce the Objection, then explain the theory of institutional consequentialism and how it responds to the Objection. In the remainder of the paper, we defend the view against potential challenges.

## **Keywords**

Consequentialism, institutions, demandingness, John Rawls, publicity, basic structure of society, criterion of rightness, decision procedure, two-level consequentialism, institutional consequentialism

## 1. The Demandingness Objection to consequentialism

Act-consequentialism is often criticised as being overly demanding, and this *overdemandingness* is seen as sufficient to reject it as a moral theory. But what exactly is it in act-consequentialism that makes it *so* demanding that we have at least *pro tanto* reason not to follow its dictates?

To answer this question, we need first to understand the target of the complaint. Act-consequentialism holds that whether an act is morally right, depends only on the valuable consequences of that act. More precisely, in its classical form, promotion of the good is understood as maximization. Thus, its single consequentialist principle (such as beneficence or utility) gives us the act-consequentialist criterion of rightness: “act in such a way as to produce the best possible consequences.” The Demandingness Objection (henceforth: Objection) originally targeted only utilitarians who advocated consequentialism with a welfarist theory of value. However, the Objection can be employed against any form of act-consequentialism (henceforth: consequentialism) that involves maximization (and perhaps against other versions as well).

What exactly does the Objection say?<sup>1</sup> It is built upon two pillars: one, that consequentialism is excessively demanding and, two, that an adequate morality shouldn't be excessively demanding. Consequentialism requires the agent to promote the good until the point where further efforts would burden the agent as much as they would benefit others. However, the current state of the world is far from ideal: it involves, for example, significant levels of poverty that prevailing levels of charitable donations are insufficient to eradicate.<sup>2</sup> Given that acting to alleviate poverty is likely to have, in sum, better consequences than

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<sup>1</sup> The Objection is perhaps most clearly stated by those who oppose it. For an early statement see Sidgwick (1907), p. 87; for a recent statement see Cullity (2004), Chapter 1.

<sup>2</sup> Unfortunately, it is easy to cite statistics for this claim. Any report by the WHO, the World Bank, UNICEF, UNDP and so on paints the same dire picture, certainly of the global situation, but also, in most cases, of domestic circumstances.

pursuing individual goals and projects, it seems unavoidable that, if one accepts consequentialism, one must devote most of one's resources to humanitarian projects. At the same time, most would agree that this cannot be accepted, that people should not be required to sacrifice so much to comply with the demands of morality. This is the second pillar of the Objection. Its function is to ground a constraint on admissible moral theories requiring them to avoid excessive demands. If they do not, the conclusion follows that these theories cannot be ones to follow as our moral guide.

We can put the Objection as making an argument in the following general form:

1) Consequentialism makes certain demands on us.

2) These demands are excessive.

Therefore,

3) Consequentialism is excessively demanding.

4) If a moral theory is excessively demanding, then it should be rejected.

Therefore,

5) Consequentialism should be rejected.

This general form acquires a specific reading depending on how the term 'excessive' is interpreted: what in one's view is objectionable about excessive consequentialist demands. In particular, the way we have introduced the Objection is compatible with three different versions of premise 2) and a fourth can be added as an oft-mentioned alternative. On the moral reading, consequentialism is claimed to be *wrongfully* demanding since it requires agents to make sacrifices that they are not, in fact, morally required to make. On the rational reading, consequentialism is held to be *unreasonably* demanding since it requires agents to make sacrifices that they do not have decisive reason to make. Third, on the motivational reading,

consequentialism is taken to be *motivationally* overexerting because it pictures agents as moral saints who can bring themselves to do whatever morality asks of them. A fourth, epistemic reading of the Objection, holds that consequentialism is *epistemically* challenging because it requires agents to be (nearly) all-knowing regarding the consequences of their actions or because it makes agents in some other way severely epistemically disadvantaged (e.g., it requires outstanding computational abilities and/or understanding of complex principles).

Although it is our contention that a switch in focus on to institutions helps with all four forms of the Objection, in this paper we are not concerned with the rational version of the Objection.<sup>3</sup> The three other readings we will handle in a bundle, although our focus will be on the moral reading. Yet, it is clear that reducing the excessive moral and epistemic demands on individuals would have positive motivational effects as well, and a theory that is motivationally and epistemically less demanding might also be morally more acceptable (depending on whether a moral code like consequentialism should be capable of being applied in conduct). That these different readings of the Objection are in this way intertwined is also indicated by the fact that premise 2) is typically taken to be driven, at least in part, by intuitions that appear to encompass all three versions.

Let us then take the moral reading of the Objection. From this way of putting the Objection, it is clear how one can respond to it: one of the three premises – 1), 2), or 4) – must be rejected. This is hardly an option with premise 4) though, since if a moral theory is *wrongfully* demanding, then that moral theory is false, hence conclusion 5) certainly follows. This leaves us with premises 1) and 2). Premise 2) is rejected by those who hold that the true morality can never be *too* demanding: that is, that demandingness cannot be used as a side-constraint to determine the content of morality. There is, we think, certainly some truth to this

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<sup>3</sup> For further discussion of this reading see Portmore (2011), Dorsey (2016), and (*blinded*). The moral reading is the traditional account of the Objection; the motivational reading is perhaps most apparent in Wolf (1982). For the epistemic reading, see Smith (1988) and Hartford (2019).

response, but this won't be the route we take in this article.<sup>4</sup> This leaves premise 1) as the only possible target. Rejecting this premise is the perhaps most popular way of responding to the Objection, but we will give it a twist. Instead of either restructuring consequentialism in the usual way or denying the empirical circumstances that give rise to these demands (given the consequentialist principle's application to individual agents), we change the focus of consequentialism from individuals to institutions.<sup>5</sup> That is, in this paper, we will show how what we call 'institutional consequentialism' can help with reducing moral demands on individuals. In the next five sections we explain what we have in mind and subsequently we defend it against possible counterarguments. We then end the paper with a summary and some concluding remarks.

