

Consequentialism and Its Demands: The Role of Institutions

Proponents of act-consequentialism hold that the right course of action is the one that produces the best results as judged from an impartial perspective. However, it is often claimed that this requirement is so demanding that it is unacceptable for anyone to follow it. This is because, to take one example, it would require foregoing most, if not all, non-moral personal projects and devoting one's life almost exclusively to alleviating the suffering of those in need. We might call this the Overdemandingness Objection (henceforth: OD) to consequentialism. The objective of the project is to discuss a relatively unexamined response to OD.

The core idea is to direct attention to the ability of *institutions* to reduce moral demands on individuals. The motivating thought here is that something like a division of labour is justifiable: the demanding moral principles regulate institutions, whereas individuals 'only' have the duty to set up and maintain these institutions. However, in order to get off the ground this *institutional consequentialism* has to tackle two basic challenges. First, Murphy (1998) has argued that overdemandingness considerations will not give us what he calls *dualism*: the Rawlsian (1971, 1993) idea that different principles apply to institutions and to individuals. And, the thought is, we need dualism to substantiate the present response to OD. Second, consequentialism, unlike, for instance, the Rawlsian system appears to be a monist theory in Murphy's sense: the same principle (of beneficence) applies to individuals as to institutions. Hence the dualist idea that is taken to underlie the present response to OD may not be justifiable in the case of consequentialism, whether or not OD can lead us to dualism.

I believe that both objections can be answered. There is, first, the question whether we indeed need to appeal to dualism in order to respond to OD. As Murphy's own discussion demonstrates, this need not be so: a monist theory can accommodate division of labour between institutions and individuals without making use of dualism itself. Second, one can keep dualism as the answer to OD without going along with the stronger idea that it is OD itself that necessitates our endorsement of dualism. Rawls and others provide good reasons in favour of dualism – I mention some of these below – that are not discussed by Murphy. Once these reasons are on the table, one can hold that we should endorse dualism for these reasons and this will still give us a response to OD as a (perhaps unintended) side effect of the division of labour that dualism secures for us.

There is, moreover, good reason to endorse dualism and not simply to rely on monism's ability to accommodate the idea of division of labour. In the (Rawlsian sense) non-ideal circumstances we live in, a monist theory poses too much risk for those who want to tackle OD. For it is likely to be the case that in many circumstances, think of global challenges for instance, we cannot rely on institutions to do the bulk of the work for us (either because they do not exist or because they are not efficient enough). In such cases monism requires individual contribution that might well turn out to be excessively demanding. This, however, makes the second problem above even more pressing. Rawls and others following him use consequentialism as the prime example of a comprehensive, monist theory: the principle of beneficence should apply both to institutional and to individual conduct. How can we deny this? The answer is that we do not have to deny it insofar as it is properly understood. Let me explain.

The key move here is to introduce a distinction discussed at length by Scheffler (2005, 2006). 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. Since the relevant moral values in the case of individuals also have to do with partial concerns – such as special relationships or self-interest – this is indeed a form of division of labour that consequentialism cannot make use of; on this reading consequentialism must be a monist theory. The *institutional* division of labour, on the other hand, relies on the idea that there are two kinds of social rules – one for the design of the basic institutional structure of society (leaving for the moment undefined what exactly this is) and one for individual conduct. Principles of justice belong to the first kind for several reasons, most prominent among them is the consideration that in maintaining what Rawls calls background justice, epistemological challenges arise that cannot be faced by individuals on their own. Another good reason for the institutional division of labour is the constitutive role institutions play in determining the demands of justice (Miklósi 2008 and Miklós 2013). To mention one consideration, fundamental moral principles underdetermine moral requirements; hence, it is not possible to understand what a moral principle demands prior to the operation of institutions.

It seems to me that both considerations can also be applied to the case of consequentialism. Application of the theory clearly faces serious epistemological challenges, nor is the theory different from its main competitors concerning the indeterminacy of its requirements. If this is so, it seems we have found a way for marrying consequentialism and dualism. Moreover, if this claim is sound, it should also suffice to answer Murphy's influential objection to dualism: that it is perverse to require people to establish and maintain just (in this case: consequentialist) institutions, but not require them to personally pursue the aim of justice (when this is the most efficient way to proceed). For, there *are* good reasons to single out institutions as morally special (in fact, there are more good reasons than what I have – very briefly – presented above) that make a perfectly good case for why individuals shouldn't - because, as far as the reasons above are concerned, couldn't -

pursue the aim of justice individually. Although there are other objections to dualism in the literature (I have in mind Cohen 1992, 1997, 2000 and Nagel 1991), these are discussed and responded to by others (such as Scheffler 2005, 2006).

Having taken care of these initial problems, we can move on to consider the institutional consequentialist response to OD on its (substantial) merits. There are several issues that need to be discussed (including empirical questions concerning the exact demandingness of institutional consequentialism) but here I only focus on one that I find particularly interesting: *global justice*. Arguably, OD is most persuasive when we appeal to existing global problems (what justice, peace, or the environment would require on the global scale). However, it might seem that the institutional consequentialist approach is in trouble here since the relevant institutions, but not the demands are missing; hence, dualism cannot be appealed to in response to OD in this case. One reply to this objection is to endorse what is often called the relationalist position in the literature on global justice: that claims of justice are grounded in certain institutional relations among people. Hence the response: since these relations do not exist globally, there are also no global moral demands. However, I am not personally inclined to endorse this way of thinking about global justice; besides, and this is more important in the present context, consequentialism is the prime example of a non-relationalist theory (just think of Singer's 1972 famous argument), i.e., one that does not ground claims of justice in institutional relations among people. (Some, like Nagel 2005, seem to hold that a non-relational theory must be monist, but I fail to see the connection. The relational/non-relational distinction concerns the grounds of justice (with consequences for its scope), whereas the monism/dualism distinction is about the site of justice. Although both invoke institutions, they do so in an entirely different role.)

If we don't go down this path, we must find the relevant institutions. There are two ways to proceed. One is to point to already existing institutions on the global level; this is what relationalist advocates of global justice do (for an early representative see Pogge 1994; for a more recent one see Moellendorf 2011). Here one can cite such examples as the WTO, the IMF, or the World Bank but there is a lot of empirical research done in this field that we cannot do justice here (see, e.g., Nussbaum 2007 for a long list of the relevant institutions and schemes). The point is that there *are* already several institutions that can be used for the purposes of fulfilling consequentialist requirements. Naturally, a lot more can be done to improve these institutions and it is a largely empirical matter how this will look like and what it will require (and how demanding this will be). Another way to go about responding is to make a radical break with what we can consider to be the *status quo*: why not build a global state instead of fiddling with particular, relatively constrained institutions? This is what Tännsjö (2008) suggests that we should do. Again, I cannot here discuss in detail his arguments, but the message is clear: global moral demands are here to tackle and we have or at least we can reasonably bring about the means to tackle them.

To sum up, the institutional consequentialist approach to OD is a promising but certainly insufficiently worked out way to respond to the challenge. The problems are both theoretical and empirical in nature, as I have attempted to demonstrate above; yet, I believe it is worth the effort to work out this approach in detail to see where it takes us and what we can achieve with it.

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