## 2. Introducing institutional consequentialism

The core idea of our approach is to direct attention to the ability of institutions to reduce moral demands on individuals. Elsewhere, we have introduced and developed the view we call 'institutional consequentialism'.<sup>6</sup> We have argued that, in addition to institutions' 'usual' instrumental role of applying moral (and non-moral) directives, an institutional division of labour is supported by further reasons which are compatible with the consequentialist goal and are not based on the independent moral status of non-consequentialist values. In particular, the

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<sup>4</sup> This is often called the *extremist strategy*, see Mulgan (2001). This debate ultimately is about what could ground demandingness side-constraints. One option is to rely on intuitions, which then leads to a more general debate about the use of intuitions. In the case of the motivational and epistemic reading, demandingness constraints can be driven also by moral or conceptual arguments. See Smith (1989) for a good discussion. Similar, theory-laden grounds may be found for the other readings as well, but it is hard to deny their intuitive grounding. See Bykvist (2010) and Mulgan (2007).

<sup>5</sup> For a discussion of the second, *empirical strategy*, see Mulgan (2001) and Bykvist (2010). The first approach, the *restructuring strategy* has given rise to a variety of alternative approaches, some of which regard themselves as consequentialists, others do not. For critical discussion, see Mulgan (2001), (2007); Bykvist (2010). There is also a third, more radical move here: scalar-consequentialism holds that consequentialism makes no demands on us, although it does give us reasons to act. See Norcross (2020).

<sup>6</sup> See (*blinded*). The two papers have some overlaps especially what concerns the present section. However, the present paper has a very different focus and most of the material presented is, accordingly, new. For other consequentialist views that focus on institutions, see Goodin (1995), Hardin (1986, 1988), Bailey (1998).

basic institutional framework performs background adjustments that are not for individuals to make and determines the content of consequentialist morality when individual duties are insufficiently specific without institutional coordination.

In this paper we assume institutional consequentialism is accepted and query the connection between demands and institutions. But to get there, we should first clarify the form and structure of our view. We think it is best understood as a version of act-consequentialism in which the consequentialist principle regulates the design of a basic institutional structure as well as the rights and duties and corresponding principles and procedures individual agents should possess, fulfil and follow.<sup>7</sup> To achieve this, institutional consequentialism emphasizes the distinction between criterion of rightness and decision-procedure: whilst the conduct of individual agents is ultimately evaluated by a (maximizing) act-consequentialist criterion based on the consequentialist principle, agents should apply general rules that are in line with common-sense morality and role-related responsibilities (Sidgwick 1907: 405-6; Smart 1956: 346; Hare 1981; Parfit 1984: 24-9; Railton 1984: 140-6; Brink 1989: 256-62; Pettit 1997: 156-61). Thus, the criterion of rightness is the same both for individuals and for institutions, however, the former are not normally required to apply the consequentialist principle in their every-day conduct.<sup>8</sup>

Institutional consequentialism applies this structure with a focus on institutions that comprise what Rawls (1999: 47-8, 55) calls *the basic structure of society*.<sup>9</sup> This is important

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<sup>7</sup> Goodin (1995: 61-2), Bailey (1997: 24-7), Hardin (1988: 14-7, 100-110), Mulgan (2007: 126-8) appear to agree, although their use of the term 'rule-consequentialism' is ambiguous. For our part, we endorse the standard understanding – cf. Sinnott-Armstrong (2015), sect. 4; Hooker (2016), sect. 4 – on which what makes a theory act-consequentialist is its account of the moral qualities of an act (rightness/wrongness in our case), even if about decision procedures it is generally rule-consequentialist.

<sup>8</sup> Of course, not being required does not rule out being permitted. Besides, directly promoting the good, that is, applying the consequentialist principle in every-day decisions, might *on occasion* be even required. The relevance of this possibility we will briefly discuss in Sections 5 and 6.

<sup>9</sup> The basic structure includes “the political constitution and principal economic and social arrangements”, such as legal rules affecting property and the organization of the economy. See Rawls (1993: 258, 282-3). Focusing on the basic structure admittedly narrows the scope of our inquiry, nonetheless, the category of institutions can be extended to include organisations such as business firms or universities. For Rawls’s non-consequentialist theory of social justice, see Rawls (1971), esp. Part II.

since the institutions of the basic structure define role-related responsibilities and, owing to the basic structure's complexity, both institutional roles and the actions of their occupants are interdependent (Pogge 1989: 8-9).<sup>10</sup> Tasks of one role cannot be successfully undertaken without the performance of tasks tied to other roles in the system (Miller 2010: 24). Furthermore, the outcomes of actions by one institutional player often cannot be considered in isolation from the actions of others. Within the context of the basic institutional structure, the piecemeal ethical evaluation of specific actions, and even specific institutions, risks being inadequate, as it loses sight of the systemic nature of the basic structure (Pogge 1989: 9). To avoid an unduly narrow focus, a consequentialist evaluation of roles and actions in institutional frameworks should consider alternative institutional frameworks in order to account for interdependencies between roles and institutions that different frameworks generate.

The distinction between criterion of rightness and decision-procedure emphasized by institutional consequentialism is subject to a challenge, however, and answering this challenge also helps further clarify our proposal. While the distinction allows us to create a platform ('moral criterion') from which to evaluate people's thinking about moral matters ('decision procedure'), it also invokes the problem where exactly this platform, this 'utilitarian consciousness', is to be situated in people's lives. This is an old problem (cf. Williams 1973, 1988) that we won't settle here. Still, we would like to offer at least an initial take on the matter from our more specific institutional point of view.

The problem, to state it slightly differently, is that the rules people use in making decisions largely overlap with the publicly affirmed morality of their society. However, on institutional consequentialism, these rules do not constitute the true morality: that is still given

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<sup>10</sup> We follow Rawls in regarding an institution as a *public system of rules* which defines institutional roles with rights and duties attached to them. See also North (1990: 3), who defines institutions as "humanly devised constraints that shape human interaction." They "structure incentives in human exchange, whether political, social, or economic". The differentiation of roles the institutions of the basic structure embody is one key characteristic that distinguishes these institutions from simpler social forms, such as norms, conventions, and institutions outside the basic structure (Miller 2010: 22-25).

by the act-consequentialist criterion of rightness. The question, then, is how to combine these two moralities. One option is to inform people about both moralities and make it clear to them that the rules they use for decision-making are merely ‘summary’ rules whose function is instrumental to the true consequentialist aim. The problem with this solution is that, in this case, rules used in decision-making will be subject to change by anyone at any time. This not only calls into question whether they can be considered rules at all, but also reproduces collective action problems: long-term commitments, trust, and expectations might break down if too many exceptions are granted, or rules are continuously changed.

Most consequentialists who want to maintain the distinction between criterion and decision procedure, therefore, opt for a different alternative. Their idea is that people should value decision-making rules *for their own sake*, i.e., they should look at them as constituting the true morality. They are not supposed to be aware of their merely instrumental nature. While this could guarantee that the rules are rarely broken, two further problems arise. First, we do not want inflexible rules; after all, one virtue of the consequentialist approach is that it is sensitive to changing empirical circumstances. This outcome could be avoided if we do give some people the right to change the rules. However, this does not affect the second problem: that on this view the true morality must not be publicly affirmed but must be kept secret. All that is added now is that the secret morality will be safeguarded by a small elite of rulers who make sure that the correct rules are used via constant revisions and the requisite education and socialization of people. That is, we are forced to endorse what Sidgwick (1907: 489-90) – approvingly – called ‘Government House Utilitarianism’. However, most people find such a solution unpalatable (although others disagree: Lazari-Radek & Singer 2010).

We disagree about this assessment of the consequentialist’s options. Concerning the first solution, we should not forget that our focus is on institutions. Most institutions have public rules of review and recognition: higher-order rules that tell subjects how to identify,



review, and change rules (cf. Hart 1961 on similar laws in the legal system). They also have rules concerning how they should be supported and what to do with citizens when they fail to support them. Of course, these rules too can be revised but their revision and change are normally made very difficult and subject to various conditions (think of constitutional amendment procedures). While this solution is not watertight, a sufficiently comprehensive institutional design can make sure that rules are not constantly changed, and sufficient trust is created in the system without violating the ‘publicity’ requirement.

Concerning the second solution, there is a way to reject the idea that people cannot pursue non-consequentialist decision rules for their own sake while also being aware of their instrumental nature. The idea is that some kind of compartmentalization is possible: people can go on believing what they believe about morality on the intuitive, first-order level while on occasion assessing these beliefs on the higher-order, critical level from an act-utilitarian point of view. That is, we think that something like a Harean two-level institutional consequentialism is defensible: there is, contrary to Williams (1988) or Mackie (1985: 110-1), a way of combining our intuitive thinking (‘decision procedure’) with a critical level of reflection and assessment (‘moral criterion’).

Of course, this is not such a simple matter as it sounds. True, some form of compartmentalization is observable in everyday life. Judges do this all the time when they bracket their personal views in making decisions and Rawls’s (1993) notion of public justification relies on a similar idea when it requires citizens not to introduce non-public justification in public debates. Still, judges *bracket* their views and don’t typically assess them critically based on the views they take up in their public judgments and Rawls’s citizens do not typically engage in public justification in order to assess their own views (but to convince others). However, especially in the latter case, but also to an extent in the former, such a (psychological) mechanism cannot be ruled out: there must be spill-over between judges’

public judgments and the views they privately hold, and citizens do at least sometimes assess their own views when they offer public justification to others. So, we think the phenomenon already exists, hence it is a psychologically viable possibility that we can rely upon in our response.

In fact, to support this further, as Olson (2014: 192) has pointed out in defending his own ‘moral conservatism’, “it does not seem impossible simultaneously to have an occurrent belief that  $p$  and a disposition to believe not- $p$  in certain contexts”. In general, we submit, it is not impossible to have an occurrent belief on the intuitive, first-order level while having the disposition to endorse or not to endorse this belief on the critical level. While admittedly more can and should be said about this (it is worth reading Olson’s own discussion to this effect<sup>11</sup>), given our aim in this paper, we cannot say more here. What we have said so far, we think, nevertheless suffices to make at least a provisional case for our version of institutional consequentialism.

It is time to turn to our main question: how does institutional consequentialism help with the Objection?

### **3. Institutions and demands**

Institutional consequentialism with a focus on the basic structure can help us with the Objection in (at least) three ways. First, a division of labour involving institutions avoids imposing

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<sup>11</sup> Olson himself writes about moral error theory, a metaethical position according to which, roughly, all our first-order moral beliefs are false. The question he tackles in the final part of his book is what happens if this position correct: can we still continue to have those beliefs? Accordingly, Olson’s primary interest is in arguing that even though we are convinced that our moral beliefs are false we can continue to hold them, whereas we also have to reckon with the question what happens if on the critical level we decide to give up our intuitive convictions. At this point, the story intersects with Hare’s own discussion (cf. Price (2019), sect. 7). His response mostly focuses on the agent’s reaction to critically assessing and denouncing her intuitive-level rules. This concerns what the agent should feel and how this feeling could be conceptualized. After all, if the agent follows these rules for their own sake, she should not just abandon them with ease upon critical evaluation. Hare proposed that the agent should feel compunction and consider the act prohibited by these rules as in some sense morally bad. There is a clear connection here to positions in the literature on dirty-hands and threshold consequentialism that hold that someone can act rightly while still doing something morally bad (see *blinded*).

wrongful demands on individuals. Second, institutions economize on the time and attention spent by individuals on the pursuit of consequentialist goals. Third, institutions also remove some of the motivational burdens in making and executing decisions. The first claim speaks directly to the moral reading of the demandingness problematic, the second and the third do so indirectly, via tackling, at least in part, the epistemic and motivational demands of consequentialism. The result, we submit, is that institutions thus allow individuals to lead personal lives. Let us consider each of these claims in turn.

Our first claim is that an institutional division of labour avoids imposing wrongful demands on individuals by keeping moral burdens manageable. This claim can be supported by at least three considerations. First, consequentialism is notoriously insensitive to the number of those who contribute, and this significantly increases the moral burden on individuals. However, well-designed institutions can successfully counteract this by distributing the burden over all individuals, e.g., in the form of taxation, and by making sure that everyone contributes.

This leads straight to the second consideration. Institutions are the best instruments for coordination in strategic settings (Goodin 1995: 67). Individuals cannot ensure that their fellow citizens contribute to the fulfilment of consequentialist aims: this is simply not in their power. However, institutions can both set the target to be achieved and make sure that people contribute to its achievement. They allocate responsibilities and help individuals avoid frustrating one another's attempts at promoting the good, as they would when trying to do the same good deed in an uncoordinated manner. They also provide assurance to individuals that others contribute their share of the collective burden (Hardin 1988; Regan 1980; Harsanyi 1977). By preventing much waste caused by futile or counterproductive attempts at promoting the good, institutions thus reduce burdens on individuals.

Finally, third, the institutions themselves would be such that they are designed to prevent overburdening those who contribute to their maintenance. Thus, Bailey (1997: 53-4)

argues the rationale for designing consequentialist - in his case: utilitarian - institutions is to avoid moral exploitation: situations in which not only aggregate well-being is not optimal but also the utilitarian agent is made worse off.<sup>12</sup> In our imperfect world, Bailey (Ib.: 147-8) then points out, this translates into the task of making sure that utilitarian agents do not impoverish themselves. In Bailey's view this requires institutions that make sure that utilitarian agents do not have to rush off every time when someone is in need but can instead stand by their posts (be that oneself, one's family or one's projects). In his view, such institutional framework would at least in part consist in a network of substantive and procedural rights (establishing self-ownership and world ownership) as well as reasonable distributive institutions (in particular: a social minimum).

Our second claim is that institutions allow agents to economize on information and attention devoted to consequentialist goals. Individuals can take a narrow perspective when they interact with others in institutional settings such as markets and courts, and benefit from an efficient division of labour. An important function of the political and economic institutions comprising the basic structure is a background adjustment that individuals cannot and should not be expected to make. In particular, institutions can be designed to anticipate and address the consequences of individual choices in the distant future across a large number of individuals<sup>13</sup>. They also correct for our tendency to biases such as self-deception, removing informational and motivational burdens from individuals in their day-to-day decisions (Smart 1956: 347).<sup>14</sup> For example, markets coordinate decentralized information through the price system, and, when well designed, they structure competition to generate efficient outcomes

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<sup>12</sup> Bailey's (1997: 60) main argument for this non-exploitation principle appears to be that without the principle, utilitarianism would be self-defeating. Avoiding exploitation, he argues, is an evolutionarily stable strategy, hence without the principle, utilitarians will die out, and the world will be worse off in utility terms.

<sup>13</sup> See Rawls (1993: 266-269) for this point in a non-consequentialist context. Semple (2022) applies this insight in a consequentialist framework using social welfare functions.

<sup>14</sup> Hardin (1988: 6-9) discusses another type of limit of reason: limitations concerning our value theory. The idea is that we are limited in assessing both utility to ourselves as well as utility to others. These limits have partly to do with the difficulties concerning interpersonal comparisons of value and with the possible non-additivity of value (such as the case of organic wholes).

(Hayek 1976: 20). Background institutions such as markets and legal procedures also facilitate an efficient division of labour in which individual agents can specialize and utilize their comparative advantages even though their interactions may be adversarial (Appelbaum 1999).

Furthermore, institutions can relieve individuals of some informational and cognitive burdens in their charitable contributions as well. Consider the fact that a large part of the consequentialist demands on us are iterative in nature. The particular demand in question is not itself significant, in fact, we can assume that it is rather trivial. Assume, for instance, that due to collective organization, we do not have to give out, at once, a huge sum of money to help the needy, but only a small sum. However, if we have to do this constantly, i.e., if consequentialist demands become too numerous (even if trivial), their intrusion to our life will be constant and objectionably demanding: they will demand our constant attention, not allowing us to get on with our lives.<sup>15</sup> Institutions can again help with this. They can not only make sure that the amount of our contribution is manageable, but also that we do not have to contribute constantly, i.e., decide how much and to which organization to give to help the needy and then write a check several times a day (Goodin 2009: 9-10). They can do so by, e.g., deducting our contribution from our monthly salary and then distributing it to the relevant agencies on the basis of their reliability and efficiency.

Our third claim is that institutions remove some of the motivational demands of consequentialism from individuals. For one thing, they provide assurance to individual agents that others are going to shoulder their share of the collective moral burden in the face of pervasive moral disagreement and self-interested motives.<sup>16</sup> Besides changing payoffs associated with existing preferences, institutions can also shape preferences when individual

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<sup>15</sup> See Cullity (2004) who makes substantial philosophical use of these iterated demands in drawing up the Objection.

<sup>16</sup> Note that this claim is often put as a claim of fairness. See Murphy (2000) for the most complete theory along these lines. However, it is important to keep in mind, and Murphy is clear on this, that the supposed unfairness of consequentialism and its demandingness are two separate issues. If all there is to demandingness is lack of fairness, then there is no real demandingness problematic.

agents cannot do so. Institutions can help ‘launder’ irrational preferences based on false beliefs (Goodin 1995: 133). They can also purge antisocial preferences in current and future human beings. For example, institutional pressure, the “naming and shaming” of wrongdoers and institutionalized dialogue can change our personal motivations better to promote the good.

#### **4. Is institutional consequentialism viable? Two counterarguments**

So far, we have described the (Demandingness) Objection to consequentialism (section 1) and introduced institutional consequentialism as a response (sections 2-3). Before considering challenges about the demandingness of institutional consequentialism, we want to start with two fundamental objections to our general approach that we adapt from the literature on Rawls’s theory of justice. First, Murphy (1998) has argued that demandingness considerations will not give us what he calls *dualism* - the Rawlsian idea that different principles apply to institutions and to individuals. And, the thought is, we need dualism in order to substantiate the present response to the Objection. Second, consequentialism, unlike, for instance, the Rawlsian system appears to be a monist theory in the following sense: the same criterion of rightness applies to individuals as to institutions. Hence the dualist idea that is taken to underlie the present response to the Objection may not be justifiable in the case of consequentialism.

Since we take the second problem to be more basic and our response to it will also help with the first problem, let us proceed in reverse order. Rawls and others following him indeed use consequentialism as the prime example of a comprehensive, monist theory: the consequentialist principle should apply both to institutional and to individual conduct. How can we deny this? But we think the relevant question to ask is: once we properly understand what it means for the consequentialist principle to apply to an agent, why shouldn’t we deny it? The essential distinction to use here is once again between criterion of rightness and decision

procedure.<sup>17</sup> On the view defended here, the consequentialist principle need not apply to individuals in the sense that it need not directly guide their action: it is not a required decision rule for them. The maximization of the good often cannot and should not be what individuals aim at and this is true even of public officials on certain occasions. The consequentialist principle provides decision-makers with a criterion for the moral assessment of alternative courses of action and the social planner for the design of institutions, but it doesn't provide a sufficiently action-guiding rule individuals are to follow. Institutional consequentialism charges the institutions of the basic structure with coordinating, allocating and enforcing individual responsibilities, and institutional rules frequently pre-empt the application of consequentialist reasoning to determine individual action.<sup>18</sup>

We suspect that something else lies behind the idea that consequentialism simply cannot be a dualist theory. We can see this by introducing a distinction discussed at length by Scheffler (2005). There are two versions of the idea of division of labour in Rawls's work. There is first a division of *moral* labour that urges us to have separate moral principles for institutions and individuals on the ground that they promote different moral values.<sup>19</sup> Since the relevant moral values in the case of individuals also have to do with partial concerns – such as relationships or self-interest – this is indeed a division of labour that, it seems, institutional consequentialism, being a thoroughly impersonal theory, cannot make use of; on this reading consequentialism must be a monist theory.

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<sup>17</sup> Murphy's formulations of dualism are ambiguous about this point. Insofar as 'practical principle' in the first characterization (Murphy 1998: 254) refers to a criterion of rightness, as we shall presently point out, we do not deny monism, hence we do not consider ourselves to be dualist in this sense. However, we do deny what Murphy claims monism requires on his second characterization (271), i.e., that people must aim at whatever this moral criterion is. We have been arguing that people's responsibility is indeed mediated by institutions. It seems that Murphy is working here with an underlying assumption the denial of which is crucial for our proposal: that there is no distinction between criterion of rightness and decision procedure. This position has its historical pedigree (e.g. Williams 1973), but the debate is undecided and this is not the right place and occasion to open it up again.

<sup>18</sup> To repeat, a duty to directly to promote the good is not entirely missing from our version of institutional consequentialism, though. We do permit its 'use', just not normally require it, *and* we claim that this would too rarely happen to make institutional consequentialism excessively demanding and a properly monist theory.

<sup>19</sup> The term 'ethical division of labour' comes from Nagel (1979), which is then further pursued in Nagel (1991). We will further qualify the kind of division of labour we have in mind below.

Recall, however, that we introduced the idea of a *moral* division of labour as one half of a distinction.<sup>20</sup> As it happens, the other half – which Scheffler calls an *institutional* division of labour – is more suitable for consequentialist purposes. It relies on the idea that there are different rules for the design of the basic institutional structure of society and for individual conduct. On institutional consequentialism, the consequentialist moral criterion regulates the way in which institutions hang together in the basic structure and guide individual conduct through role-related responsibilities. It seems that institutional division of labour is all that we need to answer Murphy’s challenge if interpreted as above.

We can also answer now Murphy’s first critical point: that demandingness considerations will not give us what he calls dualism, yet we need dualism in order to substantiate the present response to Objection. We accept the second half of Murphy’s claim, so the question is: what supports the first half? At its core, his point is simple: it is perverse to require people to establish and maintain consequentialist institutions, but not require them to pursue the consequentialist aim personally. Our response to this is twofold. First, we do *not* need to claim that the Objection is what justifies dualism for the consequentialist. As we argue elsewhere (*blinded*) and as we have noted earlier, there *are* good reasons to single out institutions as morally special that make a perfectly good case for why individuals shouldn’t and – as far as the reasons above are concerned – couldn’t pursue consequentialist aims individually. In short, our first claim is that we should endorse dualism for these (and perhaps other) reasons, and this will still give us a response to the Objection as a (perhaps unintended) side-effect of the division of labour that dualism secures for us.

Our second response is more tentative and uses an argument from Goodin (1995: 30-7). We take him to argue that the Objection, contrary to what Murphy claims, does in fact

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<sup>20</sup> A possible alternative line of response would be to argue that consequentialism is not necessarily impersonal in nature (cf. Hooker 2011). But we let this go since there is a better answer (or at least a less committal one).



*require* consequentialists to endorse institutional consequentialism. His argument appears to rely on a particular reading of the Objection: that the claim that the consequentialist demand is a wrongful one is a plea for excuses – the excuse being that it is not the individual’s job to fulfil the demand, yet it is something that should be done. Goodin thinks that individuals do have this excuse available to them due to the absence of effective coordination on their level. This then exculpates individuals but, in turn, inculpates communities since the job has to be done and communities, in particular, their institutions, have the relevant formal coordination structures. This is a good argument, but a lot depends on whether Goodin is right about his reading of the Objection: can consequentialists demonstrate that the “job has to be done” by someone? If they cannot, Goodin’s argument collapses; if they can, we have a second answer to Murphy’s challenge.

### **5. Is institutional consequentialism too demanding?**

The emerging picture, we think, offers reason for hope. Yet, there are possible criticisms. The most obvious and general one is that we just don’t provide enough ammunition to properly tackle the Objection. A natural way to put this is to point out that, at least, on some occasions, individuals will still have the duty to promote the good directly, and that such a duty will be too demanding. After all, institutional consequentialism is still act-consequentialist in the crucial respect that its moral criterion is act-consequentialist and assessment of intuitive level, first-order moral rules might ultimately require a switch back to an act-consequentialist decision procedure. Perhaps, given what we have said in section 3 and elsewhere (*blinded*) and given the general literature on the kind of two-level approach we endorse, this move is unlikely to happen in the case of private citizens. But what about the public officials, especially high-level ones, who ‘run’ institutions? Wouldn’t they be *required* to directly promote the good? And wouldn’t this be enough to reinstate the Objection?

We don't think so and we have argued accordingly in more detail elsewhere (*blinded*; cf. Eggleston 2014: 136-7). In a nutshell, although public officials would receive significant support and also share the work, would still be seriously crippled by all the information gathering, processing and constant calculation that an act-consequentialist decision procedure requires. They too would have trouble following act-consequentialism on an everyday basis and it is predictable that coordination, unlike in the institutional consequentialist system, would break down among them for the same reasons we have already seen: as committed act-consequentialists they would expect one another not to keep to plans and commitments as soon as an opportunity with better (expected) consequences arose.

Given this, our answer to the present challenge has to do with what we take to be the correct understanding of the Objection. We hold that the Objection applies to a theory if that theory is *systematically* (over)demanding; what needs to be shown is that it can be expected to *commonly* generate duties to promote the good that are excessively demanding. Hence, whether a theory is excessively demanding is largely an empirical question, and what we've already said and what we are about to say in this and the next section suffices to show that that the likelihood of excessive demands *systematically* arising is low. The criticism then fails since to show that institutional consequentialism allows for individual duties including a duty to directly promote the good on occasion doesn't suffice to show that it is also excessively demanding in the proper sense.

Assuming, then, that our general approach is defensible, we can turn to more specific challenges. The one that comes perhaps first to mind is that institutional consequentialism merely transfers the demandingness problematic to the institutional level: it is now institutions that will be required to do too much. However, there are no psychological, motivational, epistemic or other demands-related problems with institutions, not at least similar to those individuals face (cf. Goodin 1995: 68). The Objection derives its force in large part from the

fact that a committed consequentialist individual would not be able to lead a personal life, that his/her individuality would be wiped away by the impersonal requirements of consequentialism. But it does not make much sense to claim that societies and their institutions would face similar fate just because they have to contribute much.<sup>21</sup> It can of course happen that under the pressure of demands an institution turns out to be inadequate to the task. But the way we (would) react to such situation is not moral disapproval, but, assuming we agree with the moral task (which, by assumption, we do here), determination to design better (more efficient, larger etc.) institutions.<sup>22</sup>

The only way, it seems, high contributions required of societies could have seriously negative effects if their members' lives would be affected in a devastating way via the destruction of certain *shared social practices* that constitutively contribute to their identity. But, first, given the alleviating effect of the division of labour in place, the particular society in question would really have to contribute extraordinarily much in order for such individual effects to threaten. Second, the destructive influence of high societal contributions would have to affect the relevant projects and commitments of people. The fact that as a result of high societal contributions individual members would have to give up certain luxuries of life in order to help suffering others elsewhere, could hardly be persuasive. Finally, third, we do not find the idea of social practices being *constitutive* of one's individual personality plausible. This is after all a distinctively communitarian thought that is subject to the criticism that people can reflect upon and decide about their aims, projects and commitments in life (Kymlicka 2002). Given the good moral reasons in support of the consequentialist cause, it might therefore

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<sup>21</sup> Cf. Tännsjö (2007) who suggests that we could change focus from individuals to *collective* agents and attribute consequentialist duties to them. See Berkey (2019) for criticism.

<sup>22</sup> Of course, as noted, institutions are often comprised of individuals, hence one could argue that these public officials' lives would be negatively affected. But what we say in the text holds also here: the response to this would be to design better institutions, i.e., ones in which such consequences do not occur. Moreover, it matters here which version of institutional consequentialism one endorses: on our version, although public officials might have different rules to apply in conduct from private individuals, the direct consequentialist duty would only apply to them in special circumstances.

well be the case that, instead of experiencing the results of high societal contributions as destructive of their personal life, people would see them as more in line with their new, reformed personality (that, though, does not have to be so reformed as to also conform to consequentialism when applied to their actions directly; cf. Belic forthcoming).

However, having said all this, one problem is still looming. It could be pointed out that we have not paid adequate attention to the difference between maintaining (running) and setting up (or even just reforming) an institution. Bailey (1997: 149) identifies two sources of the difference between their respective demands. One, institutional reform typically requires political reform which in turn needs political activism to make sure that the reforms take place. Two, even after the reforms are enacted (e.g., as law), expenditures are needed to get new institutions up and running. As Bailey points out, beside leading to increased demands, both sources are also beset with collective action problems: the costs of setting up institutions typically rest on the shoulders of few, but the benefits of institutions once set up are spread throughout society. In short, given all this, even if maintaining an institution is not objectionably demanding, setting up institutions is.

This is a complex matter. First, a general clarificatory remark. We think that this criticism relies in part on an illegitimate separation of two kinds of demands and focuses only on one of them. To judge whether institutional consequentialism is excessively demanding, it seems more sensible to consider the two sets of demands – those of maintaining and setting up or reforming institutions – *together*, rather than separately as a limited time-slice view on which the demands of setting up institutions make institutional consequentialism subject to the Objection. This separation loses sight of the possibility that, once the proper institutional setup is in place, the demands on individuals may be significantly reduced and over time this may

balance out previous demands.<sup>23</sup> Since in consequentialism all consequences, potentially in perpetuity, have to be reckoned with, we submit that this is the proper way to proceed in the case. If so, the overall calculation of demands might not be as daunting as it first appears to be.<sup>24</sup>

Let us turn now to more specific issues. To make headway, we must proceed by simplifying things somewhat. In our response, we therefore consider two schematic scenarios only. In one case, there is an already existing, sufficiently well designed and supported institutional framework in a country. The existing circumstances are not ideal but are near enough to the ideal. In such settings, which we believe characterise most of today's developed societies, the above criticism does not have sufficient force in our opinion. There will be enough initiative and motivation to reform institutions in such a way that burdens are distributed over a high number of individual agents.<sup>25</sup> We should also not forget that institutional systems have nested structures in which one institution can reform another and, in these societies, already reformed, well-functioning institutions will be available to help individuals out in their reform endeavours. Add to this that institutional reform need not be an all-out radical affair, a monolithic, systemic change, but instead it is more likely to be a longer, often incremental, process that goes down on diverse avenues of sub-reforms (Belic

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<sup>23</sup> This is even more so if we reckon not only with active but also with passive effects (cf. Sobel 2007) since out in the far(ther) future a well-built and completed consequentialist institutional system will confer significant passive benefits on its members. At the same time, invoking the far future has its own significant perils for a consequentialist (cf. Mogensen 2021).

<sup>24</sup> Arguably, whether this really *helps* with the Objection depends on two largely empirical matters: whether human history turns out to be sufficiently progressive (instead of, say, circular or self-repeating endlessly encountering challenges that the then existing institutions cannot handle), and whether progressing to (much) better institutions happens, if not within a lifetime, still within a sufficiently short period so that we avoid excessively burdening existing generations (in order that much later generations do not encounter excessive demands). We thank a reviewer for pressing us on this point.

<sup>25</sup> As Belic (forthcoming) argues, people have a meta-interest in avoiding conflicts between moral demands and self-interest and that advancing this meta-interest is important for affirming their self-respect. Crucially, she further argues that adopting the promotion of just institutions can help people advance this meta-interest in different ways. In short, her point is that promoting just institutions is in fact in people's self-interest. This not only provides the requisite motivation but also severely reduces *moral* demands on people.

forthcoming). This in turn reduces the need for massive collective action and the demands it gives rise to.

The other case is admittedly more difficult. Here we have to imagine a more radically non-ideal situation. That is, there are no or not enough well-designed institutions that could help us reform other institutions; people, moreover, are short-sighted, selfish, and, perhaps, corrupt. To illustrate: we could say that Rawls's (1999) liberal peoples and perhaps some of what he calls decent peoples belong to the first category, whereas burdened societies, rogue (outlaw) and failed states and probably some other illiberal peoples belong here.<sup>26</sup> In this case, it does seem correct to say that institutional reform is not feasible. Of course, these societies can also change but this happens in radical ways that consist in eradicating and then redesigning the entire institutional system. However, for this very reason it is unlikely that there is a universal consequentialist obligation to fight for institutional reform in these circumstances: owing to the low probability such efforts' success, their expected utility (or whatever the relevant consequence is) would be too low. This should not surprise consequentialists. Consequentialist theories must take into account cost-effectiveness when determining action-guiding requirements, and the current state of the existing circumstances will be a necessary starting point for finding the most cost-effective ways to improve them.

This reasoning could be objected to as leading to a picture of demands that is *underdemanding*. One could point out that it can't be right to say that in such, perhaps radically non-ideal circumstances one is not required to contribute to institution-building. However, in this regard, we bite the bullet: we think it is clear that the futility of the enterprise removes this duty from the overall picture (cf. Valentini 2001). Furthermore, the practical relevance of this

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<sup>26</sup> Rawls (1999: 14-15; 63-78; 80-1) describes liberal and decent peoples as those that meet certain minimum conditions such as respecting basic human rights, regarding the law as embodying a commitment to a 'common good idea of justice' and treating their subjects as capable of bearing duties. By contrast, burdened societies are prevented by their lack of economic or cultural resources from becoming well-ordered. Outlaw states in Rawlsian terminology are states that are aggressive towards other societies and tend to violate human rights.

criticism is limited since, as we argue below and in (*blinded*), much of the force of this worry arises from existing *global* circumstances and the current global institutional framework can be reformed to better respond to global challenges. It is this task that we turn now to.

## **6. The global application of institutional consequentialism**

There is still the question whether institutional consequentialism works also on the global level as a response to the Objection. Arguably, the Objection is most persuasive when we appeal to existing global problems (e.g., poverty, peace and climate change). Does the institutional approach have the resources to respond to the Objection in the face of global issues? If relevant institutions are missing or inadequate but the tasks are formidable, an institutional division of labour cannot contain the demands individuals face.

Global problems are unlikely to render consequentialist requirements overly demanding. One reason for this is that the current global institutional framework can successfully mitigate consequentialist requirements. Elsewhere we argue that this institutional framework including the nation-state system and supranational institutions already performs some important consequentialist tasks (*blinded*). In particular, these institutions allocate and coordinate responsibilities in a system of distributed obligations both horizontally (i.e., between states) and vertically (i.e., between states and supranational institutions). (Goodin 1988: 685). This institutionally regulated division of labour in turn reduces the burdens on individuals by spreading thin the burdens of compliance across a larger number of parties, by facilitating specialization in the performance of functionally defined tasks, by clearly allocating responsibilities and coordinating the manner in which agents implement them, and by providing assurance that responsibilities will be mutually honoured.

Furthermore, there are feasible ways to reform this framework in a piecemeal manner preferable to radical changes on consequentialist grounds, and they may further reduce

consequentialist demands on individuals. For example, establishing inclusive procedural rules to increase the legitimacy of supranational institutions may make the latter more effective and at the same time reduce the motivational demands individuals face in the performance of their duty to support reform initiatives. Legitimacy is essential for institutions to generate their own support, and global institutions with weak legitimacy cannot effectively deal with moral disagreements, in particular disagreements about socioeconomic justice, that generate collective action problems and obstruct coordination. Making decision-making procedures within these institutions more inclusive can increase their legitimacy and thus reduce motivational demands individuals face in the collective pursuit of consequentialist aims.

The second reason for thinking that global moral requirements are not going to be so demanding as to invalidate the institutional defence of consequentialism is related to a point we made earlier in the context of failed states. When the pursuit of gradual reforms through legitimate procedures is not feasible – since there are no workable institutions in place or current institutions are perceived as grossly unjust or illegitimate – individuals likely have no consequentialist duty to fight for institutional reform since global collective action problems make individual attempts at system change futile and wasteful.

But for some this may be too quick. The idea of a global institutional division of labour with limited consequentialist requirements for individuals invites a final challenge. Applying Murphy's second objection to the global case, it asks: Is it not perverse to require individuals to support institutions promoting the good without requiring them to promote the good directly? Beyond lobbying their governments to promote institutional change, they could surely do a lot more good by devoting their resources to charities that help the global poor directly. And this kind of consequentialist duty may be overdemanding: it may require us to devote all



of our disposable income to alleviating suffering caused by global poverty, climate change, etc., – without sacrificing our institutional responsibilities.<sup>27</sup>

We disagree.<sup>28</sup> It may be futile or worse, counterproductive, for individuals to directly pursue consequentialist aims rather than to support just institutions. We have already seen general reasons why this is so but in the global case there are further considerations to mention. Empirical evidence from the development economics literature supports the position that global consequentialist requirements are limited. According to the institutional stance influential in this literature, the primary determinant of economic development within countries is the quality of institutions; outside actors can best help the global poor by providing assistance in building institutions, rather than by sending direct aid to improve welfare (Risse 2012: 68-69, 80). The upshot is that duties to provide international assistance are likely to be less demanding than often thought or no duty will apply since what it takes to help the globally poorest cannot be done by outsiders.

Consider some examples. When individual philanthropy through donations to NGOs replaces political action aimed at institutional reform, the proliferation of NGOs may break down coordination and exacerbate global collective action problems. Some critics of NGOs such as the Gates Foundation argue that their entry into the health care sector in third world countries has led to an internal brain drain of health personnel away from the public sector, resulting in suboptimal health outcomes (Daniels 2008: 330). More generally: foreign aid aimed at directly helping the global poor may make things worse through a mechanism similar to the so-called ‘resource curse’: it may generate rent-seeking by the elites and crowd out productive investments that are more desirable in the long run (Deaton 2013: 298). Individual philanthropy may also result in harmful long-term consequences by undermining public trust

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<sup>27</sup> We thank an anonymous referee for pressing this point.

<sup>28</sup> Although, again, as we have repeatedly said: our version of institutional consequentialism doesn’t *en bloc* rule out the existence of such an individual duty.

in political institutions and by weakening people's interest in political participation. If so, it forecloses the possibility of economic development benefiting the poor by precluding reforms necessary to fix underdeveloped countries' systems of public institutions and the international institutional structure (Deaton 2013).<sup>29</sup> The only way outsiders can help the poor is often indirect: in line with institutional consequentialism, our duty is to assist in building good institutions. Demands consequentialism imposes on individuals in an international context are limited by what individuals can be expected to achieve, taking into account the lessons from the institutional stance in social science.

This is not to deny that individuals may have direct responsibilities to alleviate global problems under institutional consequentialism. Consequentialism can sometimes require individual agents to contribute to charities to save lives and reduce suffering when these charities have been demonstrated to be highly effective, generating a lot of good at little cost to donors. Although international aid is unlikely to do much to stimulate global development, some interventions aimed at improving global health outcomes such as campaigns to eliminate smallpox, river blindness and polio are regarded as success stories that even sceptics about aid effectiveness acknowledge (Deaton 2013: 104-105; Easterly 2009). Individual contributions to charities such as the Against Malaria Foundation may be justified under consequentialism if there is sufficient evidence to demonstrate their cost-effectiveness (MacAskill 2019: 55). Nonetheless, the existence of such instances of individual duties to promote the good is insufficient to establish the Objection. Recall, the Objection would need to show that institutional consequentialism is *systematically* (over)demanding, commonly generating extremely demanding duties to promote the good. This is unlikely: scaling up and generalizing

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<sup>29</sup> It is for these reasons that critics of the Effective Altruism (EA) movement argue that the movement's focus on individual acts of charity is itself misguided. The focus of a proper consequentialist theory should be on systemic reforms rather than individual decisions about how to spend our spare money (Acemoglu 2015). For what we think is the most recent critical work on the EA movement that builds on and extends Deaton's worries, see Temkin (2022).

limited health programs to a degree that would make individual contributions systematically overdemanding would generate undesirable consequences discussed above, such as rent-seeking, the crowding out of productive investments, as well as undermining trust in political institutions and reducing political participation. On balance, the best available empirical evidence from social science does not support the conclusion that individual contributions to charitable causes are going to be overdemanding in the relevant sense.

## **7. Summary and concluding remarks**

There may be several good reasons to reject consequentialism. We have argued in this paper that demandingness is not one of them. The right approach to this problem is institutional. Once we realize that a division of labour between individuals and institutions is the best option for consequentialism, we will also see that putative features of consequentialism that many thought would impose excessive demands on individual agents will in fact arise on the level of institutional systems. Consequentialist demands on our time, attention and motivations need not undermine our ability to lead a life rich in personal projects and commitments. Our individuality need not be wiped away by impersonal calculating requirements on our decisions and actions. Our response to the Objection is not based on the independent moral status of values such as fairness, rights or freedom, though it is compatible with these values. Our preferred version of institutional consequentialism takes a form in which institutions are designed to promote consequentialist aims while individuals use non-consequentialist decision procedures. No doubt, there are some questions left open; yet, we submit, we have provided enough material to make one hopeful for the future of institutional consequentialism.

**Acknowledgments.** [...]

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